

HOUSE JOURNAL
OF THE
FIFTY-NINTH LEGISLATURE
OF THE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2006 Regular Session
Convened January 9, 2006
Adjourned SINE DIE March 8, 2006

VOLUME 1



Frank Chopp, Speaker
John Lovick, Speaker Pro Tempore
Richard Nafziger, Chief Clerk

Compiled and edited by House Workroom Staff

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FIFTY NINTH LEGISLATURE - REGULAR SESSION

FIRST DAY

House Chamber, Olympia, Monday, January 9, 2006

The House was called to order at 12:00 Noon by the Speaker. The Sergeant at Arms escorted the members of the House of Representatives to the Chamber. The Clerk called the roll and a quorum was present.

The flags was escorted to the rostrum by the Joint Services Color Guard. The National Anthem was sung by the Lakes High School Concert Choir from Lakewood, directed by Ben Keller. The Speaker led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Bob Sievers, First Baptist Church, Olympia.

Pastor Seivers: "God, we thank you for the fit of this day. Many opportunities and challenges lay before this body. I pray that you would help them see both the possibilities and the issues clearly. Grant them the humility to seek wisdom and understanding in all that they do. Teach them to be patient and respectful to one another, to listen carefully to each others opinions. Help them to be slow to anger and anchored in civility s they disagree with one another. Give them the courage to be selfless and concerned with the greater common good of all. Let them see the bigger picture. Given them a vision for a better day and the perseverance and tenacity to pursue it. God I pray that your spirit and your blessing may be on them this day. Amen."

The Lakes High School Concert Choir sang "The Battle Hymn of the Republic."

The Speaker called upon Representatives Moeller and Rodne to escort Chief Justice Gerry Alexander of the Supreme Court to the Rostrum.

MESSAGE FROM SECRETARY OF STATE

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

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

Initiative Measure No. 900

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

Yes 994,757

No 767,844

Initiative Measure No. 901

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

Yes 1,153,353
No 670,225

Initiative Measure No. 912

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

Yes 823,366
No 991,196

Initiative Measure No. 330

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

Yes 783,435
No 1,027,117

Initiative Measure No. 336

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

Yes 711,443
No 1,076,918

Washington State Senate Joint Resolution No. 8207

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

Yes	1,102,192
No	529,586

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

Court of Appeals
Division #1 District #1 Position #2 - King

Susan Agid	NP	334,402
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Court of Appeals
Division #1 District #2 Position #1 - Snohomish

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

State Representative District #19 Position #1

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

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

SAM REED, Secretary of State

The Speaker requested Representative Blake to escort Dean Takko to the Rostrum.

OATH OF OFFICE

Supreme Court Chief Justice Alexander administered the oath of office to Representative-elect Dean Takko.

The Speaker congratulated Representative Takko and asked Representative Blake to escort him from Rostrum.

The Speaker called upon Representatives Moeller and Rodne to escort Chief Justice Alexander from the Rostrum.

RESOLUTIONS

HOUSE RESOLUTION NO. 2006-4674, by Representatives Kessler and Armstrong

WHEREAS, The House of Representatives adopted permanent rules for the Fifty-ninth Legislature (2005-2006) under House Resolution No. 2005-4612;

NOW, THEREFORE, BE IT RESOLVED, That Rule 23 as set forth in House Resolution No. 2005-4612 is amended to read as follows:

Standing Committees

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

1	Appropriations	..	((29)) 31
2	Capital Budget	..	29
3	Children & Family Services	..	9
4	Commerce & Labor	..	((7)) 9
5	Criminal Justice & Corrections	..	7
6	Economic Development, Agriculture & Trade	..	23
7	Education	..	((11)) 13
8	Finance	..	((9)) 11
9	Financial Institutions & Insurance	..	11
10	Health Care	..	15
11	Higher Education & <u>Work Force Education</u>	..	13
12	Housing	..	9
13	Judiciary	..	10
14	Juvenile Justice & Family Law	..	7
15	Local Government	..	7
16	Natural Resources, Ecology & Parks	..	11
17	Rules	..	((17)) 19
18	State Government Operations & Accountability	..	9
19	Technology, Energy & Communications	..	((11)) 12
20	Transportation	..	((27)) 29

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

Representative Kessler moved the adoption of the resolution.

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

HOUSE RESOLUTION NO. 4674 was adopted.

HOUSE RESOLUTION NO. 2006-4675, by Representatives Kessler and Armstrong

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

Representative Kessler moved the adoption of the resolution.

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

HOUSE RESOLUTION NO. 4675 was adopted.

The Speaker appointed Representatives Buri, Kenney, Quall and Serben to notify the Senate the House of Representatives was organized and ready to do business.

The Sergeant at Arms escorted the delegation from the Senate to the Rostrum. Senators Pflug, Pridemore, Rockefeller and Stevens addressed the Chamber with the news that the Senate was organized and ready for business. The Sergeant at Arms escorted the Senate delegation from the Chamber.

INTRODUCTION & FIRST READING

HB 2329 by Representatives Hunter, Alexander, Jarrett, Haigh, Nixon, Chase, Haler, Wallace, Kagi, Green and Dunn

AN ACT Relating to clarifying that the state auditor and the joint legislative audit and review committee are among the entities that are exceptions to the provisions prohibiting disclosure of department of social and health services information; amending RCW 74.04.060; and creating a new section.

Referred to Committee on State Government Operations & Accountability.

HB 2330 by Representatives Blake, Buck, Upthegrove, Linville, Sump and B. Sullivan

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

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2331 by Representatives Blake, Buck, Upthegrove, Sump and B. Sullivan

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

Referred to Committee on State Government Operations & Accountability.

HB 2332 by Representatives Buck, Blake, Upthegrove, Haler and B. Sullivan

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

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2333 by Representatives Green, Haler, Conway, Curtis, Fromhold, McDonald, Walsh, Strow, Sells, Campbell, Miloscia, Roach, P. Sullivan, Morrell, McDermott, Serben, Darneille, Appleton, Williams, Chase, Moeller, Hasegawa, Rodne, Linville, Santos, Springer, Wallace, Kenney, Cody, Ericksen, O'Brien, Wood, B. Sullivan, Simpson, Ericks, Ormsby and McCune

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

Referred to Committee on Appropriations.

HB 2334 by Representatives Appleton, Woods, Sells, Eickmeyer, Flannigan, Strow, B. Sullivan, Priest, Jarrett, Chase and Moeller

AN ACT Relating to residential density requirements in fully incorporated island cities; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 2335 by Representatives Appleton, Campbell, Cody, Moeller, Green, Clibborn, Lantz, Morrell, Chase, Murray, Darneille, Santos, Wallace, Dickerson and Kenney

AN ACT Relating to preventing the spread of disease in body piercing practices through standard universal precautions and sterilization requirements; amending RCW 5.40.050; adding new sections to chapter 70.54 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care.

HB 2336 by Representatives Appleton, Haler, Hasegawa, B. Sullivan, Sells, Cox, Dunshee, Chase, Miloscia, P. Sullivan, Haigh, Green, Flannigan, Simpson, Moeller, Kilmer, McCoy, Sump, Orcutt, Wallace, Roberts, Holmquist and Woods

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

Referred to Committee on Education.

HB 2337 by Representatives Linville, Strow, Dunshee, Appleton, Haler, Chase, McCoy, Blake, Wallace, Ericksen, Ericks, Simpson, Green, Morrell, Ormsby and Kristiansen; by request of Department of Community, Trade, and Economic Development and Public Works Board

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

Referred to Committee on Capital Budget.

HB 2338 by Representatives Kirby, Roach, Chase, Dickerson, Ericks, Simpson and Upthegrove; by request of Department of Financial Institutions

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

Referred to Committee on Financial Institutions & Insurance.

HB 2339 by Representatives Kirby, Roach and Chase; by request of Department of Financial Institutions

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

Referred to Committee on Financial Institutions & Insurance.

HB 2340 by Representatives Kirby, Roach, Chase, Kenney and Simpson; by request of Department of Financial Institutions

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

Referred to Committee on Financial Institutions & Insurance.

HB 2341 by Representatives Moeller, Hinkle, Williams, Sells, Upthegrove, Lantz, Morrell, Clibborn, Conway, Kenney and Campbell

AN ACT Relating to optometry; amending RCW 18.53.010; and adding a new section to chapter 18.53 RCW.

Referred to Committee on Health Care.

HB 2342 by Representatives Moeller, Appleton, Nixon, Hunt, Curtis, Lantz, Morrell, Springer, Wallace, Fromhold, Kagi, Roberts, Cody, Ericks, Green and Ormsby

AN ACT Relating to establishing a health care declarations registry; amending RCW 70.122.040, 71.32.080, and 70.122.051; adding new sections to chapter 70.122 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2343 by Representatives Moeller, Appleton, Hasegawa and Roberts

AN ACT Relating to interrogation and waiver; amending RCW 13.40.140; and adding new sections to chapter 13.40 RCW.

Referred to Committee on Juvenile Justice & Family Law.

HB 2344 by Representatives Kessler, Buck, Kagi, Curtis, Takko, Blake and Kenney

AN ACT Relating to superior court judges; amending RCW 2.08.064; and creating a new section.

Referred to Committee on Judiciary.

HB 2345 by Representatives Simpson, Rodne, Appleton and Haler

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

Referred to Committee on Local Government.

HB 2346 by Representatives Simpson, Appleton and Williams

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

Referred to Committee on Commerce & Labor.

HB 2347 by Representatives Morris, Hudgins, Kilmer, McCoy, Linville, P. Sullivan, Wallace, Roberts, B. Sullivan, Morrell, Ericks, Upthegrove, Sells, O'Brien and Green

AN ACT Relating to research in the science and technology fields; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on Higher Ed & Workforce Ed.

HB 2348 by Representatives Morris, Ericksen, Condotta, Linville, Conway, Sump, Haler, Orcutt, Wallace, Ericks, B. Sullivan, O'Brien, Dunn and Holmquist

AN ACT Relating to tax relief for aluminum smelters; amending RCW 82.04.2909, 82.04.4481, 82.08.805, 82.12.805, 82.12.022, and 82.32.570; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

HB 2349 by Representatives Morris, Hudgins, Chase, Murray, Darneille, Dickerson, B. Sullivan and Sells

AN ACT Relating to new renewable energy standards; and adding a new section to chapter 19.29A RCW.

Referred to Committee on Technology, Energy & Communications.

HB 2350 by Representatives Morris, Hudgins and B. Sullivan

AN ACT Relating to disclosure of energy infrastructure information; amending RCW 42.56.330; reenacting and amending RCW 42.17.310; providing an effective date; and providing an expiration date.

Referred to Committee on State Government Operations & Accountability.

HB 2351 by Representatives Morris, Hudgins, Murray, Takko, B. Sullivan, Morrell, Ericks, Sells, O'Brien and Green

AN ACT Relating to including renewable energy in the mix of energy resources; adding a new chapter to Title 19 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Technology, Energy & Communications.

HB 2352 by Representatives Morris, Hudgins and B. Sullivan

AN ACT Relating to net metering; and amending RCW 80.60.010, 80.60.020, and 80.60.030.

Referred to Committee on Technology, Energy & Communications.

HB 2353 by Representatives Pettigrew, Shabro, Kessler, Priest, Cox, Conway, Haler, P. Sullivan, Appleton, Walsh, Kenney, Green, Armstrong, Hasegawa, Kagi, Hunt, McCoy, Buri, Fromhold, Strow, Curtis, McDermott, Williams, Hudgins, Moeller, Sells, Lantz, Kilmer, Chase, McDonald, Morrell, Murray, Linville, Santos, Springer, Wallace, Dickerson, Roberts, Cody, B. Sullivan, Simpson, Ericks, Upthegrove, Campbell, Ormsby and O'Brien

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

Referred to Committee on Commerce & Labor.

HB 2354 by Representatives Williams and Chase

AN ACT Relating to land surveying; amending RCW 18.43.020; and adding a new section to chapter 18.43 RCW.

Referred to Committee on Commerce & Labor.

HB 2355 by Representatives Williams, Chase, Hunt, Dickerson and Green

AN ACT Relating to the combined fund drive; and adding new sections to chapter 41.04 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2356 by Representative Williams

AN ACT Relating to the liability of owners of recreational land; and reenacting and amending RCW 4.24.210.

Referred to Committee on Judiciary.

HB 2357 by Representatives Williams, Appleton, Hasegawa, Upthegrove and O'Brien

AN ACT Relating to local government contracts for correctional industries services; and amending RCW 72.09.100.

Referred to Committee on Criminal Justice & Corrections.

HB 2358 by Representatives Haigh, Hunt, Nixon, McDermott, Miloscia, Moeller, Chase, Morrell, Springer, Wallace and Ormsby; by request of Public Disclosure Commission

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

Referred to Committee on State Government Operations & Accountability.

HB 2359 by Representatives Appleton, Williams, Moeller, Morrell, Lantz, Darneille, McIntire, Simpson, Green and Ormsby

AN ACT Relating to unlicensed makers of small loans; amending RCW 31.45.110; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 2360 by Representatives Appleton, Moeller, Morrell, Lantz, Darneille, McIntire and Green

AN ACT Relating to studying small loans; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 2361 by Representatives Appleton, Moeller, Morrell, Lantz, McIntire and Green

AN ACT Relating to establishing a minimum duration for small loans; amending RCW 31.45.073; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 2362 by Representatives Appleton, Moeller, Morrell, Lantz, McIntire and Green

AN ACT Relating to establishing a minimum duration for small loans; amending RCW 31.45.073; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 2363 by Representatives Appleton, Moeller, Morrell, Lantz, McIntire, Schual-Berke and Green

AN ACT Relating to using postdated checks or drafts as security for small loans; and amending RCW 31.45.073.

Referred to Committee on Financial Institutions & Insurance.

HB 2364 by Representatives Santos, Orcutt, McIntire, Hunter, Armstrong, Morrell, Roach, Kenney, Fromhold, Ericks and McDermott

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

Referred to Committee on Financial Institutions & Insurance.

HB 2365 by Representatives Chase, Skinner, Hunt, Clements, Grant, Chandler, Eickmeyer, Quall, Newhouse, Morrell, Kristiansen, Linville, Clibborn, McCoy, Blake, Holmquist, Hinkle, Appleton, Moeller, Kenney and Dunn

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

Referred to Committee on Finance.

HB 2366 by Representatives B. Sullivan, Appleton, Moeller, Buck, Haler, Fromhold, Ericks, Strow, Simpson, Campbell and Ormsby

AN ACT Relating to privileged communications by fire fighters; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

HB 2367 by Representatives O'Brien, Kirby, Strow, McCoy and B. Sullivan; by request of Criminal Justice Training Commission

AN ACT Relating to the certification of tribal police officers; amending RCW 43.101.085 and 43.101.380; adding a new section to chapter 43.101 RCW; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2368 by Representatives B. Sullivan, Jarrett, Morris and Springer

AN ACT Relating to the creation of a demonstration project to facilitate better the conservation of natural resource lands; and creating new sections.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2369 by Representatives Quall, Conway, Clibborn, P. Sullivan and Simpson; by request of Horse Racing Commission

AN ACT Relating to authorizing the Washington horse racing commission to expend a statutorily limited amount of its operating funds for the development of the equine industry, improvement of racing facilities, and equine health research; and amending RCW 67.16.280 and 67.16.101.

Referred to Committee on Commerce & Labor.

HB 2370 by Representatives Green, Williams, Kessler, Kilmer, Chase, Blake, Morrell, Appleton, Moeller, Hasegawa, Murray, Linville, Conway, P. Sullivan, Springer, Takko, Lantz, Dickerson, Kenney, Fromhold, Kagi, McIntire, Ericksen, B. Sullivan, Simpson, Ericks, Sells, Upthegrove, Ormsby and McDermott; by request of Governor Gregoire

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

Referred to Committee on Appropriations.

HB 2371 by Representatives B. Sullivan, Wallace and Morris

AN ACT Relating to statewide procurement of technical assistance; creating a new section; and making an appropriation.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2372 by Representatives Cox, Buri, Williams, Blake, Moeller, Buck, Conway, Sump, P. Sullivan, Springer, Haler, Ericks, Kretz, Simpson, Dunn and Ormsby

AN ACT Relating to providing a mechanism to encourage volunteers to teach hunter education programs in Washington; and amending RCW 77.32.155 and 77.32.450.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2373 by Representatives Pearson, Buck, Sump, Haler, Kristiansen and Kretz

AN ACT Relating to riparian flood damages; amending RCW 4.24.470 and 4.24.490; adding a new section to chapter 77.55 RCW; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2374 by Representatives Pearson, Condotta, Haler, Kristiansen, Kretz, McCune and Holmquist

AN ACT Relating to motorized access on lands managed by the department of natural resources; amending RCW 46.09.170; and adding a new section to chapter 79.10 RCW.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2375 by Representatives Williams, Priest, Rodne and Haler; by request of Statute Law Committee

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

Referred to Committee on Judiciary.

HB 2376 by Representatives Clibborn, Morrell, Murray, Wallace, Cody, Schual-Berke, Simpson, Green, Sells, Ormsby, Appleton, Fromhold, Hunt, Kenney, Kessler, Lantz, Miloscia, Moeller and Williams; by request of Governor Gregoire

AN ACT Relating to repealing cost-sharing in medical programs; and amending RCW 74.09.055.

Referred to Committee on Health Care.

HB 2377 by Representatives Kirby, Dunn, Nixon, Condotta and Orcutt

AN ACT Relating to repealing the additional cigarette tax enacted in 2005; amending RCW 70.146.030; reenacting and amending RCW 69.50.520; creating a new section; repealing RCW 82.24.026; and providing an effective date.

Referred to Committee on Finance.

HB 2378 by Representatives Kirby, Dunn, Nixon, Condotta and Orcutt

AN ACT Relating to repealing the additional liquor tax enacted in 2005; amending RCW 82.08.150; reenacting and amending RCW 69.50.520; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2379 by Representatives Lantz, Serben and Rodne

AN ACT Relating to nonprobate assets under will; and amending RCW 11.11.020 and 11.11.040.

Referred to Committee on Judiciary.

HB 2380 by Representatives Serben, Lantz, Rodne and Haler

AN ACT Relating to the uniform transfers to minors act; amending RCW 11.114.010, 11.114.020, 11.114.090, 11.114.120, 11.114.140, 11.114.180, 11.114.190, and 11.114.200; and providing an effective date.

Referred to Committee on Judiciary.

HB 2381 by Representatives Kretz, Blake, Sump, Buri, Haler, Ericks and Holmquist

AN ACT Relating to allowing the reintroduction of beavers into the historic habitat of the species; adding a new section to chapter 77.32 RCW; adding a new section to chapter 77.36 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2382 by Representatives Kretz, Haler and Holmquist

AN ACT Relating to bovine handling facilities; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

HB 2383 by Representatives B. Sullivan, McCoy, Conway, Ericks, Strow, Upthegrove, Ormsby and O'Brien

AN ACT Relating to a joint legislative task force on aerospace manufacturing; creating new sections; making an

appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2384 by Representatives Dickerson, Buck, Blake and B. Sullivan; by request of Department of Natural Resources

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

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2385 by Representatives Kretz, Blake, B. Sullivan, Sump and Haler; by request of Department of Natural Resources

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

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2386 by Representatives B. Sullivan and Chase; by request of Department of Natural Resources

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

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2387 by Representatives B. Sullivan and Chase; by request of Department of Natural Resources

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

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2388 by Representatives Conway, Chase, Moeller, Clibborn, Kenney, Wood, Simpson and Green; by request of Employment Security Department

AN ACT Relating to ensuring employers do not evade their contribution rate; amending RCW 50.29.062, 50.12.220, and 50.04.320; adding a new section to chapter 50.29 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2389 by Representatives Kagi and Moeller

AN ACT Relating to adding porphyria to the list of disabilities for special parking privileges; amending RCW 46.16.381; and providing an effective date.

Referred to Committee on Transportation.

HB 2390 by Representatives Kagi, Moeller, Kenney and McIntire

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

Referred to Committee on Children & Family Services.

HB 2391 by Representatives Campbell, Flannigan, McCune, Williams, Nixon, McDonald, Morrell, Moeller, Rodne, Springer, Tom, Green and Ericks

AN ACT Relating to blood or breath tests of persons involved in fatal motor vehicle accidents; amending RCW 46.52.060; reenacting and amending RCW 46.20.308; adding a new section to chapter 46.52 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2392 by Representatives Dickerson, Appleton, Moeller, Hasegawa, Darneille, Conway, Roberts, Kenney, Kagi, Flannigan, Cody and Green

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

Referred to Committee on Commerce & Labor.

HB 2393 by Representatives Dunshee, Jarrett, Ormsby, Cox, Ericks, Newhouse, Kilmer, Chase, McCoy, Morrell, Moeller, Conway, P. Sullivan, Walsh, Springer, Buri, Haler, Wallace, Grant, Dickerson, Morris, B. Sullivan, Simpson, Upthegrove, Sells and Green

AN ACT Relating to funding for energy freedom projects; amending RCW 43.155.050; amending 2005 c 488 s 138 (uncodified); reenacting and amending RCW 43.155.050; adding a new section to 2005 c 488 (uncodified); providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 2394 by Representatives Dickerson, Morrell, Appleton, Moeller, Lantz, Hasegawa, Williams, Darneille, Santos, Haler, Wallace, Walsh, McIntire and Simpson

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

Referred to Committee on Children & Family Services.

HB 2395 by Representatives Dickerson, Williams, Hasegawa, Darneille, Morrell, Roberts, Kagi, Flannigan, B. Sullivan and Miloscia

AN ACT Relating to protocols for addressing the impact of domestic violence on children; adding new sections to chapter 26.44 RCW; and creating a new section.

Referred to Committee on Juvenile Justice & Family Law.

HB 2396 by Representatives Dickerson, Williams, Appleton, Moeller, Hasegawa, Darneille, Morrell, Roberts, Kagi, Flannigan and Upthegrove

AN ACT Relating to school safety and security personnel; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 2397 by Representatives Dickerson, Williams, Moeller, Hasegawa, Darneille, Morrell, Wallace, Flannigan, Green, Miloscia and B. Sullivan

AN ACT Relating to establishing a pilot program to facilitate delivery of evidence-based practice mental health treatment to children; and adding a new section to chapter 71.24 RCW.

Referred to Committee on Children & Family Services.

HB 2398 by Representatives Cody, Morrell, Appleton, Hasegawa, Clibborn, Hudgins, Dickerson, Kagi and Green

AN ACT Relating to expanding participation in state purchased health care programs; amending RCW 48.41.100 and 70.47.020; and adding a new section to chapter 70.47 RCW.

Referred to Committee on Health Care.

HB 2399 by Representatives Cody, Morrell and Green

AN ACT Relating to health care providers; adding a new section to chapter 43.70 RCW; and providing an effective date.

Referred to Committee on Health Care.

HB 2400 by Representatives Morris, Morrell, Hasegawa, Murray, Hudgins, Dickerson, B. Sullivan, Ericks, Sells, O'Brien and Green

AN ACT Relating to creating a sustainable energy trust; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 43 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 2401 by Representatives Morris and B. Sullivan

AN ACT Relating to developing regional compacts for siting transmission lines; adding new sections to chapter 80.50 RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 2402 by Representatives Morris, Hudgins and B. Sullivan

AN ACT Relating to expedited processing of energy facilities and alternative energy resources under the energy facility site evaluation council; and amending RCW 80.50.075.

Referred to Committee on Technology, Energy & Communications.

HB 2403 by Representatives Morris, B. Sullivan and Miloscia

AN ACT Relating to promoting distributive generation; amending RCW 80.60.010, 80.60.020, and 80.60.030; and adding a new section to chapter 80.60 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 2405 by Representatives Kirby and Roach; by request of Insurance Commissioner

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

Referred to Committee on Financial Institutions & Insurance.

HB 2404 by Representatives Cody and Morrell; by request of Insurance Commissioner

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

Referred to Committee on Health Care.

HB 2406 by Representatives Roach and Kirby; by request of Insurance Commissioner

AN ACT Relating to insurance; amending RCW 48.05.250, 48.05.440, 48.43.045, 48.44.095, 48.46.080, 48.125.090, 52.30.020, 48.43.005, and 48.22.030; reenacting and amending RCW 48.24.030; adding new sections to chapter 48.05 RCW; adding a new section to chapter 42.56 RCW; adding a new section to chapter 48.17 RCW; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 48.48.030, 48.48.040, 48.48.045, 48.48.050, 48.48.060, 48.48.065, 48.48.070, 48.48.080, 48.48.090, 48.48.110, 48.48.140, 48.48.150, and 48.48.160; repealing RCW 48.05.490 and 48.43.365; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 2407 by Representatives Lovick, Strow, O'Brien, Ericks, Dunshee, Linville, Grant, Lantz, Kessler, Williams, Blake, Morrell, Rodne, Hunt, Conway, P. Sullivan, Springer, Takko, Kilmer, Fromhold, B. Sullivan, Hunter, Simpson, Green, Miloscia, Sells, Upthegrove, Campbell and Ormsby

AN ACT Relating to electronic monitoring of sex offenders; amending RCW 9.94A.712, 9.94A.712, 72.09.340, and 72.09.340; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2408 by Representatives O'Brien, Rodne, Ericks, Lovick, Anderson, Jarrett, Nixon, McDonald, Williams, Darneille, Buck, Conway, P. Sullivan, Tom, Takko, Lantz, Kilmer, Fromhold, B. Sullivan, Morrell, Simpson, Springer, Green, Miloscia, Sells, Campbell and Ormsby

AN ACT Relating to tolling the statute of limitations for felony sex offenses; amending RCW 9A.04.080; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2409 by Representatives O'Brien, Rodne, Ericks, Lovick, Anderson, Jarrett, Nixon, McDonald, Williams, Darneille, Buck, Conway, P. Sullivan, Tom, Takko, Lantz, Kilmer, Fromhold, B. Sullivan, Morrell, Simpson, Springer, Green, Miloscia, Sells and Ormsby

AN ACT Relating to strengthening the sex and kidnapping offender registration statute by decreasing the amount of time within which returning or out-of-state registrants must register after establishing residence in Washington, requiring offenders with fixed residences to provide their complete residential addresses when registering, requiring homeless offenders, when they check in weekly, to inform the county sheriff where they have been over the past week and where they plan to be in the forthcoming week, requiring offenders to sign the written notice they provide to the county sheriff when they change residences or cease to have a fixed residence, and clarifying that any violation of RCW 9A.44.130 is a crime; amending RCW 9A.44.130; reenacting and amending RCW 9A.44.130; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2410 by Representatives O'Brien, Rodne, Ericks, Lovick, Anderson, Jarrett, McDonald, Williams, Clibborn, Buck, Conway, P. Sullivan, Tom, Takko, Lantz, Kilmer, Fromhold, B. Sullivan, Morrell, Simpson, Springer, Green, Miloscia, Sells and Campbell

AN ACT Relating to designating the crime of possessing depictions of a minor engaged in sexually explicit conduct as a sex offense; amending RCW 9.94A.030 and 9.94A.030; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2411 by Representatives O'Brien, Rodne, Ericks, Lovick, Anderson, Jarrett, Nixon, McDonald, Williams, Clibborn, Linville, Buck, Conway, P. Sullivan, Tom, Takko, Lantz, Kilmer, Fromhold, B. Sullivan, Morrell, Simpson, Springer, Green, Miloscia, Sells, Campbell and Ormsby

AN ACT Relating to imposing more severe punishment for certain sex offenses against children by increasing the minimum sentences for rape of a child in the first degree and child molestation in the first degree, when the offender was unknown to the victim prior to the crime, and rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, and kidnapping in the first degree with sexual motivation, when the victim was under a certain age at the time of the crime; amending RCW 9.94A.712 and 9.94A.712; adding new sections to chapter 9.94A RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2412 by Representatives O'Brien, Rodne, Ericks, Lovick, Anderson, Jarrett, Nixon, McDonald, Williams, Darneille, Conway, P. Sullivan, Tom, Takko, Lantz, Kilmer, Fromhold, B. Sullivan, Morrell, Simpson, Springer, Green, Miloscia, Sells, Upthegrove and Ormsby

AN ACT Relating to increasing the penalty for violating the registration statute by imposing a term of mandatory community custody upon the first offense and assigning the second offense a seriousness level; amending RCW 9.94A.545; reenacting and amending RCW 9.94A.515; prescribing penalties; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2413 by Representatives Lovick, Rodne, O'Brien, Ericks, Anderson, Kessler, Jarrett, Nixon, Williams, Clibborn, Linville, Hunt, Conway, P. Sullivan, Tom, Fromhold, Dunshee, Morrell, Simpson, Springer, Green, Miloscia, Sells, Upthegrove, Campbell and Ormsby

AN ACT Relating to requiring the department of corrections to electronically monitor, using a global positioning system, offenders who are level three or lack a fixed residence, committed their offenses against minors, and are serving a term of community custody; adding a new section to chapter 72.09 RCW; adding a new section to chapter 4.24 RCW; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2414 by Representatives Haler, Talcott and McCune

AN ACT Relating to local control of student assessments in grades three, five, six, and eight to meet federal requirements for Washington's academic assessment system; and creating a new section.

Referred to Committee on Education.

HB 2415 by Representatives Ericks, Roach, Kirby, Morrell, Green, Nixon, McDonald, Hasegawa, Conway, Simpson and Ormsby; by request of Insurance Commissioner

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

Referred to Committee on Financial Institutions & Insurance.

HB 2416 by Representatives Kessler, Hasegawa, Hunt, Haigh, McIntire, Dunshee, B. Sullivan and Takko

AN ACT Relating to state park fees; amending RCW 79A.05.215 and 79A.05.070; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2417 by Representatives Buri, Morrell, Rodne, Pettigrew, Linville, Cox, Skinner, Buck, Sump, Newhouse, Walsh, Springer, Ahern, Haler, Serben, Grant, Kristiansen, Ericksen, Schindler, Ericks, Kretz, B. Sullivan, Armstrong, Dunn, McCune and Holmquist

AN ACT Relating to excise tax relief for farm machinery and equipment; amending RCW 82.14.020, 82.14.020, and 82.14.070; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Finance.

HB 2418 by Representatives Springer, Miloscia, Chase, Morrell, Hasegawa, Darneille, Santos, P. Sullivan, Kagi, Green, Sells, Ormsby and O'Brien

AN ACT Relating to affordable housing; amending RCW 82.45.060, 43.135.035, and 43.135.035; amending 2005 c 488 s 927 (uncodified); adding new sections to chapter 43.185 RCW; adding a new section to 2005 c 488 (uncodified); making appropriations; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Housing.

HB 2419 by Representatives Haigh, Nixon, Clibborn and McDermott; by request of Lieutenant Governor

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

Referred to Committee on State Government Operations & Accountability.

HB 2420 by Representatives Kessler and Haigh; by request of Lieutenant Governor

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

Referred to Committee on State Government Operations & Accountability.

HB 2421 by Representatives Williams, Campbell, Hunt, Moeller, Upthegrove, Appleton, Hasegawa and Simpson

AN ACT Relating to force-feeding birds; adding a new chapter to Title 69 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2422 by Representatives B. Sullivan, Chase and Conway

AN ACT Relating to providing funding for state and local parks; amending RCW 82.45.060, 79A.05.070, 79A.05.215, and 43.99N.060; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.16 RCW; adding new sections to chapter 79A.05 RCW; adding a new section to chapter 43.33A RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2425 by Representatives Kirby, Morrell, Talcott, Darneille, Conway, Walsh, Grant, Green, Ericks, Campbell and O'Brien

AN ACT Relating to requiring offenders to be released in the county in which they were convicted; amending RCW 9.94A.545, 9.94A.712, 9.94A.712, 9.94A.715, 9.94A.720, 9.95.110, 9.94A.680, 9.94A.728, 9.94A.731, 9.94A.650, 9.94A.660, and 72.02.100; reenacting and amending RCW 9.94A.505 and 9.94A.670; adding a new section to chapter 72.02 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 2423 by Representatives Anderson, Talcott, Rodne and Hunter

AN ACT Relating to creating a comprehensive guidance, counseling, and planning program in schools; adding a new section to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Education.

HB 2424 by Representatives Grant, Kessler, Williams, Morrell, Condotta, Clibborn, Linville, Cox, Hunt, Buck, Conway, Haigh, Sump, P. Sullivan, Walsh, Springer, Buri, Haler, Newhouse, Ericksen, Morris, Ericks, Kretz, Strow, B. Sullivan, Dunn, Upthegrove, Ormsby, McDermott, Holmquist and Takko

AN ACT Relating to excise tax exemptions for users of farm fuel; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Finance.

HB 2426 by Representative Morris; by request of Utilities & Transportation Commission

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

Referred to Committee on Technology, Energy & Communications.

HB 2427 by Representatives Dunshee, Kessler, Morrell, Appleton, Hasegawa, Rodne, Santos, P. Sullivan, Tom, Grant, Dickerson, Hunter, Green and Takko

AN ACT Relating to restrictions on the exercise of the power of eminent domain; and amending RCW 8.04.070, 8.08.020, 8.12.030, and 8.20.070.

Referred to Committee on Judiciary.

HB 2428 by Representatives Kretz, Sump and Morris; by request of Department of Natural Resources

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

Referred to Committee on Technology, Energy & Communications.

HB 2429 by Representatives Haler, Hasegawa, Talcott, Santos and McCune

AN ACT Relating to requiring an independent review of the Washington assessment of student learning; and creating new sections.

Referred to Committee on Education.

HB 2430 by Representatives Haler, Talcott, Ericksen and McCune

AN ACT Relating to administration of diagnostic assessments; and amending RCW 28A.655.200 and 28A.230.195.

Referred to Committee on Education.

HB 2431 by Representatives Campbell, Morrell, Ericks, Moeller, Springer, B. Sullivan, Simpson, Green, Sells, O'Brien and Lantz

AN ACT Relating to health professions background checks; adding new sections to chapter 18.130 RCW; adding a new section to chapter 43.70 RCW; and providing effective dates.

Referred to Committee on Health Care.

HB 2432 by Representatives Campbell, Morrell, McCune, McCoy, Appleton, Talcott, Linville, Conway, Sump, Springer, Green, Ericks, Dunn and Sells

AN ACT Relating to property tax exemptions for persons with disabilities related to the performance of military duties; amending RCW 84.36.381 and 84.36.383; and creating a new section.

Referred to Committee on Finance.

HB 2433 by Representatives Campbell, McCune, Ericks, McDonald, Appleton, Linville, Conway, Wallace, Morrell, Dunn, Sells and O'Brien

AN ACT Relating to property tax relief for senior citizens and persons retired by reason of physical disability; amending RCW 84.36.381 and 84.38.030; and creating a new section.

Referred to Committee on Finance.

HB 2434 by Representatives Kirby, Campbell, Chase, McDonald, Blake, Morrell, Moeller, Linville and Conway

AN ACT Relating to limiting the use of consumer credit histories for personal insurance renewal decisions; amending RCW 48.18.545; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 2435 by Representative Kirby

AN ACT Relating to contributions for state office; adding a new section to chapter 42.17 RCW; and providing an effective date.

Referred to Committee on State Government Operations & Accountability.

HB 2436 by Representatives Hudgins and O'Brien

AN ACT Relating to the protection of our communities from terrorist attacks at unattended service stations; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Commerce & Labor.

HB 2437 by Representatives Hudgins, Chase, Dunshee and Upthegrove

AN ACT Relating to state-owned refueling stations; adding a new section to chapter 43.19 RCW; and providing an expiration date.

Referred to Committee on State Government Operations & Accountability.

HB 2438 by Representatives Hudgins, Nixon, Upthegrove and McDermott

AN ACT Relating to prohibiting employers from compelling or coercing disclosure of social security numbers on employment applications; adding a new section to chapter 49.44 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2439 by Representatives Hudgins, Kilmer, McCoy, Morrell, Appleton, Moeller, Rodne, Linville, Conway, P. Sullivan, Morris, B. Sullivan, Green, Ericks, Upthegrove and Ormsby

AN ACT Relating to the support of military families stationed in Washington state through an exemption from the state and local real estate excise taxes for home sales resulting from military relocation orders within three years of home purchase; adding a new section to chapter 82.45 RCW; providing an effective date; and providing a contingent expiration date.

Referred to Committee on Finance.

HB 2440 by Representatives Hudgins, Hasegawa and Simpson

AN ACT Relating to offshore items; and adding a new chapter to Title 39 RCW.

Referred to Committee on Commerce & Labor.

HB 2441 by Representatives Hudgins, Chase and Santos

AN ACT Relating to enhancing the availability of nonhazardous motor fuels at retail gasoline stations; amending RCW 19.120.010 and 19.120.080; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2442 by Representatives Hudgins, Chase, Morrell, Appleton, Moeller, Murray, Kagi, Simpson, Sells, Upthegrove and O'Brien

AN ACT Relating to enhancing the availability of alternative fuel at retail gasoline stations; amending RCW 19.120.010 and 19.120.080; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2443 by Representatives Hudgins, Hasegawa and McDermott

AN ACT Relating to consumer reports procured for employment purposes; and amending RCW 19.182.020.

Referred to Committee on Commerce & Labor.

HB 2444 by Representative Hudgins

AN ACT Relating to providing information to the legislature about the performance of state contracts for goods or services; adding a new section to chapter 43.19 RCW; and creating new sections.

Referred to Committee on State Government Operations & Accountability.

HB 2445 by Representatives Hudgins, Hasegawa, Darneille and Santos

AN ACT Relating to ensuring that all taxpayers are eligible for state services; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2446 by Representatives Buri, Sump and Haler

AN ACT Relating to school district substitute teacher and substitute educational aide contracts; and amending RCW 42.23.030.

Referred to Committee on Local Government.

HB 2447 by Representatives Condotta and Armstrong

AN ACT Relating to extending the expiration date for funding the construction of new regional centers; and amending RCW 82.14.390.

Referred to Committee on Finance.

HB 2448 by Representatives Campbell and Conway

AN ACT Relating to excise taxation of illegal drugs and alcohol; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2449 by Representatives Miloscia and Dunshee

AN ACT Relating to campaign contribution limitations; amending RCW 42.17.370 and 42.17.640; adding a new section to chapter 42.17 RCW; and repealing RCW 42.17.690.

Referred to Committee on State Government Operations & Accountability.

HB 2450 by Representatives Miloscia and Hasegawa

AN ACT Relating to background information checks performed by landlords and charged to tenants; amending RCW 59.18.257; and providing an effective date.

Referred to Committee on Housing.

HB 2451 by Representatives Miloscia, P. Sullivan and Simpson

AN ACT Relating to quality management systems in school districts; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Education.

HB 2452 by Representatives Kessler, Armstrong, Clibborn, Priest, Nixon, Blake, Hunt, Morrell, Grant, Newhouse, Dickerson, Kagi, Ericksen, Ericks, Wood, Upthegrove, Ormsby, Roberts and O'Brien; by request of Attorney General

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

Referred to Committee on Judiciary.

HB 2453 by Representatives Williams, Hunt, Moeller, Chase and Morrell

AN ACT Relating to the Washington essential property insurance inspection and placement program; and amending RCW 48.58.010.

Referred to Committee on Financial Institutions & Insurance.

HB 2454 by Representatives Williams, Lantz, Darneille, Morrell, O'Brien and Green

AN ACT Relating to the privilege for sexual assault advocates; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

HB 2455 by Representatives Williams, Morrell, Moeller, Hasegawa, Cody, Simpson, Green and Ormsby

AN ACT Relating to basic health plan enrollment of individuals participating in community-based programs established to provide access to health care services for uninsured persons; and amending RCW 70.47.060.

Referred to Committee on Health Care.

HB 2456 by Representatives Roberts, Kagi, Moeller, Pettigrew, Green, Darneille, Morrell, Lantz, Dickerson and Upthegrove

AN ACT Relating to mental health consultation services for child care programs; creating new sections; and providing an expiration date.

Referred to Committee on Children & Family Services.

HB 2457 by Representatives Grant, Williams, Blake, Clibborn, Linville, Cox, Buck, Haigh, Sump, Newhouse, Walsh, Buri, Haler, Morrell, Morris, Ericks, Strow, O'Brien and Holmquist

AN ACT Relating to excise tax relief for farm machinery and equipment; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2458 by Representatives Rodne, Sump, O'Brien, Ericks, Walsh, Haler, Ericksen, Dunn and Woods

AN ACT Relating to advisory sentencing guidelines; amending RCW 9.94A.480; adding a new section to chapter 9.94A RCW; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2459 by Representatives Takko and Blake

AN ACT Relating to excise tax relief for tax proceeds lost due to theft; amending RCW 82.32.060; adding a new section

to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2460 by Representatives Takko and Blake

AN ACT Relating to making the interest arbitration provisions of the public employees' collective bargaining act apply to certain employees of certain juvenile detention facilities; and amending RCW 41.56.030.

Referred to Committee on Commerce & Labor.

HB 2461 by Representatives Takko, Blake and Haler

AN ACT Relating to dog guides and service animals; amending RCW 49.60.040, 49.60.215, 70.84.020, 70.84.021, and 70.84.060; and adding a new section to chapter 49.60 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2462 by Representatives Moeller, Wallace and Roberts

AN ACT Relating to establishing work groups to periodically review and update the child support schedule; amending RCW 26.09.173, 26.10.195, 26.18.210, and 26.19.025; adding a new section to chapter 26.19 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Juvenile Justice & Family Law.

HB 2463 by Representatives Moeller and Morrell

AN ACT Relating to dental licensure; and amending RCW 18.32.030 and 18.32.215.

Referred to Committee on Health Care.

HB 2464 by Representatives Curtis, Moeller and Cody

AN ACT Relating to specialty hospitals; amending 2005 c 39 s 2 (uncodified); amending 2005 c 39 s 3 (uncodified); and creating a new section.

Referred to Committee on Health Care.

HB 2465 by Representatives Lovick, Kessler, P. Sullivan, Haler and O'Brien; by request of Washington State Patrol

AN ACT Relating to vehicle equipment standards related to original equipment installed; and amending RCW 46.37.010, 46.37.070, and 46.37.200.

Referred to Committee on Transportation.

HB 2466 by Representatives Lovick, McCoy, Conway, Haler, Sells, Morris, Dunshee, Ericks, Morrell, O'Brien and Green; by request of Governor Gregoire

AN ACT Relating to providing excise tax relief for aerospace businesses; amending RCW 82.04.250, 82.32.590, 82.32.600, and 82.04.4463; reenacting and amending RCW 82.32.330; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.32 RCW; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2467 by Representatives Dunn and Campbell

AN ACT Relating to increasing the seriousness level of rape of a child in the second degree; and reenacting and amending RCW 9.94A.515.

Referred to Committee on Criminal Justice & Corrections.

HB 2468 by Representatives Dunn and Holmquist

AN ACT Relating to adoption; amending RCW 26.33.010, 26.33.045, 26.33.150, 26.33.190, and 26.33.240; reenacting and amending RCW 43.79A.040; and adding new sections to chapter 26.33 RCW.

Referred to Committee on Juvenile Justice & Family Law.

HB 2469 by Representatives Dunn and Campbell

AN ACT Relating to increasing the seriousness level of rape of a child in the first degree; and reenacting and amending RCW 9.94A.515.

Referred to Committee on Criminal Justice & Corrections.

HB 2470 by Representatives McCune, Dunn, Ahern and Holmquist

AN ACT Relating to designating an official state Christmas tree; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2471 by Representatives McCune, Miloscia, Dunn, Campbell, Linville, Morrell, Strow, O'Brien, Green, Sells, Chase and Holmquist

AN ACT Relating to creating a veteran homeownership program; and adding a new section to chapter 43.180 RCW.

Referred to Committee on Housing.

HB 2472 by Representatives Campbell and Hunt

AN ACT Relating to the department of public safety; amending RCW 41.06.070, 41.06.167, 41.56.473, 41.56.475, 42.17.2401, 42.56.230, 43.17.010, 43.43.020, 43.43.030, 43.43.050, 43.43.060, 43.43.070, 43.43.080, 43.43.090, 43.43.100, 43.43.110, 43.43.115, 43.43.952, 43.43.970, 43.43.971, 43.43.972, 43.43.973, 43.43.974, 43.43.975, 43.43.500, 43.43.540, 43.43.560, 43.43.570, 43.43.670, 43.43.680, 43.43.700, 43.43.705, 43.43.710, 43.43.715,

43.43.725, 43.43.740, 43.43.742, 43.43.745, 43.43.750, 43.43.752, 43.43.753, 43.43.7532, 43.43.754, 43.43.7541, 43.43.756, 43.43.758, 43.43.759, 43.43.760, 43.43.765, 43.43.815, 43.43.820, 43.43.830, 43.43.832, 43.43.8321, 43.43.834, 43.43.836, 43.43.838, 43.43.839, 43.43.842, 43.43.854, 43.43.856, 43.43.858, 43.43.862, 43.43.864, 43.43.880, 43.43.930, 43.43.934, 43.43.936, 43.43.938, 43.43.940, 43.43.942, 43.43.944, 43.43.946, 43.43.948, 43.43.960, 43.43.961, 43.43.962, 43.43.963, 43.43.964, 43.43.035, 43.43.111, 43.43.112, 43.43.340, 43.43.040, 43.43.120, 43.43.130, 43.43.139, 43.43.165, 43.43.220, 43.43.260, 43.43.270, 43.43.290, 43.43.310, 41.26.030, 41.26.030, 41.37.010, 41.37.015, 4.24.350, 4.24.400, 5.60.060, 7.68.360, 9.35.040, 9.40.100, 9.41.045, 9.41.070, 9.41.090, 9.41.098, 9.41.170, 9.46.130, 9.92.066, 9.94A.612, 9.95.240, 9.96.060, 9A.44.130, 9A.44.135, 9A.44.145, 10.73.170, 10.77.163, 10.93.020, 10.93.140, 10.97.040, 10.97.045, 10.97.080, 10.97.090, 10.98.030, 10.98.040, 10.98.110, 10.98.210, 13.50.050, 13.60.010, 13.60.030, 13.60.100, 13.60.110, 13.60.120, 18.20.130, 18.46.110, 18.51.140, 18.51.145, 18.165.070, 18.170.130, 18.185.040, 18.185.250, 19.27A.110, 19.220.010, 26.10.135, 26.33.190, 26.44.020, 28A.195.080, 28A.400.303, 28A.400.306, 28A.410.010, 29A.08.651, 34.12.035, 34.12.060, 35A.21.161, 36.27.110, 36.28A.070, 38.52.040, 43.06.270, 43.79.445, 43.79.470, 43.89.010, 43.89.030, 43.101.030, 43.101.380, 43.103.020, 43.103.030, 43.103.040, 43.105.330, 46.04.040, 46.08.065, 46.12.047, 46.52.065, 46.72A.090, 46.82.325, 48.05.320, 48.06.040, 48.15.070, 48.17.090, 48.48.030, 48.48.040, 48.48.050, 48.48.060, 48.48.065, 48.48.070, 48.48.080, 48.48.090, 48.48.110, 48.48.140, 48.48.150, 48.48.160, 48.50.020, 48.50.040, 48.53.020, 48.53.060, 48.56.030, 48.102.015, 48.125.050, 63.35.010, 63.35.020, 63.35.060, 66.08.030, 66.24.010, 66.24.025, 66.32.090, 68.50.310, 68.50.320, 68.50.330, 69.43.170, 69.43.180, 70.41.080, 70.74.191, 70.74.360, 70.75.020, 70.75.030, 70.75.040, 70.77.170, 70.77.236, 70.77.250, 70.77.252, 70.77.270, 70.77.305, 70.77.315, 70.77.325, 70.77.330, 70.77.343, 70.77.355, 70.77.360, 70.77.365, 70.77.415, 70.77.430, 70.77.435, 70.77.440, 70.77.450, 70.77.455, 70.77.460, 70.77.548, 70.77.575, 70.77.580, 70.97.210, 70.108.040, 70.160.060, 71.09.115, 71.09.140, 71.12.485, 74.15.030, 74.15.050, 74.15.080, 74.18.123, 82.14.310, 82.14.320, 82.14.330, 82.36.060, 82.38.110, and 82.42.040; reenacting and amending RCW 43.17.020, 43.43.845, 43.08.250, 43.103.090, 68.50.107, 70.77.375, and 79A.05.030; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.20A RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 41 RCW; creating new sections; recodifying RCW 43.43.020, 43.43.030, 43.43.050, 43.43.060, 43.43.070, 43.43.080, 43.43.090, 43.43.100, 43.43.110, 43.43.115, 43.43.550, 43.43.952, 43.43.960, 43.43.961, 43.43.962, 43.43.963, 43.43.964, 43.43.970, 43.43.971, 43.43.972, 43.43.973, 43.43.974, 43.43.975, 43.43.930, 43.43.932, 43.43.934, 43.43.936, 43.43.938, 43.43.940, 43.43.942, 43.43.944, 43.43.946, 43.43.948, 43.43.500, 43.43.510, 43.43.530, 43.43.540, 43.43.560, 43.43.565, 43.43.570, 43.43.670, 43.43.680, 43.43.690, 43.43.700, 43.43.705, 43.43.710, 43.43.715, 43.43.720, 43.43.725, 43.43.730, 43.43.735, 43.43.740, 43.43.742, 43.43.745, 43.43.750, 43.43.752, 43.43.753, 43.43.7532, 43.43.754, 43.43.7541, 43.43.756, 43.43.758, 43.43.759, 43.43.760, 43.43.765, 43.43.770, 43.43.810, 43.43.815, 43.43.820, 43.43.830, 43.43.832, 43.43.8321, 43.43.833, 43.43.834, 43.43.836, 43.43.838, 43.43.839, 43.43.840, 43.43.845, 43.43.854, 43.43.856, 43.43.858, 43.43.860, 43.43.862, 43.43.864, 43.43.866, 43.43.880, 43.43.015, 43.43.035, 43.43.111, 43.43.112, 43.43.330, 43.43.340, 43.43.350, 43.43.360, 43.43.370, 43.43.390, 43.43.400, 43.43.480, 43.43.490, 43.43.900, 43.43.910, 43.43.911, 43.43.040, 43.43.120, 43.43.130, 43.43.135, 43.43.137, 43.43.138, 43.43.139, 43.43.165, 43.43.220, 43.43.230, 43.43.235, 43.43.250, 43.43.260, 43.43.263, 43.43.264, 43.43.270, 43.43.271, 43.43.274, 43.43.278, 43.43.280, 43.43.285, 43.43.290, 43.43.295, 43.43.310, 43.43.320, and 43.43.842; decodifying RCW 43.43.142, 43.43.775, 43.43.780, 43.43.785, 43.43.800, 43.43.852, 43.43.870, 43.89.040, and 43.89.050; repealing RCW 41.06.093, 43.43.010, 43.43.037, 43.43.380, 43.43.600, 43.43.610, 43.43.620, 43.43.630, 43.43.640, 43.43.650, 43.43.655, and 43.43.850; providing effective dates; and providing an expiration date.

Referred to Committee on State Government Operations & Accountability.

HB 2473 by Representatives Schual-Berke, Appleton, Moeller, Morrell and Cody

AN ACT Relating to protection against unfair prescription drug practices by pharmacy benefit managers; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care.

HB 2474 by Representatives Schual-Berke, Williams, Appleton, Moeller, Wallace, Cody and Hunter

AN ACT Relating to establishing pilot projects for placental and umbilical cord blood donations; adding a new section to chapter 70.54 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2475 by Representatives Conway, Williams, Fromhold, Wood, B. Sullivan, Simpson, Sells, Ormsby and Green

AN ACT Relating to collective bargaining regarding hours of work for individual providers; amending RCW 74.39A.270; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2476 by Representatives Shabro, Pearson, Nixon, McDonald, Talcott, Linville, Skinner, Buck, Condotta, Walsh, Ahern, Haler, Serben, Ericksen, Alexander, Schindler, Armstrong, McCune, Holmquist and Woods

AN ACT Relating to protecting children, vulnerable adults, and communities from sex and kidnapping offenders regardless of whether the perpetrator was known to the victim at the time of the crime by creating the new crimes of sexual victimization in the first and second degrees, failure to report an unregistered sex or kidnapping offender, and tampering with an electronic monitoring device, designating as a sex offense the crime of possession of depictions of a minor engaged in sexually explicit conduct, increasing the penalty for failure to register as a sex or kidnapping offender, imposing minimum sentences for sexual victimization in the first and second degrees, child molestation in the first degree,

kidnapping in the first degree with a finding of sexual motivation, and rape of a child in the first and second degrees, requiring electronic monitoring for certain sex offenders, adding to the aggravating circumstances for purposes of imposing the death penalty, requiring sex offenders to receive treatment and admit guilt before being released, prohibiting sex offenders with life sentences from receiving treatment, narrowing the eligibility for the special sex offender sentencing alternative, tightening sex and kidnapping offender registration requirements, and providing an appropriation to the attorney general for purposes of public education and awareness; amending RCW 9A.44.050, 9A.44.100, 9A.44.010, 9.94A.030, 9.94A.030, 9.94A.712, 9.94A.712, 10.95.020, 9.95.062, 9.95.420, 72.09.335, 9A.04.080, 9A.44.130, 9A.44.140, 9A.46.060, 9A.28.020, 9A.32.030, 10.64.025, 10.99.020, 13.40.0357, 13.40.040, 13.40.077, and 43.43.830; reenacting and amending RCW 9.94A.505, 9.94A.670, 9A.44.130, 9.94A.411, and 9.94A.515; adding new sections to chapter 9A.44 RCW; adding a new section to chapter 9A.76 RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 9.94A RCW; creating a new section; prescribing penalties; making an appropriation; providing effective dates; and providing expiration dates.

HB 2477 by Representatives Green, Nixon, Haigh, Hunt, Moeller and Rodne; by request of Secretary of State

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

Referred to Committee on State Government Operations & Accountability.

HB 2478 by Representatives Green, Nixon, Haigh and Hunt; by request of Secretary of State

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

Referred to Committee on State Government Operations & Accountability.

HB 2479 by Representatives Haigh, Nixon, Green, Hunt, Haler, Morrell and Uptegrove; by request of Secretary of State

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

Referred to Committee on State Government Operations & Accountability.

HB 2480 by Representatives Williams, Rodne and Ericks

AN ACT Relating to instruction in cardiopulmonary resuscitation in high school health and fitness curriculum; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Education.

HB 2481 by Representatives Williams, Blake, Appleton, Moeller, Hasegawa, Chase, Rodne, Eickmeyer, Conway, Roberts, Hunt and Simpson

AN ACT Relating to insuring victims of crimes; adding a new section to chapter 48.18 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 2482 by Representatives O'Brien, Ericks, Kirby, Williams, Rodne, Morrell, Lovick, B. Sullivan and Simpson; by request of Insurance Commissioner

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

Referred to Committee on Financial Institutions & Insurance.

HB 2483 by Representatives Hunter, Jarrett, Lantz, Kagi, Morrell, Ericks and Green

AN ACT Relating to background checks for unlicensed child care providers; adding a new section to Title 74 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 2484 by Representatives Hunter, Nixon and Springer

AN ACT Relating to making changes to the partisan primary ballot format; and amending RCW 29A.36.104 and 29A.36.106.

Referred to Committee on State Government Operations & Accountability.

HB 2485 by Representatives Hunter, Jarrett, Talcott and Tom

AN ACT Relating to college placement tests for high school students; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Education.

HB 2486 by Representatives Hunter, Jarrett, Anderson, Talcott, Rodne, Morrell, Tom and Miloscia

AN ACT Relating to high school graduation requirements; amending RCW 28A.230.090; and creating a new section.

Referred to Committee on Education.

HB 2487 by Representatives Hunter, Jarrett, Talcott, P. Sullivan, Tom and Roberts

AN ACT Relating to waivers authorized by the state board of education regarding length of the school year; amending

RCW 28A.305.140 and 28A.655.180; and repealing RCW 28A.305.145.

Referred to Committee on Education.

HB 2488 by Representatives Hunter and Morrell

AN ACT Relating to automatic external defibrillators in public schools; adding a new section to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Education.

HB 2489 by Representatives Hunter, Jarrett, P. Sullivan, Springer, Morrell, Tom, Simpson, Miloscia, O'Brien, Roberts and Green

AN ACT Relating to providing assistance to students who are not on track to graduate from high school on time; amending RCW 28A.225.010, 28A.230.195, 28A.320.500, and 28A.655.070; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.655 RCW; recodifying RCW 28A.230.195; and declaring an emergency.

Referred to Committee on Education.

HB 2490 by Representatives Jarrett, Hunter, Talcott, Rodne, Tom, O'Brien and Woods

AN ACT Relating to providing a financial incentive to school districts for high school students who complete postsecondary credits; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education.

HB 2491 by Representatives Jarrett and Woods

AN ACT Relating to regional transportation governance; amending RCW 47.56.076, 36.120.050, 36.120.130, 36.120.020, 36.120.030, 36.120.040, 36.120.070, 36.120.190, 81.112.030, 35.58.2795, 35.95A.030, 35.95A.070, 35.95A.080, 35.95A.090, 35.95A.100, 36.120.090, 36.120.110, 36.120.140, 47.26.080, 47.26.086, 47.80.020, 47.80.030, 47.80.040, 47.80.060, and 81.112.040; adding a new section to chapter 82.80 RCW; adding a new section to chapter 47.56 RCW; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 36 RCW; creating new sections; providing a contingent effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Transportation.

HB 2492 by Representatives Lovick, Strow, McDonald, Blake, Rodne, Conway, Haler, Ericks, B. Sullivan, Morrell, Green, Sells, Upthegrove and O'Brien; by request of Attorney General

AN ACT Relating to offender registration; amending RCW 9A.44.130; reenacting and amending RCW 9A.44.130; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 2493 by Representatives Kilmer, Lantz and Ericks

AN ACT Relating to limiting access to law enforcement and emergency equipment and vehicles; amending RCW 46.37.195; and creating a new section.

Referred to Committee on Transportation.

HB 2494 by Representatives Kilmer, Lantz, Linville, Buri, Morrell, Green, Appleton, Rodne, Springer and Simpson

AN ACT Relating to establishing fair market property values by considering the growth management act; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

HB 2495 by Representatives Kilmer, Holmquist, Green, Miloscia, Buri, Nixon, Rodne, Hudgins, P. Sullivan, Springer, Haler, Morrell, Morris, Ericks, B. Sullivan, Simpson and Upthegrove

AN ACT Relating to establishing a state government efficiency hotline; and adding a new section to chapter 43.09 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2496 by Representatives Kilmer, Skinner, Morrell, Buri, Linville, Green, Ormsby, Lantz, Miloscia, Appleton, Chase, Rodne, Conway, Hudgins, P. Sullivan, Springer, Haler, Wallace, Takko, Ericks, B. Sullivan, Simpson, Sells, Upthegrove and Holmquist

AN ACT Relating to a job creation tax credit; adding a new section to chapter 82.04 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2497 by Representatives Kilmer, Buri, Hudgins, Skinner, Green, Morrell, Linville, Ormsby, Lantz, Williams, McCoy, Appleton, Moeller, Chase, Conway, P. Sullivan, Haler, Wallace, Sells, Morris, Ericks, Upthegrove and Woods

AN ACT Relating to assistance for business owners who are active duty national guard members; adding a new section to chapter 30.04 RCW; adding a new section to chapter 31.12 RCW; adding a new section to chapter 32.04 RCW; adding a new section to chapter 33.24 RCW; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 2498 by Representatives Kilmer, Buri, Morrell, Skinner, Green, Linville, McCoy, Moeller, Chase, Rodne, Conway, Haler, Morris, Ericks and Sells

AN ACT Relating to cluster-based economic development; adding a new section to chapter 43.330 RCW; creating a new section; and making an appropriation.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2499 by Representatives Schual-Berke, Morrell, Cody, Appleton, Murray and Kagi; by request of Insurance Commissioner

AN ACT Relating to granting the insurance commissioner the authority to review and approve individual health benefit plan rates; amending RCW 48.18.110, 48.44.020, 48.46.060, and 48.02.120; adding a new section to chapter 48.43 RCW; and repealing RCW 48.20.025, 48.44.017, and 48.46.062.

Referred to Committee on Health Care.

HB 2500 by Representatives Green, Morrell, Cody, Schual-Berke, Clibborn and Conway; by request of Insurance Commissioner

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

Referred to Committee on Health Care.

HB 2501 by Representatives Schual-Berke, Cody and Morrell; by request of Insurance Commissioner

AN ACT Relating to clarifying that coverage for mental health services as defined in RCW 48.21.241, 48.44.341, and 48.46.291 applies to all group health plans for groups other than small groups as defined in RCW 48.43.005; amending RCW 48.21.241, 48.44.341, and 48.46.291; and declaring an emergency.

Referred to Committee on Health Care.

HJM 4024 by Representatives Moeller, Hudgins, Miloscia, Hasegawa, Murray, Lantz, Kagi, Green and Upthegrove

Calling on the President to provide a solution to the crisis in Sudan.

Referred to Committee on State Government Operations & Accountability.

HJM 4025 by Representatives Haler, Takko, Newhouse, Nixon, Moeller, Anderson, Condotta, Sump, Grant, B. Sullivan and Woods

Requesting a next generation nuclear plant project be established on the Hanford reservation.

Referred to Committee on Technology, Energy & Communications.

HJM 4026 by Representatives Haler, Takko, Newhouse, Nixon, Moeller, Grant, Morris, B. Sullivan and Woods

Requesting the Columbia generating station be used for the commercial production of hydrogen.

Referred to Committee on Technology, Energy & Communications.

HJM 4027 by Representatives McCune, Dunn, Sump, Strow and Holmquist

Calling on the president to prohibit the physical desecration of the flag.

Referred to Committee on State Government Operations & Accountability.

HJR 4214 by Representatives Buck, Kessler, Morrell, Sump, Condotta, Haler, Schindler, B. Sullivan, Serben, Holmquist and O'Brien

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

Referred to Committee on Finance.

HCR 4412 by Representatives Kessler and Armstrong

Notifying the Governor that the Legislature is organized.

HCR 4413 by Representatives Kessler, Armstrong, Hasegawa and Haler

Providing for reintroduction of bills from last session.

HCR 4414 by Representatives Kessler, Armstrong and Haler

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

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4412 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

SECOND READING

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

Notifying the Governor that the Legislature is organized.

The concurrent resolution was read the second time.

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

Representatives Kessler and Armstrong spoke in favor of adoption of the concurrent resolution.

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4412.

HOUSE CONCURRENT RESOLUTION NO. 4412 was declared adopted.

The Speaker appointed Representatives Dickerson and Woods to join with the Senate to notify the Governor the Legislature was organized and ready to do business.

SPEAKER'S REMARKS

Mr. Speaker: "Welcome back to session!"

Let's start by recognizing the new Republican leader, Richard DeBolt. And welcome back the Majority Leader, Lynn Kessler. I'd like to introduce my wife, Nancy, and my daughter, Ellie.

I'd also like to recognize some special guests in the gallery -- leaders in the ethnic media who play such a crucial role in our democracy. It's wonderful to have you here!

We had great session together last year. It was the most productive in decades. We focused on the kitchen-table issues of education, health care, and jobs.

Since the session finished on time, I had the opportunity to travel across our state. I saw evidence of the good we did, but also the next steps we need to take. By the way, I wasn't the only one traveling the state. I want to thank Rep. Eileen Cody, and the members of the Health Care committee for doing their rural health tour last summer.

We must take every opportunity to bring the people of Washington together. When I visited Ellensburg, I was hosted by Rep. Jane'a Holmquist and the local Farm Bureau. Folks there expressed appreciation for our agenda passed last session.

But they also offered ideas for the future:

Immediate help, remove the sales tax from on-farm diesel

Long-term step -- Bio fuels -- Which is a tremendous opportunity for a win-win for One Washington.

At the end of my visit, one of the farmers, who is also a member of the local school board, said thanks for listening to us on the farm issues!

And then he said, "Oh, by the way, thanks for funding Initiative 728, to help lower class sizes! Now, what we really need next is help to fund full-day kindergarten."

This session, we can move ahead on early learning! But this House will also take some steps to help farmers:

We'll take the sales tax off farm diesel.

And we will create an Energy Independence fund, a step towards reducing our addiction to foreign oil.

Let's send our money to Eastern Washington, not the Middle East!

When I visited Spokane, I was accompanied by Rep. Timm Ormsby. He took me to the local Union Hall for the construction trades. If you want to get a look at the real builders of our state, visit that hall. They showed a lot of appreciation for the investments we made in school construction and transportation.

We made historic investments in those two areas in 2005!

This session, we have a huge responsibility, not just to make sure that performance audits are done—which this House paved the way for, but to make sure every construction dollar is well-spent.

In Walla Walla, I was hosted by Rep. Bill Grant and Rep. Maureen Walsh. By the way, Maureen, please tell your husband how much I loved the sweet onion sausages he makes.

Wow! I apologize to my wife for mentioning that ---she was a vegetarian before she met me. But I figured, hey they say this is a sausage factory, so, ...

While I was in Walla Walla, I attended the Community College Foundation fund-raising dinner. People there thanked us for adding more enrollments in higher ed. They thanked us for investing in Walla Walla CC. We enabled students from

our state to learn the wine industry in our state. To help make the best wine in the world!

This session, we must look for more opportunities to see how careful investments in education can leverage jobs for our people.

I visited the small town near Yakima with Rep. Phyllis Kenney and Senator Patty Murray, two tremendous leaders on may issues, including farm worker housing. We took a tour of Buena Nueva Homes -- 52 units of new, decent housing sponsored by the Yakima Catholic diocese. Families living there expressed great appreciation for our investment in low-income housing. One woman told of how she and her family used to live in a chicken coop. Now, thanks to the Farmer Worker Housing Trust, they have a decent home. They were also pleased that we've started down the road to assuring that all kids have health care by 2010. Because of this legislature, over 70,000 formerly uninsured kids across the state will now have a medical home. To put that in perspective, that's more than enough kids to fill Qwest Field, where the Seahawks will win and go on to the Super Bowl!

This session, we can afford to advance our effort for kids' care because of the hot real estate market that has generated additional resources for our state. About 50% of the new revenue is a result of the housing market and construction boom. So it also makes sense to invest a small amount of that in a Home Security Fund, to help those who have been left behind in the housing market: the disabled, seniors, victims of domestic violence, the working poor. They deserve the security of a home.

Along the same lines, this session we will use the money from a legal settlement with the Qwest company to help low-income people with their heating bills.

When I visited Omak, I was asked to give a commencement address at the branch campus of the Wenatchee Community College. The auditorium was packed. There was a large graduating class of nurses, the second-generation, in several cases. I wish you could have seen their pride and joy! It was inspiring!

This session, we need to help students in high school and community colleges, to acquire the skills to succeed, and to earn the pride of their parents.

Overall, this session must not be about posturing for attention; it must be about passing legislation for the next generation. We will take care of our people, and we must be wise in the care of their money. At the end of this session, we will have the vast bulk of the new revenue held in reserve. Over the past several years, we have cut billions out of our state budget, but we must continue to look for ways to do things more efficiently and in the right priority.

Washington state is one of the best places on earth, where hope and opportunity, innovation and creativity, freedom and community can flourish. As legislators, let's keep in mind the people of our state who share a fundamental value: the notion of including every one of our people in a better future:

Every child being healthy and ready to learn and protected from abuse.

Every student learning the skills for a productive life.

Every worker making ends meet for their family and their future.

Every farmer finding success in the global marketplace.

Every enterprise working to create good jobs and the common wealth.

Every individual living free from discrimination.

Every senior having quality care and security when they will need it --- and we will all need it, some day.

Every person with a disability being supported to reach their potential

Every person in poverty earning their way up and out of poverty

And, every citizen seeing their tax dollars well spent and audited, and their public servants serving the public interest.

In this short legislative session, we'll make some more progress. But let's get it done on time. Let's bring people together to address the challenges that confront us.

Let's work together for one Washington."

POINT OF PERSONAL PRIVILEGE

Representative DeBolt: "Thank you, Mr. Speaker. I feel I have been neglected; when you were traveling around the State, you never came to visit me.

One thing important to mention is that, as Speaker Chopp said, the citizens of Washington State were in the mood to talk this year. They were in the mood to tell the Legislature what they think needs to be worked on. We too had a "listening tour" this year which went to different communities around the State, and heard what people wanted the Legislature to work on this year. From that we came up with a commitment to Washington – that we work together with the Senate on these issues. Whether it is WASL issues, health care issues, taxation issues – we know that we can work with you to find a common bond for a solution that works for all of Washington, not just one side of the State.

Mr. Speaker, we have seen here in the Legislature in the past several years an opportunity for us to work together. But it has not always come to fruition on the floor. What we would like to do this year is to give an opportunity to put the bills and ideas that we feel strong about out there, and allow you the opportunity to take those ideas and make them your own – including our ideas and making the bills strong, saying that we understand that there are two ideas in Washington today, not just one. And so I challenge you to look at our commitment to Washington to see what we can do to deliver something to the people of the State. And allow us to delve into the details, not just bill title politics but something that works for both sides of the aisle. You know, this session is going to about a lot things for this caucus, sex predator issues that we have in our State that keep our children in jeopardy. What can we do to protect the most venerable citizens? So on our caucus wall you will see a poster – 'The Faces of Meth' – and what this poison is doing to the citizens of our State and how that is interconnected to identity thief and auto thief. We want to be part of the solution. We would like to see a caucus that is moving forward working and having the opportunity to put our thoughts into bills.

One of the things that we all have to remember is that we all have a commitment to Washington whether it be 'One Washington' or every single small town. When I hear 'One Washington', Mr. Speaker, I think of everybody but it seems that sometimes some of those smaller communities get left out. I pledge to you to try to bring the rural voice to your plan. I pledge to you to look for solutions in the suburban crescent that work for all of Washington.

So as we are here today and we are moving forward each and everyone of us have an obligation to the citizens of the State of Washington to do what is best; to try to move the opportunities, to take the risks, to take the challenges to be leaders. And we need to decide if we are going to do that this session.

Lastly, I would thank the most important people in our lives – our families. I would like to thank my spouse and my children for allowing me to be here. And I would like to thank everyone of your spouses for allowing you to come to Olympia. I would like to thank your friends and family who do without you while you are here doing the people's business. Without them we could not do what we do here today for Washington. So thank you to everybody. I wish us the best session."

The Sergeant at Arms escorted the House delegation that had returned from the Senate to the Rostrum. Representatives Kenney, Serben, Quall and Buri addressed the Chamber.

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

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4413 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

SECOND READING

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

Providing for reintroduction of bills from last session.

The concurrent resolution was read the second time.

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

Representatives Kessler and Armstrong spoke in favor of adoption of the concurrent resolution.

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4413.

HOUSE CONCURRENT RESOLUTION NO. 4413 was adopted.

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

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4414 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

SECOND READING

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

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

The concurrent resolution was read the second time.

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

Representatives Kessler and Armstrong spoke in favor of adoption of the concurrent resolution.

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4414.

HOUSE CONCURRENT RESOLUTION NO. 4414 was adopted.

The Sergeant at Arms escorted the House delegation that had returned from the Governor to the Rostrum. Representatives Woods and Dickerson reported the Governor was ready to do business.

MESSAGE FROM THE SENATE

January 9, 2006

Mr. Speaker:

The Senate has adopted SENATE CONCURRENT RESOLUTION NO. 8414, as the same is herewith transmitted.
Tom Hoemann, Secretary

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

INTRODUCTION & FIRST READING

SCR 8414 by Senators Brown and Hewitt

Establishing cutoff dates for the 2006 regular session.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8414 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

SECOND READING

**SENATE CONCURRENT RESOLUTION NO. 8414,
By Senators Brown and Hewitt**

Establishing cutoff dates for the 2006 regular session.

The concurrent resolution was read the second time.

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

Representatives Kessler and Armstrong spoke in favor of adoption of the concurrent resolution.

The Speaker stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8414.

SENATE CONCURRENT RESOLUTION NO. 8414 was adopted.

On motion of Representative Kessler, the bills, memorials and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2476.

MOTION

Representative Pearson moved that the rules be suspended, and that House Bill No. 2476 be advanced to Second Reading.

Representative Pearson spoke in favor of the motion.

Representative Kessler spoke against the motion.

An electronic roll call vote was requested and the request was granted.

With the consent of the House, Representative Hinkle was excused.

The Speaker stated the question before the House to be adoption of the motion to suspended the rules and advance House Bill No. 2476 to Second Reading.

ROLL CALL

The Clerk called the roll on the adoption of the motion to suspend the rules and advance House Bill No. 2476 to Second Reading, and the motion not adopted by the following vote: Yeas - 42, Nays - 55, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 42.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 55.

Excused: Representative Hinkle - 1.

There being no objection, HOUSE BILL NO. 2476 was referred to the Committee on Criminal Justice & Corrections.

On motion of Representative Kessler, the House advanced to the eleventh order of business.

COMMITTEE ASSIGNMENTS

The Speaker announced the following committee assignments:

Representative Appleton assigned to Economic Development, Agriculture and Trade

Representative Armstrong assigned to Capital Budget	HB 1027 ESHB 1029 HB 1037 HB 1041 HB 1046 HB 1060 HB 1061 HB 1082 HB 1084 HB 1094 HB 1098 HB 1115 HB 1120 HB 1145 HB 1150 ESHB 1153 HB 1155 SHB 1159 SHB 1169 HB 1178 HB 1184 HB 1206 HB 1213 HB 1215 HB 1223 HB 1224 HB 1225 SHB 1226 SHB 1228 SHB 1229 SHB 1230 HB 1243 HB 1279 ESHB 1282 HB 1297 ESHB 1301 HB 1311 SHB 1320 SHB 1326 HB 1358 HB 1361 SHB 1374 SHB 1384 HB 1395 HB 1399 HB 1404 HB 1417 HB 1428 SHB 1430 HB 1446 SHB 1453 E2SHB 1458 SHB 1467 HB 1477 2SHB 1483 SHB 1528 HB 1531 HB 1548 HB 1570 HB 1578 HB 1581 HB 1595 HB 1597 SHB 1608 ESHB 1633 HB 1638 HB 1644 SHB 1648 HB 1653 HB 1659 HB 1685 HB 1721 HB 1724 HB 1735 HB 1737 HB 1752 HB 1779 HB 1792 HB 1793 SHB 1797 SHB 1802 HB 1813	Committee on Transportation Committee on Transportation Committee on Appropriations Committee on Appropriations Committee on Select Committee on Hood Canal Committee on Housing Committee on Juvenile Justice & Family Law Committee on Local Government Committee on Finance Committee on Economic Development, Agriculture & Trade Committee on Education Committee on Capital Budget Committee on Local Government Committee on Judiciary Committee on Local Government Committee on Local Government Committee on Judiciary Committee on Local Government Committee on Judiciary Committee on Natural Resources, Ecology & Parks Committee on Natural Resources, Ecology & Parks Committee on Financial Institutions & Insurance Committee on Judiciary Committee on Financial Institutions & Insurance Committee on State Government Operations & Accountability Committee on Local Government Committee on Local Government Committee on Local Government Committee on Health Care Committee on Juvenile Justice & Family Law Committee on Health Care Committee on Judiciary Committee on Capital Budget Committee on Commerce & Labor Committee on Appropriations Committee on Appropriations Committee on Judiciary Committee on Local Government Committee on Housing Committee on Technology, Energy & Communications Committee on Commerce & Labor Committee on Higher Ed & Workforce Ed Committee on Natural Resources, Ecology & Parks Committee on Local Government Committee on Economic Development, Agriculture & Trade Committee on Commerce & Labor Committee on Finance Committee on Criminal Justice & Corrections Committee on Natural Resources, Ecology & Parks Committee on Children & Family Services Committee on Judiciary Committee on Juvenile Justice & Family Law Committee on Financial Institutions & Insurance Committee on Juvenile Justice & Family Law Committee on Judiciary Committee on Appropriations Committee on Finance Committee on Transportation Committee on Local Government Committee on Judiciary Committee on Economic Development, Agriculture & Trade Committee on Education Committee on Local Government Committee on Juvenile Justice & Family Law Committee on Criminal Justice & Corrections Committee on Housing Committee on Education Committee on Health Care Committee on Finance Committee on Commerce & Labor Committee on Economic Development, Agriculture & Trade Committee on Health Care Committee on State Government Operations & Accountability Committee on Financial Institutions & Insurance Committee on Education Committee on Local Government Committee on Financial Institutions & Insurance Committee on Economic Development, Agriculture & Trade Committee on Local Government
Representative Bailey removed as Ranking Minority Member of Health Care and assigned to Economic Development, Agriculture and Trade		
Representative Chandler reassigned from Rules to Appropriations, Natural Resources, Ecology and Parks, and Commerce and Labor		
Representative Clibborn assigned to Transportation		
Representative Condotta reassigned from Economic Development, Agriculture and Trade to Finance		
Representative DeBolt reassigned from Capital Budget, Natural Resources, Ecology and Parks to Rules		
Representative Ericks assigned to Finance		
Representative Ericksen is removed from Finance		
Representative Hankins assigned to Technology, Telecommunications and Energy		
Representative Hinkle reassigned from Ranking Minority Member of Children and Family Services to Ranking Minority Member of Health Care		
Representative Holmquist reassigned from Capital Budget to Commerce and Labor and Transportation		
Representative Kagi reassigned from Criminal Justice and Corrections to Natural Resources, Ecology and Parks		
Representative Kenney reassigned from Economic Development, Agriculture and Trade to Commerce and Labor		
Representative Priest assigned to Education		
Representative Santos assigned to Rules		
Representative Serben assigned to Rules		
Representative Shabro assigned to Finance		
Representative P. Sullivan assigned to Appropriations		
Representative Sump removed from Commerce and Labor		
Representative Wallace assigned to Education		
Representative Walsh assigned Ranking Minority Member of Children Family Services		
Representative Williams reassigned from Natural Resources, Ecology and Parks to Criminal Justice and Corrections		
There being no objection, the Rules Committee was relieved of the following bills which were referred to the committee so designed:		
SHB 1009 HB 1022 HB 1023	Committee on Technology, Energy & Communications Committee on Finance Committee on Local Government	

2SHB 1815 Committee on Economic Development, Agriculture & Trade
 HB 1820 Committee on Natural Resources, Ecology & Parks
 HB 1821 Committee on Financial Institutions & Insurance
 HB 1827 Committee on Commerce & Labor
 HB 1829 Committee on Judiciary
 HB 1833 Committee on Children & Family Services
 SHB 1834 Committee on Appropriations
 SHB 1846 Committee on Finance
 HB 1857 Committee on Economic Development, Agriculture & Trade
 HB 1858 Committee on Judiciary
 HB 1860 Committee on Judiciary
 HB 1861 Committee on Judiciary
 HB 1862 Committee on Judiciary
 HB 1867 Committee on Children & Family Services
 HB 1875 Committee on Commerce & Labor
 HB 1878 Committee on Commerce & Labor
 HB 1879 Committee on Transportation
 HB 1886 Committee on Natural Resources, Ecology & Parks
 HB 1890 Committee on Finance
 SHB 1921 Committee on Appropriations
 HB 1928 Committee on Financial Institutions & Insurance
 HB 1933 Committee on Financial Institutions & Insurance
 HB 1941 Committee on Education
 HB 1942 Committee on Education
 HB 1944 Committee on Commerce & Labor
 HB 1947 Committee on Transportation
 HB 1956 Committee on Education
 SHB 1969 Committee on Transportation
 HB 1974 Committee on Economic Development, Agriculture & Trade
 SHB 1975 Committee on Finance
 HB 1980 Committee on Finance
 HB 1986 Committee on Higher Ed & Workforce Ed
 HB 2007 Committee on Local Government
 HB 2019 Committee on Financial Institutions & Insurance
 HB 2027 Committee on Appropriations
 2SHB 2030 Committee on Children & Family Services
 HB 2038 Committee on Health Care
 HB 2040 Committee on Finance
 ESHB 2053 Committee on Transportation
 HB 2055 Committee on Commerce & Labor
 HB 2056 Committee on Appropriations
 E2SHB 2069 Committee on Health Care
 HB 2078 Committee on Local Government
 SHB 2086 Committee on Select Committee on Hood Canal
 HB 2090 Committee on Health Care
 EHB 2105 Committee on Select Committee on Hood Canal
 HB 2107 Committee on Higher Ed & Workforce Ed
 HB 2118 Committee on Transportation
 ESHB 2157 Committee on Transportation
 HB 2175 Committee on Commerce & Labor
 HB 2178 Committee on Juvenile Justice & Family Law
 HB 2179 Committee on Technology, Energy & Communications
 HB 2196 Committee on Finance
 HB 2207 Committee on Local Government
 EHB 2219 Committee on Local Government
 HB 2224 Committee on Finance
 HB 2245 Committee on Education
 HB 2246 Committee on Commerce & Labor
 EHB 2257 Committee on Commerce & Labor
 E2SHB 2259 Committee on Local Government
 EHB 2270 Committee on Finance
 SHB 2292 Committee on Judiciary
 HB 2312 Committee on Transportation
 HJM 4010 Committee on Education
 HJM 4011 Committee on Commerce & Labor
 HJM 4015 Committee on Children & Family Services
 HJM 4018 Committee on Technology, Energy & Communications
 HJR 4201 Committee on Judiciary
 HJR 4206 Committee on Finance
 EHCR 4405 Committee on Commerce & Labor
 HCR 4406 Committee on Natural Resources, Ecology & Parks
 HCR 4409 Committee on Judiciary
 HCR 4411 Committee on Education

On motion of Representative Kessler, the House adjourned until 9:55 a.m., January 10, 2006, the 2nd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

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

MOTION

FIFTY NINTH LEGISLATURE - REGULAR SESSION

SECOND DAY

House Chamber, Olympia, Tuesday, January 10, 2006

The House was called to order at 9:55 a.m. by the Speaker.

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

MESSAGE FROM THE SENATE

January 9, 2006

Mr. Speaker:

The Senate has adopted:

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

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION & FIRST READING

HB 2502 by Representatives Grant, Walsh, Newhouse, Buck and Kretz

AN ACT Relating to restoring economic viability by modifying smoking prohibitions and enforcement; amending RCW 70.160.030 and 70.160.070; adding new sections to chapter 70.160 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 2503 by Representatives Sommers, Upthegrove, Ericks, Linville, Simpson, Green, McIntire, Hudgins and Kagi; by request of Office of Financial Management

AN ACT Relating to creating the pension funding stabilization account; adding a new section to chapter 41.45 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2504 by Representatives Anderson, Dunn, Rodne and Shabro

AN ACT Relating to the payment of sales and use taxes by state and local governments; amending RCW 82.04.190, 82.04.280, 82.04.280, and 82.12.0284; reenacting and amending RCW 82.04.050; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; repealing RCW 82.08.0256, 82.12.0257, 82.08.0271, 82.12.930, 82.08.0275, 82.12.0269, 82.08.0278, 82.12.0274, 82.08.0285, 82.12.0279, 82.08.834, and 82.12.834; providing an effective date; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Finance.

HB 2505 by Representatives Anderson and Rodne

AN ACT Relating to defining a highly qualified teacher; and adding a new section to chapter 28A.410 RCW.

Referred to Committee on Education.

HB 2506 by Representatives Anderson and Rodne

AN ACT Relating to requiring adoption of the mathematics syllabus used by the Singapore ministry of education; amending RCW 28A.655.070; adding a new section to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Education.

HB 2507 by Representatives Kenney, Shabro, Hasegawa, Morrell, Rodne, Lantz and Ormsby

AN ACT Relating to degree-granting institutions of higher education; amending RCW 28B.85.010, 28B.85.020, and 28B.85.040; adding a new section to chapter 28B.85 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Higher Ed & Workforce Ed.

HB 2508 by Representatives Chandler and Newhouse

AN ACT Relating to tribal community impact contributions; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce & Labor.

HB 2509 by Representatives Takko, Morrell, Simpson and Dickerson

AN ACT Relating to local ballot measures authorizing taxes; and amending RCW 29A.36.071, 29A.36.210, and 84.55.050.

Referred to Committee on Local Government.

HB 2510 by Representatives Priest, Morrell, B. Sullivan and Rodne

AN ACT Relating to early settlement offers in actions for injuries resulting from health care; amending RCW 7.70.070; and adding new sections to chapter 7.70 RCW.

Referred to Committee on Judiciary.

HB 2511 by Representatives Nixon, Dunn, Condotta and Rodne

AN ACT Relating to restricting when communications are considered campaign contributions; and amending RCW 42.17.020.

Referred to Committee on State Government Operations & Accountability.

HB 2512 by Representatives Nixon, Rodne and Talcott

AN ACT Relating to clarifying canvassing standards for special absentee ballots; and amending RCW 29A.40.050.

Referred to Committee on State Government Operations & Accountability.

HB 2513 by Representatives Nixon and Rodne

AN ACT Relating to modifying county auditor duties; and amending RCW 29A.04.216.

Referred to Committee on State Government Operations & Accountability.

HB 2514 by Representatives Nixon, Rodne, Moeller and Talcott

AN ACT Relating to the costs of elections; and amending RCW 29A.04.410.

Referred to Committee on State Government Operations & Accountability.

HB 2515 by Representative Nixon

AN ACT Relating to public records; amending RCW 42.56.290; reenacting and amending RCW 42.17.310; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

HB 2516 by Representatives Nixon and Rodne

AN ACT Relating to public records; amending RCW 42.56.120, 42.17.253, and 42.56.040; reenacting and amending RCW 42.56.550; adding a new section to chapter 42.56 RCW; recodifying RCW 42.17.253; and providing an effective date.

Referred to Committee on State Government Operations & Accountability.

HB 2517 by Representatives Cody, Conway, Chase, Morrell, Appleton, Green, Wood, Hasegawa, Hudgins, Ormsby, Miloscia, Dickerson, Kenney, Moeller, McDermott, Sells, Hunt, Williams, Simpson, Roberts, Schual-Berke, Lantz, McIntire and Kagi

AN ACT Relating to establishing minimum labor standards for certain large employers as related to health care services expenditures; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2518 by Representatives Nixon, Dunn, Rodne and Talcott

AN ACT Relating to providing for a special election if an election is declared void; amending RCW 29A.68.110; and adding a new section to chapter 29A.68 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2519 by Representatives Nixon, Roberts and Talcott

AN ACT Relating to expanding the continuity of government act; amending RCW 42.14.010, 42.14.030, and 42.14.035; creating a new section; and providing an expiration date.

Referred to Committee on State Government Operations & Accountability.

HB 2520 by Representative Nixon

AN ACT Relating to recodifying and making technical corrections to public disclosure law; amending RCW 7.07.050, 15.53.9018, 18.20.390, 29A.60.165, 48.31.405, 42.56.250, 42.56.270, 42.56.330, 42.56.360, 74.15.310, 74.15.320, 74.15.330, 74.42.640, and 90.64.190; adding new sections to chapter 42.56 RCW; recodifying RCW 42.17.253, 42.17.31922, and 42.17.31923; and providing an effective date.

Referred to Committee on State Government Operations & Accountability.

HB 2521 by Representatives Nixon and Simpson

AN ACT Relating to identification documents; adding new sections to chapter 19.192 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Technology, Energy & Communications.

HB 2522 by Representatives Nixon and Ericks

AN ACT Relating to disclosure of documented investigations of and complaints against public school employees; amending RCW 28A.320.160 and 42.56.070; and providing an effective date.

Referred to Committee on State Government Operations & Accountability.

HB 2523 by Representatives Nixon, Anderson, Rodne and Talcott

AN ACT Relating to auditing the signature verification process in elections; amending RCW 29A.04.530; and adding new sections to chapter 29A.04 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2524 by Representatives Nixon, Rodne and Talcott

AN ACT Relating to performance and outcome measure reviews; amending RCW 43.09.435; adding new sections to chapter 43.06 RCW; recodifying RCW 43.09.435 and 43.09.460; and repealing RCW 43.09.430, 43.09.440,

43.09.445, 43.09.450, 43.09.455, 43.09.460, 43.88.162, and 2.56.200.

Referred to Committee on State Government Operations & Accountability.

HB 2525 by Representatives Nixon and Talcott

AN ACT Relating to dates for special elections; and amending RCW 29A.04.321 and 29A.04.330.

Referred to Committee on State Government Operations & Accountability.

HB 2526 by Representatives Nixon, Anderson and Talcott

AN ACT Relating to voter challenges; and amending RCW 29A.08.830.

Referred to Committee on State Government Operations & Accountability.

HB 2527 by Representatives Nixon and Talcott

AN ACT Relating to state employees; and amending RCW 41.06.490.

Referred to Committee on State Government Operations & Accountability.

HB 2528 by Representatives Nixon, Dunn, McCune and Talcott

AN ACT Relating to clarifying the circumstances under which provisional ballots may be counted; amending RCW 29A.60.195, 29A.08.625, and 29A.08.113; and creating a new section.

Referred to Committee on State Government Operations & Accountability.

HB 2529 by Representatives Nixon, McCune and Miloscia

AN ACT Relating to use of nontraditional addresses for voter registration purposes; amending RCW 29A.08.112 and 29A.08.107; and adding a new section to chapter 29A.04 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2530 by Representative Nixon

AN ACT Relating to disclosure of accident reports; amending RCW 46.52.080 and 46.52.083; adding new sections to chapter 42.56 RCW; recodifying RCW 46.52.080 and 46.52.083; and providing an effective date.

Referred to Committee on State Government Operations & Accountability.

HB 2531 by Representatives Nixon, Dunn and Talcott

AN ACT Relating to enhancing guidelines for the signature verification process in elections; and amending RCW 29A.04.530.

Referred to Committee on State Government Operations & Accountability.

HB 2532 by Representative Nixon

AN ACT Relating to election audits; and adding a new section to chapter 29A.60 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2533 by Representative Nixon

AN ACT Relating to sexual misconduct with a minor; amending RCW 9A.44.093 and 9A.44.096; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2534 by Representatives Nixon, Rodne and Woods

AN ACT Relating to full disclosure of vehicle taxes and license fees; amending RCW 46.16.210; and creating a new section.

Referred to Committee on Transportation.

HB 2535 by Representatives Darneille, Green, Roberts and Conway

AN ACT Relating to allowing public facilities districts to finance remodeling or reconstruction of existing minor league baseball stadiums and related parking facilities; amending RCW 35.57.040, 35.57.100, 35.57.110, and 82.14.390; and reenacting and amending RCW 35.57.020.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2536 by Representatives Conway, McCoy, Condotta, Simpson and B. Sullivan; by request of Department of Labor & Industries

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

Referred to Committee on Commerce & Labor.

HB 2537 by Representatives Conway, Condotta, McCoy, Hudgins and B. Sullivan; by request of Department of Labor & Industries

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

Referred to Committee on Commerce & Labor.

HB 2538 by Representatives Conway, Hudgins and McCoy; by request of Department of Labor & Industries

AN ACT Relating to authorizing the department to request and superior court to grant warrants pursuant to chapter 49.17

RCW; amending RCW 49.17.070; adding a new section to chapter 49.17 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2539 by Representatives Schual-Berke, Morrell, Simpson, Roberts, Moeller and Hudgins

AN ACT Relating to disaster medical assistance teams; adding a new section to chapter 38.08 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2540 by Representatives Schual-Berke and Morrell

AN ACT Relating to access to individual health insurance coverage; amending RCW 48.41.040, 48.41.060, 48.41.100, 48.41.110, 48.41.160, 48.41.190, 48.43.005, 48.43.018, and 48.43.041; and providing an effective date.

Referred to Committee on Health Care.

HB 2541 by Representative Schual-Berke

AN ACT Relating to the release of student information; and amending RCW 28A.230.180.

Referred to Committee on Education.

HB 2542 by Representatives Schual-Berke, Moeller, Morrell, Appleton, Ericks and Green

AN ACT Relating to performance measures for emergency preparedness; amending RCW 70.05.120; adding a new chapter to Title 70 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Health Care.

HB 2543 by Representatives Kilmer, Crouse, Nixon, Hudgins, Morrell, Green and Lantz; by request of Military Department

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

Referred to Committee on Technology, Energy & Communications.

HB 2544 by Representatives P. Sullivan, Jarrett, Green, Dunshee, Upthegrove, McCoy, Ericks, Simpson, Schual-Berke, Lantz, Ormsby, Springer, Kilmer and Kagi; by request of Department of Community, Trade, and Economic Development

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

Referred to Committee on Capital Budget.

HB 2545 by Representatives Haigh, Nixon, Conway, Morrell, Bailey, McCoy, Green, Springer, McCune, Kilmer and P. Sullivan

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

Referred to Committee on State Government Operations & Accountability.

HB 2546 by Representatives Haigh, Nixon, Conway, Morrell, Bailey, Campbell, McCoy, Green, Rodne, Springer, McCune, Kilmer, Moeller and P. Sullivan

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

Referred to Committee on State Government Operations & Accountability.

HB 2547 by Representatives Nixon, Anderson, B. Sullivan and Rodne

AN ACT Relating to violations of the open public meetings act; amending RCW 42.30.120; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2548 by Representatives Nixon and Rodne

AN ACT Relating to penalties for violations of the public records act; reenacting and amending RCW 42.56.550; adding a new section to chapter 42.56 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2549 by Representatives Nixon and Talcott

AN ACT Relating to strengthening voter secrecy; and amending RCW 29A.16.060 and 29A.60.230.

Referred to Committee on State Government Operations & Accountability.

HB 2550 by Representatives Dunshee, Jarrett, Ormsby, Newhouse, Ericks, Cox, Linville and Springer

AN ACT Relating to amending the 2005-2007 capital budget; amending RCW 43.155.050; amending 2005 c 488 s 138 (uncodified); reenacting and amending RCW 43.155.050; adding a new section to 2005 c 488 (uncodified); providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2551 by Representative Dunshee

AN ACT Relating to campaign contributions by limited liability companies; and amending RCW 42.17.660.

Referred to Committee on State Government Operations & Accountability.

HB 2552 by Representative Sommers; by request of Governor Gregoire

AN ACT Relating to fiscal matters; amending RCW 43.135.025 and 43.135.035; amending 2005 c 518 ss 101, 109, 110, 111, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 513, 514, 515, 516, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 701, 702, 703, 704, 705, 713, 716, 720, 801, 802, 803, 804, 805, 806, 948, and 963 (uncodified); adding new sections to 2005 c 518 (uncodified); making appropriations; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2553 by Representatives Kirby and Morrell; by request of Insurance Commissioner

AN ACT Relating to regulating service contracts and guarantee protection products; amending RCW 48.110.010, 48.110.015, 48.110.020, 48.110.030, 48.110.040, 48.110.050, 48.110.060, 48.110.070, 48.110.080, 48.110.090, 48.110.100, 48.110.110, 48.110.120, 48.110.130, 48.110.140, and 48.110.900; adding new sections to chapter 48.110 RCW; repealing RCW 48.96.005, 48.96.010, 48.96.020, 48.96.025, 48.96.030, 48.96.040, 48.96.045, 48.96.047, 48.96.050, 48.96.060, 48.96.900, and 48.96.901; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 2554 by Representatives Hinkle, Dunn, Anderson, Talcott, McDonald, Serben, B. Sullivan, Cody and Rodne

AN ACT Relating to improving the quality of health care through the use of health information technologies; amending RCW 41.05.021; adding a new section to chapter 82.04 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

HB 2555 by Representatives Hinkle, Condotta, Talcott, McDonald, Serben, Rodne and Holmquist

AN ACT Relating to health insurance; and amending RCW 48.21.045, 48.44.023, 48.46.066, and 70.47.060.

Referred to Committee on Health Care.

HB 2556 by Representatives Hinkle, Condotta, Talcott, Serben and Rodne

AN ACT Relating to a consumer-directed medicaid coverage plan; and creating new sections.

Referred to Committee on Health Care.

HB 2557 by Representatives Condotta, Hinkle, Talcott, McDonald, Serben, Linville, Rodne and Holmquist

AN ACT Relating to the public employees' benefits board; amending RCW 41.05.006; and reenacting and amending RCW 41.05.065.

Referred to Committee on Health Care.

HB 2558 by Representatives Pettigrew, Kretz and Linville; by request of Department of Agriculture

AN ACT Relating to dead animal disposal; amending RCW 16.68.020; adding a new section to chapter 16.36 RCW; and recodifying RCW 16.68.020.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2559 by Representatives Hasegawa, Pettigrew and Linville; by request of Department of Agriculture

AN ACT Relating to registration fees for weighing and measuring devices; amending RCW 19.94.175; and providing an effective date.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2560 by Representatives Conway, Wood, Condotta, Fromhold and P. Sullivan; by request of Liquor Control Board

AN ACT Relating to the limit on spirits, beer, and wine restaurant licenses; and amending RCW 66.24.420.

Referred to Committee on Commerce & Labor.

HB 2561 by Representatives Conway, Wood, Kessler, Hunter, Simpson, Fromhold and Condotta; by request of Liquor Control Board

AN ACT Relating to the shipment of wine from wine manufacturers directly to Washington consumers; amending RCW 66.24.210; adding new sections to chapter 66.20 RCW; and repealing RCW 66.12.190, 66.12.200, 66.12.210, and 66.12.220.

Referred to Committee on Commerce & Labor.

HB 2562 by Representatives Wood, Conway, Fromhold and Condotta; by request of Liquor Control Board

AN ACT Relating to flavored malt beverage; and amending RCW 66.04.010.

Referred to Committee on Commerce & Labor.

HB 2563 by Representatives Wood, Conway, Fromhold and Condotta; by request of Liquor Control Board

AN ACT Relating to processing liquor licenses; and amending RCW 66.24.010.

Referred to Committee on Commerce & Labor.

HB 2564 by Representatives Kilmer, Strow, Wallace, Appleton, Morrell, Haler, Eickmeyer, Haigh, Campbell, Upthegrove, Hasegawa, McCoy, Ericks, Linville, Darneille, Green, Lantz, Ormsby, Woods, Moeller and Conway

AN ACT Relating to protecting persons with veteran or military status from discrimination; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223, 49.60.224, and 49.60.225; and reenacting and amending RCW 49.60.222.

Referred to Committee on State Government Operations & Accountability.

HB 2565 by Representatives Kilmer, Haler, Wallace, Strow, Clibborn, Morrell, McCoy, Appleton, Ericks, Linville, Simpson, Green and Springer

AN ACT Relating to a worker training business and occupation tax credit; amending RCW 82.04.433; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2566 by Representatives Kilmer, Haler, Morrell, Linville, Green, Ormsby, Wallace, Upthegrove, McCoy, Ericks, Simpson, Roberts and Springer

AN ACT Relating to the job skills program; amending RCW 28C.04.410 and 28C.04.420; and making an appropriation.

Referred to Committee on Higher Ed & Workforce Ed.

HB 2567 by Representatives Wallace, Ericks, Morrell, Kilmer, Lovick, Campbell, Green, Lantz, Springer and Moeller

AN ACT Relating to the possession of methamphetamine precursors; adding a new section to chapter 9.91 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2568 by Representatives Morrell, Campbell, Williams, Wallace, Roberts and Appleton

AN ACT Relating to the use of wireless communication devices by holders of instruction permits and intermediate licenses; amending RCW 46.20.055 and 46.20.075; and providing an effective date.

Referred to Committee on Transportation.

HB 2569 by Representatives Morrell, Roach, Campbell, Williams, Kilmer, Clibborn, Conway, Blake, Eickmeyer, Flannigan, Wallace, Roberts, Upthegrove, McCoy, McDonald, Green, Dickerson, Lantz and Springer

AN ACT Relating to the property tax deferral program; amending RCW 84.38.100; and creating a new section.

Referred to Committee on Finance.

HB 2570 by Representatives Morrell, Campbell, Green, Conway, Sells, Chase, Cody, Williams, Kilmer, Wallace, Clibborn, Flannigan, Roberts, Lovick, Hasegawa, Darneille, O'Brien, Murray, Hunt, Schual-Berke, Lantz, Moeller and Kagi

AN ACT Relating to protecting the health of minors by prohibiting tobacco product sampling; amending RCW 70.155.010, 70.155.050, 70.155.090, 70.155.100, 82.24.120, and 82.24.230; creating a new section; repealing RCW 70.155.060 and 82.24.270; and prescribing penalties.

Referred to Committee on Health Care.

HB 2571 by Representatives Morrell, Cody, Conway, Blake, Eickmeyer, Wallace, Flannigan, Roberts and Hasegawa

AN ACT Relating to collecting health care services debt under the homestead exemption; and amending RCW 6.13.030.

Referred to Committee on Judiciary.

HB 2572 by Representatives Morrell, Clibborn, Green, Flannigan, Eickmeyer, Conway, Dickerson, Blake, Cody, Wallace, Roberts, Appleton, Hasegawa, McCoy, Linville, Simpson, Chase, Darneille, O'Brien, Murray, B. Sullivan, Ormsby, Springer, Moeller and Kagi

AN ACT Relating to establishment of the small employer health insurance partnership program; adding a new chapter to Title 70 RCW; and making appropriations.

Referred to Committee on Health Care.

HB 2573 by Representatives Morrell, Wallace, Clibborn, Cody, Flannigan, Simpson, Green, Ormsby, Springer, Kilmer, Moeller, Kagi and Conway; by request of Governor Gregoire

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

Referred to Committee on Health Care.

HB 2574 by Representatives Cody, Morrell, Green and Upthegrove

AN ACT Relating to hospital charity care and debt collection policies; amending RCW 70.170.020 and 70.170.060; and adding a new section to chapter 70.170 RCW.

Referred to Committee on Health Care.

HB 2575 by Representatives Cody, Morrell and Moeller; by request of Governor Gregoire

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

Referred to Committee on Health Care.

HB 2576 by Representatives Williams, Green, O'Brien, Kirby, Hunt, Ericks, Simpson, Lovick, McCoy, Lantz, Ormsby, Springer and Conway

AN ACT Relating to protection of sexual assault victims; amending RCW 9A.46.060, 10.14.130, 10.31.100, 19.220.010, 26.50.035, 26.50.110, 59.18.575, and 10.31.100; reenacting and amending RCW 9.41.300 and 26.50.160; adding a new chapter to Title 7 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2577 by Representatives Upthegrove, Green, Appleton, Haler, Morrell, Clibborn, Hunt, Hudgins, Takko and Moeller

AN ACT Relating to motor vehicle sales; and amending RCW 46.70.180.

Referred to Committee on Commerce & Labor.

HB 2578 by Representatives Upthegrove, B. Sullivan and Dickerson

AN ACT Relating to outfalls in Puget Sound; and creating new sections.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2579 by Representatives Upthegrove, Lantz, Dickerson, Appleton, Morrell, Hasegawa, Quall, Hunter, Haler, O'Brien, Murray, Hunt, Schual-Berke, Ormsby, Springer and Moeller

AN ACT Relating to educational assessments; amending RCW 28A.230.095; creating a new section; and making an appropriation.

Referred to Committee on Education.

HB 2580 by Representatives Upthegrove, Schual-Berke, P. Sullivan, Simpson and McCune

AN ACT Relating to the excise taxation of persons that inspect, test, and label canned salmon; amending RCW 82.04.280 and 82.04.280; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Finance.

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

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

There being no objection, the Committee on Juvenile Justice & Family Law was relieved of further consideration of HOUSE BILL NO. 2468, and the bill was referred to the Committee on Children & Family Services.

SIGNED BY THE SPEAKER

The Speaker signed:

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

The Senate appeared at the Chamber doors and requested admission. The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Brad Owen, President Pro Tempore Rosa Franklin, Majority Leader Lisa Brown and Minority Leader Mike Hewitt to seats on the Rostrum. The Senators were invited to sit within the Chamber.

JOINT SESSION

The Speaker (Representative Lovick presiding) called upon President Owen to preside.

The President called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

President Owen: "The purpose of the Joint Session is to receive the state of the state message from Her Excellency, Governor Christine Gregoire."

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

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

The President appointed a special committee to advise Her Excellency, Governor Christine Gregoire, that the joint session had assembled and to escort her to the House Chamber: Representatives Ahern and Haigh, and Senators Fraser and Oke.

The Supreme Court Justices arrived, were escorted to the Floor of the House Chamber and were introduced: Chief Justice Gerry L. Alexander, and Justices Charles W. Johnson, Barbara A. Madsen, Richard B. Sanders, Bobbe J. Bridge, Tom Chambers, Susan J. Owens, Mary Fairhurst and Jim Johnson.

The statewide elected officials arrived, were escorted to the floor of the House and were introduced: Secretary of State Sam Reed, State Treasurer Mike Murphy, State Auditor Brian Sonntag, Superintendent of Public Instruction Terry Bergeson, Commissioner of Public Lands Doug Sutherland, Insurance Commissioner Mike Kreidler and Attorney General Rob McKenna.

The President introduced the special guests present in the Chambers: Former Governors Al Rosellini and Booth Gardner, Congressman Dave Reichert, King County Executive Ron Sims, Congressman Jay Inslee and Oscar Eason, Regional President, NAACP.

The President introduced the members of the Diplomatic Corps: H. Ronald Masnik, Consul of Belgium and President of the Consular Association of Washington; Miguel Angel Velasquez, Consul of Peru and Vice President of the Consular Association of Washington; Jeffrey Parker, Consul General of Canada; Jorge Gilbert, Consul of Chile; Frank Brozovich, Consul of Croatia; Vassos M. Demetrious, Consul of Cyprus; Kazuo Tanaka, Consul General of Japan; Kim, Jae-gouk, Consul General of The Republic of Korea; Victor Lapatinskas, Consul of Lithuania; Jorge Madrazo, Consul of Mexico; Vladimir Volnov, Consul General of the Russian Federation; Philippe Goetschel, Consul of Switzerland; John Gokeen, Consul General of Turkey; Gary Furlong, Consul General of Uzbekistan and Robert Chen, Director General, Taipei Economic and Cultural Office.

Governor Christine Gregoire and her husband Mike Gregoire and daughters Courtney and Michelle Gregoire arrived, were escorted to the Rostrum and were introduced.

The flags were escorted to the Rostrum by the Washington State Patrol Color Guard. The President led the Chamber in the Pledge of Allegiance. The prayer was offered by Dr. Don Argue, President, Northwest University.

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

On this important day in our great State, we observe not a victory of party, but a celebration of freedom. A day that symbolizes a beginning, a renewal. We are reminded of the words of Thomas Jefferson that the rights of man come not from the generosity of the State but from the hand of God. That all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. We declare today, that united there is little that we cannot accomplish in a host of cooperative ventures. Divided there is little we can do. Civility is never a sign of weakness.

We specifically pray for our leader, Governor Christine Gregoire and her family. Grant her great wisdom. For all elected and appointed leaders, we pray for your blessing and wisdom. While they are conducting the affairs of State, strengthen and protect their families.

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

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

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

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

We pause to remember those in our armed services, serving around the world. Protect them, bring them home safely. May a just and lasting peace be declared. We are reminded that dark yesterdays can turn into bright tomorrows.

The responsibilities of those gathered today are huge. May we all remember the words of Scripture that

"Righteousness exalts a nation: but sin is a reproach to any people." As we govern, may we be righteous.

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

The President introduced Governor Christine Gregoire.

STATE OF THE STATE ADDRESS

Governor Christine Gregoire: "Mr. President, Mr. Speaker, Mr. Chief Justice, distinguished justices of the court, honored officials, members of the Washington State Legislature, former Governors Rosellini and Gardner, Congressman Inslee, Congressman Reichert, King County Executive Sims, members of the Consular Association of Washington, my fellow citizens:

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

Joining me at the rostrum are my daughters, Courtney and Michelle. This is a big day for our family. This afternoon we were at the Temple of Justice to attend Courtney's swearing-in ceremony to the Washington State Bar. Mike and I are obviously very proud of her and delighted, as some of you have heard me say, that she is now going to actually be paid to argue. Michelle is a college junior and will study abroad this year. Now, more than ever, the study abroad experience is vital for young people so they can better understand the truly competitive global world. My daughters are my best friends, my passion, and a constant reminder of the incredible challenge we face to prepare our children to pursue their dreams.

While the fifth member of our family isn't with us, in light of recent days I'd like to paraphrase from a speech delivered in 1944 by President Franklin Roosevelt. Some have not been content with attacks on me, or my spouse, or on my daughters. No, not content with that, they now include my little dog, Franz. Well, of course, I don't resent attacks, and my family doesn't resent attacks, but Franz does resent them. You know, as soon as he learned that the fiction writers had concocted a story he couldn't defend himself and was a cost to taxpayers, his Pomeranian soul was furious. He has not been the same dog since. Our family dog Franz has a real kinship with FDR's dog Fala.

Also joining me is my husband and best friend Mike – also known as First Mike. Mike is a retired Medicaid fraud investigator and a Vietnam combat veteran. Mike has worked extremely hard in the last year for Veterans. Thanks to his work, the work of Veteran's organizations, and the support of this Legislature, last session was one of the most productive in history for former servicemen and women. It was a fitting outcome considering the incredible debt we owe them. Mike served as a member of our bipartisan team that last year successfully worked to persuade the Base Realignment Commission to keep the doors of Washington's key military installations open. It was a major victory for our communities, for our economy, and for the men and women who serve this country and have come to love our state.

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

Last, and certainly not least, let me introduce some very special guests. The safety of our troops in Iraq and the plight of hurricane victims were heavy on all our minds in 2005. Our

National Guard troops have been on the front lines fighting in Iraq and were among the first responders to the devastation left by Hurricanes Katrina and Rita. We owe these troops a hearty thank you and are indebted to them for their selfless service to others. God bless them. They serve as a symbol of the patriotism of all of our citizens.

Obviously we can't have all our troops here, but I would like to introduce Staff Sergeant Dale Flory, an Iraq combat veteran. Staff Sergeant Flory, on behalf of the people of Washington, thank you and your colleagues for your service and we are delighted to have you home safe. Next I would like to introduce Master Sergeant Michael Readnour. Washington's National Guard was one of the first to step forward and help the people of the Gulf Coast after Katrina's devastation. They represent the outpouring of generosity by our citizens who opened their hearts, wallets, and homes to our fellow citizens of the Gulf Coast. Master Sergeant Readnour, thank you and your colleagues for your commitment to service and your willingness to leave your families behind in order to help those in need.

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

In the last year I have been all around this great state and met a lot of people. I found their values and dreams are very similar. They value personal responsibility, service to others, and providing new opportunities for our kids and families. Consider Megan and Martin Clubb, owners and operators of L'Ecole Number 41 Winery in the Walla Walla Valley. They are carrying on the great vision of Megan's parents, Jean and Baker Ferguson, who had the foresight to recognize the extraordinary wine producing potential of Washington. Or consider Tatyana Fedorchuk, a 39-year-old mother of five and immigrant from Ukraine. She is building a new life by taking English classes and earning nursing assistant credentials at Everett Community College. And Barbara and Steve LeVette who live on Hood Canal. Concerned about failing septic systems fouling Hood Canal, they rallied their homeowners association to develop an innovative treatment plan through a public-private partnership.

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

Our job isn't to get in the way, but to offer help where needed and carry on the values that have made this state great. In this magnificent building it is easy to think that our work is terribly difficult and incredibly important. But our work isn't as tough as what people face back home. Running a small business. Becoming a proud new American. Protecting the environment. Raising a family. Keeping their loved ones safe. Keeping a job. Providing a helping hand to a neighbor. Our job is to represent them in a way that is worthy of their struggles.

A year ago, we fought for the people. In 2005 we began building a brighter future by putting partisan politics aside, by being bold and demanding change, and by relying on traditional Washington values of opportunity, responsibility, and service to others. This year, we need to build on that success. We need to continue improvements in our education system. We need to make our families safer and more secure. We need to improve access to quality health care. We need to keep our economy growing. And we need to protect our quality of life.

That foundation – the outstanding legislative session of 2005 – has already elevated Washington to a new level of opportunity. In our state the news is good. Our economy has

turned the corner with 85,000 new jobs—that's a seven-year high. And around the world, I am pleased to report that Washington State is viewed like a small nation. When you say, "I'm from Washington" in Japan and China, they know that means Washington State. And our reputation is stellar – we are about quality – quality products, quality agriculture – like our cherries and wine – and a quality environment.

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

We made education our number one investment in 2005.

Voters recognized how critical smaller class sizes are by passing Initiative 728. But it wasn't until last year that we fully implemented the will of the voters, and we went one step further, we set up the Education Legacy Trust Account to permanently fund smaller class sizes. To attract and retain quality teachers we fully funded another citizens' initiative – teacher salaries. And we took down the "no vacancy" signs at our colleges and universities so nearly 8,000 more students could attend.

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

Another important bi-partisan vote produced the Life Sciences Discovery Fund. To be honest with you, I don't believe we understand yet the vast potential this initiative has for our state. This bold investment in a 21st century industry will lead to medical breakthroughs that will save the lives of friends and loved ones by finding cures to some of our most dreaded diseases like Parkinsons and Cancer. And it will help ensure for human wellness that we continue to produce the highest quality and safest agriculture in the world.

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

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

We also took important steps to improve and protect our quality of life. At certain times of the year, Hood Canal, one of the jewels of our state, becomes a dead zone where aquatic life is killed off. We are working to bring Hood Canal back to life with real on-the-ground projects that work. We adopted tough emission standards for new cars and required new "green building" standards for public buildings. There was much, much more. For example we took steps to ramp up our fight against the ravages of meth.

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

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

One area where we need work is early learning. Let me be candid with you. How would you grade a system where less than 50 percent of the kids are prepared to learn when they reach kindergarten? Or a system where half a dozen early

learning programs in state government are spread across numerous agencies and have no clear vision? We know children with early learning success are more likely to finish school, more likely to go to college, less likely to be unemployed and less likely to commit crimes. Our children are born to learn, and the first and best teacher in a child's life is the parent. But when parents and their families want help with care outside the home, we must be there for our kids. We need less bureaucracy. We need to stop falling behind the rest of the country. We need to make sure our children are ready to learn when they hit kindergarten.

Business leaders understand the value of early learning. They know it is an investment in the future. So we're creating public-private partnerships because this is about communities, and no one wants government to tell them how to parent. For the last month or so we have seen the battle lines forming over requiring certain performance standards for our students. I traveled to Europe and Asia and witnessed firsthand our competition and, believe me, we don't let our children down with high standards. We let them down if we retreat. And we fail them again if we don't prepare them to succeed. Before we talk about lowering standards, shouldn't we first:

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

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

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

And develop alternative assessments for those who need them?

I have talked to hundreds of high school students in the last year, and I will tell you, I believe in them. I will not give up on them. And I will not accept 1/3 of our students dropping out of high school. I have learned that if we entrust students with responsibility for their own future, they will do amazing things. Many students do not feel their high school classes relate to their future. Programs like Navigation 101 challenge students to choose alternative careers and enroll in courses needed to achieve that dream. As a result, students engage in more rigorous coursework because they are in charge of their future.

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

Education and health care are interwoven: An unhealthy child can't learn. Too many working families and senior citizens in Washington are uninsured or underinsured and only an accident or illness away from financial hardship. There are too many disparities in health care. This is inconsistent with our values. I believe health care is a basic right and not a perk.

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

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

For the longer term, I am proposing an energy agenda that will help reduce our dependence on foreign oil and create another 21st-century industry in Washington. Farmers like Ted Durfey in Sunnyside are ready to grow the biofuel business in Washington. But they need help getting started. With a strategic investment of low interest loans we can help launch this 21st-century industry and provide new markets for energy crops likes canola or mustard. It's time we have an energy policy based on Washington-grown and Washington-owned.

As we work to create and attract business, we need to remember that our quality of life is key to our success. Our natural resources not only provide beauty and recreation, they are the lifeblood of our economy. That's why environmentalists, local government, sportsmen, tribal and business leaders have all joined our renewed efforts to preserve and protect Puget Sound. There's work we must do now. My budget includes money to speed the cleanup of toxic waste, restore salmon habitat, help homeowners repair failing septic systems, and improve oil spill prevention and response.

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

Sadly, too many of the 2005 headlines told terrible tales of hurricanes, tsunamis, and attacks by sex offenders and terrorists. The lesson is we have to be prepared and invest in our personal safety and security. I am, therefore, proposing actions to help protect Washington families. My budget includes funds to improve tsunami warnings in our coastal communities, improve our earthquake readiness and strengthen detection and tracking of a pandemic flu. I also requested additional funding for the state patrol for ferry security and highway safety. Our families need to know when a sex offender is moving into the community. We need to toughen the penalties for sex offenders who fail to register.

We have been blessed with higher than expected revenue. My supplemental budget pays the bills, makes targeted investments and saves money for the future. I know some of you want to spend more money. So did I. I know some of you want to cut taxes. So did I. As we look ahead to the next year, we will need every dime just to cover the increased cost of our existing services, particularly in education and health care.

Our state budgeting has been a roller coaster. We spend when we have a surplus and we struggle to make painful cuts when the economy slumps. It is time to even out the ride. While the roller coaster is fun at the amusement park, it is no model for state budgeting. By treating our budget like a Washington family budget – we will ensure stability and avoid tax increases or Draconian cuts tomorrow.

So my budget pays the bills and keeps the retirement system sound. It makes targeted investments for the future, and it puts money aside to pay the bills that will come due in a year.

Saving the amount of new revenue I propose is something that has never been done before – but its time has come. It's a budget that is practical, prudent, and responsible. I accept the fact that we may have differences over how to spend this supplemental budget.

But let me be clear, I cannot sign a budget that next year would require cuts harmful to the people of this state.

As I look out over this great chamber, I am reminded of nine voices that once echoed here fell silent last year. These are the voices of those who put service to others over their

self-interests and who shared our Washington values of responsibility and opportunity.

In March we lost Representative. Ruth Fisher-our state's original "Steel Magnolia." On a sidewalk precisely twenty-five feet outside Heaven's gate, Ruth stands puffing on a Marlboro Light in grudging respect for the passage of Initiative 901. Her rich life and commitment to the greater good offer proof that "surliness" is next to "Godliness!"

We also lost Senators Dick Hemstad, Martin Durkan, and Bob Bailey, and Representatives Charles Kilbury, Stan Bradley, Russ Austin, Geraldine McCormick and Speaker Tom Swayze.

They were Democrats and Republicans, and each was emblematic of what our collective credo should be: that public service transcend partisanship and that politics is about getting real things done for Washington families. Let's continue to honor their spirit of responsibility, opportunity, and service to others.

Each of us, irrespective of our political party, owes it to the families of our great state not to lose our way; each of us must see ourselves through history's lens, and create a legacy by building on our success. We cannot be distracted by partisan politics, special interests, or political maneuvering. We are all here to serve others. That is our call to duty.

So in the spirit of responsibility, opportunity and service, let's get to work and build on the foundation we created together last year.

Thank you, God Bless you, and God Bless the people of Washington State."

The President asked the special committee to escort Governor Gregoire and her family from the House Chamber.

The President asked the special committee to escort the statewide elected officials from the House Chamber.

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

On motion of Representative Kessler, the Joint Session was dissolved. The Speaker (Representative Lovick presiding) assumed the chair.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Owen, President Pro Tempore Franklin, Majority Leader Brown, Minority Leader Mike Hewitt and members of the Washington State Senate from the House Chamber.

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

REPORTS OF STANDING COMMITTEES

January 9, 2006

HB 2370 Prime Sponsor, Representative Green: Funding low-income home energy assistance. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Bailey; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Kagi; Kenney; Kessler; Linville;

McDermott; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan and Talcott.

MINORITY recommendation: Signed by Representatives Anderson, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 10, 2006

HB 2424 Prime Sponsor, Representative Grant: Providing sales and use tax exemptions for users of farm fuel. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Agriculture & Rural Economic Development.

There being no objection, HOUSE BILL NO. 2370 and HOUSE BILL NO. 2424 were placed on the Second Reading calendar.

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., January 11, 2005, the 3th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

THIRD DAY

House Chamber, Olympia, Wednesday, January 11, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jacob Alexander and Kelsey Neels. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Anna Joy Grace, Unity Church of Olympia.

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

MESSAGES FROM THE SENATE

January 10, 2006

Mr. Speaker:

The President has signed:

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

and the same are herewith transmitted.

Thomas Hoemann, Secretary

January 10, 2006

Mr. Speaker:

The President has signed SENATE CONCURRENT RESOLUTION NO. 8414, and the same is herewith transmitted.

Thomas Hoemann, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

SENATE CONCURRENT RESOLUTION NO. 8414,

INTRODUCTION & FIRST READING

HB 2584 by Representatives Jarrett, Dunshee, Shabro, Clibborn, Anderson, B. Sullivan, Tom, Linville, Nixon, Lantz, Rodne, Upthegrove, P. Sullivan, Morrell, Moeller, Kilmer and Springer

AN ACT Relating to the establishment of a blue ribbon growth management needs and priorities task force; creating a new section; and providing an expiration date.

Referred to Committee on Local Government.

HB 2585 by Representatives Jarrett, Dunshee, Shabro, Clibborn, Anderson, B. Sullivan, Tom, Linville, Nixon, Upthegrove, Morrell, Moeller and Kilmer

AN ACT Relating to a collaborative design pilot program; amending RCW 90.58.100 and 90.58.140; adding new sections to chapter 36.70A RCW; adding a new section to

chapter 43.21C RCW; creating a new section; and providing expiration dates.

Referred to Committee on Local Government.

HB 2586 by Representatives Blake, Buck, Williams, Chase, Buri, McCoy, Morris, Flannigan, Eickmeyer, B. Sullivan and Kessler

AN ACT Relating to charter licenses; and amending RCW 77.65.150.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2587 by Representatives Blake, Buck, Takko, Chase, Morrell, Kessler, Williams, Buri, Linville, McCoy, Morris, Flannigan, Eickmeyer, B. Sullivan, Wallace, Dunshee, Haigh, Kenney, Lantz, Hunt and Conway

AN ACT Relating to designating the Lady Washington as the official ship of the state of Washington; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2588 by Representatives Blake, Buck, Takko, Buri, Williams, Roach, Eickmeyer, Linville, Kessler, B. Sullivan and Campbell

AN ACT Relating to beach mining; and amending RCW 79A.05.625, 79A.05.630, and 77.55.091.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2589 by Representatives McDonald, B. Sullivan, Buck and Kretz

AN ACT Relating to the use of dogs to pursue injured wildlife; and amending RCW 77.32.450 and 77.15.240.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2590 by Representatives Dickerson and McIntire

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

Referred to Committee on Finance.

HB 2591 by Representatives B. Sullivan, Blake, Roberts and Lovick

AN ACT Relating to special fuel taxes; and amending RCW 82.38.080.

Referred to Committee on Transportation.

HB 2592 by Representatives Serben and Dunn

AN ACT Relating to impound sign information; and amending RCW 46.55.070.

Referred to Committee on Transportation.

HB 2593 by Representatives Appleton, B. Sullivan, Jarrett, Morris, Hankins, Chase, McIntire, Dickerson, McCoy, Conway, Green, Darneille, Schual-Berke, Lovick, Pettigrew, Sommers, Ericks, Lantz, Hasegawa, Morrell, Kenney, Haler, Springer, Roberts, P. Sullivan, Strow, Miloscia, Wallace, Cody, Sells, Moeller, Dunshee, Williams, O'Brien, McDermott, Kessler, Woods, Kilmer, Eickmeyer, Hunt, Flannigan, Takko, Nixon, Rodne, Simpson, Linville and Kagi; by request of Department of Ecology

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

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2594 by Representatives Hasegawa, McCoy, Santos, Pettigrew, Kenney, Hudgins, Upthegrove, Hunt, O'Brien, Haigh, Kagi and Dickerson

AN ACT Relating to bilingual voting assistance; reenacting and amending RCW 29A.44.240; and adding a new section to chapter 29A.04 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2595 by Representatives Kenney, Cox, Hasegawa, Hankins, Roberts, McIntire, Fromhold, Kilmer, Morrell, Rodne, Santos, Clibborn, Ormsby, O'Brien, Jarrett, Walsh, Conway, Wood, Kessler, Linville, Kagi, Appleton, Green, McCoy, Blake, Lantz, Sells, Campbell, P. Sullivan, Simpson, Schual-Berke, McDonald, Haigh, Dickerson, Moeller, Springer and Wallace

AN ACT Relating to academic employee salary increments for community and technical colleges; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Ed & Workforce Ed.

HB 2596 by Representatives Kenney, McDonald, Conway, Wood, Hasegawa, Hudgins, Rodne, McCoy, Morrell and Ormsby

AN ACT Relating to the cosmetology apprenticeship program; amending RCW 18.16.020, 18.16.030, 18.16.050,

18.16.060, 18.16.100, 18.16.180, and 18.16.280; and reenacting and amending RCW 18.16.175.

Referred to Committee on Commerce & Labor.

HB 2597 by Representatives Kenney, Cox, Sells, Hasegawa, Fromhold, Rodne, McCoy, Jarrett, Morrell, Conway, Ormsby and Clibborn

AN ACT Relating to private vocational school programs; amending RCW 28C.10.020, 28C.10.050, and 28C.10.120; adding a new section to chapter 28C.10 RCW; and providing an effective date.

Referred to Committee on Higher Ed & Workforce Ed.

HB 2598 by Representatives Moeller, Newhouse, Green, Schual-Berke, DeBolt, Lovick, Appleton, Murray and Roberts

AN ACT Relating to ensuring the safety of milk; amending RCW 15.36.012; and creating a new section.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2599 by Representatives Moeller, Williams, Lovick, Green, Murray, Conway, Roberts and Kenney

AN ACT Relating to requiring professionals working in the building trades to wear and visibly display licenses and certificates; amending RCW 19.27.050, 18.106.170, 19.28.251, and 70.87.120; adding a new section to chapter 19.28 RCW; adding a new section to chapter 70.87 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2600 by Representatives Moeller, Conway, Williams, Lovick, Green, Murray, Roberts and Cody

AN ACT Relating to requiring professionals working in the building trades to wear and visibly display licenses and certificates; amending RCW 19.27.050, 18.106.170, 19.28.251, and 70.87.120; adding a new section to chapter 19.28 RCW; adding a new section to chapter 70.87 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2601 by Representatives Hunter, Anderson, Morris, Jarrett, Nixon, O'Brien, Hudgins, Tom, Kilmer and Wallace

AN ACT Relating to information technology projects; and amending RCW 43.88A.020, 43.105.160, 43.105.041, and 43.105.825.

Referred to Committee on Technology, Energy & Communications.

HB 2602 by Representatives McCoy, Dunn, Chase, Hasegawa, Sells, B. Sullivan, Linville, Lovick and Kilmer

AN ACT Relating to the community economic revitalization board's funding of public facility construction projects; and amending RCW 43.160.200.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2603 by Representatives Roberts, Dickerson, Lovick, Pettigrew, Green, O'Brien, Ericks, McDonald, Tom, Appleton, Moeller and Kagi

AN ACT Relating to sealing diversion records; and amending RCW 13.40.080 and 13.50.050.

Referred to Committee on Juvenile Justice & Family Law.

HB 2604 by Representatives Grant, McCoy, Blake, Haler, Simpson, Morris, B. Sullivan, P. Sullivan, Moeller, Hudgins, Morrell, Ericks and Springer

AN ACT Relating to improving the production and use of renewable energy resources; amending RCW 80.60.010, 80.60.020, and 80.60.030; adding a new section to chapter 80.60 RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 2605 by Representative Curtis

AN ACT Relating to city and town annexations under the direct property owner petition method of annexation; amending RCW 35.13.125, 35.13.130, 35.13.140, 35.13.150, 35.13.160, 35A.14.120, 35A.14.130, 35A.14.140, and 35A.14.150; adding a new section to chapter 35.13 RCW; and repealing RCW 28A.335.110.

Referred to Committee on Local Government.

HB 2607 by Representatives Curtis and Haler

AN ACT Relating to vacation of county roads with access to bodies of water; amending RCW 36.87.130; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

HB 2608 by Representatives Curtis, Takko, Bailey, Grant, Orcutt, Hinkle, McDonald, Clements, Moeller, Chandler, Wallace, O'Brien, Haler, Haigh, Alexander and Morrell

AN ACT Relating to the volunteer fire fighters' and reserve officers' relief and pension act; and amending RCW 41.24.010.

Referred to Committee on Appropriations.

HB 2609 by Representatives Morris, B. Sullivan and Linville

AN ACT Relating to utility taxation; amending RCW 82.16.010, 82.16.020, 82.16.050, 82.16.090, 54.28.010, 54.28.011, 54.28.020, 54.28.025, 54.28.030, 54.28.040, 54.28.050, 54.28.055, 54.28.060, 54.28.070, 54.28.080, 54.28.090, 54.28.100, 54.28.110, and 54.28.120; adding new

chapters to Title 82 RCW; creating new sections; recodifying RCW 54.28.010, 54.28.011, 54.28.020, 54.28.025, 54.28.030, 54.28.040, 54.28.050, 54.28.055, 54.28.060, 54.28.070, 54.28.080, 54.28.090, 54.28.100, 54.28.110, and 54.28.120; and providing effective dates.

Referred to Committee on Technology, Energy & Communications.

HB 2610 by Representatives Dunshee, Blake, Linville, Morris, Moeller and Ormsby; by request of Governor Gregoire

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending 2005 c 488 ss 109, 131, 138, 142, 143, 152, 206, 212, 239, 255, 264, 323, 324, 325, 327, 329, 332, 340, 341, 342, 360, 365, 368, 369, 370, 372, 376, 382, 385, 386, 387, 390, 391, 392, 395, 443, 451, 453, 601, 632, 714, 905, and 909 (uncodified); adding new sections to 2005 c 488 (uncodified); creating new sections; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2611 by Representatives Sells, Appleton, Williams, Dunshee, Green, Moeller, Kenney, Hunt, Simpson and Hasegawa

AN ACT Relating to pesticide application notification of pesticide-sensitive individuals; amending RCW 17.21.020, 17.21.150, 17.21.420, and 17.21.430; adding a new section to chapter 17.21 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2612 by Representatives Kagi, O'Brien, Darneille, Rodne, Kenney, Schual-Berke, Morrell and Springer; by request of Department of Labor & Industries

AN ACT Relating to including failure to secure a load in the first degree as a compensable crime under the crime victims' compensation program; and amending RCW 7.68.020.

Referred to Committee on Criminal Justice & Corrections.

HB 2613 by Representatives O'Brien, Strow, Ericks, Ahern, Rodne, Woods, McCune and Sump

AN ACT Relating to materials furnished to an attorney pursuant to discovery in a criminal case; and adding a new section to chapter 10.58 RCW.

Referred to Committee on Judiciary.

HB 2614 by Representatives Morrell, Conway, Williams, Blake, Kirby, Eickmeyer, Grant, Wallace, Hankins, Linville, McCoy, Flannigan, Anderson, McIntire, Kenney, Walsh, Hudgins, Holmquist, Condotta, Ormsby, Uptegrove and Simpson

AN ACT Relating to employment decisions based on consumption of lawful products; adding a new section to chapter 49.44 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2615 by Representatives Quall, Morris and Clibborn; by request of Insurance Commissioner

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

Referred to Committee on Financial Institutions & Insurance.

HB 2616 by Representatives Buck, Kretz, Orcutt, Serben, Walsh, Campbell, Haler, McDonald, Haigh, Woods, Roach, B. Sullivan, Bailey, Ahern, Ericksen, Skinner, Sump, Buri, Armstrong, Kessler, Holmquist, Condotta, McCune, Schindler, Rodne, Pearson and Dunn

AN ACT Relating to state park fees; and amending RCW 79A.05.070.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2617 by Representatives Kretz, Blake, Ahern, Schindler, Sump, Condotta, Holmquist, Kristiansen, Serben, Campbell, McDonald, Hinkle and Dunn

AN ACT Relating to allowing local jurisdictions to allow off-road vehicles to operate on designated city or county roads; amending RCW 46.09.115, 46.09.120, 46.09.180, and 46.37.010; and reenacting and amending RCW 46.16.010.

Referred to Committee on Transportation.

HB 2618 by Representatives Anderson and Rodne

AN ACT Relating to the remediation of student achievement deficiencies on the Washington assessment of student learning; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

HB 2619 by Representatives Schindler, Woods, Roach, Bailey, Kristiansen, Kretz, Nixon, Holmquist, Sump, Clements, Condotta, Orcutt, Rodne, Serben, Haler and Ahern

AN ACT Relating to the application of best available science under the growth management act; and amending RCW 36.70A.172.

Referred to Committee on Local Government.

HB 2620 by Representatives Schindler, Woods, Kristiansen, Roach, Bailey, Clements, Kretz, Holmquist, Nixon, Sump, Condotta, Orcutt, Rodne and Buri

AN ACT Relating to development regulations review by counties with low population densities; and reenacting and amending RCW 36.70A.130.

Referred to Committee on Local Government.

HB 2621 by Representatives Miloscia, Holmquist, Ormsby, Kenney and P. Sullivan; by request of Housing Finance Commission

AN ACT Relating to increasing the debt limit of the housing finance commission; and amending RCW 43.180.160.

Referred to Committee on Housing.

HB 2622 by Representatives Blake, Buck, Williams, Chase, Morrell, Buri, Linville, McCoy, Roach, Morris, Flannigan, Newhouse, Eickmeyer, Wallace, B. Sullivan, Dunshee, Nixon, Upthegrove, Conway, Hinkle, Moeller, Condotta and Kretz

AN ACT Relating to the reciprocity of concealed pistol licenses; and amending RCW 9.41.073.

Referred to Committee on Judiciary.

HB 2623 by Representatives Kenney, Conway, Ormsby, Wood, Hudgins, McCoy, Hasegawa, Sells, Hunt, Upthegrove, Clibborn, Simpson, Dickerson and Santos

AN ACT Relating to protecting agricultural workers who are recruited, solicited, employed, supplied, transported, or hired by farm labor contractors; amending RCW 19.30.010, 19.30.030, 19.30.040, 19.30.050, 19.30.060, 19.30.070, 19.30.081, 19.30.110, 19.30.170, 19.30.190, 19.31.020, and 19.31.170; adding new sections to chapter 19.30 RCW; adding a new section to chapter 50.13 RCW; creating a new section; and repealing RCW 19.30.090.

Referred to Committee on Commerce & Labor.

HB 2624 by Representatives B. Sullivan, Buck and Upthegrove; by request of Parks and Recreation Commission

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

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2625 by Representatives Jarrett, Upthegrove, Rodne, Simpson, Miloscia, B. Sullivan, Roberts and Springer

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

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2626 by Representatives Springer, P. Sullivan, Green, Blake, Kilmer, Appleton, Shabro, Hasegawa,

Lantz, Hunt, Takko, O'Brien, Kessler, Upthegrove, Schual-Berke, Clibborn, Linville, Kagi, B. Sullivan, Morrell, Moeller, Hudgins, Sells, Ormsby, Wallace and Fromhold; by request of Governor Gregoire and Commissioner of Public Lands

AN ACT Relating to the reaffirmation of existing Washington state law in the state Constitution, state supreme court decisions, and statutes relating to the use of eminent domain by state and local governments; and creating a new section.

Referred to Committee on Judiciary.

HB 2627 by Representatives B. Sullivan, Buck and Upthegrove; by request of Parks and Recreation Commission

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

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2628 by Representatives Campbell, Kirby, McCune and Conway

AN ACT Relating to drug trafficking; adding a new section to chapter 69.50 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2629 by Representatives Campbell, Williams, Nixon, Lantz, Rodne and Simpson

AN ACT Relating to creating sentencing enhancements for the crimes of driving under the influence and physical control of a vehicle while under the influence; amending RCW 46.61.5055 and 46.61.5151; adding new sections to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2630 by Representatives Kenney, Cox, Kessler, Priest, Conway, Hunter, Buri, Fromhold, Sells, Grant, Ormsby, Quall, Haigh, Clements, Roberts, Upthegrove, McDermott, Hasegawa, Santos, Flannigan, Appleton, Rodne, Clibborn, Simpson, Linville, Kagi, Dickerson, P. Sullivan, Morrell, Moeller, Ericks and Kilmer

AN ACT Relating to postsecondary education, including creating the opportunity grant program; adding new sections to chapter 28B.50 RCW; creating new sections; making appropriations; providing an expiration date; and declaring an emergency.

Referred to Committee on Higher Ed & Workforce Ed.

HB 2631 by Representatives Kilmer, Sump, B. Sullivan, Haler, Nixon and Dunn

AN ACT Relating to a tax exemption for the sale of telecommunications or internet services to customers; adding

a new section to chapter 82.08 RCW; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

HB 2632 by Representatives Darneille, Green, Morrell, Appleton, Upthegrove, Murray, Cody, Moeller and McDermott

AN ACT Relating to human immunodeficiency virus insurance coverage; and amending RCW 43.70.670.

Referred to Committee on Health Care.

HB 2633 by Representatives Haigh, Wallace, Santos, Tom and Nixon

AN ACT Relating to whistleblower investigations; and amending RCW 42.40.040 and 42.41.030.

Referred to Committee on State Government Operations & Accountability.

HB 2634 by Representatives Haigh, Talcott, Appleton, Nixon, Quall, P. Sullivan, Hunt, Santos, Tom, B. Sullivan, Ormsby, Moeller, Green, Hudgins, Wallace, Hunter, Lantz, Linville, Hasegawa, O'Brien, Rodne, Murray, Schual-Berke and McDermott

AN ACT Relating to full-day kindergarten; amending RCW 28A.150.220, 28A.150.250, and 28A.525.162; and providing an effective date.

Referred to Committee on Education.

HB 2635 by Representatives Haigh, Talcott, Appleton, P. Sullivan, Hunt, B. Sullivan, Ormsby, Cox, Quall, Nixon, Moeller, Newhouse, Hudgins, Upthegrove, Wallace, Green, Strow, Lantz, Kilmer, Hunter, Linville, Santos, Clements, McDermott, Fromhold, Tom, Kenney, O'Brien, Murray, Simpson, Conway, McIntire, Bailey, Hasegawa, Morrell, Ericks and Springer

AN ACT Relating to kindergarten; amending RCW 28A.150.220, 28A.150.250, and 28A.525.162; adding a new section to chapter 28A.150 RCW; and providing an effective date.

Referred to Committee on Education.

HB 2636 by Representatives Anderson, Rodne and Dunn

AN ACT Relating to regional transit agency consolidation for efficiency and emergency evacuation planning purposes; amending RCW 81.112.010, 81.112.020, 81.112.030, 81.112.040, 81.112.050, 81.112.070, 81.112.110, 81.104.170, 35.95.020, and 82.14.045; adding new sections to chapter 81.112 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 43.09 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2637 by Representatives Anderson, Cox, Rodne, McDonald, Haler, Buri, Talcott, Woods, Priest, Shabro, Skinner, Crouse, Hankins, Curtis, Newhouse, Chandler, Schindler, Serben, Nixon, Clements, Sump, Orcutt, McCune, Walsh, Holmquist, Tom, Kretz, Roach, Strow, Condotta, Williams, Kristiansen, Kilmer and Dunn

AN ACT Relating to prioritizing basic education expenditures within the state appropriations process; amending RCW 28A.150.380; and adding new sections to chapter 44.04 RCW.

Referred to Committee on Appropriations.

HB 2638 by Representatives Curtis, Haler, Blake, Cox, Serben, Morrell, Anderson, Shabro, Woods, Alexander, Orcutt, Nixon, Rodne, Clibborn, McDonald, Moeller, Condotta and Wallace

AN ACT Relating to the valuation of motor vehicles for use taxation; amending RCW 82.12.010 and 82.12.045; adding a new section to chapter 82.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 2639 by Representatives B. Sullivan, McCoy, O'Brien, Sells, Hinkle, Roberts, Ericks, Strow and Dunn

AN ACT Relating to providing excise tax relief for aerospace product development businesses; amending RCW 82.04.250, 82.04.440, 82.32.590, and 82.32.600; reenacting and amending RCW 82.04.260; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; providing an effective date; and providing expiration dates.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2640 by Representatives B. Sullivan, McCoy, O'Brien, Haler, Sells, Morris, Ericks, Strow and Dunn

AN ACT Relating to biotechnology product and medical device manufacturing tax incentives; amending RCW 82.04.440 and 82.32.600; adding a new section to chapter 82.32 RCW; adding new sections to chapter 82.04 RCW; adding a new chapter to Title 82 RCW; providing an effective date; and providing expiration dates.

Referred to Committee on Technology, Energy & Communications.

HB 2641 by Representatives B. Sullivan and Upthegrove

AN ACT Relating to the trapping of wildlife; amending RCW 77.08.010 and 77.36.030; adding a new chapter to Title 77 RCW; prescribing penalties; and repealing RCW 77.15.190, 77.15.191, 77.15.192, 77.15.194, 77.15.196, 77.15.198, 77.32.545, 77.65.450, and 77.65.460.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2642 by Representatives Clements, Sump, Hinkle and Dunn

AN ACT Relating to managing the health of the state's forests; amending RCW 76.06.020, 76.06.040, 76.06.030, 76.06.050, 76.06.060, and 76.06.070; adding new sections to chapter 76.06 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2643 by Representatives Clements, Kenney, Upthegrove and Strow

AN ACT Relating to allowing vehicles with aftermarket hydraulic systems to operate on public roadways; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

HB 2644 by Representatives P. Sullivan, Crouse and Kilmer; by request of Department of Trade and Economic Development

AN ACT Relating to temporarily increasing the statewide cap for the public utility tax credit provided by RCW 82.16.0497; amending RCW 82.16.0497; and providing an effective date.

Referred to Committee on Technology, Energy & Communications.

HB 2645 by Representatives Kilmer, Crouse, P. Sullivan, Morris and Dunn; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to a public utility tax credit for gas distribution businesses that invest in energy efficiency measures for certain food processing and other businesses; adding a new section to chapter 82.16 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 2646 by Representatives Wallace, Hinkle, Haigh and Holmquist

AN ACT Relating to providing a sales tax exemption for trail grooming on private and state-owned land; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Finance.

HB 2647 by Representatives Wallace, Blake, Appleton, Tom, P. Sullivan, B. Sullivan, Condotta, McIntire, Haigh, Morrell, McDonald and Holmquist

AN ACT Relating to snowmobile registration; and amending RCW 46.10.020.

Referred to Committee on Transportation.

HB 2648 by Representatives Sells, Wallace, Appleton, Ormsby, Springer, Lovick, Green, Hasegawa, Kessler and Roberts

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

Referred to Committee on Financial Institutions & Insurance.

HB 2649 by Representatives Miloscia, Hasegawa, Upthegrove and Ormsby

AN ACT Relating to providing affordable housing for all; amending RCW 43.185B.030, 43.185B.040, 36.22.178, 43.185A.020, 43.185A.050, 43.185A.070, 43.185A.900, 35.82.080, 35.21.685, 35.21.687, 35.82.230, 36.34.135, 36.34.137, 36.70A.070, 43.20A.037, 43.63A.505, 43.63A.640, 43.63A.645, 43.330.110, 43.330.165, 43.330.170, 47.12.064, 59.28.010, 70.114A.010, 70.114A.040, 70.114A.085, 70.164.010, 70.164.050, 72.09.055, 43.63A.115, and 43.185B.020; reenacting and amending RCW 36.18.010; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 43.185A.020, 43.185A.030, 43.185A.040, 43.185A.050, 43.185A.060, 43.185A.070, 43.185A.080, 43.185A.900, 43.185A.901, 43.185A.902, 43.185B.010, 43.185B.020, 43.185B.030, 43.185B.040, 43.185B.900, 43.63A.660, 35.82.010, 35.82.030, 35.82.040, 35.82.045, 35.82.050, 35.82.060, 35.82.070, 35.82.076, 35.82.080, 35.82.090, 35.82.100, 35.82.110, 35.82.120, 35.82.130, 35.82.140, 35.82.150, 35.82.160, 35.82.170, 35.82.180, 35.82.190, 35.82.200, 35.82.210, 35.82.220, 35.82.230, 35.82.240, 35.82.250, 35.82.260, 35.82.270, 35.82.280, 35.82.285, 35.82.300, 35.82.320, 35.82.325, 35.82.900, 35.82.910, 43.185.010, 43.185.015, 43.185.020, 43.185.030, 43.185.050, 43.185.060, 43.185.070, 43.185.074, 43.185.076, 43.185.080, 43.185.090, 43.185.100, 43.185.110, 43.185.120, 43.185.900, 43.185.910, 59.28.010, 59.28.020, 59.28.030, 59.28.040, 59.28.050, 59.28.060, 59.28.070, 59.28.080, 59.28.090, 59.28.100, 59.28.120, 59.28.130, 59.28.900, 59.28.901, 59.28.902, 70.114.010, 70.114.020, 70.114A.010, 70.114A.020, 70.114A.030, 70.114A.040, 70.114A.045, 70.114A.050, 70.114A.060, 70.114A.065, 70.114A.070, 70.114A.081, 70.114A.085, 70.114A.100, 70.114A.110, 70.114A.900, 70.114A.901, 70.164.010, 70.164.020, 70.164.030, 70.164.040, 70.164.050, 70.164.060, 70.164.070, and 70.164.900; repealing RCW 43.185B.005, 43.185B.007, 43.185B.009, 43.185A.010, and 35.82.020; and making an appropriation.

Referred to Committee on Housing.

HB 2650 by Representatives Miloscia, Pettigrew, Ormsby, Roberts, Hasegawa, Sells and Green

AN ACT Relating to programs to end homelessness; amending RCW 43.185C.005, 43.185C.010, 43.185C.020, 43.185C.030, 43.185C.040, 43.185C.050, 43.185C.060, 43.185C.070, 43.185C.080, 43.185C.090, 43.185C.100, 43.185C.130, 43.185C.160, 43.185C.900, 36.22.179, 43.185B.030, 43.20A.790, 43.330.167, 43.63A.650, 43.63A.655, 74.50.010, and 74.50.060; adding new sections to chapter 43.185C RCW; recodifying RCW 43.20A.790,

43.63A.645, 43.63A.650, 43.63A.655, 59.24.010, 59.24.020, 59.24.030, 59.24.040, 59.24.050, 59.24.060, 59.24.900, 74.50.060, and 43.330.167; and making an appropriation.

Referred to Committee on Housing.

HB 2651 by Representatives Pettigrew, Kristiansen, Haigh, Buri, Walsh, Linville, Kretz, Grant, Cox, Newhouse, Holmquist, Blake, Armstrong and Springer

AN ACT Relating to disclosure of animal information; amending RCW 42.56.380; reenacting and amending RCW 42.17.310; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2652 by Representatives Darneille, McCoy, Walsh, Green, Morrell, Appleton, Nixon, Upthegrove, Miloscia and Strow

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

Referred to Committee on Health Care.

HB 2653 by Representatives Darneille, Clements, Bailey, Green, Appleton, Orcutt and Hinkle

AN ACT Relating to purchase or sale of human body parts; and amending RCW 68.50.610.

Referred to Committee on Criminal Justice & Corrections.

HB 2654 by Representatives Darneille, Strow, O'Brien, Lantz, Rodne, Simpson, Clibborn, McDonald, Conway, Miloscia, B. Sullivan and Ericks

AN ACT Relating to sex offender treatment providers; and amending RCW 18.155.030, 18.155.070, and 18.155.075.

Referred to Committee on Criminal Justice & Corrections.

HB 2655 by Representatives Takko, Orcutt, Dunn and Fromhold

AN ACT Relating to disbursement of the metropolitan park district fund; and amending RCW 35.61.210.

Referred to Committee on Local Government.

HB 2656 by Representatives Takko, Schindler, Simpson, Dunn, Moeller, Ahern and Fromhold

AN ACT Relating to allowing counties to have a lien against properties that were levied for storm water control facilities; and amending RCW 36.89.090.

Referred to Committee on Local Government.

HB 2657 by Representatives Condotta, Hinkle, Serben, Chandler, Holmquist, Woods, Tom, Newhouse, Kristiansen, Sump, Skinner and Kretz

AN ACT Relating to legislative approval of class III tribal-state gaming compacts; amending RCW 9.46.360 and 43.06.010; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2658 by Representatives Hinkle, B. Sullivan, Condotta and Kretz

AN ACT Relating to a statewide off-road vehicle data base; and amending RCW 46.09.250.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2659 by Representatives Hinkle, Linville, Holmquist, Kristiansen and Condotta

AN ACT Relating to exempting small water impoundments from permit; and amending RCW 90.03.370.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2660 by Representatives Condotta, Kretz, Kristiansen, Sump, Holmquist, Schindler, Orcutt, Pearson, Woods, Buri, Strow and Wallace

AN ACT Relating to fuel tax information; and adding a new section to chapter 19.112 RCW.

Referred to Committee on Transportation.

HB 2661 by Representatives Murray, Hankins, Pettigrew, Jarrett, McDermott, Grant, Lovick, Haigh, Moeller, Shabro, Santos, Kessler, Upthegrove, Tom, Hunter, Hasegawa, Walsh, Fromhold, Springer, Appleton, McCoy, Chase, Hudgins, Kenney, Lantz, Hunt, Darneille, Quall, Takko, Sommers, Williams, Sells, Green, Schual-Berke, Simpson, Clibborn, Conway, Linville, Cody, Kagi, B. Sullivan, McIntire, Dickerson, Miloscia, Roberts and Ormsby; by request of Governor Gregoire

AN ACT Relating to the jurisdiction of the Washington human rights commission; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223, 49.60.224, 49.60.225, and 48.30.300; and reenacting and amending RCW 49.60.222.

Referred to Committee on State Government Operations & Accountability.

HB 2662 by Representatives B. Sullivan, Priest, Pettigrew, Jarrett, Dunshee, Anderson, Kagi, Serben, McCoy, Ericksen, Upthegrove, Tom, Green, Strow, Rodne, Nixon, Chase, Buri, Hunt, Eickmeyer, Darneille, Linville, Morrell, Lantz, Hunter, Appleton, Williams, Hudgins, Wallace, P. Sullivan, Flannigan, Springer, Kenney, O'Brien, Simpson, Clibborn, Sells, Moeller, Ericks, Kilmer and Schual-Berke

AN ACT Relating to providing electronic product recycling through manufacturer financed opportunities; amending RCW 42.56.270; adding a new section to chapter 43.19 RCW; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2663 by Representatives Holmquist, Morris, Orcutt, Sump, Ericksen, Dunshee, Buri, McDonald, Haler, B. Sullivan, Condotta, McCune, Kristiansen, Morrell, Green, Kretz, Ericks, Chandler, Wallace, Skinner, Crouse, Cox, Nixon, Rodne, Serben, Campbell, P. Sullivan, Simpson, Clibborn, Sells, Ahern, Hinkle, Moeller, Linville, Jarrett, Ormsby, Strow, Kilmer and Dunn

AN ACT Relating to excise tax exemptions for alternative fuels; amending RCW 82.38.020; adding a new section to chapter 82.38 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

HB 2664 by Representatives Holmquist, Wallace, Morris, Dunshee, Crouse, B. Sullivan, McDonald, Hunt, Skinner, Morrell, McCune, Green, Ericks, Woods, Cox, Dunn, Sump, O'Brien, Serben, Rodne, P. Sullivan, Simpson, Sells, Linville, Hinkle, Moeller, Ormsby, Strow, Kretz, Kilmer and Haler

AN ACT Relating to improving the state of the state by ensuring biofuel market access through the adoption of a statewide renewable fuel standard; amending RCW 19.112.010; adding a new section to chapter 19.112 RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 2665 by Representatives Holmquist, Wallace, Morris, Dunshee, Crouse, B. Sullivan, McDonald, Hunt, Skinner, Morrell, McCune, Green, Ericks, Woods, Cox, Dunn, Sump, Appleton, O'Brien, Serben, Rodne, P. Sullivan, Simpson, Sells, Linville, Moeller, Ormsby, Kretz, Kilmer and Haler

AN ACT Relating to improving the state of the state by ensuring biofuel market access through the adoption of a statewide renewable fuel standard; amending RCW 19.112.010, 82.12.955, 82.08.955, and 84.36.635; reenacting and amending RCW 82.29A.135 and 82.04.260; adding a new section to chapter 19.112 RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 2666 by Representatives Holmquist, Wallace, Sump, Morris, Dunshee, Crouse, B. Sullivan,

McDonald, Hunt, Morrell, McCune, Green, Ericks, Skinner, Lantz, Woods, Cox, Dunn, Appleton, O'Brien, Serben, Rodne, P. Sullivan, Simpson, Sells, Linville, Moeller, Ormsby, Strow, Kretz, Kilmer, Jarrett and Haler

AN ACT Relating to improving the state of the state by ensuring biofuel market access through the adoption of statewide renewable fuel standards; amending RCW 19.112.010, 82.12.955, 82.08.955, and 84.36.635; reenacting and amending RCW 82.29A.135 and 82.04.260; adding a new section to chapter 19.112 RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 2667 by Representatives Springer, Nixon, Hasegawa, Jarrett, Upthegrove, Clibborn and Lovick

AN ACT Relating to providing municipal services to annexed areas; amending RCW 36.75.060, 36.33.220, 36.82.020, 36.82.040, and 36.82.070; and adding a new section to chapter 36.82 RCW.

Referred to Committee on Local Government.

HB 2668 by Representatives Hudgins, Lovick, Crouse, Upthegrove, B. Sullivan and Sump

AN ACT Relating to professional athletics regulated by the department of licensing; amending RCW 67.08.002, 67.08.030, 67.08.050, 67.08.055, 67.08.130, and 67.08.300; and reenacting and amending RCW 67.08.090.

Referred to Committee on Commerce & Labor.

HB 2669 by Representatives Cody, Green, Morrell, Clibborn, Campbell, Moeller, Priest and Lantz

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

Referred to Committee on Health Care.

HB 2670 by Representatives Kilmer, Lantz, Priest, Talcott, Green, Conway, Darneille, Cody, Hinkle, Linville, Flannigan, Miloscia and Moeller

AN ACT Relating to financing for hospital benefit zones; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 39 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2671 by Representatives Ericks, Kessler, Simpson, Clibborn, Morrell, Springer, Dunn and Wallace; by request of Governor Gregoire

AN ACT Relating to providing excise tax relief by modifying due dates and eliminating an assessment penalty; amending RCW 82.32.045, 82.23B.020, 82.27.060, 82.32.085, and 82.32.090; creating new sections; and providing effective dates.

Referred to Committee on Finance.

HB 2672 by Representatives Orcutt, Roach, Campbell, Serben, Walsh, Haler, McDonald, Woods, Bailey, Newhouse, Ericksen, Alexander, Skinner, Buck, Sump, Armstrong, Holmquist, Condotta, McCune, Schindler, Rodne and Dunn

AN ACT Relating to providing excise tax relief by modifying due dates and eliminating an assessment penalty; amending RCW 82.32.045, 82.23B.020, 82.27.060, 82.32.085, and 82.32.090; creating new sections; and providing effective dates.

Referred to Committee on Finance.

HB 2673 by Representatives Linville, Ericksen, P. Sullivan, Buck, Ericks, Kilmer, Kessler, Grant, Walsh, B. Sullivan, Lantz, Morris, O'Brien, Conway, Morrell and Wallace

AN ACT Relating to creating the local infrastructure financing tool demonstration program; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 39 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Economic Development, Agriculture & Trade.

HJM 4031 by Representatives Appleton, B. Sullivan, Green, Takko, McCoy, Hunt, Darneille, Flannigan, Kessler, Chase, Eickmeyer, Morris, McIntire, Murray, Woods, O'Brien, Ericks, Pettigrew, Moeller, Dunshee, Lantz, Schual-Berke, Lovick, Morrell, Kenney, Clibborn, Sommers, Walsh, Strow, Haler, Talcott, Jarrett, Wallace, Dickerson, Conway, P. Sullivan, Hasegawa, Upthegrove, Rodne, Hankins, Williams, Springer, Cody, McDermott, Sells, Miloscia, Kagi, Campbell, Simpson, Roberts and Kilmer

Preserving section 5 of the Marine Mammal Protection Act to protect Puget Sound.

Referred to Committee on Natural Resources, Ecology & Parks.

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

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

SECOND READING

HOUSE BILL NO. 2370, By Representatives Green, Williams, Kessler, Kilmer, Chase, Blake, Morrell, Appleton, Moeller, Hasegawa, Murray, Linville, Conway, P. Sullivan, Springer, Takko, Lantz, Dickerson, Kenney, Fromhold, Kagi, McIntire, Ericksen, B. Sullivan, Simpson, Ericks, Sells, Upthegrove, Ormsby, McDermott and Schual-Berke; by request of Governor Gregoire

Funding low-income home energy assistance.

The bill was read the second time.

Representative Sommers moved that Substitute House Bill No. 2370 be substituted for House Bill No. 2370 and the substitute bill be placed on the Second Reading calendar. The motion was adopted.

SUBSTITUTE HOUSE BILL NO. 2370 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Green, Haler, Ormsby, Clements, Clibborn, Simpson, Ericksen, Darneille, Haigh, Appleton and Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2370.

MOTION

On motion of Representative Shabro, Representative Anderson was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2370 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2370, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2424, By Representatives Grant, Kessler, Williams, Morrell, Condotta, Clibborn, Linville, Cox, Hunt, Buck, Conway, Haigh, Sump, P. Sullivan, Walsh, Springer, Buri, Haler, Newhouse, Ericksen, Morris, Ericks, Kretz, Strow, B. Sullivan, Dunn, Upthegrove, Ormsby, McDermott, Holmquist and Takko

Providing sales and use tax exemptions for users of farm fuel.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant, Buri, McIntire, Armstrong, Morris, Walsh, Morrell, Orcutt, Linville, Ericksen, Flannigan, Holmquist, Ahern and Newhouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2424.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2424 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Tom - 1.

Excused: Representative Anderson - 1.

HOUSE BILL NO. 2424, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., January 12, 2006, the 4th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FOURTH DAY

House Chamber, Olympia, Thursday, January 12, 2006

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

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

MESSAGE FROM THE SENATE

January 11, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2370, and the same is herewith transmitted.

Thomas Hoemann, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

SUBSTITUTE HOUSE BILL NO. 2370,

INTRODUCTION & FIRST READING

HB 2674 by Representatives Sommers, Crouse, Fromhold, Conway, Kenney, McCoy, Dickerson, Clibborn, Roberts, Moeller, McIntire, Hudgins, Linville, Lantz and Uptegrove

AN ACT Relating to creating the pension stabilization account; amending RCW 43.135.035 and 43.135.035; adding a new section to chapter 41.45 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2675 by Representatives B. Sullivan, Buck, Dunn, McCoy, Moeller and Lantz; by request of Archaeology and Historic Preservation

AN ACT Relating to disclosure of certain Native American cultural resources information; amending RCW 42.56.300; and providing an effective date.

Referred to Committee on State Government Operations & Accountability.

HB 2676 by Representatives Linville, Jarrett, Simpson, Ericksen, Ahern, Dunn and Uptegrove

AN ACT Relating to making interlocal cooperative agreements available in electronic format; and amending RCW 39.34.040.

Referred to Committee on Local Government.

HB 2677 by Representatives Sommers, McCoy, McIntire, Linville and Lantz; by request of Office of Financial Management

AN ACT Relating to creating the economic stability account; adding a new section to chapter 43.79 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2678 by Representatives Kagi, Kretz, B. Sullivan and Ericks

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

Referred to Committee on Financial Institutions & Insurance.

HB 2679 by Representatives Conway, Fromhold, Lovick, Appleton, Green, Sells, Kenney, Quall, Simpson, Moeller and Morrell; by request of Select Committee on Pension Policy

AN ACT Relating to providing unreduced retirement benefits in the plans 2 and 3 of the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system; amending RCW 41.40.630, 41.40.820, 41.32.765, 41.32.875, 41.35.420, and 41.35.680; and providing an effective date.

Referred to Committee on Appropriations.

HB 2680 by Representatives Conway, Fromhold, Lovick, Kenney, Quall, Simpson and Moeller; by request of Select Committee on Pension Policy

AN ACT Relating to purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government; adding new sections to chapter 41.32 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2681 by Representatives Conway, Fromhold, Lovick, Green, Sells, Kenney, Quall, Simpson, Moeller and Morrell; by request of Select Committee on Pension Policy

AN ACT Relating to minimum contribution rates for the public employees' retirement system, the public safety employees' retirement system, the school employees' retirement system, and the teachers' retirement system;

reenacting and amending RCW 41.45.020; adding new sections to chapter 41.45 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2682 by Representatives Conway, Fromhold, Lovick, Kenney, Quall, Simpson, Roberts, Ormsby and McCune; by request of Select Committee on Pension Policy

AN ACT Relating to contribution rates in the Washington state patrol retirement system; amending RCW 41.45.0631; and providing an effective date.

Referred to Committee on Appropriations.

HB 2683 by Representatives Fromhold, Conway, Lovick, Quall, Simpson, Ormsby and Moeller; by request of Select Committee on Pension Policy

AN ACT Relating to payment of the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system and plan 1 of the teachers' retirement system; adding a new section to chapter 41.45 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2684 by Representatives Fromhold, Bailey, Conway, Lovick, Green, Sells, Kenney, Quall, Simpson, Moeller and Morrell; by request of Select Committee on Pension Policy

AN ACT Relating to vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3; and amending RCW 41.32.875, 41.35.680, and 41.40.820.

Referred to Committee on Appropriations.

HB 2685 by Representatives Fromhold, Conway, Lovick, Quall, Simpson, Ormsby and Moeller; by request of Select Committee on Pension Policy

AN ACT Relating to general provisions in the public safety employees' retirement system; amending RCW 41.37.005, 41.37.010, 41.04.270, 41.04.278, and 41.04.393; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2686 by Representatives Bailey, Fromhold, Conway, Lovick, Hunt, Kenney, Quall, Simpson, Ormsby and Moeller; by request of Select Committee on Pension Policy

AN ACT Relating to public employees' retirement system, plan 1 and teachers' retirement system, plan 1 age and retirement requirements for receipt of the annual increase amount; amending RCW 41.40.197 and 41.32.489; and providing an effective date.

Referred to Committee on Appropriations.

HB 2687 by Representatives Bailey, Conway, Fromhold, Lovick, Hunt, Nixon, Kenney, Quall, Simpson, Ormsby, Moeller, Morrell, Upthegrove and Hinkle; by request of Select Committee on Pension Policy

AN ACT Relating to a one thousand dollar minimum monthly benefit for plan 1 members of the public employees' retirement system and plan 1 members of the teachers' retirement system; amending RCW 41.32.4851 and 41.40.1984; and providing an effective date.

Referred to Committee on Appropriations.

HB 2688 by Representatives Fromhold, Conway, Lovick, Kenney, Quall, Simpson, Ormsby, Moeller and Ericks; by request of Select Committee on Pension Policy

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system plan 1; amending RCW 41.26.100 and 41.26.080; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2689 by Representatives Bailey, Conway, Fromhold, Lovick, Quall, Simpson and Ormsby; by request of Select Committee on Pension Policy

AN ACT Relating to the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1; amending RCW 41.32.055, 41.32.570, 41.40.010, and 41.40.037; reenacting and amending RCW 41.32.010; prescribing penalties; and providing an effective date.

Referred to Committee on Appropriations.

HB 2690 by Representatives Crouse, Conway, Lovick, Hunt, Green, Sells, Quall, Simpson, Moeller and Morrell; by request of Select Committee on Pension Policy

AN ACT Relating to permitting members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the public safety employees' retirement system, plan 1 of the law enforcement officers' and fire fighters' retirement system, and the Washington state patrol retirement system to make a one-time purchase of additional service credit; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 41.37 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 43.43 RCW; repealing RCW 41.40.713, 41.40.833, 41.32.767, 41.32.877, 41.35.473, and 41.35.653; and providing an effective date.

Referred to Committee on Appropriations.

HB 2691 by Representatives Crouse, Fromhold, Conway, Lovick, Bailey, Kenney and Quall; by request of Select Committee on Pension Policy

AN ACT Relating to public retirement benefits for justices and judges; amending RCW 41.45.060; adding a new section to chapter 2.14 RCW; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.45 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2692 by Representatives Fromhold, Crouse, Conway, Lovick, Quall and Simpson; by request of Select Committee on Pension Policy

AN ACT Relating to optional membership and distributions of retirement allowances for certain members of the teachers', school employees', and public employees' retirement systems; amending RCW 41.32.263 and 41.35.030; reenacting and amending RCW 41.32.010 and 41.40.023; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HB 2693 by Representatives Buri, Grant, Holmquist, Haler, Linville, Kretz, McCune and Dunn

AN ACT Relating to exempting out-of-state persons from having to obtain commercial driver's licenses; and amending RCW 46.25.050.

Referred to Committee on Transportation.

HB 2694 by Representatives Haigh, Nixon, Sump and Hunt

AN ACT Relating to eliminating Saturday counting of ballots; amending RCW 29A.60.160; reenacting and amending RCW 29A.60.160; providing an effective date; and providing an expiration date.

Referred to Committee on State Government Operations & Accountability.

HB 2695 by Representatives Haigh, Sump and McDermott

AN ACT Relating to absentee or provisional ballot notice requirements; and amending RCW 29A.60.165.

Referred to Committee on State Government Operations & Accountability.

HB 2696 by Representatives Haigh, Nixon and Sump

AN ACT Relating to election recounts; and amending RCW 29A.64.021.

Referred to Committee on State Government Operations & Accountability.

HB 2697 by Representatives Hudgins, Conway, McCoy, Kenney, Simpson and Roberts; by request of Employment Security Department

AN ACT Relating to improving unemployment insurance collection and penalty tools; amending RCW 50.12.220;

adding a new section to chapter 50.36 RCW; creating a new section; and recodifying RCW 50.12.220.

Referred to Committee on Commerce & Labor.

HB 2698 by Representatives O'Brien, Pearson, Ericks, Rodne, Nixon, Kilmer, Green, Sells, McDonald, P. Sullivan, McCoy, Simpson, Moeller, Morrell, Lantz and Linville; by request of Attorney General

AN ACT Relating to tolling the statute of limitations for felony sex offenses; and amending RCW 9A.04.080.

Referred to Committee on Criminal Justice & Corrections.

HB 2699 by Representatives O'Brien, Pearson, Ericks, Rodne, Nixon, Kilmer, Green, Sells, McDonald, P. Sullivan, McCoy, Simpson, Moeller, Morrell, Lantz, Hudgins, Linville and McCune; by request of Attorney General

AN ACT Relating to crimes committed with sexual motivation; amending RCW 9.94A.533 and 9.94A.835; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2700 by Representatives O'Brien, Ericks, Rodne, Kilmer, Green, Sells, McDonald, Kenney, P. Sullivan, McCoy, Simpson, Springer, Moeller, Morrell, Lantz and Linville; by request of Attorney General

AN ACT Relating to community protection zones; creating a new section; repealing 2005 c 436 s 4 (uncodified); and repealing 2005 c 436 s 6 (uncodified).

Referred to Committee on Criminal Justice & Corrections.

HB 2701 by Representatives O'Brien, Pearson, Ericks, Rodne, Nixon, Kilmer, Green, Sells, McDonald, McCoy, Simpson, Moeller, Morrell, Lantz, Linville and Hudgins; by request of Attorney General

AN ACT Relating to assault of a child in the second degree; amending RCW 9.94A.030; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2702 by Representatives O'Brien, Pearson, Ericks, Rodne, Kilmer, Green, Sells, McDonald, Kenney, P. Sullivan, McCoy, Simpson, Springer, Morrell, Lantz, Linville and Hudgins; by request of Attorney General

AN ACT Relating to possession of depictions of a minor engaged in sexually explicit conduct; amending RCW 9.68A.070; reenacting and amending RCW 9.94A.515 and 9.94A.670; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2703 by Representatives O'Brien, Pearson, Ericks, Rodne, Kilmer, Green, Sells, McDonald, P. Sullivan, McCoy, Simpson, Moeller, Morrell, Lantz and Linville; by request of Attorney General

AN ACT Relating to sex offender sentencing and disposition alternatives; reenacting and amending RCW 9.94A.670 and 13.40.160; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2704 by Representatives O'Brien, Pearson, Darneille, Kirby, Ahern, Williams, Strow, Kilmer, Green, Sells and Morrell

AN ACT Relating to organized retail theft; amending RCW 9A.56.010; reenacting and amending RCW 9A.82.010 and 9.94A.515; adding new sections to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2705 by Representatives Hinkle, Curtis, Woods, Green, Ericks and Tom

AN ACT Relating to increasing penalties for assaulting or injuring an emergency worker; amending RCW 9A.36.031; reenacting and amending RCW 46.63.020; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2706 by Representatives Hunter, Sommers, Tom, Anderson, Talcott, Quall, McIntire, Dunn, Green, Kenney and Lantz

AN ACT Relating to requiring a more rigorous curriculum for high school graduation; amending RCW 28A.230.010 and 28A.230.090; adding a new section to chapter 28A.230 RCW; and creating new sections.

Referred to Committee on Education.

HB 2707 by Representatives Morrell, Curtis, Clibborn, Schual-Berke and Green

AN ACT Relating to the adjustment of boarding home rates; and amending RCW 74.39A.030.

Referred to Committee on Health Care.

HB 2708 by Representatives Schindler, Woods, Kristiansen, Roach, Bailey, Kretz, Nixon, Holmquist, Sump, Condotta, Kessler, Dunn, Serben, Upthegrove, Armstrong and Hinkle

AN ACT Relating to eliminating the growth management hearings boards; amending RCW 36.70A.110, 36.70A.140, 36.70A.172, 36.70A.210, 36.70A.320, and 36.70A.345; reenacting and amending RCW 36.70A.130; creating a new section; and repealing RCW 36.70A.250, 36.70A.260, 36.70A.270, 36.70A.280, 36.70A.290, 36.70A.295, 36.70A.300, 36.70A.302, 36.70A.305, 36.70A.310, 36.70A.3201, 36.70A.330, 36.70A.335, and 36.70A.340.

Referred to Committee on Local Government.

HB 2709 by Representatives Sump, Ahern, Buri, Haler, Serben, Condotta, Clements, Kretz, Schindler, Roach, Dunn, Buck, Orcutt, Woods, Ericks and McCune

AN ACT Relating to sex offenders; amending RCW 9.94A.540, 9.94A.030, 9.94A.030, and 72.09.335; reenacting and amending RCW 9.94A.515; adding new sections to chapter 72.09 RCW; creating a new section; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2710 by Representatives Buck and B. Sullivan

AN ACT Relating to clarifying the process for hydraulic permit appeals; and amending RCW 77.55.021 and 77.55.301.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2711 by Representatives Kagi, Kessler, Moeller, Rodne, Lovick, McDonald, Morrell, Green, McCoy and Clibborn

AN ACT Relating to visitation rights for grandparents; amending RCW 26.09.004 and 26.10.160; adding a new section to chapter 26.09 RCW; creating a new section; and repealing RCW 26.09.240.

Referred to Committee on Juvenile Justice & Family Law.

HB 2712 by Representatives O'Brien, Pearson, Lovick, McCoy and Simpson; by request of Attorney General

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

Referred to Committee on Criminal Justice & Corrections.

HB 2713 by Representatives Simpson, Woods and Hunt

AN ACT Relating to clarifying that special district boards, councils, and commissions may publicly take positions on ballot measures; amending RCW 42.17.020; and creating a new section.

Referred to Committee on State Government Operations & Accountability.

HB 2714 by Representatives Pettigrew, Buri, Ormsby, Ericks, Curtis, P. Sullivan, Strow, Lantz, Woods, O'Brien, Priest, Moeller, Rodne, Williams, Appleton, Jarrett, Kilmer, Hunt and Kenney

AN ACT Relating to athletic trainers; amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care.

HB 2715 by Representatives Ericks, Anderson, Morris, Haler, Crouse, Hankins, Nixon, Sump, P. Sullivan, Hudgins, Kilmer, Takko, Green, Sells, Clibborn, Simpson, Springer, Roberts, Ormsby, Morrell and McIntire

AN ACT Relating to the state interoperability executive committee; amending RCW 43.105.330; creating a new section; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 2716 by Representatives Fromhold, Kessler, Skinner, Haigh, Strow, Moeller, Armstrong, Conway, Curtis, Murray, Buri, Green, Ericksen, Serben, McDermott, Morrell, McIntire, Appleton, Kenney, P. Sullivan, Ormsby and Linville

AN ACT Relating to nursing facility medicaid payment systems; amending RCW 74.46.020, 74.46.421, 74.46.431, 74.46.506, 74.46.511, and 74.46.521; and adding a new section to chapter 74.46 RCW.

Referred to Committee on Appropriations.

HB 2717 by Representatives Schindler, O'Brien, Dunn, McCune, Miloscia and Holmquist

AN ACT Relating to mobile home park sewer-related charges; and amending RCW 35.67.370.

Referred to Committee on Housing.

HB 2718 by Representatives Morris, Holmquist, O'Brien, Miloscia and Schindler

AN ACT Relating to manufactured home parks or manufactured housing communities; and amending RCW 35.63.160.

Referred to Committee on Housing.

HB 2719 by Representatives O'Brien, Schindler, Dunn, McCune, Miloscia and Holmquist

AN ACT Relating to the cancellation of delinquent personal property taxes on mobile homes; amending RCW 84.56.240; and providing an effective date.

Referred to Committee on Housing.

HB 2720 by Representatives Simpson, Schindler, Takko, P. Sullivan, B. Sullivan and Woods

AN ACT Relating to water-sewer districts; amending RCW 36.55.060, 44.04.170, 57.08.005, and 57.08.120; adding new sections to chapter 57.24 RCW; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government.

HB 2721 by Representatives Ericks, Haler, Roberts, Morris, Takko, B. Sullivan, Hasegawa, Moeller,

Simpson, Sells, Green, Ormsby, Springer and Priest

AN ACT Relating to levy lid lifts for fire protection districts; and amending RCW 84.55.050.

Referred to Committee on Local Government.

HB 2722 by Representatives Ericks, Haler, Hudgins, Conway, B. Sullivan, Simpson, Hasegawa, Roberts, Moeller, Appleton, Green, Sells, Kenney, Clibborn, Ormsby, Morrell, Lantz, Uptegrove and P. Sullivan

AN ACT Relating to price gouging during significant disruption, emergency, or disaster; adding new sections to chapter 19.86 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2723 by Representatives Tom, Lantz, Priest, Clibborn, Shabro, Hunter and Green

AN ACT Relating to a seller's real estate disclosure of proximity to farming; and repealing RCW 64.06.022.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2724 by Representatives Hasegawa, Eickmeyer, B. Sullivan, Ericks, Ormsby, Green and McCoy

AN ACT Relating to the sale of public lands; and adding a new chapter to Title 42 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2725 by Representatives Conway, Kenney, Cody, Ormsby, Miloscia, Green, McCoy, Simpson, Moeller, Morrell and Campbell

AN ACT Relating to compensating on-call workers for active duty hours under the state minimum wage act; and amending RCW 49.46.010.

Referred to Committee on Commerce & Labor.

HB 2726 by Representatives Chase, Skinner, Kessler, Haler, Kilmer, Grant, Chandler, Blake, Clements, Linville, Newhouse, McCoy, Kristiansen, Kenney and Wallace

AN ACT Relating to assisting small manufacturers; adding a new section to chapter 43.330 RCW; adding a new chapter to Title 24 RCW; creating a new section; and making an appropriation.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2727 by Representatives Kristiansen, Blake, Shabro, Hinkle, Condotta, B. Sullivan and McDonald

AN ACT Relating to eligibility for nonhighway and off-road vehicle activities program account grant funding; and amending RCW 46.09.170.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2728 by Representatives Campbell, Curtis, Haler, Hinkle, Condotta, Skinner, Priest, Nixon, Ericksen, Newhouse, Kilmer, Dunn, Simpson and McCune

AN ACT Relating to tax incentives for employer provided health care; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Health Care.

HB 2729 by Representatives O'Brien, Strow, Roberts, Talcott, Moeller and Ericks

AN ACT Relating to salary bonuses for certificated instructional staff attaining state professional certification; adding a new section to chapter 28A.405 RCW; and creating a new section.

Referred to Committee on Education.

HB 2730 by Representatives O'Brien, Nixon and Hasegawa

AN ACT Relating to signature requirements for minor party nominations; and amending RCW 29A.20.141.

Referred to Committee on State Government Operations & Accountability.

HB 2731 by Representatives O'Brien, Strow and Ericks

AN ACT Relating to advanced certification and education for teachers; amending RCW 28A.410.250; adding a new section to chapter 28A.405 RCW; and creating a new section.

Referred to Committee on Education.

HB 2732 by Representatives O'Brien, Santos, Ericks, Green, Roberts, Ormsby and Moeller

AN ACT Relating to establishing a council on mentally ill offenders; adding new sections to chapter 72.09 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 2733 by Representatives P. Sullivan, Simpson, Haler, McCoy, Schual-Berke, Curtis, Green and Morrell

AN ACT Relating to information on high school transcripts; and amending RCW 28A.305.220 and 28A.655.061.

Referred to Committee on Education.

HB 2734 by Representatives Clements, Chandler and Condotta

AN ACT Relating to disqualification from unemployment compensation for using or being under the influence of intoxicating liquor or a controlled substance while acting in the scope of employment; amending RCW 50.04.294; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 2735 by Representatives Clements and O'Brien

AN ACT Relating to reestablishing community protection zones; repealing 2005 c 436 s 4 (uncodified); and repealing 2005 c 436 s 6 (uncodified).

Referred to Committee on Criminal Justice & Corrections.

HB 2736 by Representatives Chase, Haler, Kretz, Buri, Crouse, Holmquist, Grant, Dunn, Schindler and McCune

AN ACT Relating to sales and use tax exemptions for police and fire equipment; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2737 by Representatives Chase, Haler, Buri, Holmquist and Grant

AN ACT Relating to contracts between public hospital districts and correctional industry programs; and amending RCW 70.44.060.

Referred to Committee on Local Government.

HB 2739 by Representatives Orcutt, Blake, Kretz and B. Sullivan

AN ACT Relating to integrating the forest practices act and hydraulic project approvals by authorizing the department of natural resources to approve certain hydraulic projects; amending RCW 77.55.021, 76.09.050, and 76.09.030; and adding a new section to chapter 77.55 RCW.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2740 by Representatives Orcutt, Blake and Kretz

AN ACT Relating to reauthorizing the department of natural resources to have exclusive jurisdiction over all forest practices applications; amending RCW 76.09.060 and 76.09.065; repealing RCW 76.09.240; and providing an effective date.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2741 by Representatives Orcutt, B. Sullivan, Kretz and Blake

AN ACT Relating to reducing the fee for class IV forest practices applications so that it is equal to the fee required for all other classes of forest practice applications; and amending RCW 76.09.065.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2742 by Representatives Clibborn, Morrell, Curtis, Moeller, Schual-Berke and Flannigan

AN ACT Relating to the provision of services to independent residents in a continuing care retirement community; amending RCW 18.20.020; and adding a new section to chapter 74.39 RCW.

Referred to Committee on Health Care.

HB 2743 by Representatives O'Brien, Ericks and Morrell

AN ACT Relating to endangerment with a controlled substance; and amending RCW 9A.42.100.

Referred to Committee on Criminal Justice & Corrections.

HB 2744 by Representatives O'Brien and Ericks

AN ACT Relating to volunteer services provided to the state; and amending RCW 51.12.035.

HELD ON FIRST READING.

HB 2745 by Representatives O'Brien, Ahern, Ericks, Nixon, Simpson, Tom, Hudgins and McCune

AN ACT Relating to making driving or physical control of a vehicle while under the influence of intoxicating liquor or any drug a felony; amending RCW 46.61.502, 46.61.504, 46.61.5055, 46.61.5151, 9.94A.640, 9.94A.030, and 9.94A.650; reenacting and amending RCW 9.94A.515 and 9.94A.525; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 2746 by Representatives Miloscia, O'Brien, Ericks and Simpson

AN ACT Relating to endangerment with a controlled substance; and reenacting and amending RCW 9.94A.515.

Referred to Committee on Criminal Justice & Corrections.

HB 2747 by Representatives Lovick, O'Brien, Ericks, Kilmer, Simpson and Moeller

AN ACT Relating to a model policy for disclosure of sex offender information; amending RCW 4.24.5501; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 2748 by Representatives Miloscia, O'Brien and Ericks

AN ACT Relating to the collection of biological samples for criminal investigations; and amending RCW 43.43.753, 43.43.754, 43.43.7541, and 43.43.756.

Referred to Committee on Criminal Justice & Corrections.

HB 2749 by Representatives B. Sullivan, McCoy, Upthegrove, Chase, P. Sullivan, Appleton, Eickmeyer, Newhouse, Miloscia, Dunshee, Conway and Buck

AN ACT Relating to specialized forest products; and amending RCW 76.48.020, 76.48.060, 76.48.070, 76.48.100, and 76.48.110.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2750 by Representatives Sells, McCoy, Moeller and Morrell

AN ACT Relating to the disclosure of federal social security numbers by county auditors; amending RCW 65.04.140; adding a new section to chapter 42.56 RCW; adding a new section to chapter 36.22 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on State Government Operations & Accountability.

HB 2751 by Representatives Haigh, Tom, Hunt, Santos, Quall, Curtis, Wallace, Priest and Green

AN ACT Relating to school administrators with superintendent certification; and amending RCW 28A.410.120.

Referred to Committee on Education.

HB 2752 by Representatives Haigh, Nixon, Armstrong and P. Sullivan; by request of Secretary of State

AN ACT Relating to valid voter registrations; amending RCW 29A.08.112, 29A.08.810, 29A.08.820, 29A.08.840, 29A.08.850, and 29A.40.140; and repealing RCW 29A.08.830.

Referred to Committee on State Government Operations & Accountability.

HB 2753 by Representatives Haigh, Nixon, Hunt and Tom; by request of Secretary of State

AN ACT Relating to electronic voter registration; amending RCW 29A.08.010, 29A.08.110, 29A.08.107, 29A.08.145, and 29A.08.210; repealing RCW 29A.08.230 and 29A.72.220; and providing an effective date.

Referred to Committee on State Government Operations & Accountability.

HB 2754 by Representatives Morrell, Campbell, Green, Haigh, Appleton, Kilmer, Darneille, Cox, Ormsby, Haler, Chase, P. Sullivan, McCoy, Wallace, Sells, Serben, Curtis, Moeller, Blake, Cody, Kenney, Conway, Ericks, Clibborn, Kessler, Simpson and Linville

AN ACT Relating to creation of the veterans innovations program; amending RCW 43.60A.010; adding new sections to chapter 43.60A RCW; adding new sections to chapter 43.131 RCW; creating a new section; and making an appropriation.

Referred to Committee on State Government Operations & Accountability.

HB 2755 by Representatives Schindler, Ahern, Holmquist, Sump, Talcott, McDonald, Crouse, Shabro, Roach, McCune, Buck and Woods

AN ACT Relating to sex offenders; amending RCW 9.94A.030, 9.94A.030, 9.94A.712, 9.94A.712, 9.68A.040, 9.68A.050, 9.68A.060, 9.68A.070, 9.68A.100, 9A.36.130, 9A.36.140, 9A.40.090, 9A.44.060, 9A.44.079, 9A.44.086, 9A.44.093, 9A.44.105, 9A.44.160, 9A.52.025, 9A.52.030, 9A.64.020, 9A.64.030, 9A.88.010, and 9A.88.070; reenacting and amending RCW 9.94A.515; adding a new section to chapter 9A.44 RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2756 by Representatives Hunter, Roach, Lovick, Woods, Wallace, Kilmer, Kessler, Williams, Nixon, Orcutt, McDonald, McCoy, Dickerson and Schindler

AN ACT Relating to sales and use tax exemptions for prescribed durable medical equipment used in the home and prescribed mobility enhancing equipment; amending RCW 82.08.0283 and 82.12.0277; and providing an effective date.

Referred to Committee on Finance.

HB 2757 by Representatives Kirby and Roach

AN ACT Relating to banks and savings banks; amending RCW 25.15.030 and 25.15.270; adding a new section to chapter 30.08 RCW; and adding a new section to chapter 32.08 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2758 by Representatives Ericks, Orcutt, Clibborn, Kessler, Nixon, Sells, McDonald, Williams, P. Sullivan, Roach, McCoy, Woods, Talcott, Haler, Simpson, Sump, Springer, Rodne, Condotta, Serben, Kristiansen, Ahern, Kretz, Linville, Tom, Armstrong and McCune

AN ACT Relating to syrup taxes; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2759 by Representatives Ericks, Pearson, Dunshee, Sells, Roberts and Rodne

AN ACT Relating to the transfer of certain real property and facilities acquired, constructed, or improved using Referendum 29 or 37 bonds; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Capital Budget.

HB 2760 by Representatives Dunn and Haler

AN ACT Relating to faculty salary increments for community and technical colleges; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Ed & Workforce Ed.

HB 2761 by Representatives Springer, Rodne, Lantz, Williams and Moeller

AN ACT Relating to money laundering; amending RCW 9A.83.030; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2762 by Representatives Dickerson and Ahern

AN ACT Relating to the joint task force on criminal background check processes; reenacting and amending 2005 c 452 s 1 (uncodified); and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 2763 by Representative Dickerson

AN ACT Relating to the crime prevention and privacy compact; adding new sections to chapter 43.43 RCW; creating a new section; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2764 by Representatives Santos, Hasegawa, Pettigrew, McCoy and Kenney

AN ACT Relating to state academic requirements; and amending RCW 28A.655.061.

Referred to Committee on Education.

HB 2765 by Representatives Buri, Clibborn, Nixon, Cox, Serben, Kristiansen, Jarrett, Kilmer, Wallace, Woods, Moeller and Kretz

AN ACT Relating to limiting the posting of hazards to motorcycles to paved roadways; and reenacting and amending RCW 47.36.200.

Referred to Committee on Transportation.

HB 2766 by Representatives Ericksen, Buck and Dunn

AN ACT Relating to wildlife; and amending RCW 77.08.010.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2767 by Representatives Ericksen, Holmquist, Sump, Newhouse, Dunn, Woods, Morrell, Condotta, Serben, Kristiansen, Kretz and Armstrong

AN ACT Relating to eliminating the relinquishment of water rights for the growing of crops used in the production of alternative fuels; and reenacting and amending RCW 90.14.140.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2768 by Representatives Ericksen, Nixon, Rodne, Anderson, Dunn, Woods and Holmquist

AN ACT Relating to tax incentives for motor vehicle purchases to reduce air pollution; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 2771 by Representatives Ericksen, Dunn, Rodne, Sump, Shabro, Nixon, Clements, Buck, Orcutt, Woods, Condotta, Serben, Kristiansen, Kretz and Armstrong

AN ACT Relating to administrative rule making; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2770 by Representatives Ericksen, Dunn, Linville and Holmquist

AN ACT Relating to tax relief for the use of technology with reduced environmental impact; amending RCW 82.08.900 and 82.12.900; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Technology, Energy & Communications.

HB 2772 by Representatives Linville, Kristiansen, P. Sullivan, Grant, Haler, Morris, Ericks, Fromhold, Kessler, B. Sullivan, Kilmer, Hunter, McCoy, Simpson, Morrell and Tom

AN ACT Relating to the administration of tax incentive programs; amending RCW 82.62.020, 82.32.545, 82.32.590, 82.32.600, 82.04.4452, 82.32.560, 82.32.570, 82.32.610, 82.32.620, and 82.32.330; reenacting and amending RCW 82.32.330; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.60.010, 82.60.020, 82.60.030, 82.60.040, 82.60.049, 82.60.050, 82.60.060, 82.60.065, 82.60.070, 82.60.080, 82.60.090, 82.60.100, 82.60.110, 82.60.900, 82.60.901, 82.63.005, 82.63.010, 82.63.020, 82.63.030, 82.63.045, 82.63.060, 82.63.070, 82.63.900, 82.74.010, 82.74.020, 82.74.030, 82.74.040, 82.74.050, 82.74.060, and 82.74.070; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 2773 by Representatives Nixon and Ericks

AN ACT Relating to prominently marked, publicly owned vehicles; and amending RCW 46.08.065 and 46.08.066.

Referred to Committee on State Government Operations & Accountability.

HB 2774 by Representatives Nixon and Jarrett

AN ACT Relating to public records inspection and copying; amending RCW 42.56.070, 42.56.240, 42.56.250, 42.56.270, 42.56.320, 42.56.350, 42.56.360, 42.56.380, 42.56.400, 42.56.410, 42.56.420, 42.56.450, and 42.56.470; adding new sections to chapter 42.56 RCW; creating a new section; and providing an effective date.

Referred to Committee on State Government Operations & Accountability.

HB 2775 by Representatives P. Sullivan, Holmquist, Morris, Kilmer, Green, Sells, Kenney, McCoy, Wallace, Springer, Ormsby, Moeller, Morrell, Linville and Hudgins; by request of Governor Gregoire

AN ACT Relating to the creation of the Washington bioenergy loan program; amending RCW 42.56.270; reenacting and amending RCW 43.84.092; adding a new chapter to Title 43 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

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

REPORTS OF STANDING COMMITTEES

January 10, 2006
HB 2330 Prime Sponsor, Representative Blake: Modifying provisions concerning the administration of a crab pot buoy tag program. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do Pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

January 10, 2006
HB 2332 Prime Sponsor, Representative Buck: Concerning recreational fishing for albacore tuna. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

January 10, 2006
HB 2344 Prime Sponsor, Representative Kessler: Authorizing three superior court judges in Clallam county. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass substitute. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Kirby; Serben; Springer; Williams and Wood.

Thomas Hoemann, Secretary

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

MINORITY recommendation: Signed by Representatives Campbell.

There being no objection, the House adjourned until 10:00 a.m., January 13, 2006, the 5th Day of the Regular Session.

Passed to Committee on Rules for second reading.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

January 10, 2006

HB 2348 Prime Sponsor, Representatives Morris: Extending tax relief for aluminum smelters. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; P. Sullivan; Sump and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Nixon.

Passed to Committee on Rules for second reading.

January 10, 2006

HB 2375 Prime Sponsor, Williams: Simplifying session law publication. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 10, 2006

HB 2379 Prime Sponsor, Lantz: Disposing of nonprobate assets under will. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Kirby; Serben; Springer; Williams and Wood.

MINORITY recommendation: Signed by Representatives Campbell.

Passed to Committee on Rules for second reading.

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

MESSAGE FROM THE SENATE

January 12, 2006

Mr. Speaker:

The President has signed SUBSTITUTE HOUSE BILL NO. 2370, and the same is herewith transmitted.

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FIFTH DAY

House Chamber, Olympia, Friday, January 13, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Cedric Bond and Kailee Napier. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Anna Joy Grace, Unity Church of Olympia.

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

The Speaker assumed the chair.

INTRODUCTION & FIRST READING

HB 2744 by Representatives O'Brien and Ericks

AN ACT Relating to volunteer services provided to the state; and amending RCW 51.12.035.

HELD ON FIRST READING.

HB 2776 by Representatives Dickerson, Kirby, Roach and McDonald

AN ACT Relating to home heating fuel service contracts; amending RCW 48.110.015 and 48.110.020; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 2777 by Representatives Dickerson, Kenney, Green, Cody, Appleton, Hunt, Murray, Simpson and McDermott

AN ACT Relating to requiring minimum paid sick leave from employment; amending RCW 49.12.280, 49.12.285, 49.12.287, and 49.12.290; adding new sections to chapter 49.12 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2778 by Representatives Murray, Kristiansen, Dickerson, Clements, Chase, McDonald and Dunn

AN ACT Relating to the business and occupation taxation of payments and contributions to nonprofit convention and tourism promotion corporations by public entities; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 2779 by Representatives P. Sullivan, Simpson, Roberts, Moeller, Dunshee and Hudgins

AN ACT Relating to vehicle headlights; and amending RCW 46.37.020.

Referred to Committee on Transportation.

HB 2780 by Representatives McDermott, Hunt, Santos, Cody, Sells, Conway, Kenney, Ormsby, Williams, Green, Dunshee, Campbell, Appleton, Chase and Hasegawa

AN ACT Relating to authorizing additional payroll deductions for state employees; and amending RCW 41.04.230.

Referred to Committee on State Government Operations & Accountability.

HB 2781 by Representatives Ahern, Takko, Rodne, O'Brien, Kretz, Roach, Sump, Crouse, Walsh, Pearson, Dunn, Strow, McCune, Holmquist, Schindler, Skinner, Cox and Kristiansen

AN ACT Relating to sentence enhancements for drug offenses that also involve causing damage to a dwelling or any building; and amending RCW 9.94A.533.

Referred to Committee on Criminal Justice & Corrections.

HB 2782 by Representatives Ahern, Strow and McCune

AN ACT Relating to adding rape of a child in the third degree and child molestation in the third degree to the list of "two strikes" offenses; amending RCW 9.94A.030, 9.94A.030, 9.94A.712, and 9.94A.712; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2783 by Representatives Ahern, Sump, Kretz, Orcutt, Holmquist, Roach, Kristiansen, McCune and Dunn

AN ACT Relating to imposing a mandatory life sentence for certain sex offenses against children; amending RCW 9.94A.570, 9.94A.030, and 9.94A.030; reenacting and amending RCW 9.94A.515; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2784 by Representatives McCune, Dunn, Roach, Ahern, Campbell, Buri, Morrell, Hinkle, Bailey,

Strow, Kilmer, Curtis, Green, Orcutt, Chase, Kessler, Conway, Nixon, Pearson, Kristiansen, Holmquist, Rodne, McCoy, McDonald, P. Sullivan, Simpson, Springer, Lantz, Ericks, Alexander and Linville

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

Referred to Committee on Finance.

HB 2785 by Representatives Quall, Tom, P. Sullivan, Hunter, Morrell, Nixon, Rodne, Roberts, Schual-Berke, Simpson, Springer, Sells, Lantz, Linville, Dunshee and Kagi; by request of Superintendent of Public Instruction

AN ACT Relating to authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement; and adding a new section to chapter 28A.655 RCW.

Referred to Committee on Education.

HB 2786 by Representatives Shabro, Quall, Priest, Haler, Jarrett, Tom, Cox, Anderson, Wallace, Curtis, Talcott, Morrell, Rodne, Moeller, Schual-Berke and P. Sullivan

AN ACT Relating to providing schools information they need regarding who has legal custody, care, or control of students for purposes of providing notice; and adding a new section to chapter 26.09 RCW.

Referred to Committee on Juvenile Justice & Family Law.

HB 2787 by Representatives Hunter, Nixon and Hudgins

AN ACT Relating to identification documents; adding a new section to chapter 19.192 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Technology, Energy & Communications.

HB 2788 by Representatives McDonald, Hinkle, Schindler and Shabro

AN ACT Relating to creating a putative father registry; adding new sections to chapter 26.26 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Juvenile Justice & Family Law.

HB 2789 by Representatives Quall, Conway, Wood, Hasegawa, Haigh, Ormsby, Murray, Chase, Kessler, Morrell, Green, Roberts, McCoy, Moeller, Simpson, Sells, Lantz, McDermott, Ericks, Hankins, Kagi and Hudgins; by request of Governor Gregoire

AN ACT Relating to expanding opportunities for graduating secondary school students to enter apprenticeships; and adding new sections to chapter 49.04 RCW.

Referred to Committee on Commerce & Labor.

HB 2790 by Representatives Rodne, O'Brien, Woods, Ericks, Hinkle, Kessler, Simpson and Darneille

AN ACT Relating to advisory sentencing guidelines; amending RCW 9.94A.480; adding a new section to chapter 9.94A RCW; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2791 by Representatives Kirby and Roach

AN ACT Relating to regulating insurance overpayment recovery practices; and amending RCW 48.43.600 and 48.43.605.

Referred to Committee on Financial Institutions & Insurance.

HB 2792 by Representatives Kenney, Hinkle, Kessler, Erickson, Hasegawa, Morris, Bailey and Talcott

AN ACT Relating to the calculation of glomerular filtration rate when testing to diagnose kidney disease; and adding a new section to chapter 70.42 RCW.

Referred to Committee on Health Care.

HB 2793 by Representatives Chase, Moeller, Pettigrew, Hasegawa, Morrell and Santos

AN ACT Relating to providing incentives for recycling beverage containers; adding a new chapter to Title 70 RCW; and providing an effective date.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2794 by Representatives Chase, B. Sullivan, Dickerson, Upthegrove, Ericks, Linville, Pettigrew, Hunt, Murray, McCoy, Miloscia, Grant, Sells, Williams, Kenney, Simpson and Kagi

AN ACT Relating to minimizing the environmental cost of greenhouse gas emissions by encouraging mitigation for carbon dioxide; adding a new section to chapter 82.04 RCW; and adding new sections to chapter 70.94 RCW.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2795 by Representatives Chase, Hasegawa, Moeller and Conway

AN ACT Relating to maximum capital and surplus accumulations by health care service contractors and health maintenance organizations; amending RCW 48.31C.060 and 48.43.305; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

HB 2796 by Representatives Chase, Morris, Ericks, P. Sullivan, Hunt, Crouse, Clibborn, McCoy, Eickmeyer, Pettigrew, Miloscia, McCune, Grant,

Sells, Williams, Moeller, Dunshee, Hasegawa, Conway, Upthegrove, Kenney, Kilmer, Linville, Hudgins and Dunn

AN ACT Relating to plug-in hybrid electric vehicles; amending RCW 43.19.570; reenacting and amending RCW 43.19.1905; and adding a new section to chapter 43.19 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2797 by Representatives Chase, Ericks, Pettigrew, P. Sullivan, Hunt, Roberts, McCoy, Eickmeyer, Moeller, Miloscia, Grant, Sells, Williams, Hasegawa, Upthegrove, Kenney, Santos, Simpson and Hudgins

AN ACT Relating to creating a Washington state energy efficiency program road map; adding a new section to chapter 28B.30 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

HB 2798 by Representatives Chase, Williams, Hasegawa, Conway, Upthegrove, Pettigrew and Kenney

AN ACT Relating to paper billing fees for telecommunications services; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 2799 by Representatives Chase, Morris, Crouse, Eickmeyer, Clibborn, P. Sullivan, Hunt, McCoy, Miloscia, Grant, Sells, Williams, McCune, Moeller, Conway, Upthegrove, Morrell, Simpson, Kilmer, Kagi, Hudgins, Dunn and Darneille

AN ACT Relating to providing tax exemptions for solar hot water systems; and amending RCW 82.08.02567.

Referred to Committee on Technology, Energy & Communications.

HB 2800 by Representatives Chase, Morris, Ericks, Pettigrew, P. Sullivan, Hunt, Clibborn, Crouse, McCoy, Miloscia, McCune, Grant, Sells, Williams, Hasegawa, Moeller, Upthegrove, Kenney, Santos, Simpson and Darneille

AN ACT Relating to the voluntary green power program; and reenacting and amending RCW 19.29A.090.

Referred to Committee on Technology, Energy & Communications.

HB 2801 by Representatives Chase, Morrell, Hasegawa, McCoy, Sump, Hunt, Hunter, Upthegrove, Pettigrew, Kenney, Roberts, Moeller, Santos, Schual-Berke, Simpson, Kagi and Darneille

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

Referred to Committee on Judiciary.

HB 2802 by Representatives Takko, Dunn, Appleton, Wallace, McCune, Blake, Morrell, McDonald, Hasegawa, Kagi and Moeller

AN ACT Relating to providing paratransit bus services for individuals with disabilities; adding a new chapter to Title 81 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2803 by Representatives Green, Dickerson, Cody, O'Brien, Clibborn, Appleton, Morrell, Moeller, Santos and Darneille

AN ACT Relating to medical assistance mental health benefits; and amending RCW 74.09.520.

Referred to Committee on Health Care.

HB 2804 by Representatives Conway, Holmquist, Serben, McIntire, Ahern, McDermott, Rodne, Buri, McDonald, McCune and Dunn; by request of Office of the Lieutenant Governor

AN ACT Relating to the property tax exemption for nonprofit schools and colleges; amending RCW 84.36.050 and 84.36.805; and creating new sections.

Referred to Committee on Finance.

HB 2805 by Representatives O'Brien, Ericks, Morrell, Miloscia and Green

AN ACT Relating to missing persons; amending RCW 68.50.320; adding new sections to chapter 36.28A RCW; adding a new section to chapter 43.103 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 43.70 RCW; and creating new sections.

Referred to Committee on Criminal Justice & Corrections.

HB 2806 by Representatives McIntire, Condotta, Chase, Conway, Nixon, Buri, Dickerson, Cody, Roberts, Clibborn, Hunt, Jarrett, Moeller, Sells, Ericks, Kagi and Darneille; by request of Governor Gregoire

AN ACT Relating to conforming Washington's tax structure to the streamlined sales and use tax agreement; amending RCW 82.32.020, 82.08.037, 82.12.037, 82.02.210, 82.32.030, 82.14.020, 82.14.390, 82.32.520, 82.04.065, 82.04.065, 82.08.0289, 82.08.0289, 82.04.060, 82.04.190, 82.14B.020, 82.72.010, 82.32.555, 35A.82.055, 35A.82.060, 35A.82.060, 35A.82.065, 35.21.712, 35.21.714, 35.21.714, 35.21.715, 35.21.860, 35.102.020, 82.04.530, 82.16.010, 82.08.0283, 82.12.0277, 82.08.803, 82.12.803, 82.08.945, 82.12.945, 82.04.470, 82.08.010, 82.08.010, and 82.32.430; amending 2004 c 153 s 502 (uncodified); reenacting and amending RCW 82.04.050, 82.14B.030, 82.08.050, and

82.32.330; adding new sections to chapter 82.32 RCW; adding new sections to chapter 82.14 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 44.28 RCW; creating new sections; providing effective dates; providing a contingent effective date; and providing expiration dates.

Referred to Committee on Finance.

HB 2807 by Representatives Haigh and McDermott

AN ACT Relating to deducting union dues for state employees; and amending RCW 41.80.100 and 41.04.230.

Referred to Committee on Commerce & Labor.

HB 2808 by Representatives Nixon, Bailey, Ahern, Sump, Strow, Serben, Crouse, Roach, Condotta, Kristiansen, Kretz and Schindler

AN ACT Relating to prohibiting strikes and lockouts under chapter 41.59 RCW; amending RCW 41.59.020; adding a new section to chapter 41.59 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2809 by Representative Nixon

AN ACT Relating to creating multiple degrees of illegal voting; amending RCW 29A.84.010, 29A.84.130, 29A.84.140, 29A.84.610, 29A.84.650, and 29A.84.660; reenacting and amending RCW 29A.84.670 and 29A.84.680; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2810 by Representatives O'Brien and Morrell

AN ACT Relating to recycling electronic products; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2811 by Representatives O'Brien and Morrell

AN ACT Relating to creating a covered electronic device recycling program; and adding a new chapter to Title 19 RCW.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2812 by Representatives Hunter, Rodne, Quall, Nixon, P. Sullivan, Jarrett, Clibborn, Tom, Morrell, Fromhold, Roberts, Schual-Berke, Simpson, Anderson and Kagi

AN ACT Relating to school district levies; amending RCW 84.52.0531; and repealing 2004 c 21 s 3 (uncodified).

Referred to Committee on Education.

HB 2813 by Representatives O'Brien, Williams, Strow and Kirby

AN ACT Relating to shopping carts; amending RCW 4.24.220, 4.24.230, and 9A.56.270; adding a new section to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2814 by Representatives Simpson, Schindler, Springer and Lantz; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to schedules for the review of comprehensive plans and development regulations for certain cities and counties; reenacting and amending RCW 36.70A.130; and creating a new section.

Referred to Committee on Local Government.

HB 2815 by Representatives Simpson, Jarrett, Springer and Lantz; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to clarifying the best available science requirements to protect critical areas; and amending RCW 36.70A.172, 36.70A.280, 36.70A.290, and 36.70A.300.

Referred to Committee on Local Government.

HB 2816 by Representatives Green, Walsh, Clibborn, Campbell, Morrell and Santos

AN ACT Relating to pilot projects for dental hygienists; and creating new sections.

Referred to Committee on Health Care.

HB 2817 by Representatives Sells, McCoy, Strow, Dunshee, Lovick, Jarrett, Morris, Ormsby, Morrell, Haler, O'Brien, Fromhold, Ericks, Kilmer and B. Sullivan

AN ACT Relating to establishing a state priority and state objectives for access, enrollment, delivery, and degree achievements in the fields of engineering, technology, biotechnology, science, computer science, and mathematics in higher education; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Higher Ed & Workforce Ed.

HB 2818 by Representatives McIntire, Kenney, McDermott, Hunter, Ormsby, Linville, Wood, Fromhold, Morrell, Conway, Condotta and Springer

AN ACT Relating to the state of Washington's economic, cultural, and educational standing in the motion picture industry; adding a new section to chapter 82.04 RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2819 by Representatives Lovick, Dunshee and McCoy

AN ACT Relating to passengers riding on the outside part of vehicles; amending RCW 46.61.660; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

HB 2820 by Representatives Pettigrew, Santos, Hinkle, Hasegawa, Hudgins, Chase, Holmquist, Upthegrove and McDonald

AN ACT Relating to excise tax relief for businesses impacted by light rail construction; adding a new section to chapter 82.04 RCW; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 2821 by Representatives Woods, Nixon, Schindler, Hankins, Bailey, Ericksen, Talcott, Buck, McCune and Dunn

AN ACT Relating to opening high-occupancy vehicle lanes during nonpeak hours; and amending RCW 46.61.165 and 47.52.025.

Referred to Committee on Transportation.

HB 2822 by Representatives Priest, Haler, Orcutt, Campbell, Ericksen, Woods, Alexander, Talcott, Kristiansen, Holmquist, Rodne, Serben, Roach, Buri, Skinner, Schindler, Hinkle, Jarrett, McDonald, P. Sullivan, Simpson, Walsh, Tom, Armstrong, McCune, Shabro and Dunn

AN ACT Relating to taking a motor vehicle without permission; amending RCW 9A.56.070, 9.94A.545 and 13.40.0357; reenacting and amending RCW 9.94A.505; adding new sections to chapter 9.94A RCW; prescribing penalties; and making appropriations.

Referred to Committee on Criminal Justice & Corrections.

HB 2823 by Representatives Lovick, Dunshee, McCoy, Santos, Simpson and Hasegawa

AN ACT Relating to requiring a study of school district curriculum; and creating new sections.

Referred to Committee on Education.

HB 2824 by Representatives Lovick, McCoy, Green and Ericks

AN ACT Relating to threats with a firearm against persons involved in school activities; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2825 by Representatives Lovick and McCoy

AN ACT Relating to deferred disposition of juveniles; and amending RCW 13.40.127.

Referred to Committee on Juvenile Justice & Family Law.

HB 2826 by Representatives Lovick, McCoy, Green, Condotta, Springer and Ericks

AN ACT Relating to the possession of dangerous weapons on school facilities; amending RCW 9.41.280; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2827 by Representatives Lovick, McCoy, Green and Ericks

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

Referred to Committee on Criminal Justice & Corrections.

HB 2828 by Representatives Morrell, Kilmer, Roach, Green, Priest, Morris, Haigh, P. Sullivan, Simpson, Moeller, Linville, Upthegrove, Orcutt, Kessler, Appleton, McCoy, McDonald, Springer, Ericks and McCune

AN ACT Relating to a business and occupation credit for employers who rehire returning active duty national guard members; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2829 by Representatives Wallace, Curtis, Haigh, Springer, Morrell, Hunt, Takko, Schual-Berke, Murray and Moeller; by request of Department of Licensing

AN ACT Relating to driver training schools; amending RCW 46.82.280, 46.82.300, 46.82.310, 46.82.320, 46.82.325, 46.82.330, 46.82.340, 46.82.350, 46.82.360, 46.82.370, 46.82.420, 18.235.020, and 46.20.055; adding a new section to chapter 46.82 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 2830 by Representatives Quall, Bailey, Hunter, Schual-Berke, McDermott, Linville and Kagi

AN ACT Relating to educational staff associates; and amending RCW 28A.150.410.

Referred to Committee on Education.

HB 2831 by Representatives Nixon and Simpson

AN ACT Relating to prohibiting the commercial use of lists obtained through the public records act; amending RCW 42.17.020 and 42.56.070; adding a new section to chapter 42.56 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on State Government Operations & Accountability.

HB 2832 by Representatives Condotta, Blake, Hinkle, Kristiansen and Holmquist

AN ACT Relating to reducing the administrative cap on off-road vehicle moneys; and amending RCW 46.09.110.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2833 by Representatives Haigh, Eickmeyer, Green, Morris, Crouse, Armstrong, Curtis, Sump, Dunshee and Clements

AN ACT Relating to the state board for volunteer fire fighters and reserve officers; and amending RCW 41.24.250.

Referred to Committee on Appropriations.

HB 2834 by Representatives Ericks, Hunter, Clibborn, Schual-Berke, Kagi, Green, Orcutt, Newhouse, Appleton, Haler, Campbell, Nixon, Jarrett, Ericksen, Woods, Talcott, Kristiansen, Hinkle, Holmquist, Alexander, Roach, Ahern, Schindler, McDonald, Murray, Santos, Simpson, Tom, Springer, Pearson, Linville, Bailey and McCune

AN ACT Relating to the discontinuation of the nursing facility bed tax; creating a new section; repealing RCW 74.46.091, 74.46.535, 82.71.010, 82.71.020, and 82.71.030; and providing an effective date.

Referred to Committee on Appropriations.

HB 2835 by Representatives Lovick, O'Brien, Wood, Miloscia, Darneille, Chase, Hasegawa, McDermott and Linville

AN ACT Relating to the sale and use of projectile stun guns; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2836 by Representatives Sommers, Kagi, Green and Kilmer

AN ACT Relating to funding for reading achievement; reenacting and amending RCW 43.79A.040; and adding a new section to chapter 43.79 RCW.

Referred to Committee on Appropriations.

HB 2837 by Representatives O'Brien, McCune, Morris and Dunn

AN ACT Relating to eliminating advance property tax payments for binding site plans; and amending RCW 84.40.042 and 58.08.040.

Referred to Committee on Local Government.

HB 2838 by Representatives B. Sullivan, Condotta, Ericksen, Talcott, Kristiansen, Holmquist, Ahern, Schindler, Alexander, Bailey and McCune

AN ACT Relating to employee wages and benefits; amending RCW 49.46.010 and 49.46.020; adding a new

section to chapter 49.46 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2839 by Representatives Strow, Ahern, Skinner, Ericksen, Shabro, Pearson, Haler, Orcutt, Campbell, Woods, Alexander, Talcott, Holmquist, Rodne, Serben, Roach, Buri, Schindler, Hinkle, Jarrett, Walsh, Armstrong, Bailey, McCune and Priest

AN ACT Relating to methamphetamines; amending RCW 9.94A.030, 9.94A.030, 69.50.440, 69.50.401, and 9.94A.518; adding a new section to chapter 9.91 RCW; adding a new section to chapter 69.50 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 2840 by Representatives Roach, Kirby, Pettigrew, Morrell, McCune, Pearson, Ericks, Buck, Orcutt, Kessler, Haler, Campbell, Nixon, Green, Ericksen, Woods, Alexander, Talcott, Kristiansen, Holmquist, Rodne, Serben, Buri, Skinner, Schindler, Hinkle, Jarrett, McDonald, Walsh, Springer, Sells, Armstrong, Kilmer, Bailey, Priest, Shabro and Dunn

AN ACT Relating to increasing the penalties for identity theft; amending RCW 9.94A.030, 9.94A.030, 9.94A.540, 9A.82.090, 9A.82.100, and 9A.82.120; reenacting and amending RCW 9.94A.411 and 9.94A.515; adding a new section to chapter 43.43 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 2841 by Representatives Orcutt, Roach, Ahern, Holmquist, Serben, Anderson, Ericksen, Nixon, Schindler, Kretz, McCune, Haler, Pearson, Woods, Alexander, Talcott, Kristiansen, Skinner, Hinkle, Condotta, Walsh, Shabro and Dunn

AN ACT Relating to the Washington state estate and transfer tax; amending RCW 83.100.020, 83.100.040, 83.100.050, 83.100.060, 83.100.070, 83.100.090, 83.100.110, 83.100.130, 83.100.140, 83.100.150, 83.100.210, and 84.52.068; adding new sections to chapter 83.100 RCW; creating a new section; repealing RCW 83.100.046, 83.100.047, and 83.100.095; repealing 2005 c 516 s 1 (uncodified); and declaring an emergency.

Referred to Committee on Finance.

HB 2842 by Representatives B. Sullivan, Anderson, Quall, Tom, Chase and Simpson

AN ACT Relating to organ and tissue donor education and awareness; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Education.

HB 2843 by Representatives Holmquist, Haigh, Nixon, Green, Schindler, Clements, Sump, Ahern, McDermott, Haler, Chase, Sells, McDonald, Hasegawa, Kenney, Kristiansen, Bailey and McCune

AN ACT Relating to prohibiting county auditors from putting their names on absentee ballot envelopes when running for reelection; and amending RCW 29A.40.091.

Referred to Committee on State Government Operations & Accountability.

HB 2844 by Representatives Holmquist, Haler, Nixon, Dunn, Ahern, McCune, McDonald, Kristiansen, Roach, Pearson, Rodne, Schindler and Bailey

AN ACT Relating to election certification; and adding a new section to chapter 29A.60 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2845 by Representatives Simpson and Curtis

AN ACT Relating to providing water for residential fire sprinkler suppression systems; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.94 RCW.

Referred to Committee on Local Government.

HB 2846 by Representatives Miloscia, Hunt, Campbell and Dunshee

AN ACT Relating to campaign finance disclosure; and amending RCW 42.17.405.

Referred to Committee on State Government Operations & Accountability.

HJM 4032 by Representatives Upthegrove, Schual-Berke, Hasegawa, Chase, Hudgins, Simpson and Conway

Petitioning for airline pension relief.

Referred to Committee on Commerce & Labor.

HJM 4033 by Representatives Nixon, Moeller and Springer

Requesting Congress to allow states to decide whether marijuana should be used legally for medicinal purposes.

Referred to Committee on Health Care.

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

REPORTS OF STANDING COMMITTEES

January 11, 2006

HB 2328 Prime Sponsor, Lantz: Changing provisions relating to the insanity defense. Reported by Committee on Judiciary

MAJORITY recommendation: Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 11, 2006

HB 2337 Prime Sponsor, Linville: Authorizing projects recommended by the public works board. Reported by Committee on Capital Budget

MAJORITY recommendation: Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Blake; Chase; Cox; Eickmeyer; Ericks; Ericksen; Green; Hasegawa; Kretz; Kristiansen; Lantz; McCune; Moeller; Morrell; Newhouse; O'Brien; Roach; Schual-Berke; Serben; Springer; Strow and Upthegrove.

MINORITY recommendation: Signed by Representatives Armstrong and Flannigan.

Passed to Committee on Rules for second reading.

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

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1865, By House Committee on Transportation (originally sponsored by Representatives Kilmer, Woods, Lantz, Appleton, Talcott, Green and Williams)

Modifying sales and use taxation related to the state route 16 corridor improvements project.

The bill was read the third time.

Representatives Kilmer, Woods and Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1865.

MOTIONS

On motion of Representative Santos, Representative Kenney was excused. On motion of Representative Clements, Representative Anderson was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1865 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee,

Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Chandler and Newhouse - 2.
Excused: Representatives Anderson and Kenney - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1865, having received the necessary constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 1276, By Representatives Grant, Holmquist, Kessler, Upthegrove, Walsh, Linville, Nixon, Hinkle, Buri, Newhouse, Orcutt, Kristiansen, Campbell, Hankins, McDonald, Talcott, Bailey, Shabro, Skinner, Roach, Haigh, McCune, Kretz, Hunter, Moeller, Miloscia, Williams, O'Brien, Schindler, P. Sullivan, Blake, Anderson, Buck, Wallace, Chase, Condotta and Santos

Requiring the governor's signature on significant legislative rules.

The bill was read the third time.

Representatives Grant and Holmquist spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1276.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1276 and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Flannigan, McDermott and Sommers - 3.

Excused: Representatives Anderson and Kenney - 2.

ENGROSSED HOUSE BILL NO. 1276, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1966, By Representatives Ericks, O'Brien, Lovick, Strow, Haler, Takko, Morrell, Nixon, Campbell, McIntire, Conway, Santos, Chase and Moeller

Classifying identity theft as a crime against persons.

The bill was read the third time.

Representatives Ericks and Pearson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1966.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1966 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Anderson and Kenney - 2.

HOUSE BILL NO. 1966, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1131, By Representatives Nixon, Haigh and Shabro

Regulating mail to constituents.

The bill was read the third time.

Representatives Nixon and Haigh spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1131.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1131 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune,

McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

Excused: Representatives Anderson and Kenney - 2.

HOUSE BILL NO. 1131, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1439, By Representatives Green, Nixon, Haigh, Upthegrove, Chase and Dunn; by request of Department of General Administration

Allowing the state purchasing and material control director to receive electronic and web-based bids.

The bill was read the third time.

Representative Green spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1439.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1439 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Anderson and Kenney - 2.

HOUSE BILL NO. 1439, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on Appropriations was relieved of further consideration of HOUSE BILL NO. 2707, and the bill was referred to the Committee on Health Care.

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

There being no objection, the House adjourned until 10:00 a.m., January 16, 2006, the 8th Day of the Regular Session.

FIFTY NINTH LEGISLATURE - REGULAR SESSION

EIGHTH DAY

House Chamber, Olympia, Monday, January 16, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Dana Anderson and Sarah Fernandes. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Dr. Leslie Braxton, New Beginnings Christian Fellowship, Renton. The New Beginnings Christian Fellowship Choir, directed by Nathaniel Patterson sang "I Made My Vow to the Lord", "Lord, You Are My Life" and "I Call You Holy".

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

RESOLUTION

HOUSE RESOLUTION NO. 2006-4679, by Representatives P. Sullivan, Haler, Conway, Hankins and Skinner

WHEREAS, Today, January 16, 2006, communities and neighborhoods all across our state and nation remember, celebrate, and honor the life and work of the Reverend Dr. Martin Luther King, Jr.; and

WHEREAS, Dr. King's commitment to nonviolence, based in great part upon the life teachings of Mohandas Gandhi, was a model of selflessness and sacrifices made so that later generations might live freer and fuller, and might more nearly live in accord with their possibilities; and

WHEREAS, Dr. King was born on January 15, 1929, in Atlanta, Georgia; and on June 18, 1953, he and Coretta Scott were married in Marion, Alabama; and

WHEREAS, Since Dr. King was so violently taken from us on April 4, 1968, Coretta Scott King has carried on in the very same vein of caring and compassion; and

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

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

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

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

WHEREAS, Dr. King's death, a terrible loss for our nation and our world, was a particular loss for our own state of

Washington in which our largest county is named to honor this great American hero; and

WHEREAS, Dr. King was forever celebrated when the Congress of the United States established a permanent federal holiday to commemorate the date of his birth; and

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

WHEREAS, Dr. King's birthday is now marked by annual celebrations in more than 100 countries around the world; and

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

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

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

Representative P. Sullivan moved the adoption of the resolution.

Representatives P. Sullivan, Haler, Flannigan, Nixon, Pettigrew, Miloscia, Dunn and Santos spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4679 was adopted.

INTRODUCTION & FIRST READING

HB 2744 by Representatives O'Brien and Ericks

AN ACT Relating to volunteer services provided to the state; and amending RCW 51.12.035.

Referred to Committee on Commerce & Labor.

HB 2847 by Representatives Orcutt, Takko, Holmquist, Hunt, Woods, Anderson, Ericksen, Nixon, Jarrett, McCune, Dunn, McDonald, Serben, Talcott, Roach, Wallace and Shabro

AN ACT Relating to effective and expiration dates for the clean fuel sales and use tax exemptions; amending 2005 c 296 s 5 (uncodified); and amending 2005 c 296 s 6 (uncodified).

Referred to Committee on Finance.

HB 2848 by Representatives Lantz, Ericks, Santos, Williams, Rodne, Priest, Hudgins, Darneille, Morrell, Kessler, McDonald, Roberts, McCoy,

Kenney, Campbell, P. Sullivan, Wallace, Hasegawa, Kilmer, Green, Simpson, Wood, Ormsby and Springer

AN ACT Relating to protecting confidentiality of domestic violence information; amending RCW 5.60.060, 70.123.040, and 74.04.060; and adding a new section to chapter 70.123 RCW.

Referred to Committee on Judiciary.

HB 2849 by Representatives Hinkle and Cody

AN ACT Relating to initial limited licenses for dental hygienists; amending RCW 18.29.190; and repealing RCW 18.29.200.

Referred to Committee on Health Care.

HB 2850 by Representatives Clements, Orcutt, Dunn, Armstrong and Newhouse

AN ACT Relating to eliminating tax, interest, and penalty provisions for land valued under the open space program; and amending RCW 84.34.070, 84.34.080, 84.34.090, 84.34.100, and 84.34.108.

Referred to Committee on Finance.

HB 2851 by Representatives Strow, Hudgins, McCune, Darneille, Sump, Skinner and Priest

AN ACT Relating to alcoholic beverages on ferries; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

HB 2852 by Representatives Strow, Kirby, Roach, Ericks, Serben, Appleton, Newhouse, Kilmer, Skinner, Shabro, Simpson, Williams, Tom, Darneille, Morrell, Anderson, Hankins, McCune, Wallace, Green and Ormsby

AN ACT Relating to small loans made by unlicensed check cashers and sellers; and amending RCW 31.45.073.

Referred to Committee on Financial Institutions & Insurance.

HB 2853 by Representatives Conway, Wood, Kenney, Hasegawa and Simpson

AN ACT Relating to the statute of limitations for industrial insurance claims; and amending RCW 51.28.050.

Referred to Committee on Commerce & Labor.

HB 2854 by Representatives Nixon, Bailey, Rodne, Serben, Sump, Newhouse, Crouse, Haler, Woods, Priest, Condotta, Shabro, Kristiansen, Strow, Ericksen, Walsh, Skinner, Roach, Buck, Holmquist, Ahern, McCune, Tom, Kretz, Talcott, Orcutt, Dunn, Anderson, McDonald, Armstrong, Chandler, Campbell, Wallace, Pearson and Hinkle

AN ACT Relating to limiting the power of eminent domain; amending RCW 8.04.070, 8.08.020, 8.12.030, and 8.20.070; and adding a new chapter to Title 8 RCW.

Referred to Committee on Judiciary.

HB 2855 by Representatives Eickmeyer, Chase, Clibborn, Morrell, Blake, Ormsby, Dunshee, O'Brien, Upthegrove, Moeller, Appleton, Hudgins, Wallace, Kilmer and Green

AN ACT Relating to defining just compensation for eminent domain proceedings; and amending RCW 8.04.092, 8.08.040, and 8.12.030.

Referred to Committee on Judiciary.

HB 2856 by Representatives Blake and Buck

AN ACT Relating to the creation of the forest carbon credits study panel; creating new sections; and providing an expiration date.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2857 by Representatives Kenney, Sells, Cox, Rodne and Kessler

AN ACT Relating to terms of appointment of student regents and trustees; and amending RCW 28B.20.100, 28B.30.100, 28B.35.100, and 28B.40.100.

Referred to Committee on Higher Ed & Workforce Ed.

HB 2858 by Representatives B. Sullivan and Buck

AN ACT Relating to storm water discharges; amending RCW 90.48.260 and 90.48.555; adding a new section to chapter 90.48 RCW; and providing an expiration date.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2859 by Representatives McCoy, Newhouse, Hudgins, Wood, Darneille, Morrell, Green, Simpson and Springer

AN ACT Relating to continued funding for the public facilities construction loan revolving account; and amending RCW 43.160.085.

Referred to Committee on Capital Budget.

HB 2860 by Representatives Grant, Newhouse, Hankins, Haler, Walsh and McCune

AN ACT Relating to water resource management in the Columbia river basin; reenacting and amending RCW 43.84.092; adding a new chapter to Title 90 RCW; and providing an effective date.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2861 by Representatives Williams, Simpson, Moeller, Hunter, Darneille, Tom, Schual-Berke, Hunt, McIntire and Santos

AN ACT Relating to the sale of firearms at gun shows and events; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2862 by Representative Murray; by request of Governor Gregoire

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

Referred to Committee on Transportation.

HB 2863 by Representatives Kirby, Roach, Ericks, McDonald, Simpson and Santos

AN ACT Relating to retail installment contracts for motor vehicles; and adding a new section to chapter 63.14 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2864 by Representatives Morrell, Bailey, Cody, Hinkle, Santos and Green

AN ACT Relating to reporting to the legislature of holding a boarding home medicaid eligible resident's room or unit; and amending RCW 18.20.290.

Referred to Committee on Health Care.

HB 2865 by Representatives Morrell, Bailey, Cody, Hinkle, Schual-Berke, McDonald, Kenney and Green

AN ACT Relating to assessment of assisted living facility applicants; and adding a new section to chapter 74.39A RCW.

Referred to Committee on Health Care.

HB 2866 by Representatives P. Sullivan, Priest, Quall, Curtis, Ormsby, Talcott, Linville, Kenney and Simpson

AN ACT Relating to course equivalencies for career and technical coursework for high school students; amending RCW 28A.230.090 and 28A.230.100; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Education.

HB 2867 by Representatives Kenney, Haler, Grant, Hankins, Cox, Sells, Roberts, Fromhold, Armstrong, Walsh, Skinner and Newhouse

AN ACT Relating to expanding access to baccalaureate degree programs at Washington State University Tri-Cities; amending RCW 28B.45.030; and declaring an emergency.

Referred to Committee on Higher Ed & Workforce Ed.

HB 2868 by Representatives Orcutt, Roach, Kilmer, Alexander, Linville, Condotta, Grant, Dunn, McDonald, Armstrong, McCune, Holmquist and Ahern

AN ACT Relating to extended warranties for tangible personal property exempt from sales and use taxation; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 2869 by Representatives Orcutt, Roach, Alexander, Linville, Condotta, Grant, Kilmer, Dunn, Nixon, Talcott, Armstrong, P. Sullivan, Wallace, Springer and Ahern

AN ACT Relating to the business and occupation tax credit for high technology research and development spending; and amending RCW 82.04.4452.

Referred to Committee on Finance.

HB 2870 by Representatives Cox, Springer, Buri, Chase, Crouse, Jarrett, Morrell, Kenney and P. Sullivan

AN ACT Relating to waivers of the one hundred eighty day school year for energy-related fiscal emergencies; amending RCW 28A.305.140; and repealing RCW 28A.305.145.

Referred to Committee on Education.

HB 2871 by Representatives Murray, Dickerson, Appleton and Simpson

AN ACT Relating to regional transportation governance; amending RCW 81.100.020, 81.100.060, 81.100.080, 82.14.430, 82.80.005, 82.80.070, 82.80.080, 82.80.100, 47.56.010, 47.56.075, 47.56.076, 81.112.010, 81.112.020, 81.112.030, 81.112.040, 81.112.050, 81.112.070, 81.112.080, 81.112.110, 35.95.020, 35.95A.030, 82.14.045, and 47.06.130; adding a new section to chapter 47.56 RCW; adding new sections to chapter 81.112 RCW; adding a new section to chapter 43.09 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 35.95 RCW; adding a new chapter to Title 81 RCW; and repealing RCW 36.120.010, 36.120.020, 36.120.030, 36.120.040, 36.120.050, 36.120.060, 36.120.070, 36.120.080, 36.120.090, 36.120.100, 36.120.110, 36.120.120, 36.120.130, 36.120.140, 36.120.150, 36.120.160, 36.120.170, 36.120.180, 36.120.190, 36.120.200, 36.120.900, 36.120.901, 82.80.110, and 82.80.120.

Referred to Committee on Transportation.

HB 2872 by Representatives Roberts, Roach, O'Brien, Dickerson, Nixon, Cody, Green, Hudgins, Appleton, Darneille, McDonald, Rodne and McCune

AN ACT Relating to increasing the minimum age for gambling; amending RCW 9.46.0305, 67.70.120, and 67.16.060; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2873 by Representatives Darneille, Nixon, Cody, Pettigrew, McDermott, Flannigan, Haigh, Simpson, Williams, Dickerson, Upthegrove, Chase, Hunt, Kagi, Roberts, Kenney, Hasegawa, Santos and Ormsby

AN ACT Relating to the restriction of voting rights for incarcerated felons; amending RCW 29A.08.520, 29A.08.651, and 29A.68.020; adding a new section to chapter 29A.08 RCW; creating a new section; and repealing RCW 10.64.021.

Referred to Committee on State Government Operations & Accountability.

HB 2874 by Representatives Murray, Ericksen, Jarrett, Wallace and Woods; by request of Department of Transportation

AN ACT Relating to design-build construction for transportation projects; and amending RCW 47.20.785.

Referred to Committee on Transportation.

HB 2875 by Representatives Murray, Skinner, Hankins, Wallace, Springer and Woods; by request of Department of Transportation

AN ACT Relating to authorization for the department of transportation to allow roadside tire chain installation and removal businesses on state highway rights of way; amending RCW 47.32.120; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

HB 2876 by Representatives Ericksen, Wood, Dunn, Armstrong and Ericks; by request of Washington State Patrol

AN ACT Relating to sound and video recordings by law enforcement officers; and amending RCW 9.73.090.

Referred to Committee on Judiciary.

HB 2877 by Representatives Sells, Nixon and Morris; by request of Washington State Patrol

AN ACT Relating to state conformity with federal safety standards for mopeds; and amending RCW 46.04.304 and 46.44.050.

Referred to Committee on Transportation.

HB 2878 by Representatives Ericksen, Linville, Grant, Newhouse, Dunn and Holmquist

AN ACT Relating to exempting wholesale sales of bulk raw milk from business and occupation tax; and amending RCW 82.04.332.

Referred to Committee on Finance.

HB 2879 by Representative McIntire; by request of Department of Revenue

AN ACT Relating to the electronic administration of the real estate excise tax; amending RCW 82.45.210; reenacting and amending RCW 82.45.180; and declaring an emergency.

Referred to Committee on Finance.

HB 2880 by Representative McIntire; by request of Department of Revenue

AN ACT Relating to insurance premiums tax; amending RCW 48.14.080; creating new sections; and declaring an emergency.

Referred to Committee on Finance.

HB 2881 by Representatives Appleton, Jarrett, Dickerson, Takko, Morris, Williams, Moeller, Flannigan, Haigh, Hudgins, Wallace, Sells, Kilmer, Schual-Berke, Darneille, Hunt, Campbell, Simpson and Ormsby

AN ACT Relating to military borrowers doing business with check cashers and sellers; and amending RCW 31.45.210.

Referred to Committee on Financial Institutions & Insurance.

HB 2882 by Representatives Williams, Skinner and Hunt

AN ACT Relating to public facilities districts; and amending RCW 82.14.390.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2883 by Representatives Blake, Chandler, Newhouse, Fromhold, Haigh, Morrell, Linville and Springer

AN ACT Relating to maintaining and enhancing the viability of agriculture; amending RCW 36.70A.030, 36.70A.175, and 90.48.020; and creating a new section.

Referred to Committee on Local Government.

HB 2884 by Representatives Linville and McCoy

AN ACT Relating to reclaimed water; amending RCW 90.46.050, 90.46.030, 90.46.040, 90.46.042, 90.46.044, 90.46.080, 90.46.090, and 90.46.100; adding a new section to chapter 90.46 RCW; and creating a new section.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2885 by Representatives Condotta and Armstrong

AN ACT Relating to the tourism development advisory committee; and amending RCW 43.330.095.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2886 by Representatives Condotta, Armstrong, Hinkle, McDonald and Anderson

AN ACT Relating to tourism promotion; amending RCW 43.330.090 and 43.330.094; creating a new section; and making an appropriation.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2887 by Representatives Morrell, Green, Cody, Skinner, Clibborn, Santos, Appleton, Dunn, Schual-Berke, Kagi, Roberts, Kenney, Hasegawa, Simpson and Ormsby

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

Referred to Committee on Health Care.

HB 2888 by Representatives Morrell, Hinkle, Blake, Kessler, Grant, Walsh, Clibborn, Green, Appleton, Schual-Berke, Upthegrove, Morris, Quall, McDonald, Takko, Williams, Nixon, Hunt, Chandler, Campbell, Tom, Pearson and Springer

AN ACT Relating to Washington state participation in the Johns Hopkins University Atlantic cardiovascular patient outcomes research team elective angioplasty study to determine, through evidence-based medicine, whether nonemergency percutaneous coronary interventions can be performed safely and effectively at hospitals without on-site open heart surgery programs; adding new sections to chapter 43.70 RCW; and providing an expiration date.

Referred to Committee on Health Care.

HB 2889 by Representatives Woods, Hankins, Murray, Upthegrove, Wallace and Simpson; by request of Freight Mobility Strategic Investment Board

AN ACT Relating to transportation revenue; amending RCW 46.17.010; reenacting and amending RCW 43.84.092 and 43.84.092; adding a new section to chapter 46.68 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

HB 2890 by Representatives Simpson, Curtis and Blake; by request of LEOFF Plan 2 Retirement Board

AN ACT Relating to allowing department of fish and wildlife enforcement officers to transfer service credit; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Appropriations.

HB 2891 by Representatives Hunt, Williams and Simpson

AN ACT Relating to transferring accrued leave of public school employees to state employment; and amending RCW 28A.400.300 and 43.01.040.

Referred to Committee on Education.

HB 2892 by Representatives Green, Morrell and Linville

AN ACT Relating to responding to drug crimes by providing increased support for enforcement and prosecution of drug crimes; authorizing the use of drug courts by juvenile courts; clarifying provisions related to sentence enhancements for certain drug crimes; modifying earned early release provisions related to offenders sentenced under RCW 9.94A.660; improving judges' abilities to make informed sentencing decisions; and undertaking studies related to criminal justice; amending RCW 2.28.170, 9.94A.533, 9.94A.728, and 9.94A.500; creating new sections; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2893 by Representatives Simpson, P. Sullivan, Darneille, Williams, McDonald, McCoy, Morrell, Ericks and Green

AN ACT Relating to restrictions on granting a sex offender visitation under a parenting plan; and amending RCW 26.09.191.

Referred to Committee on Juvenile Justice & Family Law.

HB 2894 by Representatives Green, Campbell, Schual-Berke, Nixon, Darneille, Cody, Morrell, Linville, Roberts, P. Sullivan, Hasegawa, Santos, Wood, Springer and Ormsby

AN ACT Relating to creating an office of mental health ombudsman; adding a new chapter to Title 43 RCW; creating a new section; repealing RCW 71.24.350; and providing an effective date.

Referred to Committee on Health Care.

HB 2895 by Representatives Lovick, Curtis, Ericks, O'Brien, Dunshee, Kessler, Blake, Clibborn, McCoy, Miloscia, Ahern, Roberts, McDermott, Hunt, McDonald, Williams, Haler, McCune, Kenney, Morrell, Wallace, Kilmer, Green, Springer, Ormsby and Woods

AN ACT Relating to protecting vulnerable adults from exposure to methamphetamine manufacturing; and amending RCW 74.34.020.

Referred to Committee on Children & Family Services.

HB 2896 by Representatives Fromhold, Crouse, Conway, Pearson, B. Sullivan, O'Brien, Appleton, Sells, Hunt, Dunshee, Kessler, Campbell, Simpson and Ormsby

AN ACT Relating to bargaining for employee paid supplemental pension programs under chapter 41.80 RCW; amending RCW 41.80.020 and 41.80.040; and creating a new section.

Referred to Committee on Appropriations.

HB 2897 by Representatives Condotta and Dunn

AN ACT Relating to liquor licensees holding a caterer's endorsement; and amending RCW 66.04.010, 66.24.320, 66.24.420, and 66.24.210.

Referred to Committee on Commerce & Labor.

HB 2898 by Representatives Hunt and Williams

AN ACT Relating to distribution of communications by state employees; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2899 by Representatives Walsh, Grant, Shabro, Morrell, Haler, Roach and McDonald

AN ACT Relating to boating safety and education to prevent carbon monoxide poisoning; amending RCW 79A.60.630; adding a new section to chapter 79A.60 RCW; adding new sections to chapter 88.02 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2900 by Representative B. Sullivan

AN ACT Relating to the issuance of checks by joint operating agencies; and amending RCW 43.52.375.

Referred to Committee on Local Government.

HB 2901 by Representatives Morrell, Green, Campbell, Roberts, Wallace, Ericks, Lantz, Kilmer, Blake, Grant, Hudgins, Darneille, McDonald, Linville, McCune and Ormsby

AN ACT Relating to the clean up of properties contaminated by the manufacturing of illegal drugs; amending RCW 64.44.010, 64.44.020, 64.44.030, 64.44.040, 64.44.050, 64.44.060, 64.44.070, and 70.105D.020; adding new sections to chapter 64.44 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2902 by Representatives Talcott, Quall, O'Brien, Cox, P. Sullivan, Curtis, Hunter, Morrell, Roach, Holmquist, Woods, Shabro, Walsh, Ericksen, Condotta, Anderson, McDonald, Serben, Nixon, Jarrett, Haler, Armstrong, McCune, Haigh, Sump, Priest, Tom, Simpson, Hinkle, Strow, Newhouse and Rodne

AN ACT Relating to allowing student scores in mathematics on certain national tests as one of multiple measures for state standards for mathematics; and amending RCW 28A.655.061.

Referred to Committee on Education.

HB 2903 by Representatives Talcott, Quall, Cox, Curtis, Roach, Orcutt, Holmquist, Woods, Shabro, Ericksen, Anderson, Serben, Nixon, Haler,

McCune, Haigh, Sump, Priest, Armstrong, Santos, Hinkle, Strow, Newhouse and Rodne

AN ACT Relating to making reforms necessary to improve student academic achievement; amending RCW 28A.165.045, 28A.655.070, 28A.230.195, 28A.655.200, and 28A.655.061; adding new sections to chapter 28A.655 RCW; adding a new section to chapter 28A.165 RCW; recodifying RCW 28A.230.195 and 28A.230.250; and declaring an emergency.

Referred to Committee on Education.

HB 2904 by Representatives Bailey, Skinner, Haler, Alexander, Curtis, Talcott, Hinkle, Condotta, Clements, Pearson, Ahern, Strow, Schindler, Dunn, Anderson, McDonald, Serben, Roach, McCune, Shabro, Ericksen and Holmquist

AN ACT Relating to the sunset review of certain health insurance provisions; adding new sections to chapter 43.131 RCW; and providing an effective date.

Referred to Committee on Health Care.

HB 2905 by Representatives Bailey, Schindler, Clements, Haler, Alexander, Ahern, Strow, Curtis, Dunn, McCune, Chandler, Skinner and Holmquist

AN ACT Relating to nonagricultural activities on agricultural lands to support farming; and amending RCW 36.70A.177 and 36.70A.280.

Referred to Committee on Local Government.

HB 2906 by Representatives Bailey, Schindler, Clements, Haler, Alexander, Ahern, Strow, Curtis, Dunn, Talcott, Anderson, Skinner and Holmquist

AN ACT Relating to greater accountability for growth management hearings boards; amending RCW 36.70A.260 and 36.70A.320; and repealing RCW 36.70A.340 and 36.70A.345.

Referred to Committee on Local Government.

HB 2907 by Representatives Bailey, Schindler, Haler, Alexander, Clements, Ahern, Strow, Curtis, Dunn and Chandler

AN ACT Relating to encouraging ongoing agricultural activities on agricultural lands; and amending RCW 36.70A.060.

Referred to Committee on Local Government.

HB 2908 by Representatives Bailey, Schindler and Strow

AN ACT Relating to Island county boundaries; and amending RCW 36.04.150.

Referred to Committee on Local Government.

HB 2909 by Representatives Bailey, Alexander, Crouse, Clements, Ahern, Strow, Haler, Nixon, Skinner, Holmquist, McCune, Hinkle and Newhouse

AN ACT Relating to payment of the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system and plan 1 of the teachers' retirement system; adding a new section to chapter 41.45 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2910 by Representatives Quall, Talcott, P. Sullivan, Shabro, Santos, Hunt, Anderson and Kenney

AN ACT Relating to studying environmental education; and creating a new section.

Referred to Committee on Education.

HB 2911 by Representatives Green, Appleton, Woods, Flannigan, Cody, Roberts, Moeller, Morrell, Haigh, Conway, Lantz, Eickmeyer and Darneille

AN ACT Relating to establishing a pilot project in alternative case management; creating new sections; and making an appropriation.

Referred to Committee on Health Care.

HB 2912 by Representatives Green, Appleton, Woods, Cody, Moeller, Haigh, Conway, Lantz, Hudgins, Roberts, McCoy, Kenney, Morrell, P. Sullivan, Hasegawa, Kilmer, Simpson and Ormsby

AN ACT Relating to home visits by mental health professionals; adding new sections to chapter 71.05 RCW; and creating new sections.

Referred to Committee on Health Care.

HB 2913 by Representatives Green, Woods, Appleton, Moeller, Haigh, Cody, Conway, Lantz, Eickmeyer, Darneille, Linville, Campbell, Wallace, Hasegawa, Simpson and Ormsby

AN ACT Relating to the joint legislative and executive task force on mental health services delivery and financing; and amending 2005 c 503 s 14 (uncodified).

Referred to Committee on Health Care.

HB 2914 by Representatives Roberts, Haler, Darneille, Kagi, Dickerson, Morrell, Hankins, Green and Simpson

AN ACT Relating to compliance with certification standards for providers of residential services and support to persons with developmental disabilities; adding a new section to chapter 71A.12 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Children & Family Services.

HB 2915 by Representatives Schual-Berke, Priest and Rodne

AN ACT Relating to actions against emergency health care providers; and amending RCW 7.70.020 and 7.70.030.

Referred to Committee on Judiciary.

HB 2916 by Representative Kirby; by request of Uniform Legislation Commission

AN ACT Relating to the uniform securities act of Washington; amending RCW 42.56.400; adding a new chapter to Title 21 RCW; repealing RCW 21.20.005, 21.20.010, 21.20.020, 21.20.030, 21.20.035, 21.20.037, 21.20.040, 21.20.050, 21.20.060, 21.20.070, 21.20.080, 21.20.090, 21.20.100, 21.20.110, 21.20.120, 21.20.130, 21.20.135, 21.20.140, 21.20.180, 21.20.190, 21.20.200, 21.20.210, 21.20.220, 21.20.230, 21.20.240, 21.20.250, 21.20.260, 21.20.270, 21.20.275, 21.20.280, 21.20.290, 21.20.300, 21.20.310, 21.20.320, 21.20.325, 21.20.327, 21.20.330, 21.20.340, 21.20.350, 21.20.360, 21.20.370, 21.20.380, 21.20.390, 21.20.395, 21.20.400, 21.20.410, 21.20.420, 21.20.430, 21.20.435, 21.20.440, 21.20.450, 21.20.460, 21.20.470, 21.20.480, 21.20.490, 21.20.500, 21.20.510, 21.20.520, 21.20.530, 21.20.540, 21.20.550, 21.20.560, 21.20.570, 21.20.580, 21.20.590, 21.20.700, 21.20.702, 21.20.705, 21.20.710, 21.20.715, 21.20.717, 21.20.720, 21.20.725, 21.20.727, 21.20.730, 21.20.732, 21.20.734, 21.20.740, 21.20.745, 21.20.750, 21.20.800, 21.20.805, 21.20.810, 21.20.815, 21.20.820, 21.20.825, 21.20.830, 21.20.835, 21.20.840, 21.20.845, 21.20.850, 21.20.855, 21.20.900, 21.20.905, 21.20.910, 21.20.915, 21.20.920, 21.20.925, 21.20.930, 21.20.935, and 21.20.940; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 2917 by Representatives P. Sullivan, Kristiansen, Simpson, Linville, Blake and Ericks; by request of Department of Agriculture

AN ACT Relating to accessory uses on agricultural lands; and amending RCW 36.70A.177.

Referred to Committee on Local Government.

HB 2918 by Representatives Roach, Haler, McCune, Woods, Holmquist, Dunn, Campbell and Ericks

AN ACT Relating to imposing stricter penalties on sex offenders; amending RCW 9.94A.540, 9.94A.030, 9.94A.030, and 9.94A.700; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 2919 by Representatives Blake, Grant, Takko, Walsh, Morrell, McDonald, Wallace, Ericks, Kilmer and Green

AN ACT Relating to local assistance for state narcotics task forces; and creating new sections.

Referred to Committee on Criminal Justice & Corrections.

HB 2920 by Representatives Roach, Haler, McCune, Woods, Holmquist, Dunn, Hudgins, McDonald and Ericks

AN ACT Relating to requiring certain state employees to submit to a criminal background check; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2921 by Representatives Roach, Shabro, Talcott, Woods, Holmquist, Dunn and Anderson

AN ACT Relating to disclosure of collective bargaining agreements entered into by school districts; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

HB 2922 by Representatives P. Sullivan, Dunn, Kessler and Ericks

AN ACT Relating to modifying community revitalization financing; amending RCW 39.89.020, 39.89.030, 39.89.050, 39.89.060, 39.89.070, and 39.89.080; adding new sections to chapter 39.89 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Economic Development, Agriculture & Trade.

HJM 4034 by Representatives Kenney, Morrell, Hankins, Clibborn, Conway, Dickerson, McDermott, Chase, Haigh, Kessler, Wallace, Sommers, Linville, Skinner, Green, Holmquist, Dunn, Appleton, Schual-Berke, Hudgins, Upthegrove, Darneille, Santos, Ormsby, Woods and Roberts

Urging adoption of a treaty fighting discrimination against women.

Referred to Committee on Judiciary.

HJM 4035 by Representatives Curtis, Lovick, Armstrong, Buck, Dunn, McDonald and Wallace

Requesting that the Department of Homeland Security has the authority to combat illegal drugs.

Referred to Committee on Criminal Justice & Corrections.

HJR 4217 by Representatives Nixon, Rodne, Newhouse, Serben, Sump, Buri, Crouse, Haler, Woods, Priest, Condotta, Shabro, Kristiansen, Strow, Ericksen, Walsh, Skinner, Roach, Buck, Holmquist, Ahern, McCune, Bailey, Kretz, Talcott, Orcutt, Dunn, Anderson, McDonald, Armstrong, Campbell and Tom

Limiting the power of eminent domain.

Referred to Committee on Judiciary.

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

REPORTS OF STANDING COMMITTEES

January 12, 2006

HB 2338 Prime Sponsor, Representative Kirby: Extending the mortgage lending fraud prosecution account. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

January 12, 2006

HB 2340 Prime Sponsor, Representative Kirby: Regulating mortgage brokers and loan originators. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Referred to Committee on Appropriations.

January 12, 2006

HB 2405 Prime Sponsor, Representative Kirby: Regulating the compensation paid by an insurer to an insurance broker. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

January 12, 2006

HB 2406 Prime Sponsor, Representative Roach: Changing insurance statutes, generally. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

January 12, 2006

HB 2415 Prime Sponsor, Representative Ericks: Compensating the victims of uninsured and underinsured motorists. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority

Member; Newhouse; O'Brien; Santos; Serben; Simpson;
Strow and Williams.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the Committee on Higher Education was relieved of further consideration of HOUSE BILL NO. 2804, and the bill was referred to the Committee on Finance.

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

There being no objection, the House adjourned until 9:55 a.m., January 17, 2006, the 9th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

NINTH DAY

House Chamber, Olympia, Tuesday, January 17, 2006

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

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

INTRODUCTION & FIRST READING

HB 2923 by Representatives Santos, Sells, Appleton, Ericks, McCoy, Chase and Conway

AN ACT Relating to a multiple measures approach to graduation requirements; amending RCW 28A.655.061, 28A.155.045, and 28A.230.090; adding a new section to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Education.

HB 2924 by Representatives Chase, Dunn and Schual-Berke

AN ACT Relating to prohibiting eminent domain for the primary purpose of economic development; and amending RCW 8.04.070, 8.08.020, 8.12.030, and 8.20.070.

Referred to Committee on Judiciary.

HB 2925 by Representatives Santos, Morrell, Bailey, Cody, Hinkle, Pettigrew, Linville and Schual-Berke

AN ACT Relating to assisted living facility medicaid minimum occupancy percentage of fifty percent or greater; and adding a new section to chapter 74.39A RCW.

Referred to Committee on Health Care.

HB 2926 by Representatives Flannigan, Nixon, Campbell and Murray; by request of Board For Judicial Administration

AN ACT Relating to photo enforcement of traffic infractions; and amending RCW 46.63.030 and 46.63.160.

Referred to Committee on Transportation.

HB 2927 by Representatives Fromhold, Crouse, Nixon, Bailey, Kessler, Rodne, Moeller and Conway; by request of Board For Judicial Administration

AN ACT Relating to retirement benefits for judges; and amending RCW 2.14.010, 2.14.030, 2.14.040, 2.14.060, 2.14.080, 2.14.100, and 2.14.110.

Referred to Committee on Appropriations.

HB 2928 by Representatives Orcutt, Blake, Buri, Holmquist, Schindler, Haler, McCune, Cox, Bailey, Alexander, Kristiansen, Crouse, Clements, Newhouse, Skinner, Dunn, Shabro, Kretz and McDonald

AN ACT Relating to excise tax relief for commercial fuel users; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 2929 by Representatives Jarrett, Fromhold, Priest, Cox, Clibborn, Appleton, Santos and Kilmer

AN ACT Relating to creating college-readiness standards based on skills and abilities; creating a new section; and providing an expiration date.

Referred to Committee on Higher Ed & Workforce Ed.

HB 2930 by Representatives Jarrett, Clibborn, Tom, Hunter and Springer

AN ACT Relating to the possession of firearms or other dangerous weapons on school premises; amending RCW 9.41.280; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2931 by Representatives Rodne, Wood, Ericksen, Serben, Bailey, Kessler, Roach, Haler, Woods, Dunn, McCune, Dickerson and Armstrong

AN ACT Relating to the use of high-occupancy vehicle lanes by alternative fuel vehicles; and amending RCW 46.61.165 and 47.52.025.

Referred to Committee on Transportation.

HB 2932 by Representatives Darneille, Curtis, Simpson, Conway, Hinkle, Williams, Ericks, Sells, Rodne, McDonald, Kilmer and Green; by request of LEOFF Plan 2 Retirement Board

AN ACT Relating to receiving a catastrophic disability allowance under the law enforcement officers' and fire fighters' retirement system, plan 2; amending RCW 41.26.470 and 77.12.264; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2933 by Representatives P. Sullivan, Curtis, Simpson, Conway, Hinkle, Kenney, Williams, Ericks, Sells, Rodne, McDonald, Kilmer and Green; by request of LEOFF Plan 2 Retirement Board

AN ACT Relating to death benefit payments for law enforcement officers' and fire fighters' retirement system, plan 2; and amending RCW 41.26.048.

Referred to Committee on Appropriations.

HB 2934 by Representatives Simpson, Priest, Conway, Hinkle, Williams, Ericks, Sells, Rodne, McDonald, Kilmer and Green; by request of LEOFF Plan 2 Retirement Board

AN ACT Relating to the retirement allowance of a member who is killed in the course of employment; amending RCW 41.26.510; amending 2001 c 165 s 6 (uncodified); and creating a new section.

Referred to Committee on Appropriations.

HB 2935 by Representatives Holmquist, Hinkle, Dunn, Condotta, Kristiansen and McCune

AN ACT Relating to the oath of office; amending RCW 2.04.080, 2.06.085, 2.08.080, 2.08.180, 2.24.020, 3.34.080, 3.50.097, 28A.330.060, 28A.343.360, 35.20.180, and 43.01.020; and adding a new section to chapter 43.01 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 2936 by Representatives Dunn, Holmquist, Schindler, Miloscia, McCune, Condotta, Hinkle, Kessler, Roach, Kristiansen, Rodne and Kretz

AN ACT Relating to restoring the American dream by providing a tax exemption for property that has declined in value due to shoreline or growth management regulation; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2937 by Representatives Dunn, Holmquist, Schindler, Miloscia, McCune, Condotta and Kristiansen

AN ACT Relating to restoring the American dream by allowing single-family residential development outside urban growth areas in counties where the first-time home buyers housing affordability index shows that housing is not affordable; adding new sections to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 2938 by Representatives Chase, Williams, Haigh, Green, Eickmeyer, Miloscia, Appleton, Hasegawa, Lantz, B. Sullivan and Hunt

AN ACT Relating to credit cards; adding a new section to chapter 82.04 RCW; adding a new section to chapter 28C.04 RCW; adding a new chapter to Title 19 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 2939 by Representatives Grant, Dunshee, Linville, Kessler, Upthegrove, Kilmer, Ericks, Hasegawa, P. Sullivan, Santos, Green, Springer, Conway, Simpson and Hudgins

AN ACT Relating to creation of the energy freedom program; amending RCW 43.135.035 and 43.135.035; adding a new chapter to Title 43 RCW; making appropriations; providing effective dates; and providing expiration dates.

Referred to Committee on Technology, Energy & Communications.

HB 2940 by Representatives Quall and Kenney

AN ACT Relating to creating a certificate of attainment; adding a new section to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Education.

HB 2941 by Representatives Quall, P. Sullivan, Haigh, McCoy, Kenney, Santos and Simpson

AN ACT Relating to phasing in state academic requirements for the certificate of academic achievement; and amending RCW 28A.655.061.

Referred to Committee on Education.

HB 2942 by Representatives Curtis, Morrell, Campbell, Cody, Green, Clibborn, Kessler, Serben, Rodne, Moeller, McCune and Hasegawa

AN ACT Relating to health care provider contracts; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Health Care.

HB 2943 by Representatives Cody, Curtis, Morrell, Campbell, Green, Clibborn, Kessler, Serben, Rodne, Roach, Moeller, Buri, Pearson, McCune, Appleton, Kenney, Hasegawa and Dunn

AN ACT Relating to health care provider contracting; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

HB 2944 by Representatives Morrell, Serben, Rodne, Cody, Green, Campbell, Curtis, Clibborn, Kessler, Moeller, McCune and Hasegawa

AN ACT Relating to health care provider contracts; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

HB 2945 by Representatives Alexander, DeBolt, Linville, Kristiansen, Rodne, Dunn, Condotta, McDonald and Kretz

AN ACT Relating to small business economic impact statements; and amending RCW 19.85.040.

Referred to Committee on State Government Operations & Accountability.

HB 2946 by Representatives P. Sullivan, Roach, Simpson, Shabro and McCoy

AN ACT Relating to record checks for employees and applicants for employment at bureau of Indian affairs-funded schools; and amending RCW 28A.400.303 and 28A.400.305.

Referred to Committee on Education.

HB 2947 by Representatives McDonald, Ericks and Dunn

AN ACT Relating to clarifying and making technical amendments to the prehire screening process for law enforcement applicants; amending RCW 43.101.095; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2948 by Representatives O'Brien and Dunn

AN ACT Relating to felony sentences; amending RCW 9.94A.510, 9.94A.535, 9.94A.537, 9.94A.190, and 9.94A.850; creating new sections; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2949 by Representatives Fromhold, Hinkle, Moeller, Green, Morrell, Schual-Berke, Appleton and Linville

AN ACT Relating to revising the nursing facility payment system; amending RCW 74.46.431, 74.46.433, 74.46.496, 74.46.501, 74.46.506, 74.46.511, 74.46.515, and 74.46.521; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2950 by Representatives Moeller, Sump and Dunn

AN ACT Relating to the reimbursement of extraordinary criminal justice costs; and amending RCW 43.330.190.

Referred to Committee on Appropriations.

HB 2951 by Representatives Campbell, Morrell, McCune and Green

AN ACT Relating to a firearms training certificate program for retired law enforcement officers; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Judiciary.

HB 2952 by Representatives Schindler, Ahern, Woods, Dunn and Kretz

AN ACT Relating to the applicability of chapter 43.21C RCW to cities and counties planning under RCW 36.70A.040; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Local Government.

HB 2953 by Representatives Haler, Dunn, Crouse, McCune, Serben, Bailey, Kristiansen, Woods, Orcutt and Kretz

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

Referred to Committee on Technology, Energy & Communications.

HB 2954 by Representatives Ericksen, Dunn, Kristiansen, Haler, Serben, Ahern, Bailey, McCune, Schindler, Holmquist, Kretz and Condotta

AN ACT Relating to the restoration of parents' rights; amending RCW 70.96A.020, 70.96A.095, 71.34.530, 70.24.110, 13.32A.082, 28A.230.070, and 46.20.292; reenacting and amending RCW 70.24.105; adding new sections to chapter 26.28 RCW; adding a new section to chapter 28A.320 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Health Care.

HB 2955 by Representatives Upthegrove, Clibborn, B. Sullivan, Jarrett, Sells, Lovick and Shabro

AN ACT Relating to regional transportation planning; amending RCW 36.120.020, 36.120.030, 36.120.040, 36.120.050, 36.120.070, 36.120.080, 36.120.110, 81.112.030, 81.100.080, 29A.36.071, 81.100.060, 82.14.430, and 81.104.170; reenacting and amending RCW 43.79A.040, 43.84.092, and 43.84.092; adding new sections to chapter 36.120 RCW; adding a new section to chapter 81.112 RCW; adding a new section to chapter 43.09 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

HB 2956 by Representative Hunter; by request of Department of Licensing

AN ACT Relating to a biometric matching system for driver's licenses and identicards; and amending RCW 46.20.037.

Referred to Committee on Transportation.

HB 2957 by Representatives Blake, Orcutt, Kessler, Kristiansen and Dunn

AN ACT Relating to extending the expiration date for reporting requirements on timber purchases; amending RCW 84.33.088; and providing an expiration date.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2958 by Representatives B. Sullivan, Buck, Kessler, Orcutt, Blake, Kretz, Hunt, Chandler, Upthegrove and Dickerson

AN ACT Relating to violations of rules concerning nontoxic shot; amending RCW 77.15.400; and prescribing penalties.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2959 by Representatives Morrell, Hinkle, Cody and Santos

AN ACT Relating to qualifications for adult family home providers; and amending RCW 70.128.120.

Referred to Committee on Health Care.

HB 2960 by Representative Kessler

AN ACT Relating to rates for the rental of county equipment; and amending RCW 36.33A.040.

Referred to Committee on Local Government.

HB 2961 by Representatives Blake, Buck and Takko

AN ACT Relating to the Columbia river safety and coastal crab mitigation work group; adding a new chapter to Title 77 RCW; and providing an expiration date.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2962 by Representatives Blake, Buck and Takko

AN ACT Relating to coastal crab fisheries licenses; and amending RCW 77.70.350.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 2963 by Representatives Blake, Buck, Kessler, Orcutt, Kristiansen, Dunn, Kretz and McCune

AN ACT Relating to diesel fuel sales and use tax exemptions for loggers and timber growers; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Finance.

HB 2964 by Representatives Kagi, Talcott, Walsh, Quall, Haler, Shabro, Fromhold, Kessler, Hunt, Appleton, Lantz, Darneille, Kenney, Chase, Hasegawa, Sells, Roberts, Hunter, Moeller, McCoy, Santos, Green and Simpson; by request of Governor Gregoire

AN ACT Relating to a department of early learning; amending RCW 43.17.010, 42.17.2401, 41.04.385, 74.13.085, 74.13.0902, 74.13.0903, 74.13.098, 74.13.099, 74.15.350, 74.12.340, 28A.215.110, 28A.215.120, 43.63A.066, 74.15.030, 74.15.100, and 74.15.130; reenacting and amending RCW 43.17.020 and 74.15.020; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 74.13.097, 74.13.098, 74.13.099, 74.15.063, 74.15.310, 74.15.320, 74.15.330, 74.15.340, 74.15.350, 28A.215.100, 28A.215.110,

28A.215.120, 28A.215.130, 28A.215.140, 28A.215.150, 28A.215.160, 28A.215.170, 28A.215.180, 28A.215.190, 28A.215.200, 28A.215.900, 28A.215.904, 28A.215.906, and 28A.215.908; prescribing penalties; and providing an effective date.

Referred to Committee on Children & Family Services.

HB 2965 by Representatives Hasegawa, Chase and Williams

AN ACT Relating to commercial trailer vehicle license fees; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.68 RCW; creating new sections; repealing RCW 46.16.068; and providing an effective date.

Referred to Committee on Transportation.

HB 2966 by Representatives Haigh, Wallace, Woods and McCoy

AN ACT Relating to adverse possession; amending RCW 7.28.010 and 4.16.020; adding a new section to chapter 4.16 RCW; and adding a new section to chapter 7.28 RCW.

Referred to Committee on Judiciary.

HB 2967 by Representatives Green, Sells, Appleton, McCoy, P. Sullivan, Kenney and Takko

AN ACT Relating to responding to drug crimes by providing increased support for enforcement and prosecution of drug crimes, authorizing the use of drug courts by juvenile courts, clarifying provisions related to sentence enhancements for certain drug crimes, modifying earned early release provisions related to offenders sentenced under RCW 9.94A.660, improving judges' abilities to make informed sentencing decisions, and undertaking studies related to criminal justice; amending RCW 2.28.170, 9.94A.533, 9.94A.728, and 9.94A.500; creating new sections; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2968 by Representatives Woods, Bailey, Hankins, Alexander, Buck, Kristiansen, Skinner, Shabro, Serben, McCune, Ahern, Rodne and Dunn

AN ACT Relating to increasing transportation permit efficiency; amending RCW 47.01.290; adding a new section to chapter 77.55 RCW; adding a new chapter to Title 47 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

HB 2969 by Representatives Hinkle and Anderson

AN ACT Relating to evidence-based medicine; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care.

HB 2970 by Representatives Pettigrew, Haler, McIntire, Darneille, Hasegawa, Walsh, Clibborn, Cody, Hunt, Santos, Kessler, Appleton, Kenney,

Roberts, P. Sullivan, Moeller, Schual-Berke, Springer, Simpson and Hudgins

AN ACT Relating to preserving the WorkFirst child safety net program; and amending RCW 74.08A.260.

Referred to Committee on Children & Family Services.

HB 2971 by Representatives Grant, Condotta, Eickmeyer, Appleton, Kessler, Kristiansen, Woods, Chandler and Ericksen

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

Referred to Committee on Commerce & Labor.

HB 2972 by Representatives Clibborn, Hinkle, Curtis, B. Sullivan, Cody, Moeller, P. Sullivan, Kenney, Kilmer and Jarrett

AN ACT Relating to community rates for health benefit plans; amending RCW 48.20.028, 48.44.022, and 48.46.064; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Health Care.

HB 2973 by Representatives Priest, Ormsby, Kenney, Kagi, Hasegawa, P. Sullivan, Moeller, Santos and Springer

AN ACT Relating to creating a career and technical high school graduation option for students meeting state standards in fundamental academic content areas; amending RCW 28A.230.090, 28A.230.100, and 28A.225.290; adding a new section to chapter 28C.04 RCW; and creating a new section.

Referred to Committee on Education.

HB 2974 by Representatives Cody, Morrell and Moeller

AN ACT Relating to health professions discipline; amending RCW 18.130.070, 18.130.050, 18.130.080, 18.130.160, and 18.130.175; adding new sections to chapter 18.130 RCW; adding a new section to chapter 43.43 RCW; repealing RCW 18.57.174 and 18.71.0193; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

HB 2975 by Representatives Newhouse, Kirby and Dunn

AN ACT Relating to exempt transactions under the securities act of Washington; and amending RCW 21.20.320.

Referred to Committee on Financial Institutions & Insurance.

HB 2976 by Representatives Sommers, Hasegawa, Linville, P. Sullivan, Quall, Kenney and Conway

AN ACT Relating to implementing a collective bargaining agreement with Western Washington University; amending 2005 c 518 s 963 (uncodified); and declaring an emergency.

Referred to Committee on Appropriations.

HB 2977 by Representatives Hasegawa, Conway, Simpson, Hankins, Dunshee, Santos, Green, Eickmeyer, Morrell, Sells, Chase, Flannigan, Hudgins, McCoy, Ormsby, Appleton and Williams

AN ACT Relating to the excise taxation of petroleum businesses; amending RCW 82.03.130 and 82.03.140; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Technology, Energy & Communications.

HB 2978 by Representatives Hasegawa, Chase and Santos

AN ACT Relating to requirements for fiscal impact statements prepared for the voters' pamphlet; and amending RCW 29A.32.070 and 29A.72.025.

Referred to Committee on State Government Operations & Accountability.

HB 2979 by Representatives Hasegawa, Chase, Roberts and Santos

AN ACT Relating to addressing cultural upbringing in parenting plans; and amending RCW 26.09.184.

Referred to Committee on Juvenile Justice & Family Law.

HB 2980 by Representatives Takko, Skinner, Blake, Hudgins, Hankins, Kenney and Dickerson; by request of Washington State Patrol

AN ACT Relating to application for vehicle certificates of title; and amending RCW 46.12.030 and 46.12.040.

Referred to Committee on Transportation.

HB 2981 by Representatives Fromhold, Clements and Murray; by request of Washington State Patrol

AN ACT Relating to commercial vehicles; and amending RCW 46.25.010, 46.32.005, 46.37.395, and 46.44.105.

Referred to Committee on Transportation.

HB 2982 by Representatives Appleton, Jarrett and Simpson; by request of Washington State Patrol

AN ACT Relating to the minimum height requirement for the attachment of vehicle license plates; and reenacting and amending RCW 46.16.240.

Referred to Committee on Transportation.

HB 2983 by Representatives O'Brien, Ericks, Upthegrove, Sells, Kilmer, Green, Pearson, Springer, Conway

and Simpson; by request of Washington State Patrol

AN ACT Relating to forwarding of sex offender information; and amending RCW 43.43.540.

Referred to Committee on Criminal Justice & Corrections.

HB 2984 by Representatives Springer, Jarrett, Simpson, Clibborn, B. Sullivan, Hasegawa, Sells, P. Sullivan, Moeller, Santos and Green

AN ACT Relating to affordable housing incentive programs; amending RCW 82.02.020; adding a new section to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Local Government.

HB 2985 by Representatives Schual-Berke, Clibborn, Appleton, Moeller, Green, Cody, Morrell, Walsh, McIntire, Kagi, Kenney, Hasegawa and Simpson

AN ACT Relating to creating a foster care health unit in the department of social and health services; amending RCW 74.13.031; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Children & Family Services.

HB 2986 by Representatives Schual-Berke, Quall, Hunt, Lantz, Darneille, Kenney, Nixon, Hasegawa and Santos

AN ACT Relating to student privacy and directory information; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Education.

HB 2987 by Representatives Kagi, Clibborn and Dickerson

AN ACT Relating to vehicle gross weight violations; and amending RCW 46.44.105.

Referred to Committee on Transportation.

HB 2988 by Representatives McIntire, Upthegrove, Haler and Clibborn

AN ACT Relating to the authorized uses of county sales and use taxes imposed under RCW 82.14.450; and amending RCW 82.14.450.

Referred to Committee on Finance.

HB 2989 by Representatives Kenney, Cox, Sells, Chase, Ericks, Hasegawa, Takko, Haler, Rodne, Hunter, Quall, McCoy, Santos, Green, Schual-Berke, Springer, Dickerson, Simpson and Hudgins

AN ACT Relating to establishing the Washington teach math-science program to increase the number and enhance the preparation of secondary school mathematics and science teachers; amending RCW 28B.102.040, 28B.102.060, and 28A.660.050; reenacting and amending RCW 43.84.092;

adding a new section to chapter 28B.76 RCW; adding a new chapter to Title 28B RCW; making appropriations; and providing an effective date.

Referred to Committee on Higher Ed & Workforce Ed.

HB 2990 by Representatives Appleton, Rodne, Kilmer, Woods, Strow, Eickmeyer, B. Sullivan, Pearson, Kessler and Fromhold

AN ACT Relating to promoting underwater viewing; amending RCW 43.330.090, 77.12.065, 79.105.050, 79A.05.360, and 79A.25.005; and creating new sections.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 2991 by Representatives Darneille, Walsh, Springer and Simpson

AN ACT Relating to a record check of a metropolitan park district's job applicants, volunteers, and independent contractors; and amending RCW 35.61.130.

Referred to Committee on Local Government.

HB 2992 by Representatives Moeller, Darneille, Hasegawa and Dunn

AN ACT Relating to notification of parents, guardians, and custodians when a juvenile is taken into custody by law enforcement; adding a new section to chapter 13.40 RCW; and creating a new section.

Referred to Committee on Juvenile Justice & Family Law.

HB 2993 by Representatives Moeller and Darneille

AN ACT Relating to at-risk youth proceedings; amending RCW 13.32A.030 and 13.32A.250; adding a new section to chapter 13.32A RCW; and prescribing penalties.

Referred to Committee on Juvenile Justice & Family Law.

HB 2994 by Representatives Nixon and Schual-Berke

AN ACT Relating to volunteer medical workers; amending RCW 43.70.110 and 43.70.250; adding a new section to chapter 18.130 RCW; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

HB 2995 by Representatives Curtis and Moeller

AN ACT Relating to preferred drug substitutions; and amending RCW 69.41.190.

Referred to Committee on Health Care.

HB 2996 by Representatives Walsh, Haler, Kagi, Roberts, Hankins and Santos

AN ACT Relating to trauma mitigation for children; adding a new section to chapter 74.13 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Children & Family Services.

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

REPORTS OF STANDING COMMITTEES

January 13, 2006

HB 2335 Prime Sponsor, Representative Appleton: Regulating body piercing. Reported by Committee on Health Care

MAJORITY recommendation: Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

January 13, 2006

HB 2341 Prime Sponsor, Representative Moeller: Modifying optometry licensing requirements. Reported by Committee on Health Care

MAJORITY recommendation: Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

January 13, 2006

HB 2384 Prime Sponsor, Representative Dickerson: Concerning the state geological survey. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Appropriations.

January 13, 2006

HB 2398 Prime Sponsor, Representative Cody: Expanding participation in state purchased health care programs. Reported by Committee on Health Care

MAJORITY recommendation: Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey; Condotta and Skinner.

Passed to Committee on Rules for second reading.

January 12, 2006

HB 2402 Prime Sponsor, Representative Morris: Providing for expedited processing of energy facilities and alternative energy resources. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

Passed to Committee on Rules for second reading.

January 13, 2006

HJM 4026 Prime Sponsor, Representative Haler: Requesting the Columbia generating station be used for the commercial production of hydrogen. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

MINORITY recommendation: Signed by Representatives Crouse, Ranking Minority Member.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 2337,
HOUSE BILL NO. 2406,
HOUSE BILL NO. 2415,

There being no objection, the Committee on Economic Development, Agriculture & Trade was relieved of further consideration of HOUSE BILL NO. 2466, and the bill was referred to the Committee on Finance.

There being no objection, the Committee on Finance was relieved of further consideration of HOUSE BILL NO. 2837, and the bill was referred to the Committee on Local Government.

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

There being no objection, the House adjourned until 10:00 a.m., January 18, 2006, the 10th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

TENTH DAY

House Chamber, Olympia, Wednesday, January 18, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Gabe Castandea and Lucas Nolta. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Anthony Irving, St. Benedict's Episcopal Church, Lacey.

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

INTRODUCTION & FIRST READING

HB 2997 by Representatives Strow, Ericks, Newhouse, Williams, Kirby, Upthegrove, Darneille and Simpson

AN ACT Relating to creating a training program for payday lending employees; adding a new section to chapter 31.45 RCW; and making an appropriation.

Referred to Committee on Financial Institutions & Insurance.

HB 2998 by Representatives P. Sullivan, Simpson, Santos, McCoy, Chase, Morrell, B. Sullivan, Hasegawa, Kenney and Green

AN ACT Relating to the high school assessment system; and amending RCW 28A.655.061.

Referred to Committee on Education.

HB 2999 by Representatives P. Sullivan, Talcott, Quall, Simpson, Nixon, Dickerson, Rodne, B. Sullivan, Schindler, Santos, Roach, McCune, Hasegawa, Springer and Kenney

AN ACT Relating to releasing the questions from the Washington assessment of student learning; and amending RCW 28A.655.070 and 28A.230.195.

Referred to Committee on Education.

HB 3000 by Representatives Woods and Murray; by request of Department of Licensing

AN ACT Relating to commercial driver's licenses; and amending RCW 46.20.270, 46.25.010, 46.25.050, 46.25.090, 46.25.120, 46.52.101, and 46.63.070.

Referred to Committee on Transportation.

HB 3001 by Representatives Hudgins and Conway; by request of Department of Licensing

AN ACT Relating to regulation of limousines; amending RCW 46.04.274; and providing an effective date.

Referred to Committee on Transportation.

HB 3002 by Representatives McCoy, Linville, Haigh and Chase

AN ACT Relating to intergovernmental water management; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3003 by Representatives Conway, Wallace, Jarrett, Wood, Hankins, Murray, Haler, Ormsby, Morrell, Strow, McCoy, Upthegrove, Chase, Simpson, Appleton, Sells, Dickerson, Hasegawa, Kenney and Hudgins; by request of Department of Transportation

AN ACT Relating to apprenticeship utilization requirements for department of transportation public works projects; amending RCW 39.04.320; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 3004 by Representatives Pearson, Lovick, B. Sullivan, Sells, Ericks, Green, O'Brien, Strow, Kristiansen, P. Sullivan, Woods, Kilmer, Roach and McCune

AN ACT Relating to a pilot project for registration of methamphetamine offenders; adding a new section to chapter 9A.44 RCW; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

HB 3005 by Representatives Alexander, McDonald, Dunn, Holmquist, Armstrong, Hinkle, Ahern, McCune, Serben, Kristiansen, Roach, Bailey, Nixon, Anderson, Condotta, Rodne, Woods, Strow, Schindler, Newhouse and Pearson

AN ACT Relating to using a priorities of government approach to developing the state's operating budget; reenacting and amending RCW 43.88.030; and adding new sections to chapter 43.88 RCW.

Referred to Committee on Appropriations.

HB 3006 by Representatives Anderson, Alexander, Haler, McDonald, Armstrong, Orcutt, Hinkle, Dunn,

Newhouse, Clements, Holmquist, Ahern, McCune, Ericksen, Kristiansen, Serben, Bailey, Roach, Nixon, Campbell, Talcott, Condotta, Shabro, Rodne, Woods, B. Sullivan, Schindler and Pearson

AN ACT Relating to implementing a proposed constitutional amendment creating the required reserve fund; amending RCW 39.42.070, 43.135.035, 43.135.035, and 43.135.051; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.135 RCW; adding a new section to chapter 28A.505 RCW; adding a new section to chapter 43.79 RCW; creating a new section; repealing RCW 43.135.045; providing an effective date; providing a contingent date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 3007 by Representatives McDonald, Alexander, Haler, Hinkle, Armstrong, Sump, Orcutt, Dunn, Newhouse, Ahern, Holmquist, McCune, Ericksen, Serben, Kristiansen, Bailey, Roach, Nixon, Anderson, Condotta, Shabro, Rodne, Woods, Schindler and Pearson

AN ACT Relating to implementing a proposed constitutional amendment placing restrictions on tax increases; amending RCW 43.135.035 and 43.135.035; providing an effective date; providing a contingent effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 3008 by Representatives Alexander, Orcutt, Haler, McDonald, Armstrong, Clements, Hinkle, Dunn, Ahern, Newhouse, Holmquist, Ericksen, McCune, Serben, Kristiansen, Bailey, Roach, Nixon, Anderson, Campbell, Condotta, Shabro, Rodne, Woods, Schindler and Pearson

AN ACT Relating to placing limitations on state expenditures; amending RCW 43.135.025, 43.135.025, 43.135.035, and 43.135.035; repealing 2005 c 72 s 3; providing an effective date; providing a contingent effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 3009 by Representatives Newhouse, Kirby, Roach, Clements, Talcott, Rodne, Tom and Ericks

AN ACT Relating to motor vehicle liability insurance; and amending RCW 46.30.020.

Referred to Committee on Transportation.

HB 3010 by Representatives Moeller, Newhouse and Flannigan

AN ACT Relating to ensuring the safety of milk and dairy products; and creating a new section.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3011 by Representatives Jarrett and Upthegrove; by request of Transportation Improvement Board

AN ACT Relating to the urban arterial program; and amending RCW 47.26.080, 47.26.115, 47.26.121, 47.26.140, 47.26.164, and 47.26.190.

Referred to Committee on Transportation.

HB 3012 by Representatives Serben, B. Sullivan, Buck, Sells, Kretz and Morrell

AN ACT Relating to a special hunting season for returning service members; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 3013 by Representatives Flannigan, Talcott, Quall, Pettigrew, Ormsby, Nixon, Green, Moeller, Kagi, Chase, Lantz, Anderson, Morrell, Simpson, Haigh, Kilmer, Santos, Hasegawa and Kenney

AN ACT Relating to kindergarten readiness; and creating a new section.

Referred to Committee on Education.

HB 3014 by Representatives O'Brien, Hankins and B. Sullivan

AN ACT Relating to the creation of an extended authority commission for Washington state patrol officers; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 3015 by Representatives Condotta, Kristiansen and Hinkle

AN ACT Relating to reporting consumption of fuel on nonhighway roads while hunting; and amending RCW 77.32.070.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 3016 by Representatives Simpson, Schindler, Takko, Ahern, Clibborn, Woods, B. Sullivan, Upthegrove, Chase, Kessler, Kilmer and Springer

AN ACT Relating to requiring senate confirmation for members of the growth management hearings boards; and amending RCW 36.70A.260.

Referred to Committee on Local Government.

HB 3017 by Representatives Springer, P. Sullivan, Upthegrove, Chase, Morrell, Simpson, Sells, Schual-Berke, Green, Kilmer, B. Sullivan, Linville and Hasegawa; by request of Governor Gregoire and Commissioner of Public Lands

AN ACT Relating to restrictions on condemnation and sale of condemned property by state and local governments; and creating new sections.

Referred to Committee on Judiciary.

HB 3018 by Representatives O'Brien and Kagi

AN ACT Relating to credit for time served in a presentence day reporting program; and amending RCW 9.94A.680.

Referred to Committee on Criminal Justice & Corrections.

HB 3019 by Representatives Haigh, Alexander, Dunshee and B. Sullivan

AN ACT Relating to chief financial officers in charter counties; and amending RCW 36.22.140.

Referred to Committee on Local Government.

HB 3020 by Representatives Lovick, Hankins, Morrell and Kagi; by request of Department of Transportation

AN ACT Relating to the use of automated traffic safety cameras in state highway work zones; and amending RCW 46.63.170.

Referred to Committee on Transportation.

HB 3021 by Representatives Lantz, Serben, Campbell, Williams, Dickerson, Rodne and Hudgins; by request of Board For Judicial Administration

AN ACT Relating to municipal court judges and commissioners; amending RCW 3.50.040, 3.50.050, 3.50.057, and 3.50.075; and repealing RCW 3.50.055 and 3.50.070.

Referred to Committee on Judiciary.

HB 3022 by Representative Green

AN ACT Relating to the definition of manager under the state civil service law; and amending RCW 41.06.022.

Referred to Committee on State Government Operations & Accountability.

HB 3023 by Representatives Haigh, Hinkle, McCoy, Nixon, Simpson, Ericks, McDermott, Green, Miloscia, Morrell, Wallace, Lantz and Kenney

AN ACT Relating to charging volunteer fire fighters a fee for a Washington state patrol background check; and amending RCW 43.43.838.

Referred to Committee on Criminal Justice & Corrections.

HB 3024 by Representatives Haigh, Cox, Ericks, Miloscia, Armstrong, McCoy, McDermott, Green, Morrell, Wallace, Nixon, Clements, Chase and Linville

AN ACT Relating to alternative public works contracting for school district capital demonstration projects; amending RCW 39.10.067; and providing an expiration date.

Referred to Committee on State Government Operations & Accountability.

HB 3025 by Representatives McCune, Pearson, Dunn, Ahern, McDonald, Campbell, Holmquist and Roach

AN ACT Relating to protecting good samaritans; amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 3026 by Representatives Appleton, Sells, Jarrett, Lantz, Morrell, Ericks, Campbell, P. Sullivan, Green, Conway, Haigh, Strow, Kilmer, Santos, Springer and Hudgins

AN ACT Relating to pay parity for community and technical college part-time academic employees; and amending RCW 28B.50.465.

Referred to Committee on Higher Ed & Workforce Ed.

HB 3027 by Representatives Chase and Green

AN ACT Relating to persons with developmental disabilities or traumatic brain injury who commit crimes; and amending RCW 71A.12.025.

Referred to Committee on Criminal Justice & Corrections.

HB 3028 by Representatives P. Sullivan, Cox, Quall, Hunt, Buri, Pearson, Ormsby, Fromhold, Anderson, Chase, Kessler, Lantz, Simpson, Sells, Appleton, Talcott, Green, Conway, Rodne, Woods, Morrell, Kilmer, B. Sullivan, Santos, Hasegawa, Kenney and Hudgins

AN ACT Relating to classified school employees; and creating a new section.

Referred to Committee on Education.

HB 3029 by Representatives Linville and Cox

AN ACT Relating to implementing the compensation and fringe benefit provisions in the master collective bargaining agreement; and amending RCW 41.80.010.

Referred to Committee on Appropriations.

HB 3030 by Representatives Lantz, Fromhold, Hunter, Cox, Kilmer, Morrell, Schual-Berke, Green, Santos and Kenney

AN ACT Relating to salary schedules for educational staff associate positions and vocational certified instructors; and amending RCW 28A.150.410.

Referred to Committee on Appropriations.

HB 3031 by Representatives Springer, Condotta, Cox, B. Sullivan and Nixon

AN ACT Relating to the merchandising of beer and wine by employees between the ages of eighteen and twenty-one on or about a licensee's premises; and amending RCW 66.44.318.

Referred to Committee on Commerce & Labor.

HB 3032 by Representatives Pettigrew, Kretz, Grant, Cox, B. Sullivan, Clements, Haigh and Linville

AN ACT Relating to livestock inspection fees; amending RCW 16.57.220 and 16.58.130; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3033 by Representatives Pettigrew, Kristiansen, Grant, Kretz, Holmquist, Cox, B. Sullivan, Clements, Campbell, Haigh, Newhouse and Linville

AN ACT Relating to animal identification; creating a new section; and providing an expiration date.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3034 by Representatives Chase, Uptegrove, Morrell and Conway

AN ACT Relating to excise taxation of required college textbooks; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 3035 by Representatives Williams, Rodne and Campbell

AN ACT Relating to statutory costs; and amending RCW 4.84.010 and 12.20.060.

Referred to Committee on Judiciary.

HB 3036 by Representatives Lantz, Rodne and Campbell

AN ACT Relating to notices of dishonor; and amending RCW 62A.3-540.

Referred to Committee on Judiciary.

HB 3037 by Representatives Pearson, Cox, McCune, Ericks, Sells, Campbell, P. Sullivan, Woods, Strow, Morrell and Kilmer

AN ACT Relating to increasing the penalties for failure to register as a sex offender; amending RCW 9A.44.130; reenacting and amending RCW 9A.44.130 and 9.94A.515; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 3038 by Representative Pearson

AN ACT Relating to the construction of replacement or additional wells; and amending RCW 90.44.100.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3039 by Representatives McCoy, Eickmeyer, Sump, Chase, Appleton and B. Sullivan

AN ACT Relating to reducing nitrogen discharges from sewage systems in the Hood Canal aquatic rehabilitation zone; adding a new section to chapter 90.48 RCW; and adding a new section to chapter 43.20 RCW.

Referred to Committee on Select Committee on Hood Canal.

HB 3040 by Representatives McCoy, Eickmeyer, Sump, Chase, Appleton and B. Sullivan

AN ACT Relating to licensing of on-site sewage maintenance providers; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 3041 by Representatives Alexander, Nixon, Haigh, Darneille and P. Sullivan

AN ACT Relating to voter registration; and amending RCW 29A.08.140 and 29A.08.145.

Referred to Committee on State Government Operations & Accountability.

HB 3042 by Representatives Green, Conway, Simpson, Williams, Morrell and Hasegawa

AN ACT Relating to industrial insurance compensation for medical or surgical treatment proven to be effective; and adding new sections to chapter 51.36 RCW.

Referred to Committee on Commerce & Labor.

HB 3043 by Representative Williams

AN ACT Relating to board of health rules applicable to family day-care providers; and amending RCW 43.20.050.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3044 by Representatives Conway, Chase, Hasegawa, Ormsby, Simpson, Dickerson, Morrell, Green, Sells, Appleton, Cody and Schual-Berke

AN ACT Relating to protecting Washington businesses and consumers from rising oil costs; amending RCW 80.01.040; adding a new chapter to Title 80 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Technology, Energy & Communications.

HB 3045 by Representatives Conway, Ormsby and Simpson

AN ACT Relating to sprinkler fitters; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 3046 by Representatives P. Sullivan, Newhouse, Grant, Kristiansen, Quall, Armstrong, Blake, Haler, Wallace, Skinner, Clibborn, Chandler, Condotta, Kessler, Morrell, Simpson, Conway, Kirby, Sells, Rodne, Kilmer and Linville

AN ACT Relating to establishing the Washington beer commission; amending RCW 66.44.800, 15.04.200, 42.17.31907, 42.56.380, and 43.23.033; adding a new section to chapter 66.12 RCW; adding a new chapter to Title 15 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3047 by Representatives Upthegrove and Orcutt

AN ACT Relating to tangible personal property and services included in the definition of retail sale; reenacting and amending RCW 82.04.050; and providing an effective date.

Referred to Committee on Finance.

HB 3048 by Representatives Moeller and Darneille; by request of Uniform Legislation Commission

AN ACT Relating to the uniform interstate family support act; and amending RCW 26.21A.900.

Referred to Committee on Juvenile Justice & Family Law.

HB 3049 by Representatives Morrell, Green, Cody, Santos, Appleton, Schual-Berke, Conway and Kenney

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

Referred to Committee on Health Care.

HB 3050 by Representatives Morrell, Green, Cody, Appleton, Upthegrove, Hasegawa, Kenney and Hudgins

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

Referred to Committee on Health Care.

HB 3051 by Representatives Kristiansen, Linville, Dunn, P. Sullivan, Strow, Chase, Morrell, Ericks, Sells, Rodne, Kilmer, B. Sullivan, Newhouse and Springer

AN ACT Relating to tax incentives to promote statewide job creation; and amending RCW 82.62.010.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3052 by Representatives Clibborn, Wallace, Jarrett and Ericks

AN ACT Relating to the jurisdiction of regulating train speeds; and amending RCW 81.48.030 and 81.48.040.

Referred to Committee on Transportation.

HB 3053 by Representatives Schindler, Sump, Kristiansen, Cox, McDonald, Crouse, Kretz, Serben, Buck and Roach

AN ACT Relating to the use of services and activities fees; and amending RCW 28B.15.041 and 28B.15.045.

Referred to Committee on Higher Ed & Workforce Ed.

HB 3054 by Representatives Priest, Chase and Anderson

AN ACT Relating to redefining the high school diploma; and creating new sections.

Referred to Committee on Education.

HB 3055 by Representatives Williams and Hunt

AN ACT Relating to agency personal service contracts; and amending RCW 39.29.008.

Referred to Committee on State Government Operations & Accountability.

HB 3056 by Representatives Takko, Woods, Clibborn, B. Sullivan and Springer

AN ACT Relating to payment of claims by checks or warrants; adding a new section to chapter 35.23 RCW; and adding a new section to chapter 35.27 RCW.

Referred to Committee on Local Government.

HB 3057 by Representatives Green, Nixon, Hunt, Sump, Miloscia, Haigh, Schual-Berke and Morrell; by request of Secretary of State

AN ACT Relating to modifying the provisions of the address confidentiality program; and amending RCW 40.24.020, 40.24.030, 40.24.040, 40.24.060, and 40.24.070.

Referred to Committee on State Government Operations & Accountability.

HB 3058 by Representatives Green, Nixon, Haigh, Hunt and Lantz; by request of Secretary of State

AN ACT Relating to updating public records provisions; amending RCW 36.22.175; adding new sections to chapter 40.14 RCW; creating a new section; and repealing RCW 40.14.010, 40.14.020, 40.14.022, 40.14.024, 40.14.025, 40.14.027, 40.14.030, 40.14.040, 40.14.050, 40.14.060,

40.14.070, 40.14.080, 40.14.100, 40.14.110, 40.14.120, 40.14.130, 40.14.140, 40.14.150, 40.14.160, 40.14.170, and 40.14.180.

Referred to Committee on State Government Operations & Accountability.

HB 3059 by Representatives Grant, Condotta, Cody and Kessler

AN ACT Relating to clarifying the application of taxes to the financial activities of professional employer organizations; amending RCW 82.08.010, 82.12.010, 82.80.050, and 35.102.040; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 35.102 RCW; adding a new section to chapter 82.02 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 3060 by Representatives Grant and Condotta

AN ACT Relating to professional employer organizations; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 3061 by Representatives Dunn, Armstrong, Sump, Ahern, McCune, Roach, Campbell and Alexander

AN ACT Relating to excise tax exemptions for hands-free wireless communications devices; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 3062 by Representatives Dunn, Armstrong, Sump, Ahern, Holmquist, McCune, Roach, Campbell, Alexander, Condotta, Kristiansen and Woods

AN ACT Relating to reducing the taxation of physical fitness services; reenacting and amending RCW 82.04.050; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 3063 by Representatives Bailey, Alexander, Woods, Talcott, McCune and Ericksen

AN ACT Relating to creating unfunded liabilities stabilization accounts within the public employees' retirement system plan 1 and teachers' retirement system plan 1 funds; amending RCW 41.50.075 and 41.50.075; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 3064 by Representatives Bailey, Morrell, Dunn, Kilmer, Strow, Green, Skinner, Hinkle, Kretz, Orcutt, Anderson, Darneille, Rodne, Woods, Talcott, Santos and McCune

AN ACT Relating to eligibility for services to children and pregnant women; amending RCW 74.04.005 and 74.04.750; reenacting and amending RCW 74.09.510; creating new sections; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 3065 by Representatives Pearson, Shabro and Woods

AN ACT Relating to the protection of persons and property; amending RCW 9A.16.050 and 9A.16.020; adding new sections to chapter 9A.16 RCW; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

HB 3066 by Representatives Lantz, Rodne and Campbell

AN ACT Relating to the limitations period for an account receivable; amending RCW 4.16.040; and creating a new section.

Referred to Committee on Judiciary.

HB 3067 by Representatives Roach, Kirby, Newhouse, Ericks, Sells, P. Sullivan, Green, Rodne, Woods, Strow, Morrell and B. Sullivan

AN ACT Relating to identity theft; amending RCW 19.182.170 and 28A.300.460; adding a new section to chapter 43.10 RCW; adding a new chapter to Title 30 RCW; and making appropriations.

Referred to Committee on Financial Institutions & Insurance.

HJR 4218 by Representatives McDonald, Alexander, Haler, Hinkle, Armstrong, Sump, Orcutt, Dunn, Newhouse, Ahern, Holmquist, McCune, Ericksen, Serben, Kristiansen, Roach, Bailey, Nixon, Anderson, Condotta, Shabro, Woods, Strow and Pearson

Placing restrictions on tax increases.

Referred to Committee on Finance.

HJR 4219 by Representatives Alexander, Orcutt, Haler, Dunn, Armstrong, Clements, McDonald, Shabro, Sump, Hinkle, Holmquist, Ahern, Newhouse, McCune, Ericksen, Serben, Kristiansen, Bailey, Roach, Nixon, Anderson, Campbell, Condotta, Woods, Strow and Pearson

Placing limitations on state expenditures.

Referred to Committee on Appropriations.

HJR 4220 by Representatives Anderson, Alexander, Haler, McDonald, Armstrong, Orcutt, Dunn, Sump, Newhouse, Clements, Ahern, Hinkle, Ericksen, Bailey, Roach, Kristiansen, Holmquist, Nixon, Campbell, Condotta, Shabro, Serben, Rodne, Woods, Strow, McCune and Pearson

Creating the required reserve fund.

Referred to Committee on Appropriations.

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

REPORTS OF STANDING COMMITTEES

January 17, 2006

HB 1145 Prime Sponsor, Representative Clibborn: Authorizing donation of unclaimed personal property to nonprofit charitable organizations. Reported by Committee on Local Government

MAJORITY recommendation: Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 16, 2006

HB 1184 Prime Sponsor, Representative Flannigan: Providing training for new county officers. Reported by Committee on Local Government

MAJORITY recommendation: Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 13, 2006

SHB 2292 Prime Sponsor, Representative Committee On Judiciary: Addressing health care liability reform. Reported by Committee on Judiciary

MAJORITY recommendation: Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Campbell; Kirby; Springer; Williams and Wood.

MINORITY recommendation: Signed by Representatives Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Serben.

Passed to Committee on Rules for second reading.

January 13, 2006

HB 2349 Prime Sponsor, Representative Morris: Providing new renewable energy standards. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

MINORITY recommendation: Signed by Representatives Crouse, Ranking Minority Member.

Referred to Committee on Appropriations.

January 13, 2006

HB 2376 Prime Sponsor, Representative Clibborn: Repealing cost-sharing in medical programs. Reported by Committee on Health Care

MAJORITY recommendation: Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Curtis, Assistant Ranking Minority Member; Appleton; Clibborn; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

MINORITY recommendation: Signed by Representatives Hinkle, Ranking Minority Member; Alexander; Bailey and Condotta.

Referred to Committee on Appropriations.

January 13, 2006

HB 2393 Prime Sponsor, Representative Dunshee: Funding energy freedom projects. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

MINORITY recommendation: Signed by Representatives Crouse, Ranking Minority Member.

Referred to Committee on Capital Budget.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated, with the exception of SUBSTITUTE HOUSE BILL NO. 2292, which was placed on the Second Reading calendar.

SECOND READING

HOUSE BILL NO. 2337, By Representatives Linville, Strow, Dunshee, Appleton, Haler, Chase, McCoy, Blake, Wallace, Ericksen, Ericks, Simpson, Green, Morrell, Ormsby, Kristiansen and Schual-Berke; by request of Department of Community, Trade, and Economic Development and Public Works Board

Authorizing projects recommended by the public works board.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2337 was substituted for House Bill No. 2337 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2337 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, Strow and Appleton spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2337.

MOTIONS

On motion of Representative Clements, Representative McDonald was excused. On motion of Representative Santos, Representative Hunter was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2337 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Hunter and McDonald - 2.

SUBSTITUTE HOUSE BILL NO. 2337, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2406, By Representatives Roach and Kirby; by request of Insurance Commissioner

Changing insurance statutes, generally.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Roach and Kirby spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2406.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2406 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney,

Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire and Miloscia - 56.

Excused: Representatives Hunter and McDonald - 2.

HOUSE BILL NO. 2406, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2415, By Representatives Ericks, Roach, Kirby, Morrell, Green, Nixon, McDonald, Hasegawa, Conway, Simpson, Ormsby and Schual-Berke; by request of Insurance Commissioner

Compensating the victims of uninsured and underinsured motorists.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2415 was substituted for House Bill No. 2415 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2415 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Strow spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2415.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2415 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Hunter and McDonald - 2.

SUBSTITUTE HOUSE BILL NO. 2415, having received the necessary constitutional majority, was declared passed.

THIRD READING

There being no objection, HOUSE BILL NO. 1545 was referred to the Rules Committee X file.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080, By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives McDonald, O'Brien and Morrell)

Protecting dependent persons.

The bill was read the third time.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1080.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1080 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Hunter and McDonald - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1510, By House Committee on Finance (originally sponsored by Representatives Morris, Quall, B. Sullivan and Chase)

Modifying the property taxation of nonprofit entities.

The bill was read the third time.

Representatives Morris and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1510.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1510 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta,

Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Hunter and McDonald - 2.

SUBSTITUTE HOUSE BILL NO. 1510, having received the necessary constitutional majority, was declared passed.

There being no objection, HOUSE BILL NO. 1716 was referred to the Rules Committee X file.

HOUSE BILL NO. 1717, By Representatives McDermott and Nixon

Conforming legal notice broadcast requirements to current practice.

The bill was read the third time.

Representatives McDermott and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1717.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1717 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Hunter and McDonald - 2.

HOUSE BILL NO. 1717, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1742, By Representatives Clibborn, Haler, Appleton, Ericks, Simpson, Kristiansen, Linville, Schindler and Quall

Providing tax incentives for certain multiple-unit dwellings in urban centers.

The bill was read the third time.

Representatives Clibborn and Haler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1742.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1742 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Hunter and McDonald - 2.

HOUSE BILL NO. 1742, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1429, By Representatives Dickerson, Ericksen, Murray, Linville, B. Sullivan, Lovick, Talcott, Campbell, Chase, Nixon and Simpson

Authorizing personal rapid transit and magnetic levitation transit systems.

There being no objection, the rules were suspended, and HOUSE BILL NO. 1429 was returned to second reading for purposes of amendment.

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

SECOND READING

HOUSE BILL NO. 1429, By Representatives Dickerson, Ericksen, Murray, Linville, B. Sullivan, Lovick, Talcott, Campbell, Chase, Nixon and Simpson

Authorizing personal rapid transit and magnetic levitation transit systems.

Representative Dickerson moved the adoption of the following amendment (644):

On page 3, line 12, strike "2005" and insert "2006"

Representatives Dickerson and Woods spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson, Ericksen and Appleton spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1429.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1429 and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Anderson, Dunn, Hudgins and Tom - 4.

Excused: Representatives Hunter and McDonald - 2.

ENGROSSED HOUSE BILL NO. 1429, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED HOUSE BILL NO. 1429.

ZACK HUDGINS, 11th District

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

THIRD READING

HOUSE BILL NO. 1466, By Representatives Flannigan, Woods, Darneille, Condotta, Kirby, Orcutt, Simpson, Haigh, Nixon, Chase, Strow, Hunt, Blake, Campbell and Kagi

Allowing motorcycles to stop and proceed through traffic signals.

There being no objection, the rules were suspended, and HOUSE BILL NO. 1466 was returned to second reading for purpose of amendment.

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

SECOND READING

HOUSE BILL NO. 1466, By Representatives Flannigan, Woods, Darneille, Condotta, Kirby, Orcutt, Simpson, Haigh, Nixon, Chase, Strow, Hunt, Blake, Campbell and Kagi

Allowing motorcycles to stop and proceed through traffic signals.

Representative Flannigan moved the adoption of the following amendment (645):

On page 2, line 2, after "September 1," strike "2005" and insert "2006"

Representatives Flannigan and Woods spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Flannigan and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1466.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1466 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Appleton and Simpson - 2.
Excused: Representatives Hunter and McDonald - 2.

ENGROSSED HOUSE BILL NO. 1466, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151, By House Committee on Judiciary (originally sponsored by Representatives Lovick, Campbell, Lantz, Jarrett, Simpson, Williams, Murray and B. Sullivan)

Regulating the keeping of dangerous wild animals.

The bill was read the third time.

Representatives Lovick and Priest spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1151.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1151 and the bill passed the House by the following vote: Yeas - 67, Nays - 29, Excused - 2.

Voting yea: Representatives Anderson, Appleton, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hasegawa, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, Newhouse, Nixon, Orcutt, Pearson, Schindler, Serben, Skinner, Strow, Talcott and Woods - 29.

Excused: Representatives Hunter and McDonald - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1471, By Representatives Lovick, McDonald and Takko

Changing provisions relating to authentication of documents.

The bill was read the third time.

Representatives Lovick and Priest spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1471.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1471 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta,

Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Hunter and McDonald - 2.

HOUSE BILL NO. 1471, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

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

There being no objection, the Committee on Economic Development, Agriculture & Trade was relieved of further consideration of HOUSE BILL NO. 2639, and the bill was referred to the Committee on Finance.

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

There being no objection, the House adjourned until 9:55 a.m., January 19, 2006, the 11th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

ELEVENTH DAY

House Chamber, Olympia, Thursday, January 19, 2006

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

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

MESSAGE FROM THE SENATE

January 18, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5042,
SUBSTITUTE SENATE BILL NO. 5611,
SUBSTITUTE SENATE BILL NO. 6025,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION & FIRST READING

HB 3068 by Representatives Conway, Chase, McDermott, Dickerson, Sells, Cody, Ormsby, Simpson, Schual-Berke and Hasegawa

AN ACT Relating to employer communications about political, religious, or labor organizing matters; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Commerce & Labor.

HB 3069 by Representatives Morrell, Pettigrew, Miloscia, Springer, Williams, Hunt, O'Brien, Hasegawa and Hudgins

AN ACT Relating to resolving manufactured/mobile home landlord and tenant disputes; amending RCW 59.22.070; adding a new section to chapter 34.12 RCW; adding a new chapter to Title 59 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Housing.

HB 3070 by Representatives Miloscia, Hasegawa, Chase and Santos

AN ACT Relating to increasing nonprofit housing development capacity; amending RCW 43.180.160, 43.180.080, and 43.180.050; adding new sections to chapter 43.180 RCW; adding a new section to chapter 43.63A RCW; creating a new section; and making an appropriation.

Referred to Committee on Housing.

HB 3071 by Representatives Hinkle, Walsh and Pettigrew

AN ACT Relating to a study to review the age of consent in Washington; and creating a new section.

HELD ON 1ST READING.

HB 3072 by Representatives McIntire, Anderson, Simpson, Rodne, Schual-Berke, Linville, Kessler, Hudgins, Dunn and Morrell

AN ACT Relating to estimates of agency activities; and amending RCW 43.88.110.

Referred to Committee on Appropriations.

HB 3073 by Representatives McIntire, Nixon, Sommers, Haigh, Morrell, McDermott, Simpson, Hunt, Ericks and Schual-Berke

AN ACT Relating to shared leave for declared emergencies; and amending RCW 41.04.665.

Referred to Committee on State Government Operations & Accountability.

HB 3074 by Representatives Serben, Lantz, Haler, McCoy, Chase, Dunn, Green and Morrell

AN ACT Relating to determining the military status of defendants; and amending RCW 38.42.050.

Referred to Committee on Judiciary.

HB 3075 by Representatives O'Brien, Jarrett and Ericks

AN ACT Relating to county auditor licensing services accounts; amending RCW 46.01.140; adding a new section to chapter 36.33 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 3076 by Representatives Ahern, Lantz, McCoy, Nixon, Simpson, Woods, Serben, Springer, Conway, Kessler, Green and Morrell

AN ACT Relating to making it a felony to drive or be in physical control of a vehicle while under the influence of intoxicating liquor or any drug when the person has three prior offenses within seven years or has a prior conviction for vehicular homicide or vehicular assault; amending RCW 46.61.502, 46.61.504, 46.61.5055, 46.61.5151, 9.94A.030, 9.94A.030, 9.94A.640, and 13.40.0357; reenacting and amending RCW 9.94A.505; adding a new section to chapter 46.61 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

HB 3077 by Representatives O'Brien, Condotta, Wood and Darneille

AN ACT Relating to a sales tax exemption for vessels purchased by nonresidents; adding a new section to chapter 82.08 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 3078 by Representatives Conway, Haigh, McCoy, Linville and Dunn

AN ACT Relating to transferring responsibilities for the World War II oral history project; amending RCW 28A.300.370; adding a new section to chapter 43.60A RCW; creating a new section; recodifying RCW 28A.300.370; and providing an effective date.

Referred to Committee on State Government Operations & Accountability.

HB 3079 by Representatives Conway, Cody, Sells, Dickerson, Morrell, Simpson, Schual-Berke, Hasegawa, Chase and Santos

AN ACT Relating to health care services; adding a new section to chapter 70.47 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

HB 3080 by Representatives Santos, McCoy, Haler, Chase and Dunn

AN ACT Relating to development and adoption of a common school curriculum; and adding new sections to chapter 28A.230 RCW.

Referred to Committee on Education.

HB 3081 by Representatives Cody, Hinkle and Sommers; by request of Department of Social and Health Services

AN ACT Relating to clarifying the financial responsibility of the state and regional support networks for the costs associated with the care of individuals in need of involuntary treatment under chapter 71.05 RCW; amending RCW 71.24.045, 71.24.300, 71.24.330, 71.05.300, 72.23.010, and 72.23.025; and reenacting and amending RCW 71.24.035.

Referred to Committee on Health Care.

HB 3082 by Representatives Rodne, Springer, Priest, Wood, Lantz and Nixon

AN ACT Relating to administration of the courts of limited jurisdiction; amending RCW 3.50.003, 3.50.005, 3.50.020, 3.50.055, 3.50.805, and 39.34.180; adding a new section to chapter 3.50 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 3083 by Representatives Takko, Haler and Blake

AN ACT Relating to the excise taxation of fruit and vegetable processing and storage; amending RCW 82.04.4266, 82.32.610, 82.74.010, 82.74.040, 82.08.820, 82.08.820,

82.08.820, 82.12.820, 82.32.600, and 82.32.590; reenacting and amending RCW 82.04.260; providing effective dates; and providing expiration dates.

Referred to Committee on Finance.

HB 3084 by Representatives B. Sullivan, Buck, Chase and Sells

AN ACT Relating to the study of state programs affecting exploration, development, production, and storage of oil and gas; creating new sections; and making an appropriation.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 3085 by Representatives Blake, Kretz, B. Sullivan, Orcutt, Haler and Ericks

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

Referred to Committee on Natural Resources, Ecology & Parks.

HB 3086 by Representatives Hunter, Orcutt, Cody, Schual-Berke, Clements, Appleton, Hinkle, Morrell, Fromhold, Curtis, McCoy, Haler, Woods, Dickerson, Chase, Conway, Kessler, Hudgins, Sells, Dunn, Green, Lantz, Ericks and McDonald

AN ACT Relating to business and occupation tax exemption for chemotherapy and anticancer drugs dispensed pursuant to prescription; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 3087 by Representatives Ormsby, Sells, Kenney, Cox, Buri, Fromhold, Hasegawa, Morrell, McCoy, Upthegrove, Ericks, Darneille, Rodne, Chase, Conway, Kessler, Dunn, Green and Lantz

AN ACT Relating to cost savings on course materials for students at state universities, regional universities, and The Evergreen State College; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Ed & Workforce Ed.

HB 3088 by Representatives Murray, Haler and Dunn; by request of Department of Transportation

AN ACT Relating to the Milwaukee Road cross-state trail; and amending RCW 79A.05.115 and 79A.05.120.

Referred to Committee on Transportation.

HB 3089 by Representatives Murray, Clibborn, Woods, Simpson and Linville; by request of Department of Transportation

AN ACT Relating to commute trip reduction; amending RCW 70.94.521, 70.94.524, 70.94.527, 70.94.531, 70.94.534,

70.94.537, 70.94.541, 70.94.544, 70.94.547, and 70.94.551; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Transportation.

HB 3090 by Representatives Chase and Dunn

AN ACT Relating to firearms safety education programs; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Judiciary.

HB 3091 by Representative B. Sullivan

AN ACT Relating to permitted uses of real estate excise taxes imposed by counties and cities; and reenacting and amending RCW 82.46.035.

Referred to Committee on Local Government.

HB 3092 by Representatives Morrell, Newhouse, McCoy, Springer, Eickmeyer, Strow, Curtis, Quall, Buri, Wallace, Kristiansen, Kretz, Moeller, Green, Serben, Ormsby, Dunshee, Ericks, O'Brien, Nixon, Simpson, Blake, Darneille and Dunn

AN ACT Relating to late renewal penalties for concealed pistol licenses; and amending RCW 9.41.070.

Referred to Committee on Judiciary.

HB 3093 by Representatives Clibborn, Curtis, Simpson, Darneille, Schual-Berke, Dickerson and Dunn

AN ACT Relating to allowing physician assistants to determine disability for special parking privileges; and amending RCW 46.16.381.

Referred to Committee on Transportation.

HB 3094 by Representatives Ericks, Sells and Simpson

AN ACT Relating to advanced registered nurse practitioners; and amending RCW 18.79.050.

Referred to Committee on Health Care.

HB 3095 by Representatives Ericks, Haler, Morris, Nixon, Sump, Crouse, Wallace, P. Sullivan, Hudgins, Takko, Sells, Simpson, Hasegawa, Green and Morrell

AN ACT Relating to enhancing interoperability of the state's emergency communications system through the procurement and deployment of a public safety communications system; amending RCW 43.105.020 and 43.105.080; adding a new section to chapter 43.105 RCW; and creating new sections.

Referred to Committee on Technology, Energy & Communications.

HB 3096 by Representatives Santos, Morrell, Green, Cody, Pettigrew, Clibborn, Darneille, Hasegawa and Conway

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

Referred to Committee on Health Care.

HB 3097 by Representatives Santos, Morrell, Green, Cody, Clibborn, Pettigrew and Hasegawa

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

Referred to Committee on Health Care.

HB 3098 by Representatives McDermott, Talcott and Quall

AN ACT Relating to transferring duties of the reconstituted state board of education; amending RCW 28A.305.130, 28A.305.035, 28A.300.040, 28A.150.220, 28A.150.230, 28A.150.230, 28A.150.250, 28A.505.140, 28A.525.020, 28A.525.030, 28A.525.050, 28A.525.055, 28A.525.070, 28A.525.080, 28A.525.090, 28A.525.162, 28A.525.164, 28A.525.166, 28A.525.168, 28A.525.170, 28A.525.172, 28A.525.174, 28A.525.176, 28A.525.178, 28A.525.180, 28A.525.190, 28A.525.200, 28A.525.216, 28A.150.260, 28A.335.160, 28A.540.050, 28A.150.530, 28A.335.210, 28A.335.230, 28A.540.070, 28A.305.220, 28A.230.100, 28A.230.170, 28A.305.170, 28A.230.130, 28A.205.010, 28A.215.010, 28A.215.020, 28A.205.040, 28A.215.140, 28A.230.020, 28A.230.040, 28A.230.050, 28A.315.175, 28A.315.195, 28A.315.205, 28A.315.015, 28A.315.025, 28A.315.055, 28A.315.085, 28A.315.125, 28A.315.185, 28A.305.210, 28A.310.080, 28A.310.030, 28A.310.050, 28A.310.060, 28A.310.090, 28A.310.100, 28A.310.140, 28A.310.150, 28A.310.200, 28A.310.310, 28A.323.020, 28A.323.040, 28A.305.160, 28A.150.300, 28A.225.160, 28A.300.150, 28A.600.020, 28A.600.030, 28A.625.360, 28A.225.330, 28A.405.110, 28A.415.010, 28A.415.020, 28A.415.024, 28A.415.025, 28A.415.105, 28A.415.125, 28A.415.130, 28A.415.145, 28A.660.040, 28A.690.020, 28A.300.050, 28A.625.370, 28A.625.380, 28A.625.390, 28A.600.010, 28A.225.280, 28A.600.200, 28A.160.210, 28A.160.100, 28A.210.070, 28A.210.160, 28A.335.100, 28A.335.120, 28A.320.240, 28A.155.060, 28A.600.130, and 28A.650.015; reenacting and amending RCW 28A.330.100 and 28A.630.400; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 28A.545 RCW; adding a new section to chapter 28A.230 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.315 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.405 RCW; creating new sections; recodifying RCW 28A.305.220, 28A.305.170, and 28A.305.160; decodifying RCW 28A.525.120, 28A.525.122, 28A.525.124, 28A.525.126, 28A.525.128, 28A.525.130, 28A.525.132, 28A.525.134, 28A.525.140, 28A.525.142, 28A.525.144, 28A.525.146, 28A.525.148, 28A.525.150, 28A.525.152, 28A.525.154, 28A.525.156, 28A.525.158, 28A.525.160, and 28A.525.182; repealing RCW 28A.305.140, 28A.655.180, and 28A.310.020; providing effective dates; and providing an expiration date.

Referred to Committee on Education.

HB 3099 by Representatives Hudgins, Crouse and Morris

AN ACT Relating to membership of the information services board; and amending RCW 43.105.032.

Referred to Committee on Technology, Energy & Communications.

HB 3100 by Representatives Priest, Haler, Darneille, Schual-Berke and Dunn

AN ACT Relating to medical coverage for elected officials and commissioners; and amending RCW 41.04.180 and 41.04.190.

Referred to Committee on Health Care.

HJM 4036 by Representatives Conway, Ormsby, Dickerson, Green, Chase, Wood, Morrell, Sells, Appleton, McDermott, Cody, Simpson, Hasegawa and Hudgins

Requesting congress to enact the employee free choice act and to oppose the national security personnel system.

Referred to Committee on Commerce & Labor.

SSB 5042 by Senate Committee on Judiciary (originally sponsored by Senator McCaslin)

AN ACT Relating to tolling the statute of limitations for felony sex offenses; and amending RCW 9A.04.080.

Referred to Committee on Criminal Justice & Corrections.

SSB 5611 by Senate Committee on Judiciary (originally sponsored by Senators Esser, Kline, Regala, Hewitt, Fairley, McCaslin, Zarelli, Weinstein, Stevens, Johnson, Brandland, Hargrove and Franklin)

AN ACT Relating to the interest rate on legal financial obligations; and amending RCW 10.82.090 and 4.56.110.

Referred to Committee on Judiciary.

SSB 6025 by Senate Committee on International Trade & Economic Development (originally sponsored by Senators Shin, Kohl-Welles, Thibaudeau and Rasmussen)

AN ACT Relating to the office of the Washington state trade representative; and amending RCW 43.332.010.

Referred to Committee on Economic Development, Agriculture & Trade.

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

REPORTS OF STANDING COMMITTEES

January 18, 2006

HB 1436 Prime Sponsor, Representative McDermott: Allowing public funding of local office

campaigns. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Hunt; McDermott and Miloscia.

MINORITY recommendation: Signed by Representatives Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 18, 2006

E2SHB 1484 Prime Sponsor, House Committee On Finance: Authorizing voter approved regular property tax levies for school purposes. Reported by Committee on Finance

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway; Ericks; Hasegawa and Santos.

MINORITY recommendation: Signed by Representatives Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta and Shabro.

Passed to Committee on Rules for second reading.

January 18, 2006

HB 2329 Prime Sponsor, Representative Hunter: Clarifying that the state auditor and the joint legislative audit and review committee are among the entities that are exceptions to the provisions prohibiting disclosure of department of social and health services information. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Hunt; McDermott and Miloscia.

MINORITY recommendation: Signed by Representatives Clements, Assistant Ranking Minority Member; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 18, 2006

HB 2358 Prime Sponsor, Representative Haigh: Regarding penalties for violations of the public disclosure act. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 18, 2006

HB 2661 Prime Sponsor, Representative Murray:
Expanding the jurisdiction of the human rights
commission. Reported by Committee on State
Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Hunt; McDermott and Miloscia.

MINORITY recommendation: Signed by Representatives Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Schindler and Sump.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 2661, which was placed on the Second Reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., January 20, 2006, the 12th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

TWELFTH DAY

House Chamber, Olympia, Friday, January 20, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tarin Alford and Daniel Zapotocky. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Anthony Irving, St. Benedict's Episcopal Church, Lacey.

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

MESSAGE FROM THE SENATE

January 18, 2006

Mr. Speaker:

The Senate has passed SECOND ENGROSSED SENATE BILL NO. 5714, and the same is herewith transmitted.
Thomas Hoemann, Secretary

The Speaker assumed the chair.

INTRODUCTION & FIRST READING

HB 3071 by Representatives Hinkle, Walsh, Pettigrew, O'Brien and McDonald

AN ACT Relating to a study to review the age of consent in Washington; and creating a new section.

Referred to Committee on Judiciary.

HB 3101 by Representatives Buri, Grant, Newhouse, Linville and Kretz

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

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3102 by Representatives B. Sullivan, Buck, Appleton, Eickmeyer, Pearson, Campbell and Hasegawa

AN ACT Relating to geoduck harvesting; amending RCW 77.65.410; and declaring an emergency.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 3103 by Representatives Hunt, Williams, Upthegrove, Anderson, Hasegawa, Ormsby and Simpson

AN ACT Relating to authorizing state employees to express their professional opinions and use their independent professional judgments; adding new sections to chapter 42.52 RCW; and creating a new section.

Referred to Committee on State Government Operations & Accountability.

HB 3104 by Representatives Strow, B. Sullivan, Ormsby and Simpson

AN ACT Relating to imposing a fee on athletes of nonresident teams to replace state park user fees and fund football, baseball, and basketball facilities; amending RCW 82.14.0485, 82.14.0494, and 79A.05.070; adding a new section to chapter 82.32 RCW; adding a new section to chapter 35.21 RCW; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3105 by Representatives Hunt and Williams

AN ACT Relating to noise problems from off-road and all-terrain vehicles; amending RCW 70.107.010, 70.107.050, and 70.107.060; adding new sections to chapter 70.107 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 3106 by Representatives Kenney, Buri, Cox, McIntire and Ericks

AN ACT Relating to work performed by institutions of higher education; and amending RCW 28B.10.350.

Referred to Committee on State Government Operations & Accountability.

HB 3107 by Representatives Williams, Quall, Appleton, Morrell, Hasegawa, Campbell, Simpson, Upthegrove, Sells, Lantz, Hudgins, Chase, Ormsby and Roberts

AN ACT Relating to exposure to depleted uranium and other hazardous materials by members and veterans of the national guard; creating new sections; and providing an expiration date.

Referred to Committee on State Government Operations & Accountability.

HB 3108 by Representatives Santos, Darneille, McDermott, Haigh, Simpson, Hasegawa, Upthegrove, Hunt, Hudgins, Kessler and Roberts

AN ACT Relating to recruiters' access to high school students; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 3109 by Representatives Miloscia, Morrell and O'Brien; by request of Governor Gregoire

AN ACT Relating to government performance and accountability; amending RCW 43.09.430, 43.09.435, 43.09.450, 43.09.455, and 43.09.460; adding new sections to chapter 43.41 RCW; adding a new section to chapter 44.28 RCW; creating a new section; recodifying RCW 43.09.430, 43.09.435, 43.09.455, 43.09.460, and 43.09.450; and repealing RCW 43.09.440, 43.09.445, and 43.88.162.

Referred to Committee on State Government Operations & Accountability.

HB 3110 by Representatives Roberts, Darneille, Kagi, Walsh, Pettigrew, Kenney, Green, Hasegawa, Appleton and Ormsby

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

Referred to Committee on Children & Family Services.

HB 3111 by Representative Appleton

AN ACT Relating to traffic infractions involving rental vehicles; and amending RCW 46.63.073.

Referred to Committee on Transportation.

HB 3112 by Representatives O'Brien, Orcutt, Rodne, Kilmer, Lovick, Haler, Sells, Talcott, McCoy, Kessler, Ericks, Linville, Kristiansen, Springer, McCune, McDonald, Strow, Dunn, Schindler, Simpson and Roberts

AN ACT Relating to small business tax relief; amending RCW 82.32.045; adding a new section to chapter 82.04 RCW; creating a new section; repealing RCW 82.04.4451; and providing an effective date.

Referred to Committee on Finance.

HB 3113 by Representatives Sells, Kenney, Strow, McCoy, Haler, Dunshee, B. Sullivan, Lovick, Roberts and Hasegawa

AN ACT Relating to expanding access to higher education in north Snohomish, Island, and Skagit counties using the university center model; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on Higher Ed & Workforce Ed.

HB 3114 by Representatives Murray and Dunn

AN ACT Relating to a sales and use tax exemption for recovered wood waste boiler equipment used in steam production; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 3115 by Representatives Darneille, Talcott, Morrell, Green, McDonald, Ormsby, Simpson and Roberts

AN ACT Relating to establishing a foster parent critical support and retention program; creating new sections; and making an appropriation.

Referred to Committee on Children & Family Services.

HB 3116 by Representatives Hudgins, Nixon, Anderson, Kessler and Dunn

AN ACT Relating to streamlining Washington state's technology efforts; adding a new section to chapter 28B.38 RCW; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 28B.30 RCW; and adding a new section to chapter 43.21F RCW.

Referred to Committee on Technology, Energy & Communications.

HB 3117 by Representatives O'Brien, Clements, Lovick, Quall and Ericks

AN ACT Relating to record checks for employees; and amending RCW 28A.400.303.

Referred to Committee on Education.

HB 3118 by Representatives O'Brien, Clements, Lovick, Dickerson, Darneille and Ericks

AN ACT Relating to reporting requirements for criminal history record information; and amending RCW 43.43.700, 43.43.705, 43.43.715, 43.43.725, 43.43.730, 43.43.735, 43.43.740, and 43.43.810.

Referred to Committee on Criminal Justice & Corrections.

HB 3119 by Representatives McCoy, Pettigrew, Wallace and Blake

AN ACT Relating to a study of the top ten United States of America biotechnology and biomedical device business clusters by the joint legislative audit and review committee; and adding a new section to chapter 44.28 RCW.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3120 by Representatives Lantz, Priest, Kirby and Williams

AN ACT Relating to notice requirements for tort claims against state and local governments and their officers, employees, or volunteers; and amending RCW 4.92.100, 4.92.110, and 4.96.020.

Referred to Committee on Judiciary.

HB 3121 by Representative Chase

AN ACT Relating to authorizing a population sustainability element for comprehensive plans under the growth management act; and amending RCW 36.70A.080.

Referred to Committee on Local Government.

HB 3122 by Representatives Kagi, Walsh, Dickerson, Darneille, Ericks, Ormsby and Roberts

AN ACT Relating to the safety of child protective, child welfare, and adult protective services workers; amending RCW 9A.46.110; adding a new section to chapter 74.04 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 3123 by Representative Simpson

AN ACT Relating to modifying annexation requirements for unincorporated island territories; and amending RCW 35.13.182, 35.13.1821, 35A.14.295, and 35A.14.299.

Referred to Committee on Local Government.

HB 3124 by Representatives B. Sullivan, Appleton, McDermott, Roberts and Kessler

AN ACT Relating to a state distribution to cities and counties to mitigate the costs of state ferry traffic at route terminals; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

HB 3125 by Representatives Kilmer, Crouse, Hudgins, Morris, Ericks, Takko, Haler, Hankins, P. Sullivan, Morrell and Anderson

AN ACT Relating to the study of the benefits and applications of radio frequency identification, video, or other technologies; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 3126 by Representatives Dunn, Miloscia, Pettigrew, Campbell, Fromhold, Conway, Orcutt, McCune, Kretz and Ahern

AN ACT Relating to solid waste and recyclable materials collection ordinances; amending RCW 35.21.130; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 3127 by Representatives Santos, Hasegawa, McCoy, P. Sullivan, McDermott, Uptegrove, Pettigrew and Morrell

AN ACT Relating to education; amending RCW 28A.300.130, 28A.300.135, and 42.56.240; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 28A.300.130, 28A.300.135, 28A.300.290, and 28A.300.300; and providing an effective date.

Referred to Committee on Education.

HB 3128 by Representatives Kenney, Hankins, Conway, Chandler, Wood, Condotta, Newhouse and Springer

AN ACT Relating to the relationship between liquor manufacturers, importers, or distributors and nonprofit organizations holding a liquor license; amending RCW 66.24.375; and reenacting and amending RCW 66.28.010.

Referred to Committee on Commerce & Labor.

HJR 4221 by Representatives O'Brien, Kagi and Darneille

Amending the constitutional provision on inmate labor.

Referred to Committee on Criminal Justice & Corrections.

2ESB 5714 by Senators Keiser, Deccio, Kastama, Parlette, Thibaudeau, McAuliffe, Brown, Rasmussen, Rockefeller and Kohl-Welles

AN ACT Relating to an early detection breast and cervical cancer screening program; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care.

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

REPORTS OF STANDING COMMITTEES

January 18, 2006
HB 1120 Prime Sponsor, Representative Dunshee: Returning interest earned to the community and technical college capital projects account. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Blake; Chase; Cox; Eickmeyer; Ericks; Ericksen; Flannigan; Green; Hasegawa; Kretz; Kristiansen; Lantz; McCune; Moeller; Morrell; Newhouse; O'Brien; Roach; Schual-Berke; Serben; Springer; Strow and Uptegrove.

Passed to Committee on Rules for second reading.

January 18, 2006
SHB 1226 Prime Sponsor, House Committee On State Government Operations & Accountability: Adjusting application of campaign contribution limits. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Hunt; McDermott and Miloscia.

MINORITY recommendation: Signed by Representatives Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Schindler and Sump.

Referred to Committee on Appropriations.

January 17, 2006

HB 1279 Prime Sponsor, Representative Kagi: Revising provisions relating to public access to child in need of services and at-risk youth hearings. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse; Lovick and Roberts.

Passed to Committee on Rules for second reading.

January 17, 2006

2SHB 1483 Prime Sponsor, Committee On Appropriations: Establishing a reinvesting in youth program. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse; Lovick and Roberts.

Referred to Committee on Appropriations.

January 18, 2006

HB 2366 Prime Sponsor, Representative B. Sullivan: Making certain communications between fire fighters and peer support group counselors privileged. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 18, 2006

HB 2371 Prime Sponsor, Representative B. Sullivan: Studying the statewide procurement of technical assistance. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Bailey; Blake; Buri; Chase; Clibborn; Dunn; Grant; Haler; Holmquist; Kilmer; Kretz; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

Referred to Committee on Appropriations.

January 18, 2006

HB 2380 Prime Sponsor, Representative Serben: Changing the threshold age of minors under the

uniform transfers to minors act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Williams, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer and Wood.

MINORITY recommendation: Signed by Representatives Flannigan, Vice Chairman.

Passed to Committee on Rules for second reading.

January 17, 2006

HB 2416 Prime Sponsor, Representative Kessler: Establishing an optional state parks vehicle registration fee. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Referred to Committee on Appropriations.

January 18, 2006

HB 2498 Prime Sponsor, Representative Kilmer: Establishing an industry cluster-based approach to economic development. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Blake; Buri; Chase; Clibborn; Dunn; Grant; Haler; Holmquist; Kilmer; Kretz; McCoy; Morrell; Quall; Strow; P. Sullivan and Wallace.

MINORITY recommendation: Signed by Representatives Bailey and Newhouse.

Referred to Committee on Appropriations.

January 18, 2006

HB 2544 Prime Sponsor, Representative P. Sullivan: Authorizing project loans recommended by the public works board. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Blake; Chase; Cox; Eickmeyer; Ericks; Erickson; Green; Hasegawa; Kretz; Kristiansen; Lantz; McCune; Moeller; Morrell; Newhouse; O'Brien; Roach; Schual-Berke; Serben; Springer; Strow and Upthegrove.

Passed to Committee on Rules for second reading.

January 18, 2006
HB 2550 Prime Sponsor, Representative Dunshee:
 Amending provisions of the 2005-2007 capital
 budget. Reported by Committee on Capital
 Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Blake; Chase; Cox; Eickmeyer; Ericks; Ericksen; Green; Hasegawa; Kretz; Kristiansen; Lantz; McCune; Moeller; Morrell; Newhouse; O'Brien; Roach; Schual-Berke; Serben; Springer; Strow and Upthegrove.

Passed to Committee on Rules for second reading.

January 19, 2006
HB 2644 Prime Sponsor, Representative P. Sullivan:
 Increasing temporarily the statewide cap for the
 customer assistance public utility tax credit.
 Reported by Committee on Technology, Energy
 & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; P. Sullivan; Sump; Takko and Wallace.

Referred to Committee on Finance.

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

SECOND READING

HOUSE BILL NO. 2661, By Representatives Murray, Hankins, Pettigrew, Jarrett, McDermott, Grant, Lovick, Haigh, Moeller, Shabro, Santos, Kessler, Upthegrove, Tom, Hunter, Hasegawa, Walsh, Fromhold, Springer, Appleton, McCoy, Chase, Hudgins, Kenney, Lantz, Hunt, Darneille, Quall, Takko, Sommers, Williams, Sells, Green, Schual-Berke, Simpson, Clibborn, Conway, Linville, Cody, Kagi, B. Sullivan, McIntire, Dickerson, Miloscia, Roberts and Ormsby; by request of Governor Gregoire

Expanding the jurisdiction of the human rights commission.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2661 was substituted for House Bill No. 2661 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2661 was read the second time.

Representative Schindler moved the adoption of amendment (648):

On page 4, line 21, after "employs" strike "eight" and insert "~~(eight)~~forty"

Representative Schindler spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ahern moved the adoption of amendment (649):

On page 4, line 23, after "profit" insert "or any organization sponsored by a religious or sectarian organization"

Representative Ahern spoke in favor of the adoption of the amendment.

Representative Moeller spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Jarrett moved the adoption of amendment (650):

On page 4, line 23, after "profit" insert "For purposes of this chapter, a religious or sectarian organization shall be considered the employer of every individual on the payroll of the organization"

Representative Jarrett spoke in favor of the adoption of the amendment.

Representative Kenney spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Talcott moved the adoption of amendment (651):

On page 19, after line 22, insert:
 "NEW SECTION. Sec. 19. A new section is added to chapter 49.60 RCW to read as follows:

Inclusion of sexual orientation in this chapter does not create any precedent, basis, or right to same-sex marriage. This chapter shall not be construed to create any precedent, basis, or right to same-sex marriage."

Representative Haigh moved the adoption of amendment (653) to amendment (651):

On page 1, beginning on line 1 of the amendment, strike all material through the end of line 7 and insert "On page 2, line 24, after "rights." insert "Inclusion of sexual orientation in this chapter shall not be construed to modify or supersede state law relating to marriage."

Representatives Haigh and Talcott spoke in favor of the adoption of the amendment to the amendment.

The amendment was adopted.

The amendment as amended was adopted.

Representative Serben moved the adoption of amendment (652):

On page 19, after line 22, insert:
"NEW SECTION. Sec. 19. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

Representative Serben spoke in favor of the adoption of the amendment.

Representative Pettigrew spoke against the adoption of the amendment.

The amendment was not adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Murray spoke in favor of passage of the bill.

Representative Cox spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2661.

There being no objection, Representative McCoy was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2661 and the bill passed the House by the following vote: Yeas - 60, Nays - 37, Excused - 1.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Santos, Schual-Berke, Sells, Shabro, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Roach, Rodne, Schindler, Serben, Skinner, Strow, Sump, Talcott and Woods - 37.

Excused: Representative McCoy - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., January 23, 2006, the 15th day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FIFTEENTH DAY

House Chamber, Olympia, Monday, January 23, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Christopher Post and Jill Bakke. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia.

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

The Speaker assumed the chair.

MESSAGE FROM THE SENATE

January 20, 2006

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5360,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5535,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2006-4681, By
Representatives Sells and McCoy

WHEREAS, The students of Jackson Elementary School have distinguished themselves by showing significant improvement on the Washington Assessment of Student Learning; and

WHEREAS, The students of Jackson Elementary School have displayed one of the greatest combined average increases in the percentage of students meeting the fourth grade reading, mathematics, and writing standards on the Washington Assessment of Student Learning; and

WHEREAS, The hard work and dedication of the students, teachers, and staff of Jackson Elementary School have led to this achievement; and

WHEREAS, The Apple Awards Capital Project was designed to honor and reward public elementary schools for Washington Assessment of Student Learning performance; and

WHEREAS, Through a rigorous application process, Jackson Elementary School has met the standards for and won the Apple Award; and

WHEREAS, As a result of this achievement, Jackson Elementary School is the recipient of an Apple Award Construction Achievement Grant from the State Board of Education in the amount of twenty-five thousand dollars for a capital construction project designed by its students;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate Jackson Elementary School students for their exemplary performance on the Washington Assessment of Student Learning; and

BE IT FURTHER RESOLVED, That the House of Representatives honor and congratulate Jackson Elementary School for receiving the prestigious Apple Award for the commendable achievements of its students.

Representative Sells moved the adoption of the resolution.

Representatives Sells and Talcott spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4681 was adopted.

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

THIRD READING

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4205, By House Committee on Education (originally sponsored by Representatives Schual-Berke, Haigh, Jarrett, Quall, Tom, Hunter, Hunt, Fromhold, Chase, Appleton, Darneille, Williams, Clibborn, McDermott, Simpson, P. Sullivan, Dickerson, O'Brien, Wood, Sells, Roberts, Green, Conway, Hudgins, Kirby, Kenney, McIntire, Dunshee, Hasegawa, Linville, Santos, Kagi, Ormsby, Lantz, Moeller and Blake)

Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

The bill was read the third time.

Representatives Schual-Berke, Talcott, Quall, Haigh, Hunter and Wallace spoke in favor of adoption of the joint resolution.

Representatives Orcutt, Clements and Nixon spoke against the of adoption of the joint resolution.

The Speaker stated the question before the House to be the adoption of Substitute House Joint Resolution No. 4205.

With the consent of the House, Representative Campbell was excused.

ROLL CALL

The Clerk called the roll on the adoption of Substitute House Joint Resolution No. 4205 and the joint resolution was adopted by the House by the following vote: Yeas - 74, Nays - 23, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Chase, Clibborn, Cody, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz,

Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 74.

Voting nay: Representatives Ahern, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Dunn, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler, Serben, Sump and Woods - 23.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4205, having received the necessary two-thirds majority, was declared adopted.

MESSAGE FROM THE SENATE

January 20, 2006

Mr. Speaker:

The Senate has passed SENATE BILL NO. 5329, and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

INTRODUCTION & FIRST READING

HB 3129 by Representatives Serben and Dunn

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

Referred to Committee on Commerce & Labor.

HB 3130 by Representatives Serben, Dunn and Nixon

AN ACT Relating to allowing residents to smoke in long-term care facilities; amending RCW 70.160.030; adding a new section to chapter 70.160 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 3131 by Representatives Jarrett, Clibborn, Nixon, Dunn and Morrell

AN ACT Relating to tax incentives for renewable energy; amending RCW 82.16.010 and 82.16.020; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.29A RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.32 RCW; creating new sections; and providing an effective date.

Referred to Committee on Technology, Energy & Communications.

HB 3132 by Representatives Hunt, Alexander and Williams

AN ACT Relating to blind persons operating vending facilities and vending machines; and amending RCW 74.18.220.

Referred to Committee on State Government Operations & Accountability.

HB 3133 by Representatives Conway and Chase

AN ACT Relating to execution of certain certificates for labor and industries by physician assistants; amending RCW 51.28.021; and amending 2004 c 163 s 4 (uncodified).

Referred to Committee on Commerce & Labor.

HB 3134 by Representatives Conway, Wood, Chase and Kenney

AN ACT Relating to compensation for temporary or permanent total disability; and amending RCW 51.32.225.

Referred to Committee on Commerce & Labor.

HB 3135 by Representatives Hinkle, Schual-Berke, Holmquist, Shabro and Schindler

AN ACT Relating to actions for injuries resulting from health care; amending RCW 4.22.070 and 7.70.070; adding a new section to chapter 4.56 RCW; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Judiciary.

HB 3136 by Representatives Green, Hinkle, Clibborn, Williams, Cody, Skinner, Moeller and Lantz

AN ACT Relating to a certification exemption for the conduct of blood-drawing procedures by research staff in the homes of research study participants; and adding a new section to chapter 18.135 RCW.

Referred to Committee on Health Care.

HB 3137 by Representatives Lovick, Curtis, Clements, Hunt, Grant, Ericks, Conway, Morrell, Simpson and Kenney; by request of Department of Retirement Systems

AN ACT Relating to benefits for surviving spouses of disabled Washington state patrol officers; and amending RCW 43.43.270 and 41.45.0631.

Referred to Committee on Appropriations.

HB 3138 by Representatives Sells, B. Sullivan, Flannigan, Dickerson and Wallace

AN ACT Relating to transportation benefit districts; and amending RCW 36.73.015 and 36.73.020.

Referred to Committee on Transportation.

HB 3139 by Representatives Pettigrew, Haler, Dickerson, Kagi, Dunn, Walsh, Darneille, Roberts, Hinkle, Morrell and Kenney

AN ACT Relating to kinship caregivers' consent for mental health care of minors; and amending RCW 7.70.065, 71.34.020, 71.34.500, and 71.34.530.

Referred to Committee on Children & Family Services.

HB 3140 by Representatives Chandler, B. Sullivan, Dunn, Takko, Orcutt, Schindler, Newhouse, Dunshee and Woods

AN ACT Relating to the boundary review board's authority to modify annexation proposals; and amending RCW 36.93.150.

Referred to Committee on Local Government.

HB 3141 by Representatives Haler, Grant, Clements, Newhouse, Hankins and Chandler

AN ACT Relating to studying the competing interests of domestic water users and other water users in regards to limited water supplies where a curtailment of domestic water right use has been enacted; and creating a new section.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3142 by Representatives Eickmeyer, Sump, McCoy, Chase, Dunn and Upthegrove

AN ACT Relating to sales and use tax exemptions for on-site sewage disposal systems in aquatic rehabilitation zones; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Select Committee on Hood Canal.

HB 3143 by Representatives Chase, Dunn and Ericks

AN ACT Relating to the transfer of Saint Edward park to the city of Kenmore; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 3144 by Representatives Fromhold, Serben, Orcutt, Grant, Crouse, Dunn, Jarrett, Haler and Kilmer

AN ACT Relating to community revitalization financing; amending RCW 39.89.020, 39.89.030, 39.89.050, 39.89.060, 39.89.070, and 39.89.080; adding new sections to chapter 39.89 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3145 by Representatives P. Sullivan, Nixon, Hunt, Wood, Fromhold, Crouse, Grant, Condotta, Kessler, Kretz, Buri, Serben, Flannigan, Kristiansen, Ahern, Armstrong, Sump, Talcott, McDonald, Upthegrove, Tom, Quall, Darneille,

Anderson, Woods, Schual-Berke, Bailey, Rodne, Morrell, Appleton, Kilmer, Green, Roberts, Sells, Kagi, Hudgins, Santos and Kenney

AN ACT Relating to civics education; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Education.

HB 3146 by Representatives Linville, Serben, Ericksen, Hunt, Ormsby, Kessler, Wood, Morrell and Kilmer

AN ACT Relating to community-based health care solutions; creating new sections; making an appropriation; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

HB 3147 by Representatives Hunt, Williams, Priest, Serben and Rodne

AN ACT Relating to limitations on asbestos-related liabilities relating to certain mergers or consolidations occurring before 1972; adding a new chapter to Title 23 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 3148 by Representatives Kagi, Darneille and Roberts

AN ACT Relating to investigations of child abuse and neglect; amending RCW 26.44.010 and 26.44.125; adding a new section to chapter 26.44 RCW; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

HB 3149 by Representatives Condotta, Hinkle and Armstrong

AN ACT Relating to the fuel tax rate used to determine fuel tax distributions to fund nonhighway expenditures; amending RCW 46.09.170, 46.10.170, and 79A.25.070; and providing an effective date.

Referred to Committee on Transportation.

HB 3150 by Representatives Condotta, Linville, Kenney, Chase, Kessler, Conway, Holmquist, Morrell, Newhouse and Armstrong

AN ACT Relating to efforts to promote the wine industry; amending RCW 66.08.060; and reenacting and amending RCW 66.28.010.

Referred to Committee on Commerce & Labor.

HB 3152 by Representatives Kagi, Walsh, Roberts, Haler and Dickerson

AN ACT Relating to establishing the family assessment response demonstration program; adding a new chapter to Title 74 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Children & Family Services.

HB 3151 by Representatives Pearson, Kristiansen and Ahern

AN ACT Relating to review by the commission of service extension requests; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 3153 by Representatives Haler, Pettigrew, Roberts, Kagi and Kenney

AN ACT Relating to retention of records regarding child abuse and neglect; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Children & Family Services.

HB 3154 by Representatives Condotta, Wood and Newhouse

AN ACT Relating to ensuring that brewers may sell beer of their own production from their restaurant premises; amending RCW 66.24.240; and reenacting and amending RCW 66.24.244.

Referred to Committee on Commerce & Labor.

HB 3155 by Representatives Roberts, Haler, Kagi, Walsh, Hudgins, Chase, Darneille, Linville, Dickerson, Schual-Berke, Conway, Hasegawa, Simpson and Santos

AN ACT Relating to the office of the ombudsman for persons with developmental disabilities; and adding a new chapter to Title 43 RCW.

Referred to Committee on Children & Family Services.

HB 3156 by Representatives Darneille, Haler, Dickerson, Morrell, Pettigrew and Simpson

AN ACT Relating to creating a pilot program to assist in asset building for low-income persons; adding new sections to chapter 43.63A RCW; and creating a new section.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3157 by Representatives Darneille, Haler, Morrell, Dickerson, Pettigrew, Simpson, Hudgins and Santos

AN ACT Relating to financial literacy and asset building; and adding a new section to chapter 74.08A RCW.

Referred to Committee on Children & Family Services.

HB 3158 by Representatives Roberts, Haler, Kagi, Walsh, Hudgins, Darneille, Dickerson, Schual-Berke and Simpson

AN ACT Relating to record checks for developmental disabilities service providers; and adding a new section to chapter 71A.12 RCW.

Referred to Committee on Children & Family Services.

HB 3159 by Representatives Linville, Newhouse, Grant, Kessler, Orcutt, Chandler, Dunn and Kristiansen

AN ACT Relating to the excise taxation of food products; amending RCW 82.04.4266, 82.32.610, 82.74.010, 82.74.030, 82.74.040, 82.74.050, 82.08.820, 82.08.820, 82.08.820, 82.12.820, 82.32.600, and 82.32.590; reenacting and amending RCW 82.04.260; adding new sections to chapter 82.04 RCW; providing effective dates; and providing expiration dates.

Referred to Committee on Finance.

HB 3160 by Representatives Hudgins, Conway, Chase and Simpson

AN ACT Relating to requiring disclosure of information regarding work done for the state of Washington; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 3161 by Representatives Simpson and Chase

AN ACT Relating to using adequacy of water supply in determining population projections; and amending RCW 43.62.035.

Referred to Committee on Local Government.

HB 3162 by Representatives Simpson and Schindler

AN ACT Relating to adjusting contracting limits for water-sewer districts; and reenacting and amending RCW 57.08.050.

Referred to Committee on Local Government.

HB 3163 by Representatives Simpson, Schindler, Chase and Upthegrove

AN ACT Relating to the role of fire protection districts and water-sewer districts in growth management planning; and amending RCW 36.70A.030, 36.70A.110, 36.70A.150, 36.70A.210, and 36.70A.350.

Referred to Committee on Local Government.

HB 3164 by Representatives Kilmer, Kristiansen, Linville, Bailey, Pettigrew, P. Sullivan, Dunn, Ericks, Appleton, Green, Morrell, Sells and Simpson

AN ACT Relating to an increase in the personal property tax exemption for the head of a family; amending RCW 84.36.110; creating a new section; and providing a contingent effective date.

Referred to Committee on Finance.

HB 3165 by Representatives Miloscia, Chase and Hasegawa

AN ACT Relating to using surplus property to develop affordable housing; and amending RCW 35.21.687, 36.34.137, 43.20A.037, 47.12.064, and 72.09.055.

Referred to Committee on Housing.

HB 3166 by Representatives Hunter, Jarrett, Clibborn, Kagi and Tom

AN ACT Relating to the shipment of wine and beer from wine and beer manufacturers directly to Washington retailers; amending RCW 66.24.206, 66.24.210, 66.24.270, and 66.24.290; reenacting and amending RCW 66.28.070; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HJR 4222 by Representatives Serben, Haler, Dunn and Ericks

Amending the Constitution to make public safety another paramount duty of the state.

Referred to Committee on State Government Operations & Accountability.

HJR 4223 by Representatives Kilmer, Kristiansen, Linville, Bailey, Pettigrew, P. Sullivan, Dunn, Ericks, Morrell, Appleton, Green, Sells and Simpson

Amending the state Constitution to increase the personal property tax exemption for the head of a family.

Referred to Committee on Finance.

HCR 4415 by Representatives Kessler, Armstrong and Dunn

Approving the names of certain state facilities.

HCR 4416 by Representatives Quall, Chase and Talcott

Requiring that a summary of the findings and recommendations of the joint select committee on secondary education be forwarded to Washington Learns.

Referred to Committee on Education.

SB 5329 by Senators Pflug, Shin, Esser, Schoesler, Roach, Rasmussen, Rockefeller, Berkey and Mulliken

AN ACT Relating to cluster-based economic development; amending RCW 43.330.090; and creating a new section.

Referred to Committee on Economic Development, Agriculture & Trade.

ESSB 5360 by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Brandland, Sheldon, Fairley, Berkey, Delvin, Benson and Rockefeller)

AN ACT Relating to studying performance and funding of running start students; and creating new sections.

Referred to Committee on Higher Education & Workforce Education.

ESSB 5535 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Brandland, Berkey, Spanel, Schoesler, Rockefeller, Delvin, Kohl-Welles, Oke and Shin)

AN ACT Relating to optometry; and amending RCW 18.53.010.

Referred to Committee on Health Care.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE CONCURRENT RESOLUTION NO. 4415, which was placed on the Second Reading calendar.

REPORTS OF STANDING COMMITTEES

January 18, 2006

HB 2339 Prime Sponsor, Representative Kirby: Regulating business development companies and the participation of financial institutions and nondepository lenders in economic development within the state. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; O'Brien; Santos; Serben; Simpson; Strow and Williams.

MINORITY recommendation: Signed by Representatives Tom, Assistant Ranking Minority Member; Newhouse.

Passed to Committee on Rules for second reading.

January 19, 2006

HB 2368 Prime Sponsor, Representative B. Sullivan: Authorizing development rights demonstration projects. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Blake; Dickerson; Eickmeyer; Hunt and Kagi.

MINORITY recommendation: Signed by Representatives Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Chandler and Orcutt.

Referred to Committee on Appropriations.

January 19, 2006

HB 2381 Prime Sponsor, Representative Kretz: Authorizing a beaver relocation permit. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

January 19, 2006

HB 2393 Prime Sponsor, Representative Dunshee: Funding energy freedom projects. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Blake; Chase; Cox; Ericks; Ericksen; Flannigan; Green; Hasegawa; Kretz; Kristiansen; Lantz; McCune; Moeller; Morrell; Newhouse; Roach; Schual-Berke; Serben; Springer; Strow and Upthegrove.

MINORITY recommendation: Signed by Representatives Armstrong; Eickmeyer and O'Brien.

Passed to Committee on Rules for second reading.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2292, By House Committee on Judiciary (originally sponsored by Representatives Lantz, Cody, Campbell, Kirby, Flannigan, Williams, Linville, Springer, Clibborn, Wood, Fromhold, Morrell, Hunt, Moeller, Green, Kilmer, Conway, O'Brien, Sells, Kenney, Kessler, Chase, Upthegrove, Ormsby, Lovick, McCoy and Santos)

Addressing health care liability reform.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2292 was substituted for Substitute House Bill No. 2292 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2292 was read the second time.

With the consent of the House, amendment (654) was withdrawn.

Representative Rodne moved the adoption of amendment (655):

On page 3, line 22, after "is not" insert "discoverable or"

Representative Rodne spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Priest moved the adoption of amendment (657):

On page 39, after line 28, insert the following:

"Joint and Several Liability and Allocation of Fault"

Sec. 304. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b)(i) Except as provided in (b)(ii) of this subsection, if the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~((claimants [claimant's]))~~ claimant's total damages.

(ii) Subsection (b)(i) of this subsection does not apply to health care providers as defined in RCW 7.70.020, in all cases governed by chapter 7.70 RCW with respect to judgments for noneconomic damages. In all cases governed by chapter 7.70 RCW, the liability of health care providers for noneconomic damages is several only. For the purposes of this section, "noneconomic damages" has the meaning given in RCW 4.56.250.

(2) In all actions for damages under chapter 7.70 RCW, the entities to whom fault may be attributed shall be limited to the claimants, defendants, and third-party defendants who are parties to the action and any entities released by the claimant.

(3) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

~~((3))~~ (4)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking.

Sec. 305. RCW 70.105.112 and 1987 c 528 s 9 are each amended to read as follows:

This chapter does not apply to special incinerator ash regulated under chapter 70.138 RCW except that, for purposes of RCW

4.22.070((~~3~~)) (4)(a), special incinerator ash shall be considered hazardous waste."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

Representative Priest spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be adoption of amendment (657) to Second Substitute House Bill No. 2292.

ROLL CALL

The Clerk called the roll on the adoption of amendment (657) to Second Substitute House Bill No. 2292, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 52, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Hunter, Jarrett, Kretz, Kristiansen, Linville, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schual-Berke, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 45.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 52.

Excused: Representative Campbell - 1.

Representative Rodne moved the adoption of amendment (656):

On page 42, line 14, strike "claimant" and insert "prevailing party"

On page 42, beginning on line 15, after "section," strike all material through "section," on line 18

On page 43, beginning on line 4, after "(3)" strike all material through "(4)" on line 12

Renumber the remaining subsections consecutively.

Representative Rodne spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Priest moved the adoption of amendment (658):

On page 49, after line 34, insert the following:

"NEW SECTION. Sec. 322. A new section is added to chapter 7.70 RCW to read as follows:

In any action brought under this chapter that is tried by jury, the judge shall present the following questions to the jury after the jury has delivered its verdict in the proceeding. The questions shall be considered and answered by the jury in a deliberative process and the results announced in open court.

(1) Do you as a jury believe any pleading, claim, or issue in this case was frivolous? To decide that a pleading, claim, or issue in this case was frivolous you must decide at least one of the following in the affirmative:

(a) The pleading, claim, or issue was primarily filed, brought, or raised by a party for an improper purpose. "Improper purpose" means that the pleading, claim, or issue was filed, brought, or raised with the purpose of harassing, embarrassing, or coercing another party, causing unnecessary delay, or needlessly increasing litigation costs.

(b) The pleading, claim, or issue was filed, brought, or raised in bad faith. "Bad faith" means that the party either knew reasonable grounds did not exist for filing, bringing, or raising the pleading, claim, or issue, or the party acted with reckless disregard as to whether or not reasonable grounds existed for filing, bringing, or raising the pleading, claim, or issue.

(2) If your answers to the question in both (a) and (b) of subsection (1) of this section are "No" do not proceed further. If your answer is "Yes" to a question in either (a) or (b) of subsection (1) of this section, you must make one of the following recommendations:

(a) We recommend that (name of party) be required to pay sanctions in the amount of dollars, payable to (name of party) as a result of filing, bringing, or raising a frivolous pleading, claim, or issue.

(b) We do not believe that a monetary sanction should be imposed against (name of party) for filing, bringing, or raising a frivolous pleading, claim, or issue.

(3) The court shall take the jury's recommendation under consideration in deciding whether to impose sanctions against a party for filing, bringing, or raising a frivolous pleading, claim, or issue. The court shall enter into the record written findings and conclusions in accepting or rejecting the jury's recommendations.

(4) In addition to any other remedies provided in RCW 4.84.185 or by court rule, sanctions that may be imposed under this section at the discretion of the court for filing, bringing, or raising a frivolous pleading, claim, or issue include the payment of reasonable costs and reasonable attorneys' fees of the other party caused in responding to the frivolous pleading, claim, or issue, and a monetary penalty on the party or party's attorney who brought the frivolous pleading, claim, or issue, and the firm with which the attorney is employed or associated."

Representatives Priest and Hinkle spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be adoption of amendment (658) to Second Substitute House Bill No. 2292.

ROLL CALL

The Clerk called the roll on the adoption of amendment (658) to Second Substitute House Bill No. 2292, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 54, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schual-Berke, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 43.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloschia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 54.

Excused: Representative Campbell - 1.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz, Kirby and Schual-Berke spoke in favor of passage of the bill.

Representatives Priest, Serben, Hinkle and Ericksen spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2292.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2292 and the bill passed the House by the following vote: Yeas - 54, Nays - 43, Excused - 1.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloschia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 54.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schual-Berke, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 43.

Excused: Representative Campbell - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 2292, having received the necessary constitutional majority, was declared passed.

THIRD READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1291, By House Committee on Appropriations (originally sponsored by Representatives Cody, Bailey,

Morrell, Hinkle, Green, Moeller, Kessler, Haigh, Linville, Kagi, Santos and Ormsby)

Improving health care professional and health care facility patient safety practices.

There being no objection, the rules were suspended and ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1291 was returned to Second Reading for purpose of amendments.

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1291, By House Committee on Appropriations (originally sponsored by Representatives Cody, Bailey, Morrell, Hinkle, Green, Moeller, Kessler, Haigh, Linville, Kagi, Santos and Ormsby)

Improving health care professional and health care facility patient safety practices.

Representative Cody moved the adoption of amendment (659):

On page 2, beginning on line 9, strike all of sections 2 and 3 and insert the following:

"**Sec. 2.** RCW 43.70.110 and 2005 c 268 s 2 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in RCW 18.79.202(5) until June 30, 2013, and except as provided in section 4 of this act, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

Sec. 3. RCW 43.70.250 and 2005 c 268 s 3 are each amended to read as follows:

It shall be the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. The secretary shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses administered by the department. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program and the patient safety fee established in section 4 of this act, except as provided in RCW 18.79.202 until June 30, 2013. All such fees shall be fixed by rule adopted by the secretary in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW."

On page 5, line 34, after "December 1," strike "2008" and insert "2009"

On page 6, beginning on line 15, strike all of section 11

Correct the title.

Representative Cody spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cody spoke in favor of passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Engrossed Second Substitute House Bill No. 1291.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Second Substitute House Bill No. 1291 and the bill passed the House by the following vote: Yeas - 73, Nays - 24, Excused - 1.

Voting yea: Representatives Appleton, Bailey, Blake, Buck, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 73.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Hinkle, Jarrett, Kretz, Newhouse, Nixon, Orcutt, Rodne, Schindler, Sump, Talcott and Tom - 24.

Excused: Representative Campbell - 1.

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1291, having received the necessary constitutional majority, was declared passed.

There being no objection, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127 was returned to the Rules Committee.

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

There being no objection, the House adjourned until 9:55 a.m., January 24, 2006, the 16th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

SIXTEENTH DAY

House Chamber, Olympia, Tuesday, January 24, 2006

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

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

INTRODUCTION & FIRST READING

HB 3167 by Representatives Clements and Morrell

AN ACT Relating to small loans; amending RCW 31.45.010, 31.45.070, 31.45.084, 42.56.400, and 31.45.210; adding a new section to chapter 31.45 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 3168 by Representatives Miloscia, Priest, McDonald, Chase, Santos, Rodne and O'Brien

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

Referred to Committee on Criminal Justice & Corrections.

HB 3169 by Representatives Buck, Linville, Pearson, B. Sullivan, Dunn, Blake, Kristiansen, Takko, Strow, Bailey, Kessler, Alexander, Armstrong, Ericksen and Haigh

AN ACT Relating to providing assistance for flood damage; adding a new section to chapter 43.31 RCW; creating a new section; and making an appropriation.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3170 by Representatives B. Sullivan, Morris, Simpson, Haler, Lovick, Wallace, Wood, Clibborn, Upthegrove, Linville, Jarrett, Fromhold, Conway, Hankins, Kretz, O'Brien, Kristiansen, Springer, Sells, Buri, Anderson, Ericks and Chase

AN ACT Relating to designating state route number 5 as Washington hydrogen highway; amending RCW 47.17.020; and adding a new section to chapter 47.17 RCW.

Referred to Committee on Transportation.

HB 3171 by Representatives Nixon, Cody, Jarrett, O'Brien, Darneille, Roberts, Tom, McDermott, Kagi, Morrell and Wood

AN ACT Relating to a commission on psychoactive substance control; and creating a new section.

Referred to Committee on Health Care.

HB 3172 by Representatives Anderson, Rodne and Morrell

AN ACT Relating to unsolicited facsimiles; amending RCW 80.36.540; and prescribing penalties.

Referred to Committee on Technology, Energy & Communications.

HB 3173 by Representatives Anderson, Rodne, McDonald and O'Brien

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

Referred to Committee on Finance.

HB 3174 by Representatives Hinkle and Curtis

AN ACT Relating to grants awarded by the life sciences discovery authority; and amending RCW 43.350.030.

Referred to Committee on Technology, Energy & Communications.

HB 3175 by Representatives Hinkle and Dunn

AN ACT Relating to the election of judges; amending RCW 29A.24.181, 29A.24.191, and 29A.36.171; and providing a contingent effective date.

Referred to Committee on Judiciary.

HB 3176 by Representatives Kirby, Kretz, Condotta, Hinkle, Grant, McDonald, Kessler, Serben, Ahern, Armstrong, Holmquist, Sump, Newhouse, McCune and Dunn

AN ACT Relating to taxation of punch boards and pull-tabs; and amending RCW 9.46.110.

Referred to Committee on Commerce & Labor.

HB 3177 by Representatives Hunter, Holmquist, Schindler, Serben and Ahern

AN ACT Relating to the regulation of heating, ventilating, air conditioning, and refrigeration contractors; amending RCW 18.106.010, 18.106.020, 18.106.030, 18.106.040, 18.106.050, 18.106.070, 18.106.080, 18.106.090, 18.106.110, 18.106.130, 18.106.150, 18.106.155, 18.106.170, 18.106.180, 18.106.250, 18.106.270, 18.106.320, and 19.28.041; adding a new section to chapter 18.106 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 3178 by Representatives Murray and Woods; by request of Department of Transportation

AN ACT Relating to collective bargaining by state ferry employees; amending RCW 47.64.011, 47.64.120, 47.64.130, 47.64.140, 47.64.170, 47.64.200, 47.64.210, 47.64.220, 47.64.220, 47.64.230, 47.64.270, and 47.64.280; adding new sections to chapter 47.64 RCW; creating a new section; repealing RCW 47.64.180, 47.64.190, and 47.64.240; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 3179 by Representatives Murray and Woods; by request of Governor Gregoire

AN ACT Relating to streamlining state transportation governance; amending RCW 47.01.011, 47.01.031, 47.01.051, 47.01.061, 47.01.071, 47.01.075, 47.01.091, 47.01.101, 47.01.250, 47.01.280, 47.05.021, 47.05.030, 47.05.035, 47.05.051, 36.57A.191, 36.78.121, 36.79.120, 36.79.130, 36.120.020, 36.120.060, 43.10.101, 46.44.042, 46.44.080, 46.44.090, 46.44.092, 46.44.096, 46.61.450, 46.68.113, 47.68.410, 47.28.010, 47.28.170, 47.38.060, 47.52.133, 47.52.145, 47.52.210, 47.60.330, 47.68.390, 47.68.400, 81.112.086, 35.58.2795, 36.56.121, 36.57A.070, 47.29.010, 47.29.020, 47.29.030, 47.29.090, 47.29.100, 47.29.120, 47.29.160, 47.29.170, 47.29.180, 47.29.250, 47.10.861, 47.10.862, 47.10.843, 47.10.844, 47.10.834, 47.10.835, 47.10.819, 47.10.820, 47.02.120, 47.02.140, and 46.68.290; adding new sections to chapter 47.29 RCW; creating a new section; repealing RCW 44.75.010, 44.75.020, 44.75.030, 44.75.040, 44.75.050, 44.75.060, 44.75.070, 44.75.080, 44.75.090, 44.75.100, 44.75.110, 44.75.120, 44.75.800, 44.75.900, 44.75.901, 47.01.012, and 47.01.330; making an appropriation; and providing an effective date.

Referred to Committee on Transportation.

HB 3180 by Representatives Haigh, Nixon, Hudgins, Jarrett, Cody, Haler, Santos and Morrell

AN ACT Relating to contractors with the state; and amending RCW 42.40.020 and 49.60.210.

Referred to Committee on State Government Operations & Accountability.

HB 3181 by Representatives Tom, O'Brien, Roach, Ericks, Serben and Newhouse

AN ACT Relating to automobile claims settlements; and adding a new section to chapter 48.22 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 3182 by Representatives Pettigrew and Santos

AN ACT Relating to tribal foster care licensing; and amending RCW 74.15.190.

Referred to Committee on Children & Family Services.

HB 3183 by Representatives Fromhold and Hasegawa; by request of Select Committee on Pension Policy

AN ACT Relating to public pensions that replaces gain-sharing provisions with certain changes in benefits for the teachers' retirement system, the school employees' retirement system, and the public employees' retirement system; amending RCW 41.32.835, 41.32.840, 41.34.040, 41.34.040, 41.34.060, 41.34.110, 41.35.610, 41.35.620, 41.40.010, 41.40.790, 41.45.061, and 41.45.070; reenacting and amending RCW 41.32.010; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.35 RCW; adding a new section to chapter 41.40 RCW; creating new sections; repealing RCW 41.31.010, 41.31.020, 41.31.030, 41.31A.010, 41.31A.020, 41.31A.030, and 41.31A.040; and providing effective dates.

Referred to Committee on Appropriations.

HB 3184 by Representatives McCoy and Santos

AN ACT Relating to cellular devices; and adding a new chapter to Title 46 RCW.

Referred to Committee on Transportation.

HB 3185 by Representative McCoy

AN ACT Relating to violations of wage payment requirements; adding new sections to chapter 49.48 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 3186 by Representatives Dickerson and Rodne

AN ACT Relating to the modification of disposition orders; and amending RCW 13.40.200.

Referred to Committee on Juvenile Justice & Family Law.

HB 3187 by Representatives Williams, Chase and Wood

AN ACT Relating to a privilege for persons in communications media; and adding a new chapter to Title 5 RCW.

Referred to Committee on Judiciary.

HB 3188 by Representatives B. Sullivan, Hinkle, Dunshee and Buck

AN ACT Relating to the transfer of jurisdiction over conversion-related forest practices to local governments; amending RCW 76.09.240; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 3189 by Representatives Strow, Ericks and O'Brien

AN ACT Relating to a front license plate exemption fee; reenacting and amending RCW 46.16.240; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 3190 by Representatives Wallace, Fromhold, Curtis, Orcutt, Moeller and Dunn

AN ACT Relating to providing tax incentives to support the semiconductor cluster in Washington state; amending RCW 82.04.440, 82.32.590, and 82.32.600; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; creating new sections; providing a contingent effective date; and providing expiration dates.

Referred to Committee on Technology, Energy & Communications.

HB 3191 by Representatives Conway, Wood and Morrell

AN ACT Relating to raising the exemption for nonprofit bingo operations from the gambling tax; and amending RCW 9.46.110.

Referred to Committee on Commerce & Labor.

HB 3192 by Representatives B. Sullivan, Ericks and Sells

AN ACT Relating to reimbursement by property owners for street, road, and water or sewer projects; and amending RCW 35.72.020, 35.91.020, and 57.22.020.

Referred to Committee on Local Government.

HB 3193 by Representatives Morris and Anderson

AN ACT Relating to fossil fuel production; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HJM 4037 by Representatives Nixon, O'Brien, Darneille, Tom, McDermott, Jarrett, Roberts, Schual-Berke and Moeller

Requesting that Congress not interfere with a state's right to define legitimate medical practice.

Referred to Committee on Health Care.

HJM 4038 by Representatives Hinkle, Cody and Santos

Requesting that certified diabetes educators be added as Medicare providers.

Referred to Committee on Health Care.

HJM 4039 by Representative Kessler

Requesting Congress to delay the passport requirements of the Western Hemisphere Travel Initiative.

Referred to Committee on Economic Development, Agriculture & Trade.

HJR 4224 by Representatives Hinkle and Dunn

Amending the Constitution to require election of judges at the general election.

Referred to Committee on Judiciary.

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

REPORTS OF STANDING COMMITTEES

January 19, 2006

SHB 1384 Prime Sponsor, House Committee On Technology, Energy & Communications: Authorizing the construction and operation of renewable energy projects by joint operating agencies. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; P. Sullivan; Sump; Takko and Wallace.

Passed to Committee on Rules for second reading.

January 20, 2006

HB 1986 Prime Sponsor, Representative Roberts: Requiring a review of tuition waivers. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri; Dunn; Fromhold; Hasegawa; Jarrett; Ormsby; Priest; Roberts and Sommers.

MINORITY recommendation: Signed by Representatives Dunn and Jarrett.

Passed to Committee on Rules for second reading.

January 19, 2006

HB 2002 Prime Sponsor, Representative Dickerson: Authorizing limited continuing foster care and support services up to age twenty-one. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Haler and Pettigrew.

MINORITY recommendation: Signed by Representatives Dunn.

Referred to Committee on Appropriations.

January 20, 2006
HB 2331 Prime Sponsor, Representative Blake: Concerning public disclosure requirements for sensitive fish and wildlife data. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 20, 2006
HB 2342 Prime Sponsor, Representative Moeller: Establishing a health care declarations registry. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Schual-Berke and Skinner.

Referred to Committee on Appropriations.

January 20, 2006
HB 2367 Prime Sponsor, Representative O'Brien: Regarding the certification of tribal police officers. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kirby; Strow and Williams.

MINORITY recommendation: Signed by Representatives Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 19, 2006
HB 2394 Prime Sponsor, Representative Dickerson: Including financial literacy in work activity provisions. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice

Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Dunn; Haler and Pettigrew.

Passed to Committee on Rules for second reading.

January 20, 2006
HB 2399 Prime Sponsor, Representative Cody: Creating a survey for health care providers. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Schual-Berke and Skinner.

Referred to Committee on Appropriations.

January 20, 2006
HB 2401 Prime Sponsor, Representative Morris: Developing regional compacts for siting transmission lines. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

Passed to Committee on Rules for second reading.

January 19, 2006
HB 2418 Prime Sponsor, Representative Springer: Increasing the availability of affordable housing. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Holmquist, Ranking Minority Member; McCune; Ormsby; Pettigrew; Schindler and Sells.

MINORITY recommendation: Signed by Representatives Dunn, Assistant Ranking Minority Member.

Referred to Committee on Capital Budget.

January 20, 2006
HB 2477 Prime Sponsor, Representative Green: Making technical changes to election laws. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 20, 2006

HB 2478 Prime Sponsor, Representative Green: Clarifying laws on ballot measures. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia and Schindler.

MINORITY recommendation: Signed by Representatives Sump.

Passed to Committee on Rules for second reading.

January 20, 2006

HB 2520 Prime Sponsor, Representative Nixon: Recodifying and making technical corrections to public disclosure law. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 20, 2006

HB 2527 Prime Sponsor, Representative Nixon: Modifying the state employee return-to-work program. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 23, 2006

HB 2545 Prime Sponsor, Representative Haigh: Revising veterans' scoring criteria in examinations. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 20, 2006

HB 2546 Prime Sponsor, Representative Haigh: Concerning the definition of veteran. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 20, 2006

HB 2567 Prime Sponsor, Representative Wallace: Providing provisions for methamphetamine precursors. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

January 20, 2006

HB 2790 Prime Sponsor, Representative Rodne: Providing advisory sentencing guidelines. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Referred to Committee on Appropriations.

January 20, 2006

HB 2967 Prime Sponsor, Representative Green: Responding to drug crimes. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Referred to Committee on Appropriations.

January 20, 2006

HJM 4023 Prime Sponsor, Representative Moeller: Requesting Congress to enact the Kidney Care Quality Improvement Act of 2005. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2527, HOUSE BILL NO. 2545 and HOUSE BILL NO. 2546 which were placed on the Second Reading calendar.

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

There being no objection, the Rules Committee was relieved of SUBSTITUTE HOUSE BILL NO. 1343 and the bill was placed on the Third Reading calendar.

There being no objection, the Committee on Economic Development, Agriculture & Trade was relieved of further consideration of HOUSE BILL NO. 3156, and the bill was referred to the Committee on Children & Family Services.

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

COMMITTEE ASSIGNMENT

The Speaker (Representative Lovick presiding) announced the following committee assignment:

Representative Clements was appointed to the Committee on Capital Budget.

There being no objection, the House adjourned until 10:00 a.m., January 24, 2006, the 17th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

SEVENTEENTH DAY

House Chamber, Olympia, Wednesday, January 25, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard of the Washington Joint Army Air Force Color Guard, comprised of Specialist Casey Cortese, Specialist Rodney Gonzales, Senior Airman David Hassell and Airman First Class Michael Hanrahan. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Chaplain Lieutenant Colonel Christopher Lensch, Washington National Guard..

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

INTRODUCTION & FIRST READING

HB 3194 by Representatives Chase and Nixon

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

Referred to Committee on Technology, Energy & Communications.

HB 3195 by Representatives Simpson and Williams

AN ACT Relating to reallocating funding appropriated in 2005 for a completed rail project; amending 2005 c 313 s 225 (uncodified); amending 2005 c 313 s 309 (uncodified); making appropriations; and creating a new section.

Referred to Committee on Transportation.

HB 3196 by Representative Clements

AN ACT Relating to power generation projects or facilities operated by public utility districts in distressed counties; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 3197 by Representatives Chase, Hunt and Conway

AN ACT Relating to prohibiting paper billing fees; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Commerce & Labor.

HB 3198 by Representatives Appleton, Kilmer, Haigh, Sells, Green and Morrell

AN ACT Relating to community and economic development; amending RCW 84.55.010; adding a new chapter to Title 39 RCW; and creating a new section.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3199 by Representatives Appleton, B. Sullivan, Eickmeyer and Cody

AN ACT Relating to authorizing a geoduck pilot program in the Hood Canal aquatic rehabilitation zone; and adding a new section to chapter 79.135 RCW.

Referred to Committee on Select Committee on Hood Canal.

HB 3200 by Representatives Buck, Alexander, Kristiansen and Pearson

AN ACT Relating to providing assistance for flood damage; amending 2005 c 488 s 324 (uncodified); adding a new section to chapter 43.330 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3201 by Representatives Nixon, Dunn, Schindler, Talcott, Hinkle, McCune and Ahern

AN ACT Relating to sexual education in public common schools; adding new sections to chapter 28A.230 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 3202 by Representatives Nixon, Dunn, Schindler, Talcott, Hinkle, Cox, Rodne, McCune, McDonald and Anderson

AN ACT Relating to establishing a lower, more fair, and more accurate vehicle valuation schedule for the purpose of calculating motor vehicle excise taxes; and adding a new section to chapter 82.44 RCW.

Referred to Committee on Transportation.

HB 3203 by Representative Chase

AN ACT Relating to liquified natural gas terminals in coastal areas; and amending RCW 43.143.010 and 90.58.160.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 3204 by Representative Chase

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

Referred to Committee on Health Care.

HB 3205 by Representatives O'Brien, Clements, Pettigrew, Santos, McDermott, Ericks, Sells, Kilmer, Green and Morrell

AN ACT Relating to the authority to apprehend conditionally released persons; and amending RCW 71.09.098.

Referred to Committee on Criminal Justice & Corrections.

HB 3206 by Representatives Green, Conway, Cody, Simpson and Campbell

AN ACT Relating to industrial insurance compensation for medical or surgical treatment proven to be effective; and adding new sections to chapter 51.36 RCW.

Referred to Committee on Commerce & Labor.

HB 3207 by Representative Santos

AN ACT Relating to community preservation; and adding a new chapter to Title 43 RCW.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3208 by Representatives P. Sullivan, Simpson, Wallace and Ericks

AN ACT Relating to protecting customer proprietary network information; amending RCW 80.66.010; adding a new section to chapter 80.36 RCW; adding a new section to chapter 9.73 RCW; and prescribing penalties.

Referred to Committee on Technology, Energy & Communications.

HB 3209 by Representative Chase

AN ACT Relating to limiting the number and location of house-banked social card games; amending RCW 9.46.295 and 9.46.070; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 3210 by Representatives McCune, Schindler, Miloscia, McDonald, Holmquist, Dunn, Buri, Morrell, Linville, Kristiansen, Chase, Pettigrew, Bailey, Campbell and Clibborn

AN ACT Relating to restoring the American dream by eliminating the state sales tax on construction labor and services in counties where the first-time home buyers housing affordability index shows that housing is not affordable; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Housing.

HB 3211 by Representatives O'Brien, Rodne, Lovick, Kessler, Clements, Ericks, Hankins, Jarrett,

Haigh, Kirby, Williams, Anderson, Simpson, Kilmer, Nixon, Green, Lantz, Conway, McDonald, Sells, Roach, Strow, Alexander, McCune, Priest, Newhouse, Buri, Springer and Morrell

AN ACT Relating to authorizing special verdicts that would result in more severe punishment for certain sex offenses against children by increasing the minimum sentences for rape of a child in the first degree, rape of a child in the second degree, and child molestation in the first degree, when a special allegation that the offense was predatory has been made and proven beyond a reasonable doubt and by increasing the minimum sentences for rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, and kidnapping in the first degree with sexual motivation, when a special allegation that the victim was under a certain age at the time of the crime has been made and proven beyond a reasonable doubt; amending RCW 9.94A.712, 9.94A.712, 9.94A.030, and 9.94A.030; adding new sections to chapter 9.94A RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 3212 by Representatives Pearson, Shabro, Sump, Jarrett, Orcutt, Serben, Ericksen, McDonald, Bailey, Nixon, Ahern, Haler, Campbell, Condotta, Buck, Roach, Schindler, Kretz, Kristiansen, Strow, Alexander, McCune, Priest, Newhouse, Buri and Clements

AN ACT Relating to protecting children, vulnerable adults, and communities from sex offenders and kidnapping offenders by imposing minimum sentences for rape in the first and second degrees, indecent liberties, rape of a child in the first and second degrees, child molestation in the first degree, and kidnapping in the first degree with sexual motivation, by increasing the penalty for communication with a minor for immoral purposes under certain circumstances, by creating the new crimes of failure to report an unregistered sex offender or kidnapping offender and tampering with an electronic monitoring device, by designating as a sex offense the crime of possession of depictions of a minor engaged in sexually explicit conduct, by increasing the penalty for failure to register as a sex offender or kidnapping offender, by requiring electronic monitoring for certain sex offenders, by adding to the aggravating circumstances for purposes of imposing the death penalty, by requiring sex offenders to receive treatment and admit guilt before being released, by prohibiting sex offenders with life sentences from receiving treatment, by narrowing the eligibility criteria for the special sex offender sentencing alternative, by tightening the sex offender and kidnapping offender registration requirements, and by providing an appropriation to the attorney general for purposes of public education and awareness; amending RCW 9.94A.712, 9.94A.712, 9.94A.030, 9.94A.030, 10.95.020, 9.95.420, 72.09.335, and 9A.44.130; reenacting and amending RCW 9.94A.505, 9.94A.670, 9A.44.130, 9.68A.090, and 9.94A.515; adding new sections to chapter 9.94A RCW; adding a new section to chapter 72.09 RCW; adding new sections to chapter 9A.44 RCW; adding a new section to chapter 9A.76 RCW; creating a new section; prescribing penalties; making an appropriation; providing effective dates; and providing expiration dates.

Referred to Committee on Criminal Justice & Corrections.

HB 3213 by Representative Conway; by request of Liquor Control Board

AN ACT Relating to the distribution of beer and wine by wineries and breweries located inside and outside Washington state to Washington retail liquor licensees; amending RCW 66.24.170, 66.24.240, 66.24.206, 66.24.210, 66.24.270, 66.24.290, 66.28.180, and 42.56.270; reenacting and amending RCW 66.24.244, 66.28.070, 66.28.180, and 42.17.310; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 3214 by Representatives Ormsby, Priest, Quall, Jarrett, Pettigrew, Cox, Simpson, Kenney, Conway, Anderson, Wood, Sells, Kilmer, P. Sullivan and Morrell

AN ACT Relating to creating opportunities for career and technical students to meet state standards for high school graduation; adding a new section to chapter 28C.04 RCW; adding a new section to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Education.

HB 3215 by Representatives Cox, Newhouse, Ormsby and Kenney

AN ACT Relating to teacher retention in rural school districts; and creating a new section.

Referred to Committee on Higher Education & Workforce Education.

HB 3216 by Representatives Linville, Wallace, Kenney, B. Sullivan and Kilmer

AN ACT Relating to the establishment of the Washington trade corps fellowship program; adding new sections to chapter 43.31 RCW; and creating new sections.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3217 by Representatives Kenney, Quall and Santos

AN ACT Relating to creating a certificate for students who meet certain high school graduation requirements; adding a new section to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Education.

HJM 4040 by Representatives Ahern, Rodne, Green, Serben, Bailey, McCune, Cox, Holmquist, Shabro, Chandler, Curtis, Armstrong, Newhouse, Sump, Kretz, Orcutt, Haler, Clements, Dunn and Condotta

Promoting freedom, independence, and security in Iraq.

Referred to Committee on State Government Operations & Accountability.

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

REPORTS OF STANDING COMMITTEES

January 20, 2006

HB 2352 Prime Sponsor, Representative Morris: Modifying net metering provisions. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

MINORITY recommendation: Signed by Representatives Haler, Assistant Ranking Minority Member; Ericks.

Passed to Committee on Rules for second reading.

January 20, 2006

HB 2543 Prime Sponsor, Representative Kilmer: Making permanent the enhanced 911 advisory committee. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

MINORITY recommendation: Signed by Representatives Haler, Assistant Ranking Minority Member; Ericks.

Passed to Committee on Rules for second reading.

January 20, 2006

HB 2601 Prime Sponsor, Representative Hunter: Regarding state purchasing of information technology projects. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

MINORITY recommendation: Signed by Representatives Haler, Assistant Ranking Minority Member; Ericks.

Passed to Committee on Rules for second reading.

January 20, 2006

HB 2645 Prime Sponsor, Representative Kilmer: Providing a limited public utility tax credit for gas distribution businesses. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse,

Ranking Minority Member; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

MINORITY recommendation: Signed by Representatives Halder, Assistant Ranking Minority Member; Ericks.

Referred to Committee on Finance.

January 20, 2006

HJM 4031 Prime Sponsor, Representative Appleton: Preserving section 5 of the Marine Mammal Protection Act to protect Puget Sound. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

MINORITY recommendation: Signed by Representatives Chandler.

Passed to Committee on Rules for second reading.

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

SECOND READING

HOUSE BILL NO. 2155, By Representatives Lantz and Shabro; by request of Secretary of State

Regarding preservation of state publications by the state library services.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2155 was substituted for House Bill No. 2155 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2155 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2155.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2155 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta,

Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Erickson, Flannigan, Fromhold, Grant, Green, Haigh, Halder, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2155, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2330, By Representatives Blake, Buck, Upthegrove, Linville, Sump and B. Sullivan

Modifying provisions concerning the administration of a crab pot buoy tag program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Buck spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2330.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2330 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Erickson, Flannigan, Fromhold, Grant, Green, Haigh, Halder, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2330, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2332, By Representatives Buck, Blake, Upthegrove, Halder and B. Sullivan

Concerning recreational fishing for albacore tuna.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck and B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2332.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2332 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2332, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2338, By Representatives Kirby, Roach, Chase, Dickerson, Ericks, Simpson, Upthegrove and Schual-Berke; by request of Department of Financial Institutions

Extending the mortgage lending fraud prosecution account.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2338.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2338 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell,

Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2338, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2379, By Representatives Lantz, Serben and Rodne

Disposing of nonprobate assets under will.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Serben spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2379.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2379 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2379, having received the necessary constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2006-4686, By Representatives Rodne, Hudgins, Hinkle, Wallace, Woods, Grant, Clements, Armstrong, Kilmer, Ericksen, Morrell,

Shabro, Lantz, Skinner, Sells, Orcutt, McDonald, Pearson, Kenney, Kessler, Santos, McCoy, Buri, Clibborn, Kristiansen, Strow, Takko, DeBolt, Haigh, Buck, Springer, Priest, Dickerson, Roach, Jarrett, Appleton, Serben, Ahern, Conway, Darneille, P. Sullivan, Morris, Linville, Hasegawa, Green, Ormsby, Dunshee, Simpson, Moeller, Blake, Upthegrove, B. Sullivan, Ericks, O'Brien, McDermott, Hunt, Campbell, Talcott, Bailey and Hankins

WHEREAS, Nearly eighty-six hundred men and women of the Washington National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in every legislative district throughout Washington, volunteer their time and personal efforts to serve the needs of the people of Washington state; and

WHEREAS, The Guard answered the state's call numerous times in response to fire fighting and flood support efforts and to protect lives in both civil and natural emergencies and disasters; and

WHEREAS, The Washington Army and Air National Guard provided critical mission support in both personnel and equipment to Operation Iraqi Freedom and Operation Enduring Freedom in Iraq and Afghanistan, respectively, and Operation Noble Eagle here at home; and

WHEREAS, The Washington Army and Air National Guard answered the call in support of hurricane relief efforts on the Gulf Coast resulting from Hurricanes Katrina, Rita, and Wilma; and

WHEREAS, The Guard continues to train and prepare for both natural disasters and threats to our national security; and

WHEREAS, The Guard continues to promote positive lifestyles and activities for Washington's youth through involvement in and support of highly effective drug prevention programs with school-aged children and community-based organizations; and

WHEREAS, The Guard continues to actively participate in the state's counter-drug efforts by providing soldiers, airmen, and specialized equipment to over thirty-five local, state, and federal law enforcement agencies; and

WHEREAS, The Guard adds value to communities by opening its readiness centers for public use, food banks, and other community and youth activities. The Guard continues to build upon these readiness centers and armories throughout the state to enhance education, add to quality of life, and increase economic vitality;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support, without whom the Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, well-equipped, and trained Guard units and the readiness centers and armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to The Adjutant General of the

Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Representative Rodne moved the adoption of the resolution.

Representatives Rodne, Wallace, Buri and Hudgins spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4686 was adopted.

The Speaker (Representative Lovick presiding) introduced Major General Timothy Lowenberg and members of the Washington National Guard.

SECOND READING

HOUSE BILL NO. 2527, By Representatives Nixon and Talcott

Modifying the state employee return-to-work program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2527 was substituted for House Bill No. 2527 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2527 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Nixon and Green spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2527.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2527 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2527, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2545, By Representatives Haigh, Nixon, Conway, Morrell, Bailey, McCoy, Green, Springer, McCune, Kilmer and P. Sullivan

Revising veterans' scoring criteria in examinations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2545 was substituted for House Bill No. 2545 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2545 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh, Nixon and Morrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2545.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2545 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2545, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2546, By Representatives Haigh, Nixon, Conway, Morrell, Bailey, Campbell, McCoy, Green, Rodne, Springer, McCune, Kilmer, Moeller and P. Sullivan

Concerning the definition of veteran.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2546 was substituted for House Bill No. 2546 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2546 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McCoy and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2546.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2546 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2546, having received the necessary constitutional majority, was declared passed.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1343, By House Committee on State Government Operations & Accountability (originally sponsored by Representatives P. Sullivan, Walsh, Simpson, Green, Buri, Kessler, Haler, Morrell, McCoy, Williams, Linville, Hasegawa, Roberts, Sells, McDermott, Chase and Ormsby)

Providing a life insurance policy for national guard members called to active duty.

There being no objection, the rules were suspended and SUBSTITUTE HOUSE BILL NO. 1343 was returned to Second Reading for purpose of amendments.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1343, By House Committee on State Government Operations & Accountability (originally sponsored by Representatives P. Sullivan, Walsh, Simpson, Green, Buri, Kessler, Haler, Morrell, McCoy, Williams, Linville, Hasegawa, Roberts, Sells, McDermott, Chase and Ormsby)

Providing a life insurance policy for national guard members called to active duty.

Representative Haigh moved the adoption of amendment (664):

On page 1, line 10, after "up to" strike "two hundred fifty" and insert "four hundred"

On page 2, line 1, after "June 30," strike "2005" and insert "2006"

Representatives Haigh and Nixon spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives P. Sullivan and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1343.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1343 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1343, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., January 26, 2006, the 18th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

EIGHTEENTH DAY

House Chamber, Olympia, Thursday, January 26, 2006

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

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

MESSAGE FROM THE SENATE

January 25, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 6594, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

INTRODUCTION & FIRST READING

HB 3218 by Representatives Strow, Williams, O'Brien, Sells, Ahern and Green

AN ACT Relating to imposing mandatory minimum sentences on homicide-related crimes; amending RCW 9.94A.540; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 3219 by Representative Takko

AN ACT Relating to bail bond agents; and amending RCW 18.185.010.

Referred to Committee on Commerce & Labor.

HB 3220 by Representatives Cox, Haler, Condotta, Jarrett, Kristiansen, Kretz, Dunn and Woods

AN ACT Relating to coordination of statewide freight mobility planning and administration; amending RCW 47.06A.020, 47.06A.030, 47.76.210, 47.76.220, 47.76.230, 47.76.240, 47.76.250, 47.76.280, 47.76.290, 47.76.300, 47.76.310, 47.76.320, and 47.76.350; adding new sections to chapter 47.06A RCW; adding a new section to chapter 47.76 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 3221 by Representatives Moeller, Buck, Blake, Clements, Eickmeyer and Kretz

AN ACT Relating to alien firearm licenses; amending RCW 9.41.070, 9.41.097, and 9.41.097; adding a new section to chapter 9.41 RCW; repealing RCW 9.41.170; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

HB 3222 by Representatives Pettigrew, Haler, Chandler, Kretz, Hinkle, Kristiansen, Holmquist and Linville

AN ACT Relating to excise tax exemptions for the handling and processing of livestock manure; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; repealing RCW 82.08.890, 82.08.900, 82.12.890, and 82.12.900; and providing an effective date.

Referred to Committee on Finance.

HB 3223 by Representatives Kretz, Condotta, Dunn, Clements, Buri, Chandler, Newhouse, Orcutt, B. Sullivan, Kristiansen, Skinner, Sump, Schindler, McCune, Grant, Hinkle, Haler, Roberts and Ahern

AN ACT Relating to providing fairness in government control of property; amending RCW 36.70A.060 and 36.70A.172; adding a new section to chapter 8.26 RCW; adding new sections to chapter 64.40 RCW; and creating new sections.

Referred to Committee on Judiciary.

HB 3224 by Representatives Haigh, Kilmer, Sells, Roberts and Green

AN ACT Relating to military service; amending RCW 38.40.110; and reenacting and amending RCW 41.40.170.

Referred to Committee on State Government Operations & Accountability.

HB 3225 by Representatives Green and Morrell

AN ACT Relating to temporary management in boarding homes; and adding new sections to chapter 18.20 RCW.

Referred to Committee on Health Care.

HB 3226 by Representatives Green and Morrell

AN ACT Relating to resident participation in the informal dispute resolution process; amending RCW 18.20.195; and adding a new section to chapter 18.51 RCW.

Referred to Committee on Health Care.

HB 3227 by Representative Conway

AN ACT Relating to forestry resources and rural development, establishing a system of collective bargaining for loggers and haulers of logs; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce & Labor.

HB 3228 by Representatives Holmquist, Dunn and Ahern

AN ACT Relating to the impact on small businesses of general permits developed under chapter 90.48 RCW; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3229 by Representatives Hunt, Alexander and Haler

AN ACT Relating to the population threshold for cities and counties eligible to use the design-build procedure; amending RCW 39.10.902; and reenacting and amending RCW 39.10.051.

Referred to Committee on State Government Operations & Accountability.

HB 3230 by Representatives Strow, O'Brien, Schual-Berke and Darneille

AN ACT Relating to requiring DNA evidence to be presented prior to imposition of the death penalty; adding a new section to chapter 10.95 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 3231 by Representatives Conway and Darneille

AN ACT Relating to essential state community justice facilities; amending RCW 72.05.020, 72.05.400, 72.65.010, 72.65.220, and 36.70A.200; adding a new section to chapter 72.05 RCW; adding a new section to chapter 72.65 RCW; adding a new section to chapter 36.70A RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 3232 by Representatives Tom, Cody and Nixon

AN ACT Relating to studying state policies on controlled substances; and creating a new section.

Referred to Committee on Health Care.

HB 3233 by Representatives McIntire, Haler, Kenney, Armstrong, Quall, Darneille and Chase

AN ACT Relating to the extension of local taxes to fund arts, cultural and heritage institutions and programs, tourism promotion, publicly owned sports and entertainment facilities, and other civic amenities; amending RCW 67.28.180, 82.14.0485, 82.14.049, and 82.14.360; and creating new sections.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3234 by Representatives Miloscia, Hunt, Darneille, Chase, Holmquist and Santos

AN ACT Relating to homeless tent encampments; and adding a new section to chapter 43.185C RCW.

Referred to Committee on Housing.

HB 3235 by Representative Ericksen

AN ACT Relating to using environmental mitigation moneys for agricultural preservation; adding a new section to chapter 47.12 RCW; and creating a new section.

Referred to Committee on Transportation.

HJR 4225 by Representatives Holmquist, Newhouse, Ahern, Schindler, McDonald, Sump, Roach, Kristiansen and Dunn

Amending the Constitution to require voter approval of property taxes.

Referred to Committee on Finance.

SSB 6594 by Senate Committee on Ways & Means (originally sponsored by Senators Regala, Prentice, Doumit, Eide, Keiser, Fairley, Franklin and Kline; by request of Governor Gregoire)

AN ACT Relating to conforming Washington's tax structure to the streamlined sales and use tax agreement; amending RCW 82.32.020, 82.08.037, 82.12.037, 82.02.210, 82.32.030, 82.14.020, 82.14.390, 82.32.520, 82.04.065, 82.04.065, 82.08.0289, 82.08.0289, 82.04.060, 82.04.190, 82.14B.020, 82.72.010, 82.32.555, 35A.82.055, 35A.82.060, 35A.82.060, 35A.82.065, 35.21.712, 35.21.714, 35.21.714, 35.21.715, 35.21.860, 35.102.020, 82.04.530, 82.16.010, 82.08.0283, 82.12.0277, 82.08.803, 82.12.803, 82.08.945, 82.12.945, 82.04.470, 82.08.010, 82.08.010, and 82.32.430; amending 2004 c 153 s 502 (uncodified); reenacting and amending RCW 82.04.050, 82.14B.030, 82.08.050, and 82.32.330; adding new sections to chapter 82.32 RCW; adding new sections to chapter 82.14 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 44.28 RCW; creating new sections; providing effective dates; providing a contingent effective date; and providing expiration dates.

Referred to Committee on Finance.

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

REPORTS OF STANDING COMMITTEES

January 25, 2006

HB 1142 Prime Sponsor, Representative Chase: Prohibiting pyramid promotional schemes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 23, 2006

HB 1371 Prime Sponsor, Representative Morrell: Modifying the nurse mandatory overtime prohibition. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist.

Referred to Committee on Appropriations.

January 24, 2006

SHB 1374 Prime Sponsor, Representative Committee On Housing: Prohibiting restrictions on the location of mobile homes or manufactured homes based exclusively on age and dimensions. Reported by Committee on Housing

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Holmquist, Ranking Minority Member; Dunn, Assistant Ranking Minority Member; McCune; Ormsby; Pettigrew; Schindler and Sells.

Passed to Committee on Rules for second reading.

January 23, 2006

HB 1395 Prime Sponsor, Representative Wood: Modifying provisions concerning the uniform regulation of business and professions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 23, 2006

SHB 1430 Prime Sponsor, Committee on Commerce & Labor: Authorizing the sale by spirit, beer, and wine licensees of malt liquor in containers that are capable of holding four gallons or more and are registered in accordance with RCW 66.28.200. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Crouse; Hudgins and McCoy.

Passed to Committee on Rules for second reading.

January 23, 2006

HB 2369 Prime Sponsor, Representative Quall: Authorizing the Washington horse racing commission to expend a statutorily limited amount of its operating funds for the development of the equine industry, improvement of racing facilities, and equine health research. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist; Kenney and McCoy.

MINORITY recommendation: Do not pass substitute. Signed by Representatives Hudgins.

Referred to Committee on Appropriations.

January 25, 2006

HB 2382 Prime Sponsor, Representative Kretz: Providing limited liability immunity for injuries at bovine handling facilities. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2403 Prime Sponsor, Representative Morris: Promoting distributive generation. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Ericks; Hudgins; P. Sullivan; Takko and Wallace.

MINORITY recommendation: Signed by Representatives Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Hankins; Nixon and Sump.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2447 Prime Sponsor, Representative Condotta: Extending the expiration date for funding the construction of new regional centers. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2462 Prime Sponsor, Representative Moeller: Establishing work groups to periodically review and update the child support schedule. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse; Lovick and Roberts.

Referred to Committee on Appropriations.

January 24, 2006

HB 2501 Prime Sponsor, Representative Schual-Berke: Regulating group health benefit plan coverage of mental health services. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

January 23, 2006

HB 2536 Prime Sponsor, Representative Conway: Allowing an injured worker to change total permanent disability pension options under certain circumstances. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 23, 2006

HB 2538 Prime Sponsor, Representative Conway: Authorizing the department to request and superior court to grant warrants pursuant to chapter 49.17 RCW. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 23, 2006

HB 2560 Prime Sponsor, Representative Conway: Changing the formula cap on spirits, beer, and

wine restaurant licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist; Kenney and McCoy.

MINORITY recommendation: Do not pass substitute. Signed by Representatives Hudgins.

Passed to Committee on Rules for second reading.

January 23, 2006

HB 2562 Prime Sponsor, Representative Wood: Regulating flavored malt beverage. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 23, 2006

HB 2563 Prime Sponsor, Representative Wood: Concerning the processing of liquor licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2570 Prime Sponsor, Representative Morrell: Prohibiting tobacco product sampling. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2608 Prime Sponsor, Representative Curtis: Defining performance of duty for the volunteer fire fighters' and reserve officers' relief and pension act. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member;

Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2680 Prime Sponsor, Representative Conway: Purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

January 23, 2006

HB 2681 Prime Sponsor, Representative Conway: Establishing minimum contribution rates for the public employees' retirement system, the public safety employees' retirement system, the school employees' retirement system, and the teachers' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Haigh; Hunter; Kagi; Kenney; Kessler; McDermott; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

January 23, 2006

HB 2690 Prime Sponsor, Representative Crouse: Permitting members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the public safety employees' retirement system, plan 1 of the law enforcement officers' and fire fighters' retirement system, and the Washington state patrol retirement system to make a one-time purchase of additional service credit. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice

Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2836 Prime Sponsor, Representative Sommers: Creating the reading achievement account. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Clements; Cody; Conway; Darneille; Dunshee; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Miloscia; Pearson; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Signed by Representatives Anderson, Assistant Ranking Minority Member; Chandler.

Passed to Committee on Rules for second reading.

January 23, 2006

HB 2897 Prime Sponsor, Representative Condotta: Modifying the liquor licensee's caterer's endorsement to include passenger vessels. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 23, 2006

HB 2976 Prime Sponsor, Representative Sommers: Implementing a collective bargaining agreement with Western Washington University. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2992 Prime Sponsor, Representative Moeller:
Notifying parents, guardians, and custodians
when a juvenile is taken into custody. Reported
by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse; Lovick and Roberts.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 10:00 a.m., January 27, 2006, the 19th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

NINETEENTH DAY

House Chamber, Olympia, Friday, January 27, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Betsy Mansfield and Michael Watkins. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia.

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

RESOLUTION

HOUSE RESOLUTION NO. 2006-4689, By Representatives Hunt, Williams, McCoy, Appleton and Quall

WHEREAS, Sid Otton has dedicated 39 years to the student athletes of Washington, the last 32 with the Tumwater High School Thunderbirds Football team; and

WHEREAS, Sid Otton has been head football coach at Tumwater High School since 1974; and

WHEREAS, Sid Otton, through tireless effort and determination, has led Tumwater High School to the state playoffs 18 times, capturing 4 state championships; and

WHEREAS, On September 9, 2005, Sid Otton broke the state record of 272 career wins for a high school football coach; and

WHEREAS, Sid Otton finished the fall 2005 season with 278 career victories and another Tumwater High School trip to the playoffs; and

WHEREAS, Sid Otton's excellence has earned him several awards, including induction into the Washington State Football Coaches Hall of Fame in 1996, the Weber State University Hall of Fame in 1993, and being named "Best Local Coach" by The Olympian in 2005; and

WHEREAS, Sid Otton has provided outstanding guidance to his players, imparting the ideals of teamwork, perseverance, and humility; and

WHEREAS, 8 of Sid Otton's former players have gone on to play major college football; and

WHEREAS, 4 of Sid Otton's assistant coaches, Karst Brandsma of Peninsula High School, Dave Tobin of Hoquiam High School, Bill Beattie of Olympia High School, and Matt Hinkle of Shelton High School, have gone on to become successful head coaches; and

WHEREAS, Sid Otton and his wife, Marjean, have been married 40 years and have 3 children and 7 grandchildren; and

WHEREAS, Sid Otton's son, Tim, serves as volunteer assistant football coach at Tumwater High School; Sid's daughter, Tana, serves as head volleyball coach at Tumwater High School; and son, Brad, served as quarterbacks coach at the University of Nevada, Las Vegas; and

WHEREAS, Marjean Otton says "Sid is a very unselfish man who will not feel at all comfortable taking the honors without giving credit to all the assistant coaches he has had

throughout the years. He's a pretty humble guy who just loves what he does being a football coach. I am very proud of him for who he is and all he has accomplished. He is a student of the game, always going to clinics and learning more. But I have to say, above all, his greatest accomplishments are that of being the best husband, father, and grandfather. He is a tremendous example to us all";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives offer its congratulations, gratitude, and commendation to Sid Otton for his outstanding years of service to the student athletes of the community and to the students and families of Tumwater; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Sid Otton and his family, and Tumwater High School.

Representative Hunt moved the adoption of the resolution.

Representatives Hunt and Alexander spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4689 was adopted.

The Speaker assumed the chair.

INTRODUCTION & FIRST READING

HB 3236 by Representatives Dickerson, Darneille and Campbell

AN ACT Relating to mercury emissions; amending RCW 70.94.030, 70.94.161, and 70.94.422; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 3237 by Representatives Hunter, Eickmeyer, Simpson, Grant, Linville, Hankins and Jarrett

AN ACT Relating to a review of the department of natural resources' aquatic program; and creating new sections.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 3238 by Representatives Simpson, Lantz, Wallace, Morrell, Kilmer, Green, Springer, Dunshee, P. Sullivan, Quall, B. Sullivan, Grant, Appleton, Williams, Darneille, O'Brien, Haler, Clibborn, Hunt, Lovick, Hasegawa, McDermott, Rodne, Moeller, Kessler, Strow, Fromhold, Sells and Ericks

AN ACT Relating to prohibiting the distribution of false sex offender notifications; adding a new section to chapter 9A.84 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 3239 by Representative Kirby

AN ACT Relating to arbitration under certain insurance policies; and amending RCW 48.22.030 and 48.22.085.

Referred to Committee on Financial Institutions & Insurance.

HB 3240 by Representative Murray; by request of Department of Transportation and Department of Licensing

AN ACT Relating to the administration of fuel taxes; amending RCW 82.36.010, 82.36.020, 82.36.026, 82.36.027, 82.36.029, 82.36.031, 82.36.035, 82.36.045, 82.36.060, 82.36.080, 82.36.160, 82.36.180, 82.36.275, 82.36.280, 82.36.285, 82.36.290, 82.36.320, 82.36.340, 82.36.370, 82.36.380, 82.36.450, 82.38.020, 82.38.030, 82.38.032, 82.38.035, 82.38.050, 82.38.090, 82.38.100, 82.38.110, 82.38.140, 82.38.150, 82.38.160, 82.38.180, 82.38.270, 82.38.310, and 82.38.320; adding new sections to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW; adding a new section to chapter 47.01 RCW; repealing RCW 82.36.042, 82.36.044, 82.36.273, 82.36.305, 82.36.360, 82.36.373, 82.36.407, 82.38.070, 82.38.071, 82.38.081, 82.38.165, 82.38.185, and 82.38.285; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

HB 3241 by Representatives Jarrett, Fromhold, Rodne, Cox, Clibborn, Ormsby, Tom, Talcott, Haigh, Roberts, Priest, Morrell, Springer, Hunt, Green and Santos

AN ACT Relating to creating opportunities for students to earn a meaningful high school diploma through college and career readiness centers; amending RCW 28B.15.520 and 28B.15.067; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28B.50 RCW; and creating new sections.

Referred to Committee on Education.

HB 3242 by Representatives Crouse and Morris

AN ACT Relating to energy efficiency; and amending RCW 19.260.020, 19.260.030, 19.260.040, 19.260.050, and 19.260.070.

Referred to Committee on Technology, Energy & Communications.

HB 3243 by Representatives Schual-Berke, Walsh, Dickerson, Haler, Darneille, Hinkle, Roberts, Pettigrew, Dunn and Kagi

AN ACT Relating to the joint task force on the administration and delivery of services to children and families; amending 2005 c 474 s 1 (uncodified); amending

2005 c 474 s 2 (uncodified); amending 2005 c 474 s 3 (uncodified); and providing expiration dates.

Referred to Committee on Children & Family Services.

HB 3244 by Representatives Moeller, Tom, Simpson, Jarrett, Wallace and Fromhold

AN ACT Relating to requiring voter approval to authorize boundary review board disbandings; amending RCW 36.93.230; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

HB 3245 by Representatives Moeller, Tom, Simpson, Wallace and Fromhold

AN ACT Relating to affirming the role and existence of boundary review boards; creating a new section; repealing RCW 36.93.230; and declaring an emergency.

Referred to Committee on Local Government.

HB 3246 by Representatives Kirby, Moeller, Serben and Armstrong

AN ACT Relating to the distribution of beer and wine by wineries and breweries located inside and outside Washington state; amending RCW 66.24.170, 66.24.240, 66.24.206, 66.24.210, 66.24.270, 66.24.290, 66.28.180, and 42.56.270; reenacting and amending RCW 66.24.244, 66.28.070, and 66.28.180; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 3247 by Representatives Wallace, Hudgins, Takko, P. Sullivan, Springer, Kessler, Sells, Kilmer and Hasegawa

AN ACT Relating to allowing all consumers to place a security freeze on a credit report; and amending RCW 19.182.170.

Referred to Committee on Financial Institutions & Insurance.

HB 3248 by Representatives Conway, Hasegawa, Appleton and Sells

AN ACT Relating to union security provisions in public employment contracts; and adding a new section to chapter 41.58 RCW.

Referred to Committee on Commerce & Labor.

HB 3249 by Representatives Hasegawa, Appleton and Santos

AN ACT Relating to ensuring nondiscrimination in the amount of health care benefits provided to local government employees; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and adding a new section to chapter 53.18 RCW.

Referred to Committee on Local Government.

HB 3250 by Representatives Nixon and Springer

AN ACT Relating to prohibiting the commercial use of lists obtained from public entities; amending RCW 42.17.020 and 42.56.070; adding a new section to chapter 42.56 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on State Government Operations & Accountability.

HCR 4417 by Representatives Kessler, Armstrong, Morrell, Springer, Pearson, Sells, Green, Kilmer, Kristiansen, Ericks and Hankins

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

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of HOUSE CONCURRENT RESOLUTION NO. 4417, which was placed on the Second Reading calendar.

REPORTS OF STANDING COMMITTEES

January 25, 2006

HB 1595 Prime Sponsor, Representative McDermott: Allowing port districts to lease land acquired from a commercial waterway district. Reported by Committee on Local Government

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; B. Sullivan; Takko and Woods.

MINORITY recommendation: Signed by Representatives Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 25, 2006

2SHB 1815 Prime Sponsor, House Committee On Appropriations: Creating a competitive grant program for organizations that assist small businesses. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Skinner, Assistant Ranking Minority Member; Appleton; Bailey; Blake; Chase; Clibborn; Dunn; Grant; Haler; Kilmer; McCoy; Morrell; Quall; Strow; P. Sullivan and Wallace.

MINORITY recommendation: Signed by Representatives Kristiansen, Ranking Minority Member; Buri; Holmquist; Kretz and Newhouse.

Referred to Committee on Appropriations.

January 25, 2006

HB 1964 Prime Sponsor, Representative Walsh: Designating the Walla Walla sweet onion as the official Washington state vegetable. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2364 Prime Sponsor, Representative Santos: Creating a use tax exemption when converting or merging a federal, foreign, or out-of-state credit union into a state charter. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson and Williams.

MINORITY recommendation: Signed by Representatives Tom, Assistant Ranking Minority Member; Strow.

Referred to Committee on Finance.

January 24, 2006

HB 2372 Prime Sponsor, Representative Cox: Encouraging volunteers to teach hunter education courses. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2387 Prime Sponsor, Representative B. Sullivan: Allowing the department of natural resources to exchange certain state lands. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Referred to Committee on Capital Budget.

January 25, 2006

HB 2397 Prime Sponsor, Representative Dickerson: Establishing a pilot program to deliver mental

health treatment to children. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Darneille; Dickerson; Haler and Pettigrew.

MINORITY recommendation: Signed by Representatives Hinkle, Assistant Ranking Minority Member; Dunn.

Referred to Committee on Appropriations.

January 25, 2006

HB 2419 Prime Sponsor, Representative Haigh: Raising funds for hosting a national conference of statewide elected officials. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 25, 2006

HB 2439 Prime Sponsor, Representative Hudgins: Providing support for military families by exempting home sales resulting from military relocation orders from real estate excise taxes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

January 25, 2006

HB 2454 Prime Sponsor, Representative Williams: Revising the privilege for sexual assault advocates. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Williams, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben and Springer.

MINORITY recommendation: Signed by Representatives Flannigan, Vice Chairman; Wood.

Passed to Committee on Rules for second reading.

January 25, 2006

HB 2465 Prime Sponsor, Representative Lovick: Modifying vehicle equipment standards related

to original equipment installed. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Nixon; Rodne; Schindler; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

January 25, 2006

HB 2509 Prime Sponsor, Representative Takko: Requiring fiscal information in local tax ballot measure titles. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2569 Prime Sponsor, Representative Morrell: Lowering the interest rate for the property tax deferral program. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2590 Prime Sponsor, Representative Dickerson: Exempting nonprofit organizations organized for zoological purposes from certain excise taxes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2615 Prime Sponsor, Representative Quall: Exempting certain private air ambulance services from licensing under the insurance code. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

January 25, 2006

HB 2622 Prime Sponsor, Representative Blake: Modifying concealed pistol license provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2678 Prime Sponsor, Representative Kagi: Reauthorizing the pollution liability insurance agency. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Referred to Committee on Appropriations.

January 24, 2006

HB 2757 Prime Sponsor, Representative Kirby: Allowing banks and savings banks to organize as limited liability companies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

January 25, 2006

HB 2765 Prime Sponsor, Representative Buri: Limiting the posting of hazards to motorcycles to paved roadways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2879 Prime Sponsor, Representative McIntire: Modifying the electronic administration of the real estate excise tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

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

SECOND READING

HOUSE BILL HB 1071, By Representatives Campbell and Morrell

Concerning the uniform disciplinary act for health professions.

The bill was read the second time.

There being no objection, the House deferred action on HOUSE BILL HB 1071, and the bill held its place on the Second Reading calendar.

HOUSE JOINT MEMORIAL HB 4026, By Representatives Haler, Takko, Newhouse, Nixon, Moeller, Grant, Morris, B. Sullivan and Woods

Requesting the Columbia generating station be used for the commercial production of hydrogen.

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Haler and Morris spoke in favor of passage of the joint memorial.

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4026.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4026 and the joint memorial passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz,

Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE JOINT MEMORIAL HB 4026, having received the necessary constitutional majority, was declared passed.

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

Approving the names of certain state facilities.

The concurrent resolution was read the second time.

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

Representatives Kessler and Armstrong spoke in favor of adoption of the concurrent resolution.

The Speaker stated the question before the House to be the adoption of House Joint Memorial No. 4026.

HOUSE CONCURRENT RESOLUTION NO. 4415 was adopted.

HOUSE BILL HB 2367, By Representatives O'Brien, Kirby, Strow, McCoy and B. Sullivan; by request of Criminal Justice Training Commission

Regarding the certification of tribal police officers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative O'Brien spoke in favor of passage of the bill.

Representative Pearson spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2367.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2367 and the bill passed the House by the following vote: Yeas - 78, Nays - 20, Excused - 0.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Blake, Campbell, Chase, Clements, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Halder, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris,

Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 78.

Voting nay: Representatives Ahern, Anderson, Buck, Buri, Chandler, Condotta, Cox, Crouse, Curtis, Hinkle, Holmquist, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Schindler, Serben, Sump, and Talcott - 20.

HOUSE BILL HB 2367, having received the necessary constitutional majority, was declared passed.

THIRD READING

SUBSTITUTE HOUSE BILL HB 1257, By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Roach, Kirby, Newhouse, Simpson, Holmquist, Halder, Upthegrove, O'Brien and Nixon)

Providing an opportunity to reject motorcycle or motor-driven cycle insurance coverage.

The bill was read the third time.

Representatives Roach and Kirby spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1257.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1257 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Halder, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL HB 1257, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL HB 1841, By House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Kenney, Conway, Strow, Sells, Simpson, Hasegawa and Santos)

Revising provisions for electrical trainees.

The bill was read the third time.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1841.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1841 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL HB 1841, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL HB 1850, By House Committee on Health Care (originally sponsored by Representatives Schual-Berke and Cody)

Creating a retired volunteer medical worker license.

The bill was read a third time.

There being no objection, the rules were suspended and SUBSTITUTE HOUSE BILL HB 1850 was returned to Second Reading for purpose of amendments.

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

SECOND READING

SUBSTITUTE HOUSE BILL HB 1850, By House Committee on Health Care (originally sponsored by Representatives Schual-Berke and Cody)

Creating a retired volunteer medical worker license.

Representative Schual-Berke moved the adoption of the following amendment (660):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 18.130 RCW to read as follows:

(1) As used in this section, "emergency or disaster" has the same meaning as in RCW 38.52.010.

(2) The secretary shall issue a retired volunteer medical worker license to any applicant who:

(a) Has held an active license issued by a disciplining authority under RCW 18.130.040 no more than ten years prior to applying for an initial license under this section;

(b) Does not have any current restrictions on the ability to obtain a license for violations of this chapter; and

(c) Submits proof of registration as a volunteer with a local organization for emergency services or management as defined by chapter 38.52 RCW.

(3) License holders under this section must be supervised and may practice only those duties that correspond to the scope of their emergency worker assignment not to exceed their scope of practice prior to retirement.

(4) The department shall adopt rules and policies to implement this section.

(5) The department shall establish standards for the renewal of licenses issued under this section, including continuing competency requirements.

(6) License holders under this section are subject to the provisions of this chapter as they may apply to the issuance and denial of credentials, unauthorized practice, and discipline for acts of unprofessional conduct.

(7) Nothing in this section precludes a health care professional who holds an active license from providing medical services during an emergency or disaster.

(8) The cost of regulatory activities for license holders under this section must be borne in equal proportion by all health care providers holding a license issued by a disciplining authority under RCW 18.130.040.

NEW SECTION. Sec. 2. A new section is added to chapter 4.24 RCW to read as follows:

(1) No act or omission by a covered volunteer while engaged in a covered activity shall impose any liability for civil damages resulting from such an act or omission upon:

(a) The covered volunteer;

(b) The supervisor or supervisors of the covered volunteer;

(c) Any health care facility or their officers or employees;

(d) The owner of the property or vehicle where the act or omission may have occurred during the covered activity;

(e) Any local organization that registered the covered volunteer; or

(f) The state or any state or local governmental entity.

(2) The immunity in subsection (1) of this section applies only when the covered volunteer was engaged in a covered activity:

(a) Without compensation or expectation of compensation;

(b) Within the scope of their assigned duties;

(c) Under the direction of the local organization with which he or she had been registered; and

(d) The act or omission does not constitute gross negligence or willful or wanton misconduct.

(3) For purposes of this section:

(a) "Covered volunteer" means a person who is registered as an emergency worker as defined in RCW 38.52.010 and who is also licensed as a retired volunteer medical worker under section 1 of this act.

(b) "Covered activity" means:

(i) Providing assistance or transportation during an emergency or disaster as defined in RCW 38.52.010, whether such assistance or transportation is provided at the scene of the emergency or disaster, an alternative care site, a hospital, or while in route to or from such sites or between sites; or

(ii) Participating in an approved training or exercise in preparation for an emergency or disaster.

Sec. 3. RCW 43.70.110 and 2005 c 268 s 2 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary,

the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in RCW 18.79.202, until June 30, 2013, and except for the cost of regulating retired volunteer medical workers in accordance with section 1 of this act, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

Sec. 4. RCW 43.70.250 and 2005 c 268 s 3 are each amended to read as follows:

It shall be the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. The secretary shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses administered by the department. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program and the cost of regulating licensed volunteer medical workers in accordance with section 1 of this act, except as provided in RCW 18.79.202 until June 30, 2013. All such fees shall be fixed by rule adopted by the secretary in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW."

Representatives Schual-Berke and Nixon spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Nixon spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1850.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1850 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1850, having received the necessary constitutional majority, was declared passed.

THIRD READING

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4003, By House Committee on Transportation (originally sponsored by Representatives Ericksen, Kessler, Haler, O'Brien, Talcott, Chase, Dickerson and B. Sullivan)

Requesting Congress to consider Washington for magnetic levitation transportation funding.

The bill was read the third time.

Representatives Ericksen and Dickerson spoke in favor of passage of the joint memorial.

The Speaker stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4003.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4003 and the joint memorial passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4003, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1020, By House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris and B. Sullivan)

Regarding electrical transmission.

There being no objection, the rules were suspended and SUBSTITUTE HOUSE BILL NO. 1020 was returned to Second Reading for purpose of amendments.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1020, By House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris and B. Sullivan)

Regarding electrical transmission.

Representative Morris moved the adoption of amendment (669):

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 80.50.020 and 2001 c 214 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter.

(2) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(4) "Site" means any proposed or approved location of an energy facility.

(5) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility.

(6) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages in excess of ~~((200,000))~~ 115,000 volts to connect a thermal power plant to the northwest power grid ~~(-PROVIDED, That)~~. However, common carrier railroads or motor vehicles shall not be included.

(7) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or ~~((liquefied))~~ liquefied petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal power commission;

(c) Electrical transmission facilities in national interest electric transmission corridors as designated by the United States secretary of the department of energy or the federal energy regulatory commission pursuant to section 1221 of the national energy policy act, and such rules and regulations as the secretary or the federal energy regulatory commission adopts to implement the act.

(8) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by

the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies.

(9) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel, including nuclear materials, for distribution of electricity by electric utilities.

(10) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense.

(11) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

(12) "Counsel for the environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080.

(13) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars.

(14) "Energy plant" means the following facilities together with their associated facilities:

(a) Any stationary thermal power plant with generating capacity of three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of one hundred thousand kilowatts or more, including associated facilities. For the purposes of this subsection, "floating thermal power plants" means a thermal power plant that is suspended on the surface of water by means of a barge, vessel, or other floating platform;

(b) Facilities that generate electricity using alternative energy resources as the source of power;

(c) Facilities which will have the capacity to receive liquified natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

~~((d))~~ (d) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquified petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

~~((e))~~ (e) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and

~~((f))~~ (f) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum into refined products. (15) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter ~~((s))~~ (s) 35.63, 35A.63, ~~((or))~~ or 36.70, or 36.70A RCW.

(16) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapter ~~((s))~~ (s) 35.63, 35A.63, ~~((or))~~ or 36.70, or 36.70A RCW or Article XI of the state Constitution.

(17) "Alternative energy resource" means:

(a) Wind;

(b) solar energy;

(c) geothermal energy;

(d) landfill gas;

(e) wave or tidal action; or

(f) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(18) "Secretary" means the secretary of the United States department of energy.

NEW SECTION. Sec. 2. (1) Section 1221 of the national energy policy act of 2005 directs a state authority to consult with other state agencies, utilities, local municipal governments, public interest groups, tribes, and other interested persons to convey their views to the secretary and the federal energy regulatory commission regarding appropriate limits on federal regulatory authority in the siting of electrical transmission corridors in the state of Washington.

(2) Section 1221 of the national energy policy act also authorizes a state siting authority, in those instances where applicants seek a federal construction permit otherwise authorized pursuant to section 1221 of the act, to assert jurisdiction on the basis of existing state regulatory authority.

(3) Section 1221 of the national energy policy act further authorizes a state siting authority to approve the siting of facilities or consider the interstate benefits to be achieved by proposed construction or modification as provided for in section 1221(b)(1)(A)(i)-(ii) of the act or other provisions of the act, or rules and regulations implementing the act, and to convey the views and recommendations regarding the need for and impact of a transmission facility where the federal energy regulatory commission is determined to have jurisdiction.

NEW SECTION. Sec. 3. A new section is added to chapter 80.50 RCW to read as follows: The council is designated as the state authority for purposes of siting transmission facilities under the national energy policy act of 2005 and for purposes of other such rules or regulations that may be adopted by the secretary. The council's authority regarding transmission facilities is limited to those transmission facilities that are the subject of section 1221 of the national energy policy act and this chapter.

Sec. 4 RCW 80.50.060 and 2001 c 214 s 2 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the provisions of this chapter shall apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 (7) and (14). No construction of such energy facilities may be undertaken, except as otherwise provided in this chapter, after July 15, 1977, without first obtaining certification in the manner provided in this chapter.

(2) The provisions of this chapter apply to the construction, reconstruction, or enlargement of a new or existing energy facility that exclusively uses alternative energy resources and chooses to receive certification under this chapter, regardless of the generating capacity of the project.

(3) The provisions of this chapter apply to the construction of new electrical transmission facilities or the modification of existing electrical transmission facilities in a national interest electric transmission corridor designated by the secretary.

(4) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 (7) and (14).

~~((4))~~ (5) Applications for certification of energy facilities made prior to July 15, 1977 shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977 with the exceptions of RCW 80.50.190 and 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.

~~((5))~~ (6) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

Sec. 5 RCW 80.50.090 and 2001 c 214 s 7 are each amended to read as follows:

(1) The council shall conduct an informational public hearing in the county of the proposed site as soon as practicable but not later than sixty days after receipt of an application for site certification (~~PROVIDED, That~~). However, the place of such public hearing shall be as close as practical to the proposed site.

(2) Subsequent to the informational public hearing, the council shall conduct a public hearing to determine whether or not the proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances. If it is determined that the proposed site does conform with existing land use plans or zoning ordinances in effect as of the date of the application, the city, county, or regional planning authority shall not thereafter change such land use plans or zoning ordinances so as to affect the proposed site.

(3) Prior to the issuance of a council recommendation to the governor under RCW 80.50.100 a public hearing, conducted as an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, shall be held. At such public hearing any person shall be entitled to be heard in support of or in opposition to the application for certification.

(4) Additional public hearings shall be held as deemed appropriate by the council in the exercise of its functions under this chapter."

Representatives Morris and Crouse spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1020.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1020 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1020, having received the necessary constitutional majority, was declared passed.

THIRD READING

HOUSE BILL NO. 1331, By Representatives Conway, Alexander, Wood, DeBolt, Simpson, Strow, Chase and Ormsby

Requiring electrical contractors to be licensed before advertising.

The bill was read the third time.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1331.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1331 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 1331, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1348, By House Committee on Judiciary (originally sponsored by Representatives Williams, Newhouse and Lantz)

Providing a uniform method of transferring a municipal court judgment into district court.

The bill was read the third time.

Representatives Williams and Priest spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1348.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1348 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson,

Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1348, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883, By House Committee on Select Committee on Hood Canal (originally sponsored by Representatives McCoy, Pearson, Eickmeyer, Upthegrove and Haigh)

Providing for collection of oral histories about Hood Canal.

The bill was read the third time.

Representatives McCoy and Pearson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1883.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1883 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Anderson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

January 27, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 49.60.010 and 1997 c 271 s 1 are each amended to read as follows:

This chapter shall be known as the "law against discrimination((2))." It is an exercise of the police power of the state for the protection of the public welfare, health, and peace of the people of this state, and in fulfillment of the provisions of the Constitution of this state concerning civil rights. The legislature

hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, national origin, families with children, sex, marital status, sexual orientation, age, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in employment, in credit and insurance transactions, in places of public resort, accommodation, or amusement, and in real property transactions because of race, creed, color, national origin, families with children, sex, marital status, sexual orientation, age, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

Sec. 2. RCW 49.60.020 and 1993 c 510 s 2 are each amended to read as follows:

The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of any other law of this state relating to discrimination because of race, color, creed, national origin, sex, marital status, sexual orientation, age, or the presence of any sensory, mental, or physical disability, other than a law which purports to require or permit doing any act which is an unfair practice under this chapter. Nor shall anything herein contained be construed to deny the right to any person to institute any action or pursue any civil or criminal remedy based upon an alleged violation of his or her civil rights. This chapter shall not be construed to endorse any specific belief, practice, behavior, or orientation. Inclusion of sexual orientation in this chapter shall not be construed to modify or supersede state law relating to marriage.

Sec. 3. RCW 49.60.030 and 1997 c 271 s 2 are each amended to read as follows:

(1) The right to be free from discrimination because of race, creed, color, national origin, sex, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person is recognized as and declared to be a civil right. This right shall include, but not be limited to:

(a) The right to obtain and hold employment without discrimination;

(b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;

(c) The right to engage in real estate transactions without discrimination, including discrimination against families with children;

(d) The right to engage in credit transactions without discrimination;

(e) The right to engage in insurance transactions or transactions with health maintenance organizations without discrimination: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an unfair practice for the purposes of this subparagraph; and

(f) The right to engage in commerce free from any discriminatory boycotts or blacklists. Discriminatory boycotts or blacklists for purposes of this section shall be defined as the formation or execution of any express or implied agreement, understanding, policy or contractual arrangement for economic benefit between any persons which is not specifically authorized by the laws of the United States and which is required or imposed, either directly or indirectly, overtly or covertly, by a foreign government or foreign person in order to restrict, condition, prohibit, or interfere with or in order to exclude any person or persons from any business relationship on the basis of race, color, creed, religion, sex, sexual orientation, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, or national origin or lawful business relationship: PROVIDED HOWEVER, That nothing herein contained shall

prohibit the use of boycotts as authorized by law pertaining to labor disputes and unfair labor practices.

(2) Any person deeming himself or herself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy authorized by this chapter or the United States Civil Rights Act of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(3) Except for any unfair practice committed by an employer against an employee or a prospective employee, or any unfair practice in a real estate transaction which is the basis for relief specified in the amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any unfair practice prohibited by this chapter which is committed in the course of trade or commerce as defined in the Consumer Protection Act, chapter 19.86 RCW, is, for the purpose of applying that chapter, a matter affecting the public interest, is not reasonable in relation to the development and preservation of business, and is an unfair or deceptive act in trade or commerce.

Sec. 4. RCW 49.60.040 and 1997 c 271 s 3 are each amended to read as follows:

~~(As used in this chapter.)~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

(2) "Commission" means the Washington state human rights commission;

(3) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit;

(4) "Employee" does not include any individual employed by his or her parents, spouse, or child, or in the domestic service of any person;

(5) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

(6) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

(7) "Marital status" means the legal status of being married, single, separated, divorced, or widowed;

(8) "National origin" includes "ancestry";

(9) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, sexual orientation, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, to be treated as not welcome, accepted, desired, or solicited;

(10) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the

garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

(11) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

(12) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property, transacting or applying for a real estate loan, or the provision of brokerage services;

(13) " Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;

(14) "Sex" means gender;

(15) "Sexual orientation means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth:

(16) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur;

~~((16))~~ (17) "Complainant" means the person who files a complaint in a real estate transaction;

~~((17))~~ (18) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction;

~~((18))~~ (19) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred;

~~((19))~~ (20) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;

~~((20))~~ (21) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b) ground floor dwelling units in other buildings consisting of four or more dwelling units;

~~((21))~~ (22) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building;

~~((22))~~ (23) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons;

~~((23))~~ (24) "Service animal" means an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability.

Sec. 5. RCW 49.60.120 and 1997 c 271 s 4 are each amended to read as follows:

The commission shall have the functions, powers, and duties:

(1) To appoint an executive director and chief examiner, and such investigators, examiners, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(2) To obtain upon request and utilize the services of all governmental departments and agencies.

(3) To adopt, ~~(promulgate,)~~ amend, and rescind suitable rules ~~(and regulations)~~ to carry out the provisions of this chapter, and the policies and practices of the commission in connection therewith.

(4) To receive, impartially investigate, and pass upon complaints alleging unfair practices as defined in this chapter.

(5) To issue such publications and ~~(such)~~ results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of sex, sexual orientation, race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person.

(6) To make such technical studies as are appropriate to effectuate the purposes and policies of this chapter and to publish and distribute the reports of such studies.

(7) To cooperate and act jointly or by division of labor with the United States or other states, with other Washington state agencies, commissions, and other government entities, and with political subdivisions of the state of Washington and their respective human rights agencies to carry out the purposes of this chapter. However, the powers which may be exercised by the commission under this subsection permit investigations and complaint dispositions only if the investigations are designed to reveal, or the complaint deals only with, allegations which, if proven, would constitute unfair practices under this chapter. The commission may perform such services for these agencies and be reimbursed therefor.

(8) To foster good relations between minority and majority population groups of the state through seminars, conferences, educational programs, and other intergroup relations activities.

Sec. 6. RCW 49.60.130 and 1997 c 271 s 5 are each amended to read as follows:

The commission has power to create such advisory agencies and conciliation councils, local, regional, or statewide, as in its judgment will aid in effectuating the purposes of this chapter. The commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of sex, race, creed, color, national origin, marital status, sexual orientation, age, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person; to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state, and to make recommendations to the commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the commission may recommend to the appropriate state agency.

Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and the commission may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such

assistance. The commission may use organizations specifically experienced in dealing with questions of discrimination.

Sec. 7. RCW 49.60.175 and 1997 c 271 s 7 are each amended to read as follows:

It shall be an unfair practice to use the sex, race, creed, color, national origin, marital status, sexual orientation, or the presence of any sensory, mental, or physical disability of any person, or the use of a trained dog guide or service animal by a disabled person, concerning an application for credit in any credit transaction to determine the credit worthiness of an applicant.

Sec. 8. RCW 49.60.176 and 1997 c 271 s 8 are each amended to read as follows:

(1) It is an unfair practice for any person whether acting for himself, herself, or another in connection with any credit transaction because of race, creed, color, national origin, sex, marital status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person:

(a) To deny credit to any person;

(b) To increase the charges or fees for or collateral required to secure any credit extended to any person;

(c) To restrict the amount or use of credit extended or to impose different terms or conditions with respect to the credit extended to any person or any item or service related thereto;

(d) To attempt to do any of the unfair practices defined in this section.

(2) Nothing in this section shall prohibit any party to a credit transaction from considering the credit history of any individual applicant.

(3) Further, nothing in this section shall prohibit any party to a credit transaction from considering the application of the community property law to the individual case or from taking reasonable action thereon.

Sec. 9. RCW 49.60.178 and 1997 c 271 s 9 are each amended to read as follows:

It is an unfair practice for any person whether acting for himself, herself, or another in connection with an insurance transaction or transaction with a health maintenance organization to cancel or fail or refuse to issue or renew insurance or a health maintenance agreement to any person because of sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an unfair practice for the purposes of this section. For the purposes of this section, "insurance transaction" is defined in RCW 48.01.060, health maintenance agreement is defined in RCW 48.46.020, and "health maintenance organization" is defined in RCW 48.46.020.

The fact that such unfair practice may also be a violation of chapter 48.30, 48.44, or 48.46 RCW does not constitute a defense to an action brought under this section.

The insurance commissioner, under RCW 48.30.300, and the human rights commission, under chapter 49.60 RCW, shall have concurrent jurisdiction under this section and shall enter into a working agreement as to procedure to be followed in complaints under this section.

Sec. 10. RCW 49.60.180 and 1997 c 271 s 10 are each amended to read as follows:

It is an unfair practice for any employer:

(1) To refuse to hire any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, unless based upon a bona fide occupational qualification: PROVIDED, That the prohibition against discrimination because of such disability shall not apply if the particular disability prevents the proper performance of the particular worker involved: PROVIDED, That this section

shall not be construed to require an employer to establish employment goals or quotas based on sexual orientation.

(2) To discharge or bar any person from employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person: PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the commission by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes.

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

Sec. 11. RCW 49.60.190 and 1997 c 271 s 11 are each amended to read as follows:

It is an unfair practice for any labor union or labor organization:

(1) To deny membership and full membership rights and privileges to any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

(2) To expel from membership any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

(3) To discriminate against any member, employer, employee, or other person to whom a duty of representation is owed because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

Sec. 12. RCW 49.60.200 and 1997 c 271 s 12 are each amended to read as follows:

It is an unfair practice for any employment agency to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, an individual because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, or to print or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination as to age, sex, race, sexual orientation, creed, color, or national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

Sec. 13. RCW 49.60.215 and 1997 c 271 s 13 are each amended to read as follows:

It shall be an unfair practice for any person or the person's agent or employee to commit an act which directly or indirectly results in any distinction, restriction, or discrimination, or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement, except for conditions and limitations established by law and applicable to all persons, regardless of race, creed, color, national origin, sexual orientation, sex, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person: PROVIDED, That this section shall not be construed to require structural changes, modifications, or additions to make any place accessible to a disabled person except as otherwise required by law: PROVIDED, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice.

Sec. 14. RCW 49.60.222 and 1997 c 400 s 3 and 1997 c 271 s 14 are each reenacted and amended to read as follows:

(1) It is an unfair practice for any person, whether acting for himself, herself, or another, because of sex, marital status, sexual orientation, race, creed, color, national origin, families with children status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person:

(a) To refuse to engage in a real estate transaction with a person;

(b) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(c) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

(d) To refuse to negotiate for a real estate transaction with a person;

(e) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit the person to inspect real property;

(f) To discriminate in the sale or rental, or to otherwise make unavailable or deny a dwelling, to any person; or to a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or to any person associated with the person buying or renting;

(g) To make, print, circulate, post, or mail, or cause to be so made or published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;

(h) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

(i) To expel a person from occupancy of real property;

(j) To discriminate in the course of negotiating, executing, or financing a real estate transaction whether by mortgage, deed of trust, contract, or other instrument imposing a lien or other security in real property, or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. Nothing in this section shall limit the effect of RCW 49.60.176 relating to unfair practices in credit transactions; or

(k) To attempt to do any of the unfair practices defined in this section.

(2) For the purposes of this chapter discrimination based on the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person includes:

(a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the dwelling, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to

restore the interior of the dwelling to the condition that existed before the modification, reasonable wear and tear excepted;

(b) To refuse to make reasonable accommodation in rules, policies, practices, or services when such accommodations may be necessary to afford a person with the presence of any sensory, mental, or physical disability and/or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person equal opportunity to use and enjoy a dwelling; or

(c) To fail to design and construct covered multifamily dwellings and premises in conformance with the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable laws or regulations pertaining to access by persons with any sensory, mental, or physical disability or use of a trained dog guide or service animal. Whenever the requirements of applicable laws or regulations differ, the requirements which require greater accessibility for persons with any sensory, mental, or physical disability shall govern.

Nothing in (a) or (b) of this subsection shall apply to: (i) A single-family house rented or leased by the owner if the owner does not own or have an interest in the proceeds of the rental or lease of more than three such single-family houses at one time, the rental or lease occurred without the use of a real estate broker or salesperson, as defined in RCW 18.85.010, and the rental or lease occurred without the publication, posting, or mailing of any advertisement, sign, or statement in violation of subsection (1)(g) of this section; or (ii) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner maintains and occupies one of the rooms or units as his or her residence.

(3) Notwithstanding any other provision of this chapter, it shall not be an unfair practice or a denial of civil rights for any public or private educational institution to separate the sexes or give preference to or limit use of dormitories, residence halls, or other student housing to persons of one sex or to make distinctions on the basis of marital or families with children status.

(4) Except pursuant to subsection (2)(a) of this section, this section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a disabled person except as otherwise required by law. Nothing in this section affects the rights, responsibilities, and remedies of landlords and tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to post and enforce reasonable rules of conduct and safety for all tenants and their guests, provided that chapters 59.18 and 59.20 RCW are only affected to the extent they are inconsistent with the nondiscrimination requirements of this chapter. Nothing in this section limits the applicability of any reasonable federal, state, or local restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(5) Notwithstanding any other provision of this chapter, it shall not be an unfair practice for any public establishment providing for accommodations offered for the full enjoyment of transient guests as defined by RCW 9.91.010(1)(c) to make distinctions on the basis of families with children status. Nothing in this section shall limit the effect of RCW 49.60.215 relating to unfair practices in places of public accommodation.

(6) Nothing in this chapter prohibiting discrimination based on families with children status applies to housing for older persons as defined by the federal fair housing amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as amended by the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995. Nothing in this chapter authorizes requirements for housing for older persons different than the requirements in the federal fair housing amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as amended by the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.

(7) Nothing in this chapter shall apply to real estate transactions involving the sharing of a dwelling unit, or rental or sublease of a portion of a dwelling unit, when the dwelling unit is to be occupied by the owner or sublessor. For purposes of this section, "dwelling unit" has the same meaning as in RCW 59.18.030.

Sec. 15. RCW 49.60.223 and 1997 c 271 s 15 are each amended to read as follows:

It is an unfair practice for any person, for profit, to induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, creed, color, sex, national origin, sexual orientation, families with children status, or with any sensory, mental, or physical disability and/or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person.

Sec. 16. RCW 49.60.224 and 1997 c 271 s 16 are each amended to read as follows:

(1) Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals of a specified race, creed, color, sex, national origin, sexual orientation, families with children status, or with any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person, and every condition, restriction, or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, creed, color, sex, national origin, sexual orientation, families with children status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person is void.

(2) It is an unfair practice to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.

Sec. 17. RCW 49.60.225 and 1997 c 271 s 17 are each amended to read as follows:

(1) When a reasonable cause determination has been made under RCW 49.60.240 that an unfair practice in a real estate transaction has been committed and a finding has been made that the respondent has engaged in any unfair practice under RCW 49.60.250, the administrative law judge shall promptly issue an order for such relief suffered by the aggrieved person as may be appropriate, which may include actual damages as provided by the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable relief. Such order may, to further the public interest, assess a civil penalty against the respondent:

(a) In an amount up to ten thousand dollars if the respondent has not been determined to have committed any prior unfair practice in a real estate transaction;

(b) In an amount up to twenty-five thousand dollars if the respondent has been determined to have committed one other unfair practice in a real estate transaction during the five-year period ending on the date of the filing of this charge; or

(c) In an amount up to fifty thousand dollars if the respondent has been determined to have committed two or more unfair practices in a real estate transaction during the seven-year period ending on the date of the filing of this charge, for loss of the right secured by RCW 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as now or hereafter amended, to be free from discrimination in real property transactions because of sex, marital status, race, creed, color, national origin, sexual orientation, families with children status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person. Enforcement of the order and appeal therefrom by the complainant or respondent may be made as provided in RCW 49.60.260 and 49.60.270. If acts constituting the unfair practice in a real estate transaction that is the object of the charge are determined to have been committed by the same natural person who has been previously determined to have committed acts constituting an unfair practice in a real estate transaction, then the civil penalty of up to fifty thousand dollars may be imposed without regard to the period of time within which any subsequent unfair practice in a real estate transaction occurred. All civil penalties assessed under this section shall be paid into the state treasury and credited to the general fund.

(2) Such order shall not affect any contract, sale, conveyance, encumbrance, or lease consummated before the issuance of an order

that involves a bona fide purchaser, encumbrancer, or tenant who does not have actual notice of the charge filed under this chapter.

(3) Notwithstanding any other provision of this chapter, persons awarded damages under this section may not receive additional damages pursuant to RCW 49.60.250.

Sec. 18. RCW 48.30.300 and 2005 c 223 s 19 are each amended to read as follows:

Notwithstanding any provision contained in Title 48 RCW to the contrary:

A person or entity engaged in the business of insurance in this state may not refuse to issue any contract of insurance or cancel or decline to renew such contract because of the sex ((~~or~~)), marital status, or sexual orientation as defined in RCW 49.60.040, or the presence of any sensory, mental, or physical handicap of the insured or prospective insured. The amount of benefits payable, or any term, rate, condition, or type of coverage may not be restricted, modified, excluded, increased, or reduced on the basis of the sex ((~~or~~)), marital status, or sexual orientation, or be restricted, modified, excluded, or reduced on the basis of the presence of any sensory, mental, or physical handicap of the insured or prospective insured. This subsection does not prohibit fair discrimination on the basis of sex, or marital status, or the presence of any sensory, mental, or physical handicap when bona fide statistical differences in risk or exposure have been substantiated."

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223, 49.60.224, 49.60.225, and 48.30.300; and reenacting and amending RCW 49.60.222."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Murray spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2661, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2661, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 61, Nays - 37, Excused - 0.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Santos, Schual-Berke, Sells, Shabro, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom,

Upthegrove, Wallace, Walsh, Williams, Wood, and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Roach, Rodne, Schindler, Serben, Skinner, Strow, Sump, Talcott, and Woods - 37.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661, as amended by the Senate, having received the constitutional majority, was declared passed.

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

There being no objection, the Committee on Economic Development, Agriculture & Trade was relieved of further consideration of HOUSE BILL NO. 3233, and the bill was referred to the Committee on Finance.

SIGNED BY THE SPEAKER

The Speaker signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661,

MESSAGE FROM THE SENATE

January 27, 2006

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2661, and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

There being no objection, the House adjourned until 10:00 a.m., January 30, 2006, the 22nd Day of Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

TWENTY SECOND DAY

House Chamber, Olympia, Monday, January 30, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Devon Hulteen and Kameron Payne. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Imam Benjamin Shabazz, Al Islam Center, Seattle.

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

RESOLUTION

HOUSE RESOLUTION NO. 2006-4684, By Representatives Appleton and Springer

WHEREAS, On September 11, 2001, the United States of America was attacked by terrorists, resulting in the tragic loss of and injury to thousands of Americans; and

WHEREAS, The arts industry has played a substantial role in helping to bring about healing for numerous individuals and families as they reflect upon the tragedy of the terrorist attacks; and

WHEREAS, Glassblowing artist Renee Pound and fellow artists Lenoard Whitfield, Ken Christensen, Natalie Zundel, and Jon Harvey of the Seattle-based Art by Fire Gallery established the 9-11 Sea Float Project as an annual event uniting artists, the community, and media in remembrance of the victims of the September 11th attacks; and

WHEREAS, The artists of the Art by Fire Gallery create nine hundred eleven individually blown glass sea floats inscribed with the words "Never Forget 9-11," and scatter the floats in a park in Puget Sound; and

WHEREAS, The 9-11 Sea Float Project invites Puget Sound residents on September 11th to search for and collect the commemorative floats as a tribute to the victims of the terrorist attack; and

WHEREAS, The 9-11 Sea Float Project is a unique, all-volunteer effort that brings together strangers in the community to reflect on the events of September 11th;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the artistry and grace of the 9-11 Sea Float Project and the artists of the Art by Fire Gallery for their creative and continuing contribution to the Puget Sound community's remembrance of the events of September 11, 2001; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Renee Pound and the artists of the Art by Fire Gallery.

Representative Appleton moved the adoption of the resolution.

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

HOUSE RESOLUTION NO. 4684 was adopted.

INTRODUCTION & FIRST READING

HB 3251 by Representatives Santos and Pettigrew

AN ACT Relating to the special stadium sales and use tax imposed on food and beverages; amending RCW 82.14.360; and providing an effective date.

Referred to Committee on Finance.

HB 3252 by Representatives O'Brien, Rodne, Santos, Strow, Green, Simpson, McDonald, Morrell, Ericks, Kilmer, Williams and Hasegawa

AN ACT Relating to prohibiting offenders who enter Alford pleas from receiving a special sex offender sentencing alternative; reenacting and amending RCW 9.94A.670; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 3253 by Representatives Simpson, Dunn, Kilmer and Williams

AN ACT Relating to requiring house of representatives and senate confirmation for members of the growth management hearings boards; and amending RCW 36.70A.260.

Referred to Committee on Local Government.

HB 3254 by Representatives McDermott, Appleton and Hasegawa

AN ACT Relating to civil causes of action against the state of Washington for persons wrongfully convicted and imprisoned; adding a new section to chapter 41.05 RCW; and adding a new chapter to Title 4 RCW.

Referred to Committee on Judiciary.

HB 3255 by Representatives McDermott, Cody, Kenney, Grant and Chase

AN ACT Relating to liquor licenses issued to entities providing concession services on vessels owned by the Washington state ferries; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

HB 3256 by Representatives Uptegrove, B. Sullivan, Wood, Takko, Simpson, Murray, Flannigan, Hudgins and Chase

AN ACT Relating to internet vehicle sales; amending RCW 46.96.185; adding a new section to chapter 46.70 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 3257 by Representatives McCune, Clements, Kristiansen, Roach, Haler, Jarrett, McDonald and Campbell

AN ACT Relating to state capital funding assistance for fire districts; amending RCW 43.155.020; and providing an effective date.

Referred to Committee on Capital Budget.

HB 3258 by Representatives Morris, Simpson, Wallace and Chase

AN ACT Relating to mileage fees for diesel; and amending RCW 46.16.125.

Referred to Committee on Transportation.

HB 3259 by Representatives Murray and Ericks

AN ACT Relating to state environmental policy for significant transportation projects; amending RCW 43.21C.030; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Transportation.

HB 3260 by Representative Moeller

AN ACT Relating to boundary review board disbandings; amending RCW 36.93.230; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

HB 3261 by Representatives O'Brien, Rodne, Dickerson, Clements, Haigh, Simpson, Pearson, McDonald, Ericks, Kilmer and Williams

AN ACT Relating to strengthening the review process by the indeterminate sentence review board by adding two members to the board and allowing victims to provide input at board hearings involving offenders sentenced under RCW 9.94A.712; amending RCW 9.95.003 and 9.95.420; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 3262 by Representatives Springer, Clibborn and Ericks

AN ACT Relating to annexation capital facilities districts; amending RCW 84.52.043; adding a new chapter to Title 35 RCW; and providing a contingent effective date.

Referred to Committee on Local Government.

HB 3263 by Representatives Springer and Ericks

AN ACT Relating to the use of real estate excise taxes to offset costs of annexation; amending RCW 82.46.010; adding a new section to chapter 82.46 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Local Government.

HB 3264 by Representatives Springer, Rodne, Strow, Ericks, Buri, Jarrett, Hunter, Dunn and Morrell

AN ACT Relating to eminent domain; amending RCW 8.25.010 and 8.25.020; and creating a new section.

Referred to Committee on Judiciary.

HB 3265 by Representative Roach

AN ACT Relating to nonduplication of benefits payable under underinsured motorist coverage; and amending RCW 48.22.030.

Referred to Committee on Financial Institutions & Insurance.

HB 3266 by Representatives Rodne, Simpson, Anderson and Hudgins

AN ACT Relating to designating state route number 169 as a highway of statewide significance; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

HB 3267 by Representatives Condotta, Armstrong, Dunn, Morrell and McCune

AN ACT Relating to purple heart special license plates; amending RCW 46.16.237 and 46.16.270; and reenacting and amending RCW 46.16.305.

Referred to Committee on Transportation.

HB 3268 by Representatives Blake and Buck

AN ACT Relating to unlawfully hunting while upon the property of another; amending RCW 77.15.420; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 3269 by Representatives Grant, Kessler, Buck, Kretz, Newhouse, B. Sullivan and Dunn

AN ACT Relating to allowing designated smoking rooms in public places; and amending RCW 70.160.020, 70.160.030, and 70.160.075.

Referred to Committee on Health Care.

HB 3270 by Representatives Woods, Kilmer, Jarrett, Morris, Skinner, Hankins and Haigh

AN ACT Relating to passenger ferry service funding; amending RCW 47.60.645; adding new sections to chapter 47.60 RCW; and adding a new section to chapter 47.66 RCW.

Referred to Committee on Transportation.

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

REPORTS OF STANDING COMMITTEES

January 25, 2006

ESHB 1029 Prime Sponsor, House Committee On Transportation: Regulating ATVs. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Appleton; Clibborn; Dickerson; Flannigan; Hankins; Hudgins; Lovick; Morris; Rodne; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Skinner, Assistant Ranking Minority Member; Buck; Campbell; Curtis; Ericksen; Holmquist; Jarrett; Kilmer; Nixon; Schindler and Shabro.

Passed to Committee on Rules for second reading.

January 25, 2006

HB 2217 Prime Sponsor, Representative Simpson: Changing provisions relating to growth management. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Clibborn, Vice Chairman; Schindler, Ranking Minority Member;

Referred to Committee on Appropriations.

January 25, 2006

HB 2340 Prime Sponsor, Representative Kirby: Regulating mortgage brokers and loan originators. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

January 25, 2006

HB 2344 Prime Sponsor, Representative Kessler: Authorizing three superior court judges in Clallam county. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Judiciary. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

January 25, 2006

HB 2384 Prime Sponsor, Representative Dickerson: Concerning the state geological survey. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Natural Resources, Ecology & Parks. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

January 25, 2006

HB 2420 Prime Sponsor, Representative Kessler: Outlining the duties of the lieutenant governor. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2422 Prime Sponsor, Representative B. Sullivan: Providing funding for state and local parks. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Dickerson; Eickmeyer; Hunt and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Orcutt.

Referred to Committee on Appropriations.

January 25, 2006
HB 2446 Prime Sponsor, Representative Buri: Permitting certain school district substitute employee contracts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 26, 2006
HB 2453 Prime Sponsor, Representative Williams: Making the Washington essential property insurance inspection and placement program apply to all counties. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

January 26, 2006
HB 2481 Prime Sponsor, Representative Williams: Insuring victims of crimes. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; O'Brien; Santos; Serben; Simpson; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Newhouse.

Passed to Committee on Rules for second reading.

January 26, 2006
HB 2497 Prime Sponsor, Representative Kilmer: Authorizing a suspension of business loan payments and interest accrual for active duty national guard members. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

January 25, 2006
HB 2603 Prime Sponsor, Representative Roberts: Requiring a diversion record to be sealed upon the successful completion of the diversion or counsel and release. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse; Lovick and Roberts.

Passed to Committee on Rules for second reading.

January 26, 2006
HB 2625 Prime Sponsor, Representative Jarrett: Funding mountains to Sound greenway outdoor recreation projects. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Uptegrove, Vice Chairman; Dickerson; Eickmeyer; Hunt and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler and Orcutt.

Referred to Committee on Appropriations.

January 25, 2006
HB 2643 Prime Sponsor, Representative Clements: Allowing vehicles with aftermarket hydraulic systems to operate on public roadways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Nixon; Rodne; Schindler; Shabro; Simpson; B. Sullivan; Takko; Uptegrove and Wood.

Passed to Committee on Rules for second reading.

January 26, 2006
HB 2649 Prime Sponsor, Representative Miloscia: Creating an affordable housing for all program. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Ormsby; Pettigrew and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Ranking Minority Member; Dunn, Assistant Ranking Minority Member; McCune and Schindler.

Referred to Committee on Appropriations.

January 26, 2006

HB 2650 Prime Sponsor, Representative Miloscia: Creating programs to end homelessness. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Ormsby; Pettigrew and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Ranking Minority Member; Dunn, Assistant Ranking Minority Member; McCune and Schindler.

Referred to Committee on Appropriations.

January 24, 2006

HB 2689 Prime Sponsor, Representative Bailey: Addressing the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2691 Prime Sponsor, Representative Crouse: Creating optional public retirement benefits for justices and judges. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

January 25, 2006

HB 2693 Prime Sponsor, Representative Buri: Exempting out-of-state persons from having to obtain commercial driver's licenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice

Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

January 24, 2006

HB 2715 Prime Sponsor, Representative Ericks: Regarding the state interoperability executive committee. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

Passed to Committee on Rules for second reading.

January 26, 2006

HB 2776 Prime Sponsor, Representative Dickerson: Regulating home heating fuel service contracts. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

January 26, 2006

HB 2863 Prime Sponsor, Representative Kirby: Requiring lenders to consider retail installment contracts for the purchase of motor vehicles. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

January 26, 2006

HB 2867 Prime Sponsor, Representative Kenney: Regarding expansion of WSU Tri-Cities into a four-year institution. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Dunn; Fromhold; Hasegawa; Jarrett; Ormsby; Priest; Roberts and Sommers.

Referred to Committee on Appropriations.

Passed to Committee on Rules for second reading.

January 25, 2006
HB 2874 Prime Sponsor, Representative Murray: Modifying transportation project design-build provisions. Reported by Committee on Transportation

January 25, 2006
HB 2964 Prime Sponsor, Representative Kagi: Creating the department of early learning. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Darneille; Dickerson; Haler and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Assistant Ranking Minority Member; Dunn.

Passed to Committee on Rules for second reading.

Referred to Committee on Appropriations.

January 25, 2006
HB 2889 Prime Sponsor, Representative Woods: Creating the freight mobility multimodal account. Reported by Committee on Transportation

January 26, 2006
HB 2975 Prime Sponsor, Representative Newhouse: Granting an exemption under the state securities act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

January 26, 2006
HB 2908 Prime Sponsor, Representative Bailey: Modifying the boundary provision for Island county. Reported by Committee on Local Government

January 25, 2006
HB 2993 Prime Sponsor, Representative Moeller: Modifying provisions concerning at-risk youth proceedings. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse; Lovick and Roberts.

Referred to Committee on Appropriations.

Passed to Committee on Rules for second reading.

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

January 26, 2006
HB 2932 Prime Sponsor, Representative Darneille: Establishing a catastrophic disability allowance under the law enforcement officers' and fire fighters' retirement system, plan 2. Reported by Committee on Appropriations

SECOND READING

HOUSE BILL NO. 2567, By Representatives Wallace, Ericks, Morrell, Kilmer, Lovick, Campbell, Green, Lantz, Springer and Moeller

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Bailey; Buri; Chandler; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Providing provisions for methamphetamine precursors.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace and Curtis spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Curtis, Representative Hinkle was excused. On motion of Representative Santos, Representatives Cody and Schual-Berke were excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2567.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2567 and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Anderson, Flannigan and Nixon - 3.

Excused: Representatives Cody, Hinkle and Schual-Berke - 3.

HOUSE BILL NO. 2567, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2419, By Representatives Haigh, Nixon, Clibborn and McDermott; by request of Lieutenant Governor

Raising funds for hosting a national conference of statewide elected officials.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2419 was substituted for House Bill No. 2419 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2419 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2419.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2419 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Flannigan and Williams - 2.

Excused: Representatives Cody, Hinkle and Schual-Berke - 3.

SUBSTITUTE HOUSE BILL NO. 2419, having received the necessary constitutional majority, was declared passed.

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

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

The concurrent resolution was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the adoption of House Concurrent Resolution No. 4417.

HOUSE CONCURRENT RESOLUTION NO. 4417 was adopted.

HOUSE BILL NO. 2393, By Representatives Dunshee, Jarrett, Ormsby, Cox, Ericks, Newhouse, Kilmer, Chase, McCoy, Morrell, Moeller, Conway, P. Sullivan, Walsh, Springer, Buri, Haler, Wallace, Grant, Dickerson, Morris, B. Sullivan, Simpson, Upthegrove, Sells and Green

Funding energy freedom projects.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2393 was substituted for House Bill No. 2393 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2393 was read the second time.

Representative Dunshee moved the adoption of amendment (666):

Strike everything after the enacting clause and insert the following:

The legislature finds that:

- (1) Relying on foreign oil hurts our state's economy, citizens, and businesses;
- (2) Experts tell us that the global oil shortage will only worsen, making the three dollars per gallon gasoline of summer 2005 seem affordable;
- (3) Instead of leaving our economy at the mercy of global events, and the policies of foreign nations, Washington state should adopt a policy of energy independence;
- (4) Each year, citizens and businesses in Washington state spend nine billion dollars on gasoline and diesel, with those funds drained from the state economy;
- (5) The energy freedom program is meant to lead Washington state toward energy independence;
- (6) The biofuels industry is a new and developing industry now limited by the availability of capital for construction of facilities for converting farm products into energy and fuels; and
- (7) For biofuels to be economically viable in Washington, it will be necessary to grow dedicated crops, construct crushers near Washington farms, and build refineries to create fuel.

Therefore, it is the intent of the legislature to reduce Washington's dependence on imported oil, expand renewable fuel production and use in Washington, help citizens and business conserve energy, and promote sustainable rural economic development by creating new jobs and stimulating business and economic activity in local communities across Washington.

To accomplish this, the energy freedom program is established to stimulate strategic investment in facilities, infrastructure, and technologies that will advance Washington's move toward energy independence.

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Energy Freedom Program (06-2-852)

The appropriation in this section is subject to the following conditions and limitations:

- (1)(a) The appropriation is provided solely for low-interest loans to political subdivisions for renewable energy projects including the development of biofuel oilseed crushers, supporting infrastructure, and facilities. The political subdivision may negotiate an appropriate agreement with the bioenergy industry for the use of the oilseed crushers, supporting infrastructure, and facilities.
- (b) For purposes of this section, political subdivision means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state.
- (2) The appropriation is provided solely for the following list of projects:

Project	Recommendation
Spokane conservation district	\$2,750,000
Odessa public development authority	\$2,750,000
Port of Columbia county	\$2,750,000
Port of Sunnyside	\$750,000
Total	\$9,000,000

(3) All agreements negotiated between the political subdivision and the bioenergy industry for use of the oilseed crushers, supporting infrastructure, or facilities funded in this section must provide for at least a fifty percent match by the industry partner. The industry match may include, but is not limited to, investments in rail, buildings, refining capacity, or seed stock.

(4) All other project funds must be disbursed prior to energy freedom loans, except where required on a matching basis by other federal or state programs.

(5) The department shall disburse loans to the political subdivision on a reimbursement basis only.

(6) The department may defer loan repayment for up to twenty-four months or until the projects start to receive revenue from operations, whichever is sooner.

(7) Upon written notice to the political subdivision, the department may suspend or cancel its loans if any of the following occur:

(a) The political subdivision fails to make satisfactory and reasonable progress to complete the project, or the department concludes the political subdivision will be unable to complete the project or any portion of it; or

(b) The political subdivision or bioenergy industry partners have made misrepresentations in any information furnished to the department or the legislature in connection with the project.

(8) In the event that any portion of the loan has been paid to the political subdivision under this section at the time of breach, or failure of the political subdivision to satisfactorily perform, the department may require that the full amount of the loan, or a portion thereof, be repaid within a period specified by the department.

(9) Future loan repayments shall be deposited into the energy freedom account created in section 3 of this act.

(10) Chapter 39.12 RCW applies to the renewable energy projects funded in whole or in part by the appropriation in this section.

(11) It is the intent of the legislature to provide loans for the development of a Washington state biodiesel industry based on Washington grown oilseed. The legislature is aware that in the development of this industry, the start-up process may necessitate the use of other oilseeds until Washington state growers plant sufficient crops to support this industry. The legislature also understands the realities of weather and market conditions in this process. The conversion to maximum Washington grown oilseed must be accomplished as quickly as possible. The political subdivision shall: (a) Develop a plan for outreach to local growers and an estimate of when maximum Washington state oilseed-based production will be reached; (b) develop a goal for the political subdivision to return a portion of the biofuel to local oilseed producers; and (c) report this information to the department of community, trade, and economic development by December 1, 2006. The department shall report on the implementation of this section by January 1, 2007, to the appropriate committees of the legislature.

Appropriation:

State Taxable Building Construction Account	
--State	\$9,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,000,000

The energy freedom account is created in the state treasury. All receipts from appropriations made to the account, proceeds from other lawful sources, and loan payments of principal and interest derived from loans made under section 2 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for loans and grants to political subdivisions for renewable energy and biofuel development projects and activities.

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

With the consent of the House, amendment (677) to amendment (666) was withdrawn.

Representative Ericksen moved the adoption of amendment (680) to amendment (666):

On page 1, beginning on line 3, strike all of section 1

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Ericksen, Sump, Orcutt and Serben spoke in favor of the adoption of the amendment to the amendment.

Representatives Dunshee and Morris spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Ericksen moved the adoption of amendment (679) to amendment (666):

On page 2, line 23, strike "\$2,750,000" and insert "\$2,000,000"

On page 2, line 24, strike "\$2,750,000" and insert "\$2,000,000"

On page 2, line 25, strike "\$2,750,000" and insert "\$2,000,000"

On page 2, after line 26, insert the following:
"Mobile oilseed crusher to be located west of the Cascade mountains \$2,250,000"

Representatives Ericksen and Orcutt spoke in favor of the adoption of the amendment to the amendment.

Representatives Dunshee and Sump spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Chandler moved the adoption of amendment (681) to amendment (666):

On page 3, beginning on line 25, strike all of subsection (10)

Renumber the remaining subsection consecutively.

Representatives Chandler, Armstrong and Sump spoke in favor of the adoption of the amendment to the amendment.

Representatives Dunshee spoke against the adoption of the amendment to the amendment

The amendment to the amendment was not adopted.

Representative McIntire moved the adoption of amendment (678) to amendment (666):

On page 3, after line 26, insert the following:
"(11) Political subdivisions and bioenergy industry partners are prohibited from using genetically modified oilseed in facilities funded in whole or in part by the appropriation in this section. For purposes of this subsection, "genetically modified oilseed" means oilseed whose genetic structure has been altered at the molecular level by means that are not possible under natural conditions or processes, including recombinant DNA and RNA techniques, cell fusion, gene deletion or doubling, introduction of exogenous genetic material, alteration of the position of a gene, or similar procedures."

Renumber the remaining subsection consecutively.

Representatives McIntire and Ericksen spoke in favor of the adoption of the amendment to the amendment.

Representatives Dunshee spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 46 - YEAS; 49 -NAYS.

The amendment to the amendment was not adopted.

Amendment (666) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, Jarrett, Morris, Armstrong and Cox spoke in favor of passage of the bill.

Representatives Orcutt and Clements spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2393.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2393 and the bill passed the House by the following vote: Yeas - 89, Nays - 7, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Blake, Buck, Buri, Campbell, Chase, Clibborn, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Bailey, Chandler, Clements, Curtis, Dunn, Orcutt and Talcott - 7.

Excused: Representatives Cody and Hinkle - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2393, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2544, By Representatives P. Sullivan, Jarrett, Green, Dunshee, Upthegrove, McCoy, Ericks, Simpson, Schual-Berke, Lantz, Ormsby, Springer, Kilmer and Kagi; by request of Department of Community, Trade, and Economic Development

Authorizing project loans recommended by the public works board.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative P. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2544.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2544 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Cody and Hinkle - 2.

HOUSE BILL NO. 2544, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., January 31, 2006, the 23rd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

TWENTY THIRD DAY

House Chamber, Olympia, Tuesday, January 31, 2006

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

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

INTRODUCTION & FIRST READING

HB 3271 by Representatives Haler, Blake, Serben and McCune

AN ACT Relating to archery hunting; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Judiciary.

HB 3272 by Representatives Anderson and Rodne

AN ACT Relating to requiring a study of mathematics curricula; and creating new sections.

Referred to Committee on Education.

HB 3273 by Representative Anderson

AN ACT Relating to increasing state property tax distributions to the student achievement fund; and amending RCW 84.52.068.

Referred to Committee on Appropriations.

HB 3274 by Representatives Conway, Serben and Dickerson

AN ACT Relating to revising the industrial insurance self-insurance program; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 3275 by Representative Hinkle

AN ACT Relating to expedited processing for small water impoundments; and amending RCW 90.03.370.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 3276 by Representatives Darneille, Uptegrove, Kagi, Hunt, Nixon, Hasegawa, Williams, Dickerson and Green

AN ACT Relating to creating a task force to study voting rights and restrictions of felons; creating new sections; and providing expirations dates.

Referred to Committee on State Government Operations & Accountability.

HB 3277 by Representatives O'Brien, Rodne, Kirby, Williams, Darneille, Sells, Kessler, Lovick, Ericks, Simpson, Kilmer, Lantz, Anderson, Takko, Green, Moeller, Campbell, Morris, Hunt, Conway and Fromhold

AN ACT Relating to authorizing special verdicts that would result in more severe punishment for certain sex offenses against children and vulnerable adults by increasing the minimum sentences to twenty-five years or the maximum of the standard sentence range, whichever is greater, for rape of a child in the first degree, rape of a child in the second degree, and child molestation in the first degree, when a special allegation that the offense was predatory has been made and proven beyond a reasonable doubt, by increasing the minimum sentences to twenty-five years or the maximum of the standard sentence range, whichever is greater, for rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, and kidnapping in the first degree with sexual motivation, when a special allegation that the victim was under age fifteen at the time of the crime has been made and proven beyond a reasonable doubt, and by increasing the minimum sentences to twenty-five years or the maximum of the standard sentence range, whichever is greater, for rape in the first degree, rape in the second degree by forcible compulsion, indecent liberties by forcible compulsion, and kidnapping in the first degree with sexual motivation, when a special allegation that the victim was, at the time of the crime, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult, has been made and proven beyond a reasonable doubt, without making any change to the sentencing grid, RCW 9.94A.510, or the seriousness level table, RCW 9.94A.515; amending RCW 9.94A.712, 9.94A.712, 9.94A.030, and 9.94A.030; adding new sections to chapter 9.94A RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 3278 by Representatives Conway and Dickerson

AN ACT Relating to making adjustments in the unemployment insurance system to enhance benefit and tax equity; and creating a new section.

Referred to Committee on Commerce & Labor.

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

REPORTS OF STANDING COMMITTEES

January 26, 2006

ESHB 1301 Prime Sponsor, House Committee On Capital Budget: Creating the legislative buildings

committee. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Blake; Clements; Eickmeyer; Ericks; Ericksen; Flannigan; Green; Hasegawa; Kretz; Kristiansen; McCune; Moeller; Morrell; Newhouse; O'Brien; Roach; Schual-Berke; Serben; Springer and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Chase; Cox; Lantz and Strow.

Passed to Committee on Rules for second reading.

E2SHB 1458 January 26, 2006
 Prime Sponsor, House Committee On Appropriations: Concerning the management of on-site sewage disposal systems in marine areas. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Blake; Dickerson; Eickmeyer; Hunt and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz, Assistant Ranking Minority Member; Chandler and Orcutt.

Referred to Committee on Appropriations.

HB 1827 January 26, 2006
 Prime Sponsor, Representative Wood: Refining the definition of "bushing." Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

HB 1944 January 26, 2006
 Prime Sponsor, Representative Hunt: Allowing raffles conducted by state employees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2383 Prime Sponsor, Representative B. Sullivan: Creating a joint legislative task force on aerospace manufacturing. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Appleton; Bailey; Blake; Buri; Chase; Clibborn; Dunn; Grant; Haler; Holmquist; Kilmer; Kretz; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2386 Prime Sponsor, Representative B. Sullivan: Modifying provisions related to the commercial harvest of geoduck clams. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2431 Prime Sponsor, Representative Campbell: Requiring background checks on persons licensed as health care professionals. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey; Condotta and Skinner.

Referred to Committee on Appropriations.

January 25, 2006

HB 2456 Prime Sponsor, Representative Roberts: Establishing a pilot project to provide mental health consultation services for child care programs. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Darneille; Dickerson; Haler and Pettigrew.

MINORITY recommendation: Without recommendation. Signed by Representatives Hinkle, Assistant Ranking Minority Member; Dunn.

Referred to Committee on Appropriations.

January 27, 2006

HB 2463 Prime Sponsor, Representative Moeller: Modifying dental licensure provisions. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

January 25, 2006

HB 2466 Prime Sponsor, Representative Lovick: Providing excise tax relief for aerospace businesses. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks and Shabro.

MINORITY recommendation: Without recommendation. Signed by Representatives Hasegawa and Santos.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2479 Prime Sponsor, Representative Haigh: Ensuring equipment accessibility for voters with visual impairments. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Hunt; McDermott and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Assistant Ranking Minority Member; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 26, 2006

HB 2483 Prime Sponsor, Representative Hunter: Providing a provision relating to background checks for unlicensed child care providers. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Haler and Pettigrew.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn.

Passed to Committee on Rules for second reading.

January 26, 2006

HB 2507 Prime Sponsor, Representative Kenney: Prohibiting false or misleading college degrees. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Dunn; Fromhold; Hasegawa; Jarrett; Ormsby; Priest; Roberts and Sommers.

Passed to Committee on Rules for second reading.

January 26, 2006

HB 2517 Prime Sponsor, Representative Cody: Establishing minimum labor standards for certain large employers as related to health care services expenditures. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2539 Prime Sponsor, Representative Schual-Berke: Concerning disaster medical assistance teams. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Curtis, Assistant Ranking Minority Member; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Alexander; Bailey; Condotta and Skinner.

Referred to Committee on Appropriations.

January 26, 2006

HB 2561 Prime Sponsor, Representative Conway: Modifying requirements for the direct shipment of wine to Washington state consumers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member;

Chandler, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

Referred to Committee on Appropriations.

January 27, 2006

HB 2564 Prime Sponsor, Representative Kilmer: Including persons with veteran or military status within antidiscrimination provisions. Reported by Committee on State Government Operations & Accountability

HB 2595 Prime Sponsor, Representative Kenney: Providing for academic employee salary increments for community and technical colleges. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri; Dunn; Fromhold; Hasegawa; Ormsby; Roberts and Sommers.

Passed to Committee on Rules for second reading.

Referred to Committee on Appropriations.

January 26, 2006

HB 2573 Prime Sponsor, Representative Morrell: Adopting health information technology to improve quality of care. Reported by Committee on Health Care

HB 2600 Prime Sponsor, Representative Moeller: Requiring construction contractors to display their licenses and certificates. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey; Condotta and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2580 Prime Sponsor, Representative Upthegrove: Providing excise tax relief for persons that process canned salmon. Reported by Committee on Finance

HB 2612 Prime Sponsor, Representative Kagi: Including failure to secure a load in the first degree as a compensable crime under the crime victims' compensation program. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa and Santos.

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

Referred to Committee on Appropriations.

January 27, 2006

HB 2587 Prime Sponsor, Representative Blake: Designating the Lady Washington as the official ship of the state of Washington. Reported by Committee on State Government Operations & Accountability

HB 2644 Prime Sponsor, Representative P. Sullivan: Increasing temporarily the statewide cap for the customer assistance public utility tax credit. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa and Santos.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2653 Prime Sponsor, Representative Darneille: Prohibiting purchase or sale of human body parts for research purposes. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

January 26, 2006

HB 2662 Prime Sponsor, Representative B. Sullivan: Providing electronic product recycling through manufacturer financed opportunities. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Blake; Dickerson; Eickmeyer; Hunt and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Chandler and Orcutt.

Referred to Committee on Appropriations.

January 25, 2006

HB 2670 Prime Sponsor, Representative Kilmer: Authorizing hospital benefit zone financing. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway; Ericks; Hasegawa and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta and Shabro.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2671 Prime Sponsor, Representative Ericks: Providing excise tax relief by modifying due dates and eliminating an assessment penalty. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa and Santos.

Passed to Committee on Rules for second reading.

January 26, 2006

HB 2688 Prime Sponsor, Representative Fromhold: Addressing the law enforcement officers' and fire fighters' retirement system plan I. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; McDonald, Assistant Ranking Minority Member; Cody; Conway; Darneille; Dunshee; Grant; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Miloscia; Priest; Schual-Berke; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Bailey; Buri; Chandler; Clements; Haigh; Pearson and Talcott.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2694 Prime Sponsor, Representative Haigh: Eliminating Saturday counting of ballots. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2695 Prime Sponsor, Representative Haigh: Modifying absentee or provisional ballot notice requirements. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Miloscia; Schindler and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt and McDermott.

Passed to Committee on Rules for second reading.

January 26, 2006

HB 2738 Prime Sponsor, Representative Holmquist: Developing minimum renewable fuel content requirements and fuel quality standards in an alternative fuels market. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Haler, Assistant Ranking Minority Member;

Ericks; Hankins; Hudgins; P. Sullivan; Sump; Takko and Wallace.

background check processes. Reported by Committee on Criminal Justice & Corrections

MINORITY recommendation: Without recommendation. Signed by Representatives Crouse, Ranking Minority Member; Nixon.

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Transportation.

Passed to Committee on Rules for second reading.

January 27, 2006
HB 2753 Prime Sponsor, Representative Haigh: Allowing electronic voter registration. Reported by Committee on State Government Operations & Accountability

January 27, 2006
HB 2763 Prime Sponsor, Representative Dickerson: Ratifying the crime prevention and privacy compact. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia and Sump.

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler.

Referred to Committee on Appropriations.

Passed to Committee on Rules for second reading.

January 27, 2006
HB 2754 Prime Sponsor, Representative Morrell: Creating the veterans innovations program. Reported by Committee on State Government Operations & Accountability

January 26, 2006
HB 2775 Prime Sponsor, Representative P. Sullivan: Creating the Washington bioenergy loan program. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

Referred to Committee on Appropriations.

Referred to Committee on Capital Budget.

January 26, 2006
HB 2759 Prime Sponsor, Representative Ericks: Authorizing the transfer of certain real property and facilities. Reported by Committee on Capital Budget

January 27, 2006
HB 2778 Prime Sponsor, Representative Murray: Allowing tax deductions for nonprofit convention and tourism promotion corporations. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Blake; Chase; Clements; Cox; Eickmeyer; Ericks; Ericksen; Flannigan; Green; Kretz; Kristiansen; Lantz; McCune; Moeller; Morrell; Newhouse; O'Brien; Roach; Schual-Berke; Serben; Springer; Strow and Upthegrove.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

January 27, 2006
HB 2762 Prime Sponsor, Representative Dickerson: Extending the joint task force on criminal

January 26, 2006
HB 2799 Prime Sponsor, Representative Chase: Providing tax exemptions for solar hot water equipment. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

Referred to Committee on Finance.

January 27, 2006
HB 2805 Prime Sponsor, Representative O'Brien:
 Expanding provisions relating to missing
 persons. Reported by Committee on Criminal
 Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Referred to Committee on Appropriations.

January 27, 2006
HB 2822 Prime Sponsor, Representative Priest: Modifying
 provisions relating to taking a motor vehicle
 without permission. Reported by Committee on
 Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Referred to Committee on Appropriations.

January 25, 2006
HB 2880 Prime Sponsor, Representative McIntire:
 Regarding insurance premiums tax. Reported by
 Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway; Ericks; Hasegawa and Santos.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Ahern; Condotta and Shabro.

Passed to Committee on Rules for second reading.

January 27, 2006
HB 2884 Prime Sponsor, Representative Linville:
 Concerning the use of reclaimed water. Reported
 by Committee on Economic Development,
 Agriculture & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Blake; Chase; Clibborn; Dunn; Grant; Haler; Kilmer; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey; Buri; Holmquist and Kretz.

Referred to Committee on Appropriations.

January 26, 2006
HB 2914 Prime Sponsor, Representative Roberts:
 Regarding compliance with certification
 standards for providers of residential services
 and support to persons with developmental
 disabilities. Reported by Committee on Children
 & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Dunn; Haler and Pettigrew.

Referred to Committee on Appropriations.

January 26, 2006
HB 2939 Prime Sponsor, Representative Grant:
 Establishing the energy freedom program.
 Reported by Committee on Technology, Energy
 & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

Referred to Committee on Appropriations.

January 27, 2006
HB 2957 Prime Sponsor, Representative Blake: Extending
 the expiration date for reporting requirements on
 timber purchases. Reported by Committee on
 Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Uptegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

January 26, 2006
HB 2996 Prime Sponsor, Representative Walsh: Creating
 a pilot program concerning trauma mitigation for
 children. Reported by Committee on Children &
 Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Dunn; Haler and Pettigrew.

Referred to Committee on Appropriations.

January 26, 2006
HB 3039 Prime Sponsor, Representative McCoy:
 Reducing nitrogen discharges into an aquatic

rehabilitation zone. Reported by Committee on Select Committee on Hood Canal

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Eickmeyer, Chairman; McCoy, Vice Chairman; Appleton and Chase.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Walsh.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 3076 Prime Sponsor, Representative Ahern: Changing penalties for driving or physical control of a vehicle under the influence of intoxicating liquor or any drug. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Williams, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Flannigan, Vice Chairman;

Referred to Committee on Appropriations.

January 26, 2006

HB 3142 Prime Sponsor, Representative Eickmeyer: Providing sales and use tax exemptions for certain on-site sewage disposal systems. Reported by Committee on Select Committee on Hood Canal

MAJORITY recommendation: Do pass. Signed by Representatives Eickmeyer, Chairman; McCoy, Vice Chairman; Pearson, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Appleton; Chase and Walsh.

Referred to Committee on Finance.

**SUPPLEMENTAL
REPORTS OF STANDING COMMITTEES**

January 25, 2006

HB 2454 Prime Sponsor, Representative Williams: Revising the privilege for sexual assault advocates. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Williams, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Flannigan, Vice Chairman; Wood.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2576 Prime Sponsor, Representative Williams: Creating sexual assault protection orders. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

January 31, 2006

HB 3238 Prime Sponsor, Representative Simpson: Prohibiting the distribution of false sex offender notifications. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

January 31, 2006

HB 3252 Prime Sponsor, Representative O'Brien: Prohibiting offenders who enter Alford pleas from receiving a special sex offender sentencing alternative. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

January 31, 2006

HB 3261 Prime Sponsor, Representative O'Brien: Strengthening the review process by the indeterminate sentence review board. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

January 31, 2006

HB 3277 Prime Sponsor, Representative O'Brien: Authorizing special verdicts for specified sex offenses against children and vulnerable adults. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Ranking Minority Member;

There being no objection, the bills listed on the day's committee reports sheet and supplemental committee reports sheet under the fifth order of business were referred to the committees so designated with the exception of the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 2576,
HOUSE BILL NO. 3238,
HOUSE BILL NO. 3252,
HOUSE BILL NO. 3261,
HOUSE BILL NO. 3277,

The Speaker (Representative Lovick presiding) called upon Representative Ormsby to preside.

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

There being no objection, the Rules Committee was relieved of HOUSE BILL NO. 2454, and the bill was placed on the Second Reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., February 1, 2006, the 24th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

TWENTY FOURTH DAY

House Chamber, Olympia, Wednesday, February 1, 2006

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

The flags was escorted to the rostrum by the Boy Scouts of Washington State. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The Chamber observed a moment of silence in honor of Coretta Scott King. Prayer was offered by Pastor Mike Fogaras, North Thurston Life Center of the Assemblies of God.

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

The Speaker (Representative Lovick presiding) introduced the Washington Dairy Ambassador Megan Warner who addressed the Chamber. The Speaker (Representative Lovick presiding) recognized the members and staff of the Washington State Dairy Women, Washington Dairy Products Commission Board, and Washington State Dairy Federation.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 2006-4680, by Representatives DeBolt and Hankins

WHEREAS, There are over 210 local Chambers of Commerce in the state of Washington representing approximately 60,000 small businesses and employing over 2,900,000 citizens; and

WHEREAS, Washington State Chambers raise over 30,000,000 dollars annually for local community enrichment projects, involving more than 15,000 volunteers who generously give their time and talent; and

WHEREAS, Washington State Chambers manage more than 3,000,000 visitor and relocation inquiries each year, and at the same time serve over 40,000 businesses that seek information about expanding their companies in our state; and

WHEREAS, Chambers of Commerce across Washington state have served their local communities with distinction, dedication, and dignity, enhancing the state's economy and improving the quality of life for its citizens;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives officially recognize the invaluable work that local Chambers of Commerce provide to both the economy and citizens of this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the United States Chamber of Commerce in Washington, D.C.

Representative DeBolt moved the adoption of the resolution.

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

HOUSE RESOLUTION NO. 4680 was adopted.

The Speaker (Representative Lovick presiding) recognized Fritz Hughes, President of the Washington Chamber of Commerce Executives and Executive Director of the Pullman Chamber of Commerce, and professional staff and volunteers from Chambers of Commerce from around the State.

The Speaker assumed the chair.

INTRODUCTION & FIRST READING

HB 3279 by Representative Sommers

AN ACT Relating to fund balance transfer for the state convention and trade center; amending RCW 67.40.040; adding a new section to chapter 67.40 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 3280 by Representatives Ericks, Strow, Sells, O'Brien, Simpson and Lovick

AN ACT Relating to including service credit transferred from the law enforcement officers' and fire fighters' retirement system plan 1 in the determination of eligibility for military service credit; and amending RCW 41.26.195.

Referred to Committee on Appropriations.

HB 3281 by Representatives Roach, Haler, Jarrett, Rodne, Nixon, McCune, Shabro and McDonald

AN ACT Relating to records in criminal investigations; and adding a new chapter to Title 10 RCW.

Referred to Committee on Judiciary.

HB 3282 by Representatives Eickmeyer, Green, Haigh, Appleton, Kilmer, O'Brien, Lantz, McCoy, Chase, Miloscia, Clibborn and Ormsby

AN ACT Relating to the Hood Canal aquatic rehabilitation account; reenacting and amending RCW 79.105.150; adding a new section to chapter 90.88 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Select Committee on Hood Canal.

HB 3283 by Representatives Hinkle and Woods

AN ACT Relating to biennial regular sessions of the legislature; amending RCW 44.04.010, 44.04.200, 34.05.610,

40.04.090, 44.55.020, and 47.01.071; and providing a contingent effective date.

Referred to Committee on State Government Operations & Accountability.

HB 3284 by Representatives Pettigrew, Santos, Newhouse, Ericks, Buri, Hasegawa, McCoy, Grant, Darneille, Hunt, Green, Haler, Williams, Simpson, Chase, O'Brien, Lantz, Kenney, Hunter, Hudgins, Moeller, Morrell and Conway

AN ACT Relating to creating an in-school holiday in honor of Rosa Parks; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Education.

HB 3285 by Representatives Conway, Chase, Morrell and Wood

AN ACT Relating to raising the exemption for charitable or nonprofit bingo organizations from the gambling tax on bingo and amusement games; and amending RCW 9.46.110.

Referred to Committee on Finance.

HB 3286 by Representatives Blake, Kessler, Buck, Takko, Orcutt and Conway

AN ACT Relating to tax incentives for persons who extract, manufacture, or process timber; amending RCW 82.04.230, 82.04.280, 82.04.280, and 82.04.440; amending 2003 c 149 s 12 (uncodified); reenacting and amending RCW 82.04.260; and providing an effective date.

Referred to Committee on Finance.

HB 3287 by Representatives Chase, Sump, Eickmeyer, McCoy, Walsh and Pearson

AN ACT Relating to studying nitrogen contributions from on-site sewage systems in Hood Canal; creating a new section; and making an appropriation.

Referred to Committee on Select Committee on Hood Canal.

HB 3288 by Representative Holmquist

AN ACT Relating to superior court penalty assessments; and amending RCW 7.68.035.

Referred to Committee on Criminal Justice & Corrections.

HB 3289 by Representatives Haigh and Alexander

AN ACT Relating to repayment of capital accounts from operating funds; amending RCW 43.135.035 and 43.135.035; adding a new section to chapter 43.155 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Appropriations.

HB 3290 by Representatives Kessler and Blake

AN ACT Relating to business incentives for timber mills designated as forest products operations of statewide significance; amending RCW 43.157.010, 43.157.020, and 43.157.030; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 36.32 RCW; and providing an effective date.

Referred to Committee on Economic Development, Agriculture & Trade.

HJR 4226 by Representatives Hinkle and Woods

Authorizing a regular session of the legislature each odd-numbered year.

Referred to Committee on State Government Operations & Accountability.

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

REPORTS OF STANDING COMMITTEES

January 30, 2006

HB 1361 Prime Sponsor, Representative Alexander: Modifying the disbursement of funds by air pollution control agencies. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 1813 Prime Sponsor, Representative Williams: Increasing the term of nonvoter approved rural library district general obligation bonds. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

EHB 2219 Prime Sponsor, Representative Hunt: Expanding eligibility for urban industrial land banks. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2334 Prime Sponsor, Representative Appleton: Modifying residential density requirements in fully incorporated island cities. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; B. Sullivan; Takko and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2404 Prime Sponsor, Representative Cody: Regulating retainer health care practices. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2500 Prime Sponsor, Representative Green: Requiring health carriers to report certain information. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2540 Prime Sponsor, Representative Schual-Berke: Revising provisions addressing access to individual health insurance coverage. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey; Condotta and Skinner.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2571 Prime Sponsor, Representative Morrell: Collecting health care services debt under the homestead exemption. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2572 Prime Sponsor, Representative Morrell: Establishing the small employer health insurance partnership program. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey; Condotta and Skinner.

Referred to Committee on Appropriations.

January 27, 2006

HB 2593 Prime Sponsor, Representative Appleton: Changing provisions relating to oil spill prevention, preparedness, and response. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Dickerson; Eickmeyer; Hunt and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler and Orcutt.

Referred to Committee on Appropriations.

January 31, 2006

HB 2596 Prime Sponsor, Representative Kenney: Modifying provisions for the cosmetology apprenticeship program. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member;

Chandler, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2606 Prime Sponsor, Representative Curtis: Allowing volunteer fire fighter personnel to hold elective or appointed office. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2624 Prime Sponsor, Representative B. Sullivan: Allowing the parks and recreation commission to deny or revoke the issuance of a park pass in certain circumstances. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2627 Prime Sponsor, Representative B. Sullivan: Modifying provisions governing the sale of unneeded park land. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

January 26, 2006

HB 2630 Prime Sponsor, Representative Kenney: Creating the opportunity grant program. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Dunn; Fromhold; Hasegawa; Jarrett; Ormsby; Priest; Roberts and Sommers.

Referred to Committee on Appropriations.

January 27, 2006

HB 2632

Prime Sponsor, Representative Darneille: Modifying human immunodeficiency virus insurance program provisions. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey; Condotta and Skinner.

Referred to Committee on Appropriations.

January 30, 2006

HB 2655

Prime Sponsor, Representative Takko: Modifying disbursement of the metropolitan park district fund. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2673

Prime Sponsor, Representative Linville: Providing tools for local infrastructure financing. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Skinner, Assistant Ranking Minority Member; Appleton; Bailey; Blake; Clibborn; Dunn; Grant; Haler; Kilmer; McCoy; Morrell; Quall; Strow; P. Sullivan and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Kristiansen, Ranking Minority Member; Buri; Chase; Holmquist; Kretz and Newhouse.

Referred to Committee on Finance.

January 30, 2006

HB 2676

Prime Sponsor, Representative Linville: Posting interlocal agreements in an electronic format in lieu of filing with the county auditor. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2682 Prime Sponsor, Representative Conway: Setting contribution rates in the Washington state patrol retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Referred to Committee on Transportation.

January 30, 2006

HB 2687 Prime Sponsor, Representative Bailey: Establishing a one thousand dollar minimum monthly benefit for certain plan 1 members of the public employees' retirement system and certain plan 1 members of the teachers' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2710 Prime Sponsor, Representative Buck: Clarifying the process for hydraulic permit appeals. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2718 Prime Sponsor, Representative Morris: Regulating manufactured home parks or manufactured housing communities. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Holmquist, Ranking Minority Member; Dunn, Assistant Ranking Minority Member; McCune; Ormsby; Pettigrew; Schindler and Sells.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2761 Prime Sponsor, Representative Springer: Expanding the types of property subject to seizure and forfeiture in money laundering provisions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2801 Prime Sponsor, Representative Chase: Authorizing removal of discriminatory provisions in the governing documents of homeowners' associations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2833 Prime Sponsor, Representative Haigh: Adding members to the state board for volunteer fire fighters and reserve officers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2848 Prime Sponsor, Representative Lantz: Protecting confidentiality of domestic violence information. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 27, 2006

HB 2857 Prime Sponsor, Representative Kenney: Revising terms of appointment of student regents

and trustees. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri; Dunn; Fromhold; Hasegawa; Ormsby; Roberts and Sommers.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2876 Prime Sponsor, Representative Ericksen: Clarifying procedures for sound and video recordings by law enforcement officers. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2900 Prime Sponsor, Representative B. Sullivan: Regarding the issuance of checks by joint operating agencies. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2960 Prime Sponsor, Representative Kessler: Determining rates for the rental of county equipment. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2991 Prime Sponsor, Representative Darneille: Concerning background checks of metropolitan park district employees. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 3019 Prime Sponsor, Representative Haigh: Clarifying the role of a chief financial officer in a charter county. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 3056 Prime Sponsor, Representative Takko: Allowing second class cities and towns to pay claims by check or warrant. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 3134 Prime Sponsor, Representative Conway: Determining the amount of compensation for temporary or permanent total disability. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 3165 Prime Sponsor, Representative Miloscia: Using surplus property to develop affordable housing. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Ormsby; Pettigrew and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Ranking Minority Member; Dunn, Assistant Ranking Minority Member; McCune and Schindler.

Referred to Committee on Capital Budget.

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

SECOND READING

HOUSE BILL NO. 2576, By Representatives Williams, Green, O'Brien, Kirby, Hunt, Ericks, Simpson, Lovick, McCoy, Lantz, Ormsby, Springer and Conway

Creating sexual assault protection orders.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2576 was substituted for House Bill No. 2576 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2576 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Williams, Priest and Wallace spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2576.

MOTION

On motion of Representative Clements, Representative Skinner was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2576 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 2576, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3277, By Representatives O'Brien, Rodne, Kirby, Williams, Darneille, Sells, Kessler, Lovick, Ericks, Simpson, Kilmer, Lantz, Anderson, Takko, Green, Moeller, Campbell, Morris, Hunt, Conway and Fromhold

Authorizing special verdicts for specified sex offenses against children and vulnerable adults.

The bill was read the second time.

Representative Schindler moved the adoption of amendment (685):

On page 4, after line 19, insert:

"NEW SECTION. Sec. 4. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for rape in the first degree, the prosecuting attorney shall file a special allegation that the victim of the offense was under twelve years of age at the time of the offense whenever sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the victim was under twelve years of age at the time of the offense.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the victim was under twelve years of age at the time of the offense. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the victim was under the age of twelve at the time of the offense. If no jury is had, the court shall make a finding of fact as to whether the victim was under the age of twelve at the time of the offense.

(3) The prosecuting attorney shall not withdraw a special allegation filed under this section without the approval of the court through an order of dismissal of the allegation. The court may not dismiss the special allegation unless it finds that the order is necessary to correct an error in the initial charging decision or that there are evidentiary problems that make proving the special allegation doubtful."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 6, line 6, after "greater," insert "If the offense that caused the offender to be sentenced under this section was rape in the first degree and there has been a finding that the victim was under the age of twelve at the time of the offense under section 4 of this act, the minimum term shall be life."

On page 8, line 25, after "greater," insert "If the offense that caused the offender to be sentenced under this section was rape in the first degree and there has been a finding that the victim was under the age of twelve at the time of the offense under section 4 of this act, the minimum term shall be life."

On page 31, line 3, after "through" strike "4 and 6" and insert "5 and 7"

POINT OF ORDER

Representative Hunt requested a scope and object ruling on the amendment (685) to House Bill No. 3277.

SPEAKER'S RULING

Mr. Speaker: "The title of HOUSE BILL NO. 3277 authorizes special verdicts that would result in more severe punishment for certain sex offenses against children and vulnerable adults by increasing the minimum sentences to twenty-five years or the maximum of the standard sentence range, whichever is greater, for specified crimes and upon proof of specified allegations related to predatory offenses, victims under the age of fifteen, and vulnerable adults.

The bill sets out the standards for charging and proving such allegations and the standards for sentencing upon findings of guilt on the special verdicts.

As noted, the title specifies the minimum sentence to be imposed for certain sex offenses. Amendment (685) would impose a different minimum sentence and therefore is beyond the scope and object of the bill.

Representative Hunt, your point of order is well taken."

Representative Ericksen moved the adoption of amendment (683):

On page 30, after line 34, insert:

"Sec. 8. RCW 9.94A.670 and 2004 c 176 s 4 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply to this section only.

(a) "Sex offender treatment provider" or "treatment provider" means a certified sex offender treatment provider or a certified affiliate sex offender treatment provider as defined in RCW 18.155.020.

(b) "Substantial bodily harm" means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any body part or organ, or that causes a fracture of any body part or organ.

(c) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(2) An offender is eligible for the special sex offender sentencing alternative if:

(a) The offender has been convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense;

(b) The offender has no prior convictions for a sex offense as defined in RCW 9.94A.030 or any other felony sex offenses in this or any other state;

(c) The offender has no prior adult convictions for a violent offense that was committed within five years of the date the current offense was committed;

(d) The offense did not result in substantial bodily harm to the victim;

(e) The offender had an established relationship with, or connection to, the victim such that the sole connection with the victim was not the commission of the crime; ~~(and)~~

(f) The offender's standard sentence range for the offense includes the possibility of confinement for less than eleven years; and

(g) The immediate victim or immediate victim's family agrees to the sentence imposed under this section.

(3) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the offender, may order an examination to determine whether the offender is amenable to treatment.

(a) The report of the examination shall include at a minimum the following:

(i) The offender's version of the facts and the official version of the facts;

(ii) The offender's offense history;

(iii) An assessment of problems in addition to alleged deviant behaviors;

(iv) The offender's social and employment situation; and

(v) Other evaluation measures used.

The report shall set forth the sources of the examiner's information.

(b) The examiner shall assess and report regarding the offender's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(i) Frequency and type of contact between offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions and affirmative conditions, which must include, to the extent known, an identification

of specific activities or behaviors that are precursors to the offender's offense cycle, including, but not limited to, activities or behaviors such as viewing or listening to pornography or use of alcohol or controlled substances.

(c) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The examiner shall be selected by the party making the motion. The offender shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(4) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this alternative, consider whether the alternative is too lenient in light of the extent and circumstances of the offense, consider whether the offender has victims in addition to the victim of the offense, consider whether the offender is amenable to treatment, consider the risk the offender would present to the community, to the victim, or to persons of similar age and circumstances as the victim, and consider the victim's opinion whether the offender should receive a treatment disposition under this section. The court shall give great weight to the victim's opinion whether the offender should receive a treatment disposition under this section. If the sentence imposed is contrary to the victim's opinion, the court shall enter written findings stating its reasons for imposing the treatment disposition. The fact that the offender admits to his or her offense does not, by itself, constitute amenability to treatment. If the court determines that this alternative is appropriate, the court shall then impose a sentence or, pursuant to RCW 9.94A.712, a minimum term of sentence, within the standard sentence range. If the sentence imposed is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(a) The court shall order the offender to serve a term of confinement of up to twelve months or the maximum term within the standard range, whichever is less. The court may order the offender to serve a term of confinement greater than twelve months or the maximum term within the standard range based on the presence of an aggravating circumstance listed in *RCW 9.94A.535(2). In no case shall the term of confinement exceed the statutory maximum sentence for the offense. The court may order the offender to serve all or part of his or her term of confinement in partial confinement. An offender sentenced to a term of confinement under this subsection is not eligible for earned release under RCW 9.92.151 or 9.94A.728.

(b) The court shall place the offender on community custody for the length of the suspended sentence, the length of the maximum term imposed pursuant to RCW 9.94A.712, or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department under RCW 9.94A.720.

(c) The court shall order treatment for any period up to five years in duration. The court, in its discretion, shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court. If any party or the court objects to a proposed change, the offender shall not change providers or conditions without court approval after a hearing.

(d) As conditions of the suspended sentence, the court shall impose specific prohibitions and affirmative conditions relating to the known precursor activities or behaviors identified in the proposed treatment plan under subsection (3)(b)(v) of this section or identified in an annual review under subsection (7)(b) of this section.

(5) As conditions of the suspended sentence, the court may impose one or more of the following:

(a) Crime-related prohibitions;

(b) Require the offender to devote time to a specific employment or occupation;

(c) Require the offender to remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(d) Require the offender to report as directed to the court and a community corrections officer;

(e) Require the offender to pay all court-ordered legal financial obligations as provided in RCW 9.94A.030;

(f) Require the offender to perform community restitution work;

or
(g) Require the offender to reimburse the victim for the cost of any counseling required as a result of the offender's crime.

(6) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment.

(7)(a) The sex offender treatment provider shall submit quarterly reports on the offender's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, the offender's relative progress in treatment, and any other material specified by the court at sentencing.

(b) The court shall conduct a hearing on the offender's progress in treatment at least once a year. At least fourteen days prior to the hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. At the hearing, the court may modify conditions of community custody including, but not limited to, crime-related prohibitions and affirmative conditions relating to activities and behaviors identified as part of, or relating to precursor activities and behaviors in, the offender's offense cycle or revoke the suspended sentence.

(8) At least fourteen days prior to the treatment termination hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. Prior to the treatment termination hearing, the treatment provider and community corrections officer shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community custody conditions. The court may order an evaluation regarding the advisability of termination from treatment by a sex offender treatment provider who may not be the same person who treated the offender under subsection (4) of this section or any person who employs, is employed by, or shares profits with the person who treated the offender under subsection (4) of this section unless the court has entered written findings that such evaluation is in the best interest of the victim and that a successful evaluation of the offender would otherwise be impractical. The offender shall pay the cost of the evaluation. At the treatment termination hearing the court may: (a) Modify conditions of community custody, and either (b) terminate treatment, or (c) extend treatment in two-year increments for up to the remaining period of community custody.

(9)(a) If a violation of conditions other than a second violation of the prohibitions or affirmative conditions relating to precursor behaviors or activities imposed under subsection (4)(d) or (7)(b) of this section occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.737(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in subsections (6) and (8) of this section.

(b) If a second violation of the prohibitions or affirmative conditions relating to precursor behaviors or activities imposed under subsection (4)(d) or (7)(b) of this section occurs during community custody, the department shall refer the violation to the court and recommend revocation of the suspended sentence as provided in subsection (10) of this section.

(10) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (a) The offender violates the conditions of the suspended sentence, or (b) the court finds that the offender is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(11) The offender's sex offender treatment provider may not be the same person who examined the offender under subsection (3) of

this section or any person who employs, is employed by, or shares profits with the person who examined the offender under subsection (3) of this section, unless the court has entered written findings that such treatment is in the best interests of the victim and that successful treatment of the offender would otherwise be impractical. Examinations and treatment ordered pursuant to this subsection shall only be conducted by certified sex offender treatment providers or certified affiliate sex offender treatment providers under chapter 18.155 RCW unless the court finds that:

(a) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; or

(b)(i) No certified sex offender treatment providers or certified affiliate sex offender treatment providers are available for treatment within a reasonable geographical distance of the offender's home; and
(ii) The evaluation and treatment plan comply with this section and the rules adopted by the department of health.

(12) If the offender is less than eighteen years of age when the charge is filed, the state shall pay for the cost of initial evaluation and treatment."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 31, line 3, after "4" strike "and 6" and insert ", 6, and 8"

Correct the title.

POINT OF ORDER

Representative Hunt requested a scope and object ruling on the amendment (683) to House Bill No. 3277.

SPEAKER'S RULING

Mr. Speaker: "As previously stated, the title of HOUSE BILL NO. 3277 authorizes special verdicts that would result in more severe punishment for certain sex offenses against children and vulnerable adults by increasing the minimum sentences to twenty-five years or the maximum of the standard sentence range, whichever is greater, for specified crimes and upon proof of specified allegations related to predatory offenses, victims under the age of fifteen, and vulnerable adults.

The bill sets out the standards for charging and proving such allegations and the standards for sentencing upon findings of guilt on the special verdicts.

Amendment (683) relates to the special sex offender sentencing alternative, a subject not contemplated in the title or addressed in the substantive content of the bill.

The Speaker therefore finds the amendment is beyond the scope and object of the bill.

Representative Hunt, your point of order is well taken."

Representative Ahern moved the adoption of amendment (684):

On page 30, after line 34, insert:

"Sec. 8. RCW 9.94A.670 and 2004 c 176 s 4 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply to this section only.

(a) "Family member" means a relative by blood, marriage, or adoption, or a foster parent.

(b) "Sex offender treatment provider" or "treatment provider" means a certified sex offender treatment provider or a certified affiliate sex offender treatment provider as defined in RCW 18.155.020.

~~((b))~~ (c) "Substantial bodily harm" means bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any body part or organ, or that causes a fracture of any body part or organ.

~~((c))~~ (d) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(2) An offender is eligible for the special sex offender sentencing alternative if:

(a) The offender has been convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense;

(b) The offender has no prior convictions for a sex offense as defined in RCW 9.94A.030 or any other felony sex offenses in this or any other state;

(c) The offender has no prior adult convictions for a violent offense that was committed within five years of the date the current offense was committed;

(d) The offense did not result in substantial bodily harm to the victim;

(e) The offender had an established relationship with, or connection to, the victim such that the sole connection with the victim was not the commission of the crime; ~~(and)~~

(f) The offender's standard sentence range for the offense includes the possibility of confinement for less than eleven years; and

(g) The offender was the immediate victim's family member.

(3) If the court finds the offender is eligible for this alternative, the court, on its own motion or the motion of the state or the offender, may order an examination to determine whether the offender is amenable to treatment.

(a) The report of the examination shall include at a minimum the following:

(i) The offender's version of the facts and the official version of the facts;

(ii) The offender's offense history;

(iii) An assessment of problems in addition to alleged deviant behaviors;

(iv) The offender's social and employment situation; and

(v) Other evaluation measures used.

The report shall set forth the sources of the examiner's information.

(b) The examiner shall assess and report regarding the offender's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(i) Frequency and type of contact between offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions and affirmative conditions, which must include, to the extent known, an identification of specific activities or behaviors that are precursors to the offender's offense cycle, including, but not limited to, activities or behaviors such as viewing or listening to pornography or use of alcohol or controlled substances.

(c) The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The examiner shall be selected by the party making the motion. The offender shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(4) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this alternative, consider whether the alternative is too lenient in light of the extent and circumstances of the offense, consider whether the offender has victims in addition to the victim of the offense, consider

whether the offender is amenable to treatment, consider the risk the offender would present to the community, to the victim, or to persons of similar age and circumstances as the victim, and consider the victim's opinion whether the offender should receive a treatment disposition under this section. The court shall give great weight to the victim's opinion whether the offender should receive a treatment disposition under this section. If the sentence imposed is contrary to the victim's opinion, the court shall enter written findings stating its reasons for imposing the treatment disposition. The fact that the offender admits to his or her offense does not, by itself, constitute amenability to treatment. If the court determines that this alternative is appropriate, the court shall then impose a sentence or, pursuant to RCW 9.94A.712, a minimum term of sentence, within the standard sentence range. If the sentence imposed is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(a) The court shall order the offender to serve a term of confinement of up to twelve months or the maximum term within the standard range, whichever is less. The court may order the offender to serve a term of confinement greater than twelve months or the maximum term within the standard range based on the presence of an aggravating circumstance listed in *RCW 9.94A.535(2). In no case shall the term of confinement exceed the statutory maximum sentence for the offense. The court may order the offender to serve all or part of his or her term of confinement in partial confinement. An offender sentenced to a term of confinement under this subsection is not eligible for earned release under RCW 9.92.151 or 9.94A.728.

(b) The court shall place the offender on community custody for the length of the suspended sentence, the length of the maximum term imposed pursuant to RCW 9.94A.712, or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department under RCW 9.94A.720.

(c) The court shall order treatment for any period up to five years in duration. The court, in its discretion, shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court. If any party or the court objects to a proposed change, the offender shall not change providers or conditions without court approval after a hearing.

(d) As conditions of the suspended sentence, the court shall impose specific prohibitions and affirmative conditions relating to the known precursor activities or behaviors identified in the proposed treatment plan under subsection (3)(b)(v) of this section or identified in an annual review under subsection (7)(b) of this section.

(5) As conditions of the suspended sentence, the court may impose one or more of the following:

(a) Crime-related prohibitions;

(b) Require the offender to devote time to a specific employment or occupation;

(c) Require the offender to remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(d) Require the offender to report as directed to the court and a community corrections officer;

(e) Require the offender to pay all court-ordered legal financial obligations as provided in RCW 9.94A.030;

(f) Require the offender to perform community restitution work;

or

(g) Require the offender to reimburse the victim for the cost of any counseling required as a result of the offender's crime.

(6) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment.

(7)(a) The sex offender treatment provider shall submit quarterly reports on the offender's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, the offender's

relative progress in treatment, and any other material specified by the court at sentencing.

(b) The court shall conduct a hearing on the offender's progress in treatment at least once a year. At least fourteen days prior to the hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. At the hearing, the court may modify conditions of community custody including, but not limited to, crime-related prohibitions and affirmative conditions relating to activities and behaviors identified as part of, or relating to precursor activities and behaviors in, the offender's offense cycle or revoke the suspended sentence.

(8) At least fourteen days prior to the treatment termination hearing, notice of the hearing shall be given to the victim. The victim shall be given the opportunity to make statements to the court regarding the offender's supervision and treatment. Prior to the treatment termination hearing, the treatment provider and community corrections officer shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community custody conditions. The court may order an evaluation regarding the advisability of termination from treatment by a sex offender treatment provider who may not be the same person who treated the offender under subsection (4) of this section or any person who employs, is employed by, or shares profits with the person who treated the offender under subsection (4) of this section unless the court has entered written findings that such evaluation is in the best interest of the victim and that a successful evaluation of the offender would otherwise be impractical. The offender shall pay the cost of the evaluation. At the treatment termination hearing the court may: (a) Modify conditions of community custody, and either (b) terminate treatment, or (c) extend treatment in two-year increments for up to the remaining period of community custody.

(9)(a) If a violation of conditions other than a second violation of the prohibitions or affirmative conditions relating to precursor behaviors or activities imposed under subsection (4)(d) or (7)(b) of this section occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.737(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in subsections (6) and (8) of this section.

(b) If a second violation of the prohibitions or affirmative conditions relating to precursor behaviors or activities imposed under subsection (4)(d) or (7)(b) of this section occurs during community custody, the department shall refer the violation to the court and recommend revocation of the suspended sentence as provided in subsection (10) of this section.

(10) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (a) The offender violates the conditions of the suspended sentence, or (b) the court finds that the offender is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(11) The offender's sex offender treatment provider may not be the same person who examined the offender under subsection (3) of this section or any person who employs, is employed by, or shares profits with the person who examined the offender under subsection (3) of this section, unless the court has entered written findings that such treatment is in the best interests of the victim and that successful treatment of the offender would otherwise be impractical. Examinations and treatment ordered pursuant to this subsection shall only be conducted by certified sex offender treatment providers or certified affiliate sex offender treatment providers under chapter 18.155 RCW unless the court finds that:

(a) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; or

(b)(i) No certified sex offender treatment providers or certified affiliate sex offender treatment providers are available for treatment within a reasonable geographical distance of the offender's home; and

(ii) The evaluation and treatment plan comply with this section and the rules adopted by the department of health.

(12) If the offender is less than eighteen years of age when the charge is filed, the state shall pay for the cost of initial evaluation and treatment."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 31, line 3, after "4" strike "and 6" and insert ", 6, and 8"

Correct the title.

POINT OF ORDER

Representative Hunt requested a scope and object ruling on the amendment (684) to House Bill No. 3277.

SPEAKER'S RULING

The Speaker: "Amendment (687), like Amendment (683), also relates to the serial sex offender sentencing alternative and is beyond the scope and object of the bill for the reasons stated in the Speaker's previous ruling.

Representative Hunt, your point of order is well taken."

Representative Alexander moved the adoption of amendment (687):

On page 30, after line 34, insert:

"NEW SECTION. Sec. 8. A new section is added to chapter 9A.44 RCW to read as follows:

(1) A public employee who, in the course of his or her employment, becomes aware that a person is not in compliance with RCW 9A.44.130 shall report the person's non-compliance to the appropriate law enforcement official within five working days of discovering the person's non-compliance.

(2) Failure to meet the requirements of subsection (1) of this section is a misdemeanor.

(3) For purposes of this section:

(a) "Public employee" means a full-time or part-time employee of the state or one of its political subdivisions.

(b) "Appropriate law enforcement official" means the sheriff of the county where the person in non-compliance with RCW 9A.44.130 resides, if the person's residence is known to the public employee. If the person's residence is not known to the public employee, "appropriate law enforcement official" means the sheriff of the county of the public employee's residence."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 31, line 3, after "4" strike "and 6" and insert ", 6, and 8"

Correct the title."

POINT OF ORDER

Representative Hunt requested a scope and object ruling on the amendment (687) to House Bill No. 3277.

SPEAKER'S RULING

Mr. Speaker: "As previously stated, the title of HOUSE BILL NO. 3277 authorizes special verdicts that would result in more severe punishment for certain sex offenses against children and vulnerable adults by increasing the minimum

sentences to twenty-five years or the maximum of the standard sentence range, whichever is greater, for specified crimes and upon proof of specified allegations related to predatory offenses, victims under the age of fifteen, and vulnerable adults.

The bill sets out the standards for charging and proving such allegations and the standards for sentencing upon findings of guilt on the special verdicts.

Amendment (687) relates to reporting of unregistered offenders, a topic completely outside the scope and object of the sentencing bill before us.

Representative Hunt, your point of order is well taken."

Representative Ericksen moved that House Rule 11(g) be suspended so that a title amendment could be offered to House Bill No. 3277.

Representative Ericksen spoke in favor of adoption of the motion.

Representative Kessler spoke against adoption of the motion.

An electronic roll call vote was requested and the request was granted.

ROLL CALL

The Clerk called the roll on the motion to suspend House Rule 11(g) and the motion failed the House by the following vote: Yeas - 44, Nays - 53, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kilmer, Kretz, Kristiansen, Lantz, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Strow, Sump, Talcott, Tom, Walsh and Woods - 44.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 53.

Excused: Representative Skinner - 1.

The motion, having failed to receive the necessary two-thirds majority, was declared failed.

With the consent of the House, amendment (686) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien, Pearson and Kirby spoke in favor of passage of the bill.

POINT OF ORDER

Representative Ericksen: "Mr. Speaker, I do not believe the current speaker is speaking to the bill in front of us."

SPEAKER'S RULING

Mr. Speaker: "For all persons who plan to speak on this issue, please keep that in mind to speak to the bill before us."

Representative Kirby (again) spoke in favor of passage of the bill.

POINT OF ORDER

Representative Sump: "Mr. Speaker, the speaker is disregarding your ruling. Thank you, sir."

SPEAKER'S RULING

Mr. Speaker: "Representative Kirby, please continue your remarks."

Representatives Kirby (again), Rodne and Ahern spoke in favor of passage of the bill.

SPEAKER'S RULING

Mr. Speaker: "Representative Ahern, I have given you lots of latitude – you've mentioned Oprah two or three times but can you focus in on the bill at hand, please."

Representatives Ahern (again), Shabro, Williams, Ericksen, Ericks, DeBolt and Wallace spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 3277.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3277 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 3277, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3252, By Representatives O'Brien, Rodne, Santos, Strow, Green, Simpson, McDonald, Morrell, Ericks, Kilmer, Williams and Hasegawa

Prohibiting offenders who enter Alford pleas from receiving a special sex offender sentencing alternative.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien, Pearson and Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 3252.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3252 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 3252, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3238, By Representatives Simpson, Lantz, Wallace, Morrell, Kilmer, Green, Springer, Dunshee, P. Sullivan, Quall, B. Sullivan, Grant, Appleton, Williams, Darneille, O'Brien, Haler, Clibborn, Hunt, Lovick, Hasegawa, McDermott, Rodne, Moeller, Kessler, Strow, Fromhold, Sells and Ericks

Prohibiting the distribution of false sex offender notifications.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3238 was substituted for House Bill No. 3238 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3238 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Simpson spoke in favor of passage of the bill.

POINT OF ORDER

Representative Ericksen: "Mr. Speaker, the comments are not germane to the bill in front of us."

SPEAKER'S RULING

Mr. Speaker: "The Speaker believes that the speaker is appropriately speaking to the matter of the bill."

Representative Simpson (again) spoke in favor of passage of the bill.

POINT OF ORDER

Representative Armstrong: "We do not believe that the speaker is talking to this bill because under this bill these postcards probably would be legal. Could you have the speaker please talk to the bill?"

SPEAKER'S RULING

Mr. Speaker: "That particular point is a matter of debate but please conclude your remarks, Representative Simpson on the matter at hand."

Representative Simpson (again) spoke in favor of passage of the bill.

POINT OF ORDER

Representative Anderson: "Mr. Speaker, the current speaker is impugning the members of the body."

SPEAKER'S RULING

Mr. Speaker: "Representative Simpson, please conclude your remarks. We need to move on for the day."

Representative Simpson (again) spoke in favor of passage of the bill.

Representative Ericksen spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3238.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3238 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson,

Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE HOUSE BILL NO. 3238, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., February 2, 2006, the 25th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

TWENTY FIFTH DAY

House Chamber, Olympia, Thursday, February 2, 2006

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

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

INTRODUCTION & FIRST READING

HB 3291 by Representatives Dunshee, Dickerson, Quall, Upthegrove, Green, Hasegawa, Roberts and Morrell

AN ACT Relating to instructing students about eating disorders; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Education.

HB 3292 by Representatives Chase and Hasegawa

AN ACT Relating to credit card-based checks; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 3293 by Representatives Roach, Chase, Takko, Shabro, Rodne, Simpson, Serben, Nixon, Williams, Morrell, Sells, Haler, Campbell and Ahern

AN ACT Relating to disorderly conduct; amending RCW 9A.84.030; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 3294 by Representatives Orcutt and Dunn

AN ACT Relating to garbage collection in mobile home parks; amending RCW 35.13.280 and 35A.14.900; adding a new section to chapter 35.13 RCW; and adding a new section to chapter 35A.14 RCW.

Referred to Committee on Local Government.

HB 3295 by Representatives Grant and Newhouse

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

Referred to Committee on Commerce & Labor.

HB 3296 by Representatives Nixon and Roach

AN ACT Relating to establishment of procedures for creation of new counties or consolidation of existing counties;

amending RCW 36.32.020 and 84.09.030; adding a new section to chapter 47.01 RCW; adding a new chapter to Title 36 RCW; creating a new section; repealing RCW 4.12.070, 36.09.010, 36.09.020, 36.09.035, 36.09.040, and 36.09.050; and prescribing penalties.

Referred to Committee on Local Government.

SB 6059 by Senators Berkey, Haugen, McAuliffe, Franklin, Rockefeller, Schoesler, Eide, Weinstein, Rasmussen, Shin, Delvin, Mulliken, Oke, Parlette and Kohl-Welles

AN ACT Relating to sick leave pools for state employees; and adding a new section to chapter 41.04 RCW.

Referred to Committee on State Government Operations & Accountability.

ESB 6236 by Senators Schmidt, Kastama, Swecker, Oke, Berkey and Benson; by request of Secretary of State

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

Referred to Committee on State Government Operations & Accountability.

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

REPORTS OF STANDING COMMITTEES

January 30, 2006

HB 2353 Prime Sponsor, Representative Pettigrew: Providing collective bargaining for family child care providers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist.

Referred to Committee on Appropriations.

January 31, 2006
HB 2395 Prime Sponsor, Representative Dickerson: Addressing the impact of domestic violence on children. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse; Lovick and Roberts.

Referred to Committee on Appropriations.

January 30, 2006
HB 2432 Prime Sponsor, Representative Campbell: Modifying property tax exemptions for persons with disabilities related to the performance of military duties. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

January 30, 2006
HB 2495 Prime Sponsor, Representative Kilmer: Establishing a state government efficiency hotline. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 30, 2006
HB 2551 Prime Sponsor, Representative Dunshee: Regulating campaign contributions by limited liability companies. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Clements, Assistant Ranking Minority Member; Hunt; McDermott and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Nixon, Ranking Minority Member; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 30, 2006
HB 2565 Prime Sponsor, Representative Kilmer: Modifying the worker training business and occupation tax credit. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Referred to Committee on Finance.

January 31, 2006
HB 2640 Prime Sponsor, Representative B. Sullivan: Providing biotechnology product and medical device manufacturing tax incentives. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

Referred to Committee on Finance.

January 31, 2006
HB 2658 Prime Sponsor, Representative Hinkle: Establishing a statewide ORV data base. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Referred to Committee on Capital Budget.

January 31, 2006
HB 2711 Prime Sponsor, Representative Kagi: Concerning visitation rights for grandparents. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse; Lovick and Roberts.

Passed to Committee on Rules for second reading.

January 30, 2006
HB 2713 Prime Sponsor, Representative Simpson:
 Clarifying that state and local governing bodies
 may support or oppose ballot propositions.
 Reported by Committee on State Government
 Operations & Accountability

MAJORITY recommendation: The substitute bill be
 substituted therefor and the substitute bill do pass. Signed
 by Representatives Haigh, Chairman; Green, Vice
 Chairman; Nixon, Ranking Minority Member; Hunt;
 McDermott and Miloschia.

MINORITY recommendation: Do not pass. Signed by
 Representatives Clements, Assistant Ranking Minority
 Member; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 31, 2006
HB 2719 Prime Sponsor, Representative O'Brien:
 Authorizing the conditional cancellation of
 delinquent property taxes on mobile homes.
 Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by
 Representatives Miloschia, Chairman; Springer, Vice
 Chairman; Holmquist, Ranking Minority Member; Dunn,
 Assistant Ranking Minority Member; McCune; Ormsby;
 Pettigrew; Schindler and Sells.

Passed to Committee on Rules for second reading.

January 30, 2006
HB 2726 Prime Sponsor, Representative Chase: Creating
 Washington manufacturing services in statute.
 Reported by Committee on Economic
 Development, Agriculture & Trade

MAJORITY recommendation: Do pass. Signed by
 Representatives Linville, Chairman; Pettigrew, Vice
 Chairman; Kristiansen, Ranking Minority Member;
 Skinner, Assistant Ranking Minority Member; Appleton;
 Bailey; Blake; Buri; Chase; Clibborn; Grant; Haler;
 Holmquist; Kilmer; Kretz; Morrell; Newhouse; Quall;
 Strow; P. Sullivan and Wallace.

MINORITY recommendation: Without recommendation.
 Signed by Representatives Dunn.

Referred to Committee on Appropriations.

January 30, 2006
HB 2818 Prime Sponsor, Representative McIntire:
 Improving the state of Washington's economic,
 cultural, and educational standing in the motion
 picture industry. Reported by Committee on
 Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass. Signed by
 Representatives Linville, Chairman; Pettigrew, Vice
 Chairman; Kristiansen, Ranking Minority Member;
 Skinner, Assistant Ranking Minority Member; Appleton;
 Bailey; Blake; Buri; Chase; Clibborn; Dunn; Grant;
 Haler; Holmquist; Kilmer; Kretz; Morrell; Newhouse;
 Quall; Strow; P. Sullivan and Wallace.

Referred to Committee on Finance.

January 31, 2006
HB 2825 Prime Sponsor, Representative Lovick: Revising
 provisions relating to deferred disposition of
 juveniles. Reported by Committee on Juvenile
 Justice & Family Law

MAJORITY recommendation: Do pass. Signed by
 Representatives Dickerson, Chairman; Moeller, Vice
 Chairman; McDonald, Ranking Minority Member;
 McCune, Assistant Ranking Minority Member; Crouse;
 Lovick and Roberts.

Passed to Committee on Rules for second reading.

January 30, 2006
HB 2843 Prime Sponsor, Representative Holmquist:
 Modifying absentee ballot envelope content.
 Reported by Committee on State Government
 Operations & Accountability

MAJORITY recommendation: The substitute bill be
 substituted therefor and the substitute bill do pass. Signed
 by Representatives Haigh, Chairman; Green, Vice
 Chairman; Nixon, Ranking Minority Member; Clements,
 Assistant Ranking Minority Member; Hunt; McDermott;
 Miloschia; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 31, 2006
HB 2912 Prime Sponsor, Representative Green: Requiring
 that mental health professionals do private home
 visits in pairs and providing for other safety and
 violence prevention measures. Reported by
 Committee on Health Care

MAJORITY recommendation: The substitute bill be
 substituted therefor and the substitute bill do pass. Signed
 by Representatives Cody, Chairman; Campbell, Vice
 Chairman; Appleton; Clibborn; Green; Lantz; Moeller;
 Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by
 Representatives Hinkle, Ranking Minority Member;
 Curtis, Assistant Ranking Minority Member; Alexander;
 Bailey and Condotta.

Referred to Committee on Appropriations.

January 30, 2006
HB 2985 Prime Sponsor, Representative Schual-Berke:
 Creating a foster care health unit in the
 department of social and health services.
 Reported by Committee on Children & Family
 Services

MAJORITY recommendation: The substitute bill be
 substituted therefor and the substitute bill do pass. Signed
 by Representatives Kagi, Chairman; Roberts, Vice
 Chairman; Walsh, Ranking Minority Member; Hinkle,
 Assistant Ranking Minority Member; Darneille;
 Dickerson; Haler and Pettigrew.

MINORITY recommendation: Without recommendation.
Signed by Representatives Dunn.

Referred to Committee on Appropriations.

January 30, 2006
HB 2988 Prime Sponsor, Representative McIntire:
Modifying the authorized uses of certain county
sales and use taxes. Reported by Committee on
Finance

MAJORITY recommendation: Do pass. Signed by
Representatives McIntire, Chairman; Hunter, Vice
Chairman; Conway; Ericks; Hasegawa and Santos.

MINORITY recommendation: Do not pass. Signed by
Representatives Orcutt, Ranking Minority Member;
Roach, Assistant Ranking Minority Member; Ahern;
Condotta and Shabro.

Passed to Committee on Rules for second reading.

January 31, 2006
HB 3035 Prime Sponsor, Representative Williams:
Changing provisions regarding statutory costs.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by
Representatives Lantz, Chairman; Flannigan, Vice
Chairman; Priest, Ranking Minority Member; Rodne,
Assistant Ranking Minority Member; Campbell; Kirby;
Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 31, 2006
HB 3036 Prime Sponsor, Representative Lantz:
Concerning notices of dishonor. Reported by
Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by
Representatives Lantz, Chairman; Flannigan, Vice
Chairman; Priest, Ranking Minority Member; Rodne,
Assistant Ranking Minority Member; Campbell; Kirby;
Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 31, 2006
HB 3046 Prime Sponsor, Representative P. Sullivan:
Establishing the Washington beer commission.
Reported by Committee on Economic
Development, Agriculture & Trade

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass. Signed
by Representatives Linville, Chairman; Pettigrew, Vice
Chairman; Kristiansen, Ranking Minority Member;
Appleton; Bailey; Blake; Buri; Chase; Clibborn; Dunn;
Grant; Haler; Holmquist; Kilmer; Kretz; McCoy; Morrell;
Newhouse; Quall; Strow; P. Sullivan and Wallace.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 3048 Prime Sponsor, Representative Moeller:
Changing the effective date of the uniform
interstate family support act. Reported by
Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by
Representatives Dickerson, Chairman; Moeller, Vice
Chairman; McDonald, Ranking Minority Member;
McCune, Assistant Ranking Minority Member; Crouse;
Lovick and Roberts.

Passed to Committee on Rules for second reading.

January 30, 2006
HB 3051 Prime Sponsor, Representative Kristiansen:
Providing tax incentives to promote statewide
job creation. Reported by Committee on
Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass. Signed by
Representatives Linville, Chairman; Pettigrew, Vice
Chairman; Kristiansen, Ranking Minority Member;
Skinner, Assistant Ranking Minority Member; Appleton;
Bailey; Blake; Buri; Chase; Clibborn; Dunn; Grant; Haler;
Holmquist; Kilmer; Kretz; Morrell; Newhouse; Quall;
Strow; P. Sullivan and Wallace.

Referred to Committee on Finance.

January 30, 2006
HB 3058 Prime Sponsor, Representative Green: Updating
public records provisions. Reported by
Committee on State Government Operations &
Accountability

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass. Signed
by Representatives Haigh, Chairman; Green, Vice
Chairman; Nixon, Ranking Minority Member; Clements,
Assistant Ranking Minority Member; Hunt; McDermott;
Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 31, 2006
HB 3066 Prime Sponsor, Representative Lantz: Modifying
the definition of an "account receivable" for
purposes of commencing an action. Reported by
Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by
Representatives Lantz, Chairman; Flannigan, Vice
Chairman; Priest, Ranking Minority Member; Rodne,
Assistant Ranking Minority Member; Campbell; Kirby;
Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

January 31, 2006
HB 3074 Prime Sponsor, Representative Serben:
Concerning default judgments against service
members. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by
Representatives Lantz, Chairman; Flannigan, Vice
Chairman; Priest, Ranking Minority Member; Rodne,

Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Dunn.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 3078 Prime Sponsor, Representative Conway: Transferring responsibility for the World War II oral history project to the department of veterans affairs. Reported by Committee on State Government Operations & Accountability

January 30, 2006

HB 3156 Prime Sponsor, Representative Darneille: Creating a pilot program to assist low-income families. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Haler and Pettigrew.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 3085 Prime Sponsor, Representative Blake: Making technical corrections to certain public lands statutes. Reported by Committee on Natural Resources, Ecology & Parks

February 1, 2006

HB 3157 Prime Sponsor, Representative Darneille: Requiring that TANF recipients be given information on available programs for financial literacy. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Dunn; Haler and Pettigrew.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 3113 Prime Sponsor, Representative Sells: Expanding access to higher education using the university center model. Reported by Committee on Higher Education & Workforce Education

January 30, 2006

HB 3180 Prime Sponsor, Representative Haigh: Applying whistleblower and discrimination provisions to contractors who hold contracts with the state. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri; Fromhold; Hasegawa; Jarrett; Ormsby; Priest; Roberts and Sommers.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn.

Referred to Committee on Appropriations.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 3122 Prime Sponsor, Representative Kagi: Recognizing the safety of child protective, child welfare, and adult protective services workers. Reported by Committee on Children & Family Services

January 31, 2006

HB 3186 Prime Sponsor, Representative Dickerson: Modifying disposition orders. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Haler and Pettigrew.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse; Lovick and Roberts.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 3199 Prime Sponsor, Representative Appleton:
Authorizing a geoduck planting pilot program.
Reported by Committee on Select Committee on
Hood Canal

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Eickmeyer, Chairman; McCoy, Vice Chairman; Pearson, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Appleton; Chase and Walsh.

Referred to Committee on Appropriations.

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

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

There being no objection, the Rules Committee was relieved of HOUSE BILL NO. 2335, and the bill was placed on the Second Reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., February 3, 2006, the 26th Day of the Regular Session.

FRANK CHOPP, Speaker
RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

TWENTY SIXTH DAY

House Chamber, Olympia, Friday, February 3, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sebastian Lasbo and Bailey Davidson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Mike Fogaras, North Thurston Life Center of the Assemblies of God.

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

MESSAGES FROM THE SENATE

February 1, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2419,
HOUSE CONCURRENT RESOLUTION NO. 4415,
HOUSE CONCURRENT RESOLUTION NO. 4417,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

February 1, 2006

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6059,
ENGROSSED SENATE BILL NO. 6236,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

RESOLUTIONS

HOUSE RESOLUTION NO. 2006-4685, by
Representative Appleton

WHEREAS, Marty Smith, a loving, caring father and devoted husband who served the most vulnerable members of the community with passion as a county designated mental health professional, was brutally killed on November 4, 2005, at the hands of a critically ill patient for whom he was attempting to provide care; and

WHEREAS, Hundreds of designated mental health professionals and crisis workers endanger their personal safety, and even their very lives, in responding twenty-four hours a day, seven days a week, to calls for help from a patient's family, friends, loved ones, and others throughout the state; and

WHEREAS, These talented and dedicated professionals, armed with only their knowledge, skills, and commitment to provide the highest quality of care, are the only ones who have the special ability to provide unique care for the most critically ill patients; and

WHEREAS, Their selfless commitment and personal compassion assure the highest care of the patient and greatest safety of the community in which they serve;

NOW THEREFORE, BE IT RESOLVED, That the House of Representatives unite in extending their deepest and heartfelt sympathy to each member of Marty Smith's family; and

BE IT FURTHER RESOLVED, That the House of Representatives grant special recognition to Marty Smith and to the county mental health professionals and crisis workers whose willingness to accept grave personal risks daily in order to provide the highest quality health care to the most dangerous, yet vulnerable, patients serves as a testament to their exemplary commitment to the people of this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Marty Smith.

Representative Appleton moved the adoption of the resolution.

Representatives Appleton and Woods spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4685 was adopted.

HOUSE RESOLUTION NO. 2006-4699, by
Representative Conway and Hankins

WHEREAS, Pharmacists are the first line of defense when it comes to providing health care to the general public; and

WHEREAS, Pharmacists provide their patients with guidance and counseling regarding the use of prescription and nonprescription drugs; and

WHEREAS, Pharmacists are instrumental in performing disease management for their patients and, with the graying of America, will play an increasingly important role in the health of its citizens; and

WHEREAS, Pharmacists have been recognized as the most trusted professionals;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize today, Friday, February 3, 2006, as Pharmacy Day as declared by Governor Gregoire, and applaud the work and commitment of the men and women pharmacists and pharmacy students from both Washington State University and the University of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Washington State Pharmacy Association and to the Colleges of Pharmacy at the University of Washington and Washington State University.

Representative Conway moved the adoption of the resolution.

Representatives Conway and Hinkle spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4699 was adopted.

INTRODUCTION & FIRST READING

HB 3297 by Representatives Anderson, Nixon, Ahern, Roach and Bailey

AN ACT Relating to requiring all voters to provide proof of citizenship and valid photo identification; amending RCW 29A.44.205, 29A.08.110, and 46.20.117; adding new sections to chapter 29A.08 RCW; and adding new sections to chapter 29A.04 RCW.

Referred to Committee on State Government Operations & Accountability.

HB 3298 by Representative B. Sullivan

AN ACT Relating to intermediate licenses; amending RCW 46.20.075; creating new sections; and providing an effective date.

Referred to Committee on Transportation.

HB 3299 by Representatives Holmquist, Hinkle, Lovick and O'Brien

AN ACT Relating to the construction of docks in artificial lakes; amending RCW 90.58.030 and 90.58.100; and creating a new section.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 3300 by Representative Ericksen

AN ACT Relating to population accommodation requirements for cities with fewer than ten thousand residents; amending RCW 36.70A.110 and 36.70A.115; and reenacting and amending RCW 36.70A.130.

Referred to Committee on Local Government.

HB 3301 by Representatives Ericksen, Orcutt, Serben, McDonald, Linville and Roach

AN ACT Relating to food service rules; and amending RCW 43.20.145.

Referred to Committee on Health Care.

HB 3302 by Representatives Ericksen and Linville

AN ACT Relating to performance coaching; amending RCW 18.19.040; and adding a new section to chapter 18.83 RCW.

Referred to Committee on Health Care.

HB 3303 by Representatives Pearson, Shabro, Ericksen, Serben, McDonald, Ahern and Roach

AN ACT Relating to sex offenders; amending RCW 9.94A.712, 9.94A.712, 9.94A.030, and 9.94A.030; reenacting and amending RCW 9.94A.670; adding new sections to chapter 9.94A RCW; prescribing penalties; providing an

effective date; providing an expiration date; and declaring an emergency.

There being no objection, the bills day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of House Bill No. 3303.

Representative Ericksen moved that the rules be suspended and HOUSE BILL NO. 3303 advanced to the Second Reading calendar.

Representative Ericksen spoke in favor of the motion.

Representative Kessler spoke against the motion.

The Speaker (Representative Lovick presiding) stated the question before the House to be the motion to suspend the rules and advance House Bill No. 3303 to the Second Reading calendar.

An electronic roll call vote was requested and the request was granted.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and advance House Bill No. 3303 to Second Reading and the motion failed the House by the following vote: Yeas - 43, Nays - 53, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 43.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Uptegrove, Wallace, Williams, Wood and Mr. Speaker - 53.

Excused: Representatives McIntire and Pettigrew - 2.

The motion, having failed to receive the necessary two-thirds majority, was declared failed.

There being no objection, HOUSE BILL NO. 3303 was referred to the Committee on Criminal Justice & Corrections.

REPORTS OF STANDING COMMITTEES

January 31, 2006

HB 1015 Prime Sponsor, Representative Campbell: Requiring reporting of infections acquired in health care facilities. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice

Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey and Condotta.

Referred to Committee on Appropriations.

January 31, 2006

HB 1107 Prime Sponsor, Representative Dickerson: Providing for early intervention services for children with disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Hinkle.

Passed to Committee on Rules for second reading.

January 31, 2006

2SHB 1483 Prime Sponsor, Committee On Appropriations: Establishing a reinvesting in youth program. Reported by Committee on Appropriations

MAJORITY recommendation: The fourth substitute bill be substituted therefor and the fourth substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

January 31, 2006

SHB 1802 Prime Sponsor, Committee On Economic Development, Agriculture & Trade: Authorizing a property tax exemption for certain nonprofit organizations located in economically disadvantaged areas. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Appleton; Bailey; Blake; Buri; Chase; Clibborn; Dunn; Grant; Haler; Holmquist; Kilmer; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Kristiansen, Ranking Minority Member; Kretz.

Referred to Committee on Finance.

January 31, 2006

HB 2322 Prime Sponsor, Representative Ormsby: Limiting the phosphorus content in dishwashing detergent. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Blake; Dickerson; Eickmeyer; Hunt and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Chandler and Orcutt.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2345 Prime Sponsor, Representative Simpson: Addressing regional fire protection service authorities. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2350 Prime Sponsor, Representative Morris: Limiting the disclosure of energy infrastructure information. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Clements, Assistant Ranking Minority Member; Hunt; McDermott and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Nixon, Ranking Minority Member; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2376 Prime Sponsor, Representative Clibborn: Repealing cost-sharing in medical programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville;

McDermott; McIntire; Miloscia; Schual-Berke; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; McDonald; Pearson; Priest and Talcott.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2389 Prime Sponsor, Representative Kagi: Adding porphyria to the list of disabilities for special parking privileges. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Vice Chairman; Woods, Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2407 Prime Sponsor, Representative Lovick: Revising provisions relating to electronic monitoring of sex offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Referred to Committee on Appropriations.

January 31, 2006

HB 2408 Prime Sponsor, Representative O'Brien: Modifying the statute of limitations toll for felony sex offenses. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Kirby; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2409 Prime Sponsor, Representative O'Brien: Changing the provisions relating to sex and kidnapping offender registration. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2410 Prime Sponsor, Representative O'Brien: Changing provisions relating to sex offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Darneille, Vice Chairman

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2412 Prime Sponsor, Representative O'Brien: Changing the penalty provisions for violating the registration statute. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Referred to Committee on Appropriations.

February 1, 2006

HB 2437 Prime Sponsor, Representative Hudgins: Providing guidelines for state-owned refueling stations. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Hunt; McDermott; Miloscia and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Assistant Ranking Minority Member; Schindler.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2455 Prime Sponsor, Representative Williams: Modifying basic health plan preexisting condition limitation requirements. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice

Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey and Condotta.

Referred to Committee on Appropriations.

January 31, 2006

HB 2473 Prime Sponsor, Representative Schual-Berke: Protecting against unfair prescription drug practices by pharmacy benefit managers. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey and Condotta.

Referred to Committee on Appropriations.

February 1, 2006

HB 2475 Prime Sponsor, Representative Conway: Requiring collective bargaining regarding hours of work for individual providers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Crouse; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member;

Referred to Committee on Appropriations.

January 31, 2006

HB 2492 Prime Sponsor, Representative Lovick: Imposing additional registration requirements on risk level III offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Darneille, Vice Chairman.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2493 Prime Sponsor, Representative Kilmer: Limiting access to law enforcement and emergency

equipment and vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Vice Chairman; Woods, Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2499 Prime Sponsor, Representative Schual-Berke: Granting the insurance commissioner the authority to review and approve individual health benefit plan rates. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey and Condotta.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2535 Prime Sponsor, Representative Darneille: Allowing public facilities districts to finance remodeling or reconstruction of existing minor league baseball stadiums and related parking facilities. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Bailey; Blake; Chase; Clibborn; Dunn; Grant; Haler; McCoy; Morrell; Newhouse; Quall; Strow and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Kristiansen, Ranking Minority Member; Appleton; Buri; Holmquist; Kilmer; Kretz and P. Sullivan.

Referred to Committee on Finance.

January 31, 2006

HB 2574 Prime Sponsor, Representative Cody: Regarding hospital charity care and debt collection. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member;

Curtis, Assistant Ranking Minority Member; Alexander; Bailey and Condotta.

Referred to Committee on Appropriations.

January 31, 2006

HB 2575 Prime Sponsor, Representative Cody: Establishing a health technology assessment program. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey and Condotta.

Referred to Committee on Appropriations.

January 31, 2006

HB 2588 Prime Sponsor, Representative Blake: Authorizing small scale prospecting and mining on certain beach areas. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Kagi and Orcutt.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt.

Referred to Committee on Appropriations.

February 1, 2006

HB 2607 Prime Sponsor, Representative Curtis: Providing counties the ability to vacate county road rights of way. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2654 Prime Sponsor, Representative Darneille: Prohibiting sex offender treatment by treatment providers who are sex offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice

Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2656 Prime Sponsor, Representative Takko: Modifying county lien authority. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2669 Prime Sponsor, Representative Cody: Licensing specialty hospitals. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey and Condotta.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2699 Prime Sponsor, Representative O'Brien: Increasing penalties for crimes committed with sexual motivation. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Referred to Committee on Appropriations.

January 31, 2006

HB 2700 Prime Sponsor, Representative O'Brien: Revising provisions relating to community protection zones. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Darneille, Vice Chairman; Pearson, Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2701 Prime Sponsor, Representative O'Brien: Including assault of a child in the second degree in the list of two-strike offenses. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2707 Prime Sponsor, Representative Morrell: Regarding adjustment of boarding home rates. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell and Schual-Berke.

Referred to Committee on Appropriations.

February 1, 2006

HB 2721 Prime Sponsor, Representative Ericks: Modifying levy lid lifts for fire protection districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; B. Sullivan; Takko and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member.

Referred to Committee on Finance.

January 31, 2006

HB 2747 Prime Sponsor, Representative Lovick: Revising the model policy for disclosure of sex offender information. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Referred to Committee on Appropriations.

January 30, 2006

HB 2780 Prime Sponsor, Representative McDermott: Authorizing additional payroll deductions for

state employees. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Referred to Committee on Appropriations.

February 1, 2006

HB 2813 Prime Sponsor, Representative O'Brien: Changing provisions relating to shopping carts. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Williams and Wood.

Passed to Committee on Rules for second reading.

January 30, 2006

HB 2846 Prime Sponsor, Representative Miloscia: Expanding campaign finance disclosure in small political subdivisions. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2882 Prime Sponsor, Representative Williams: Modifying sales and use tax provisions for public facilities districts. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Bailey; Blake; Chase; Clibborn; Grant; Haler; Holmquist; McCoy; Morrell; Newhouse; Quall; P. Sullivan and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Kristiansen, Ranking Minority Member; Appleton; Buri; Dunn; Kilmer; Kretz and Strow.

Referred to Committee on Finance.

January 31, 2006

HB 2893 Prime Sponsor, Representative Simpson: Concerning restrictions on granting a sex offender visitation under a parenting plan. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse; Lovick and Roberts.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2895 Prime Sponsor, Representative Lovick: Protecting vulnerable adults from exposure to methamphetamine manufacturing. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Dunn; Haler and Pettigrew.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2899 Prime Sponsor, Representative Walsh: Changing the vessel laws to warn and educate about carbon monoxide poisoning. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Referred to Committee on Appropriations.

January 31, 2006

HB 2925 Prime Sponsor, Representative Santos: Concerning assisted living facility medicaid minimum occupancy of fifty percent or greater. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell and Schual-Berke.

Referred to Committee on Appropriations.

January 31, 2006

HB 2927 Prime Sponsor, Representative Fromhold: Revising retirement benefits for judges. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott;

McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2934 Prime Sponsor, Representative Simpson: Determining the retirement allowance of a member who is killed in the course of employment. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2970 Prime Sponsor, Representative Pettigrew: Preserving the WorkFirst child safety net program. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Roberts, Vice Chairman; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Haler and Pettigrew.

MINORITY recommendation: Without recommendation. Signed by Representatives Kagi, Chairman; Walsh, Ranking Minority Member; Dunn..

Referred to Committee on Appropriations.

January 31, 2006

HB 2972 Prime Sponsor, Representative Clibborn: Determining community rates for health benefit plans. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell and Schual-Berke.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2974 Prime Sponsor, Representative Cody: Modifying provisions with respect to disciplining health professions. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Vice

Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey and Condotta.

February 1, 2006
HB 3057 Prime Sponsor, Representative Green: Modifying address confidentiality program provisions. Reported by Committee on State Government Operations & Accountability

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

January 31, 2006
HB 2979 Prime Sponsor, Representative Hasegawa: Addressing cultural upbringing in parenting plans. Reported by Committee on Juvenile Justice & Family Law

Passed to Committee on Rules for second reading.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse; Lovick and Roberts.

February 1, 2006
HB 3064 Prime Sponsor, Representative Bailey: Concerning eligibility for services to children and pregnant women. Reported by Committee on Children & Family Services

Passed to Committee on Rules for second reading.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Dunn; Haler and Pettigrew.

January 31, 2006
HB 2983 Prime Sponsor, Representative O'Brien: Clarifying procedures for forwarding sex offender information. Reported by Committee on Criminal Justice & Corrections

Referred to Committee on Appropriations.

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

February 1, 2006
HB 3073 Prime Sponsor, Representative McIntire: Authorizing shared leave for declared emergencies. Reported by Committee on State Government Operations & Accountability

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

February 1, 2006
HB 3024 Prime Sponsor, Representative Haigh: Increasing the number of demonstration projects that may be authorized by the school district project review board. Reported by Committee on State Government Operations & Accountability

Passed to Committee on Rules for second reading.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

January 31, 2006
HB 3095 Prime Sponsor, Representative Ericks: Concerning public safety communications. Reported by Committee on Technology, Energy & Communications

Passed to Committee on Rules for second reading.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

February 1, 2006
HB 3041 Prime Sponsor, Representative Alexander: Modifying voter registration timelines. Reported by Committee on State Government Operations & Accountability

Referred to Committee on Appropriations.

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

January 31, 2006
HB 3099 Prime Sponsor, Representative Hudgins: Modifying membership of the information services board. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 3106 Prime Sponsor, Representative Kenney: Changing public works provisions for institutions of higher education. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Clements, Assistant Ranking Minority Member; Hunt; McDermott and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Nixon, Ranking Minority Member; Schindler and Sump.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 3110 Prime Sponsor, Representative Roberts: Expanding parenting provisions in the WorkFirst program. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Darneille; Dickerson; Dunn; Haler and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

January 31, 2006

HB 3137 Prime Sponsor, Representative Lovick: Determining benefits for surviving spouses of disabled Washington state patrol officers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Referred to Committee on Transportation.

February 1, 2006

HB 3178 Prime Sponsor, Representative Murray: Concerning collective bargaining by state ferry employees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Crouse; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member.

Referred to Committee on Transportation.

February 1, 2006

HB 3200 Prime Sponsor, Representative Buck: Creating a flood damage assistance and relief program. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Appleton; Bailey; Blake; Buri; Chase; Clibborn; Dunn; Grant; Haler; Holmquist; Kilmer; Kretz; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

Referred to Committee on Appropriations.

January 31, 2006

HB 3205 Prime Sponsor, Representative O'Brien: Clarifying the authority to apprehend conditionally released persons. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 3207 Prime Sponsor, Representative Santos: Creating the community preservation authority program. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Appleton; Blake; Chase; Clibborn; Dunn; Grant; Haler; Kilmer; McCoy; Morrell; Quall; P. Sullivan and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Kristiansen, Ranking Minority Member; Bailey; Buri; Holmquist; Kretz; Newhouse and Strow.

Referred to Committee on Capital Budget.

February 1, 2006

HB 3275 Prime Sponsor, Representative Hinkle: Regarding expedited processing for small water impoundments. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice

Chairman; Kristiansen, Ranking Minority Member; Appleton; Bailey; Buri; Chase; Clibborn; Dunn; Grant; Haler; Holmquist; Kilmer; Kretz; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 3276 Prime Sponsor, Representative Darneille: Creating a task force to study voting rights and restrictions of felons. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

February 1, 2006

HJM 4032 Prime Sponsor, Representative Upthegrove: Petitioning for airline pension relief. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 1, 2006

HJM 4036 Prime Sponsor, Representative Conway: Requesting congress to enact the employee free choice act and to oppose the national security personnel system. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse.

Passed to Committee on Rules for second reading.

January 31, 2006

HJM 4038 Prime Sponsor, Representative Hinkle: Requesting that certified diabetes educators be added as Medicare providers. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell and Schual-Berke.

Passed to Committee on Rules for second reading.

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

SECOND READING

HOUSE BILL NO. 1145, by Representatives Clibborn, Tom, Morrell, Springer, Curtis, Ormsby, Kagi, Eickmeyer, Kenney and Darneille

Authorizing donation of unclaimed personal property to nonprofit charitable organizations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Tom spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1145.

MOTION

On motion of Representative Santos, Representatives McIntire and Pettigrew were excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1145 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Dunn - 1.

Excused: Representatives McIntire and Pettigrew - 2.

HOUSE BILL NO. 1145, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1184, by Representatives Flannigan, Hinkle, Takko and Shabro

Providing training for new county officers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Flannigan and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1184.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1184 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Holmquist and Sump - 2.

Excused: Representatives McIntire and Pettigrew - 2.

HOUSE BILL NO. 1184, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1279, by Representatives Kagi, Hinkle, Dickerson, McDonald, Clibborn, P. Sullivan, Pettigrew, Roach, Orcutt, Morrell, Kenney, Wallace and Chase

Revising provisions relating to public access to child in need of services and at-risk youth hearings.

The bill was read the second time.

There being no objection Substitute House Bill No. 1279 be substituted for House Bill No. 1279 and the substitute bill be placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1279 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1279.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1279 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives McIntire and Pettigrew - 2.

SUBSTITUTE HOUSE BILL NO. 1279, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1384, by Committee on Technology, Energy & Communications (originally sponsored by Representatives Haler, B. Sullivan, Morris, Crouse, P. Sullivan, Chase and Hudgins

Authorizing the construction and operation of renewable energy projects by joint operating agencies.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1384 be substituted for House Bill No. 1384 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1384 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haler and Morris spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1384.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1384 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer,

Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Dunshee and Haigh - 2.
Excused: Representatives McIntire and Pettigrew - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1384, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2569, by Representatives Morrell, Roach, Campbell, Williams, Kilmer, Clibborn, Conway, Blake, Eickmeyer, Flannigan, Wallace, Roberts, Upthegrove, McCoy, McDonald, Green, Dickerson, Lantz and Springer

Lowering the interest rate for the property tax deferral program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2569 was substituted for House Bill No. 2569 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2569 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2569.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2569 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Tom - 1.

Excused: Representatives McIntire and Pettigrew - 2.

SUBSTITUTE HOUSE BILL NO. 2569, having received the necessary constitutional majority, was declared passed.

THIRD READING

SECOND SUBSTITUTE HOUSE BILL NO. 1359, by House Committee on Appropriations (originally sponsored by Representatives Darneille, Jarrett, Grant, Appleton, Kirby, Walsh, Kagi, Pettigrew, Lovick, Lantz, Campbell, Fromhold, Haigh, Priest, Kessler, Hinkle, Buck, Ormsby, Upthegrove, Dickerson, McIntire, Chase, McDermott and Holmquist)

Revising the interest rate on legal financial obligations.

The bill was read the third time.

Representatives Darneille and Lantz spoke in favor of passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1359.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1359 and the bill passed the House by the following vote: Yeas - 64, Nays - 32, Excused - 2.

Voting yea: Representatives Appleton, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, Ormsby, Priest, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Chandler, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericks, Ericksen, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Newhouse, O'Brien, Orcutt, Pearson, Roach, Rodne, Schindler, Serben, Shabro, Strow, Sump and Woods - 32.

Excused: Representatives McIntire and Pettigrew - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1359, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2335, by Representatives Appleton, Campbell, Cody, Moeller, Green, Clibborn, Lantz, Morrell, Chase, Murray, Darneille, Santos, Wallace, Dickerson, Kenney and Schual-Berke

Regulating body piercing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2335 was substituted for House Bill No. 2335 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2335 was read the second time.

Representative Bailey moved the adoption of amendment (647):

On page 3, after line 11, insert the following:

"Sec. 6. RCW 26.28.085 and 1995 c 373 s 1 are each amended to read as follows:

(1)(a) Every person who applies a tattoo to any minor under the age of eighteen is guilty of a misdemeanor. It is not a defense to a violation of this section that the person applying the tattoo did not know the minor's age unless the person applying the tattoo establishes by a preponderance of the evidence that he or she made a reasonable, bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license or other picture identification card or paper and did not rely solely on the oral allegations or apparent age of the minor.

(b) Every person who engages in body piercing or body art on any minor under the age of eighteen is guilty of a misdemeanor, unless a parent of, or a legal guardian of, the minor provides informed consent in writing, furnishes proof of identification, and is present when the piercing occurs.

(2) For the purposes of this section,

(a) "Body art" means the practice of physical cosmetic body adornment including the use of branding and scarification;

(b) "Body piercing" means the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of a lip, tongue, nose, or eyebrow. "Body piercing" does not include the piercing of an earlobe; and

(c) ("tattoo" includes) Tattoo means any permanent marking or coloring of the skin with any pigment, ink, or dye, or any procedure that leaves a visible scar on the skin.

(3) ((Medical))Health-related procedures performed by a licensed ((physician))health practitioner are exempted from this section."

Correct the title.

POINT OF ORDER

Representative Hunt requested a scope and object ruling on the amendment (647) to Substitute House Bill No. 2335.

SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "Substitute House Bill No. 2335 is entitled an act relating to "preventing the spread of disease in body piercing practices through standard universal precautions and sterilization requirements." The bill requires the Secretary of Health to establish sterilization and disease prevention standards for body piercing practices. The title of the bill is narrow and the subject matter is limited.

The amendment establishes criminal penalties for performing body piercing on minors without parental consent. The amendment is unrelated to sterilization and disease prevention standards, and is therefore beyond the scope and objection of the bill.

Representative Hunt, your point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appleton, Hinkle, Ericksen and Campbell spoke in favor of passage of the bill.

Representatives Nixon and Bailey spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2335.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2335 and the bill passed the House by the following vote: Yeas - 86, Nays - 10, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 86.

Voting nay: Representatives Armstrong, Bailey, Buck, Condotta, Cox, DeBolt, Dunn, Holmquist, Kirby and Nixon - 10.

Excused: Representatives McIntire and Pettigrew - 2.

SUBSTITUTE HOUSE BILL NO. 2335, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on Health Care was relieved of further consideration of HOUSE BILL NO. 2728, and the bill was referred to the Committee on Finance.

SIGNED BY THE SPEAKER

The Speaker signed:

SUBSTITUTE HOUSE BILL NO. 2419,
HOUSE CONCURRENT RESOLUTION NO. 4415,
HOUSE CONCURRENT RESOLUTION NO. 4417,

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

REPORTS OF STANDING COMMITTEES 1ST SUPPLEMENTAL

February 2, 2006
HB 1200 Prime Sponsor, Representative Pearson:
Establishing standardized chemical dependency
assessment protocols. Reported by Committee
on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Judiciary. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 1223 Prime Sponsor, Representative Schual-Berke: Underwriting medical malpractice coverage. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

February 2, 2006

SHB 1226 Prime Sponsor, House Committee On State Government Operations & Accountability: Adjusting application of campaign contribution limits. Reported by Committee on Appropriations

MAJORITY recommendation: Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; McDonald; Pearson; Priest; Schual-Berke and P. Sullivan.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 1305 Prime Sponsor, Representative Haigh: Authorizing background checks before an authorized emergency vehicle permit is issued. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 1735 Prime Sponsor, Representative Hunt: Exempting limited water storage facilities from permit requirements. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Appleton; Blake; Chase; Clibborn; Grant; Kilmer; McCoy; Morrell; Quall; P. Sullivan and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Bailey; Buri; Dunn; Haler; Holmquist; Kretz; Newhouse; Quall and Strow.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2002 Prime Sponsor, Representative Dickerson: Authorizing limited continuing foster care and support services up to age twenty-one. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 1, 2006

ESHB 2056 Prime Sponsor, House On Commerce & Labor: Regulating recreational vehicle shows. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Crouse; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Assistant Ranking Minority Member

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2243 Prime Sponsor, Representative Williams: Requiring lottery advertisements to include education funding levels. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed

by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2342 Prime Sponsor, Representative Moeller: Establishing a health care declarations registry. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2360 Prime Sponsor, Representative Appleton: Studying small loans. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; O'Brien; Santos; Simpson and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; Serben and Strow.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2364 Prime Sponsor, Representative Santos: Creating a use tax exemption when converting or merging a federal, foreign, or out-of-state credit union into a state charter. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2399 Prime Sponsor, Representative Cody: Creating a survey for health care providers. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2423 Prime Sponsor, Representative Anderson: Encouraging the creation of a comprehensive guidance, counseling, and planning program in schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2426 Prime Sponsor, Representative Morris: Modifying utilities and transportation commission provisions. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2428 Prime Sponsor, Representative Kretz: Authorizing oil and gas regulatory cost-reimbursements. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2434 Prime Sponsor, Representative Kirby: Limiting the use of consumer credit histories for personal insurance renewal decisions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed

by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Newhouse; O'Brien; Santos; Simpson; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Tom, Assistant Ranking Minority Member; Serben.

Passed to Committee on Rules for second reading.

February 2, 2006
HB 2448 Prime Sponsor, Representative Campbell: Imposing an excise tax on the possession of illegal drugs and alcohol. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kirby and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Strow.

Passed to Committee on Rules for second reading.

February 2, 2006
HB 2471 Prime Sponsor, Representative McCune: Creating a veteran homeownership program. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Holmquist, Ranking Minority Member; Dunn, Assistant Ranking Minority Member; McCune; Ormsby; Pettigrew; Schindler and Sells.

Passed to Committee on Rules for second reading.

February 2, 2006
HB 2474 Prime Sponsor, Representative Schual-Berke: Establishing placental and umbilical cord blood donation pilot projects. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell and Schual-Berke.

Referred to Committee on Appropriations.

February 2, 2006
HB 2482 Prime Sponsor, Representative O'Brien: Creating the insurance fraud program. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; O'Brien; Santos; Simpson and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; Serben and Strow.

Referred to Committee on Appropriations.

February 1, 2006
HB 2494 Prime Sponsor, Representative Kilmer: Establishing fair market property values by considering the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Takko.

Referred to Committee on Finance.

February 1, 2006
HB 2532 Prime Sponsor, Representative Nixon: Providing for election audits. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Miloscia and Schindler.

MINORITY recommendation: Do not pass. Signed by Representatives Green, Vice Chairman; Hunt; McDermott and Sump.

Passed to Committee on Rules for second reading.

February 1, 2006
HB 2568 Prime Sponsor, Representative Morrell: Providing restrictions for the use of wireless communication devices by holders of instruction permits and intermediate licenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Appleton; Campbell; Clibborn; Dickerson; Flannigan; Hankins; Hudgins; Kilmer; Lovick; Sells; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Woods, Ranking Minority Member; Buck; Curtis; Ericksen; Holmquist; Jarrett; Morris; Nixon; Rodne; Schindler and Shabro.

Passed to Committee on Rules for second reading.

February 1, 2006
HB 2591 Prime Sponsor, Representative B. Sullivan: Providing an exemption from special fuel taxes for regional transit authorities. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2594 Prime Sponsor, Representative Hasegawa: Providing assistance to non-English speaking voters. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

January 31, 2006

HB 2597 Prime Sponsor, Representative Kenney: Establishing additional requirements for private vocational schools. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri; Dunn; Fromhold; Hasegawa; Jarrett; Ormsby; Priest; Roberts and Sommers.

Referred to Committee on Appropriations.

February 1, 2006

HB 2646 Prime Sponsor, Representative Wallace: Providing a sales tax exemption for trail grooming. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2651 Prime Sponsor, Representative Pettigrew: Regarding disclosure of animal information. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Appleton; Bailey; Blake; Buri; Chase; Clibborn; Grant;

Haler; Kilmer; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Dunn; Holmquist and Kretz.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2675 Prime Sponsor, Representative B. Sullivan: Exempting certain Native American cultural resources information from public disclosure. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2704 Prime Sponsor, Representative O'Brien: Including organized retail theft in crime guidelines. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2717 Prime Sponsor, Representative Schindler: Restricting mobile home park sewer-related charges. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Holmquist, Ranking Minority Member; Dunn, Assistant Ranking Minority Member; McCune; Pettigrew; Schindler and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Ormsby.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2720 Prime Sponsor, Representative Simpson: Revising provisions relating to water-sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2723 Prime Sponsor, Representative Tom: Eliminating the requirement for a seller's real estate disclosure of proximity to farming. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Appleton; Bailey; Blake; Buri; Chase; Clibborn; Dunn; Grant; Haler; Holmquist; Kilmer; Kretz; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2746 Prime Sponsor, Representative Miloscia: Increasing the seriousness level for endangerment with a controlled substance. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Darneille, Vice Chairman

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2748 Prime Sponsor, Representative Miloscia: Expanding the collection of biological samples for criminal investigations. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Darneille, Vice Chairman; Referred to Committee on Appropriations.

February 1, 2006

HB 2758 Prime Sponsor, Representative Ericks: Providing a tax credit for syrup sales. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2814 Prime Sponsor, Representative Simpson: Concerning schedules for the review of comprehensive plans and development regulations. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2815 Prime Sponsor, Representative Simpson: Clarifying the best available science requirements to protect critical areas. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Woods.

Referred to Committee on Appropriations.

February 2, 2006

HB 2817 Prime Sponsor, Representative Sells: Establishing technology priorities for institutions of higher education. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri; Dunn; Fromhold; Hasegawa; Jarrett; Ormsby; Priest; Roberts and Sommers.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2819 Prime Sponsor, Representative Lovick: Limiting passengers from riding on the outside part of vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Appleton; Campbell; Clibborn; Dickerson; Flannigan; Hankins; Jarrett; Kilmer; Lovick; Morris; Sells; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Woods, Ranking Minority Member; Buck; Curtis; Erickson; Holmquist; Hudgins; Nixon; Rodne; Schindler and Shabro.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2820 Prime Sponsor, Representative Pettigrew: Providing business and occupation tax relief for businesses impacted by light rail construction. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

MINORITY recommendation: Do not pass. Signed by Representatives Hunter, Vice Chairman.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2837 Prime Sponsor, Representative O'Brien: Eliminating advance property tax payments for binding site plans. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2850 Prime Sponsor, Representative Clements: Eliminating tax, interest, and penalty provisions for land valued under the open space program. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2852 Prime Sponsor, Representative Strow: Regulating small loans made by unlicensed check cashers and sellers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2881 Prime Sponsor, Representative Appleton: Regulating check cashers and sellers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Simpson; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Serben.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2898 Prime Sponsor, Representative Hunt: Regulating distribution of communications by state employees. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2917 Prime Sponsor, Representative P. Sullivan: Identifying accessory uses on agricultural lands. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan and Takko.

MINORITY recommendation: Without recommendation. Signed by Representative Woods.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2919 Prime Sponsor, Representative Blake: Providing local assistance for state narcotics task forces. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Referred to Committee on Appropriations.

HB 2933 January 31, 2006
 Prime Sponsor, Representative P. Sullivan:
 Addressing death benefit payments for law
 enforcement officers' and fire fighters' retirement
 system, plan 2. Reported by Committee on
 Appropriations

MAJORITY recommendation: The substitute bill be
 substituted therefor and the substitute bill do pass. Signed
 by Representatives Sommers, Chairman; Fromhold, Vice
 Chairman; Alexander, Ranking Minority Member;
 Anderson, Assistant Ranking Minority Member;
 Armstrong; Bailey; Buri; Chandler; Clements; Cody;
 Conway; Darneille; Dunshee; Grant; Haigh; Hinkle;
 Hunter; Kagi; Kenney; Kessler; Linville; McDermott;
 McDonald; McIntire; Miloscia; Pearson; Priest; Schual-
 Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

HB 2942 February 2, 2006
 Prime Sponsor, Representative Curtis:
 Concerning contracts of health care providers.
 Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be
 substituted therefor and the substitute bill do pass. Signed
 by Representatives Cody, Chairman; Campbell, Vice
 Chairman; Curtis, Assistant Ranking Minority Member;
 Appleton; Clibborn; Green; Lantz; Moeller; Morrell and
 Schual-Berke.

MINORITY recommendation: Do not pass. Signed by
 Representatives Hinkle, Ranking Minority Member;
 Alexander; Bailey and Condotta.

Passed to Committee on Rules for second reading.

HB 2943 February 2, 2006
 Prime Sponsor, Representative Cody: Modifying
 health care provider contract requirements.
 Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be
 substituted therefor and the substitute bill do pass. Signed
 by Representatives Cody, Chairman; Campbell, Vice
 Chairman; Curtis, Assistant Ranking Minority Member;
 Appleton; Clibborn; Green; Lantz; Moeller; Morrell and
 Schual-Berke.

MINORITY recommendation: Do not pass. Signed by
 Representatives Hinkle, Ranking Minority Member;
 Alexander; Bailey and Condotta.

Passed to Committee on Rules for second reading.

HB 2947 February 2, 2006
 Prime Sponsor, Representative McDonald:
 Clarifying and making technical amendments to
 the prehire screening process for law
 enforcement applicants. Reported by Committee
 on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by
 Representatives O'Brien, Chairman; Darneille, Vice

Chairman; Pearson, Ranking Minority Member; Ahern,
 Assistant Ranking Minority Member; Kirby; Strow and
 Williams.

Passed to Committee on Rules for second reading.

HB 2981 February 1, 2006
 Prime Sponsor, Representative Fromhold:
 Modifying commercial vehicle provisions.
 Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by
 Representatives Murray, Chairman; Wallace, Vice
 Chairman; Woods, Ranking Minority Member; Appleton;
 Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen;
 Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer;
 Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro;
 Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

HB 2989 January 31, 2006
 Prime Sponsor, Representative Kenney:
 Establishing the Washington Teach Math-
 Science program. Reported by Committee on
 Higher Education & Workforce Education

MAJORITY recommendation: The substitute bill be
 substituted therefor and the substitute bill do pass. Signed
 by Representatives Kenney, Chairman; Sells, Vice
 Chairman; Cox, Ranking Minority Member; Rodne,
 Assistant Ranking Minority Member; Buri; Fromhold;
 Hasegawa; Jarrett; Ormsby; Priest; Roberts and Sommers.

MINORITY recommendation: Without recommendation.
 Signed by Representatives Dunn.

Referred to Committee on Appropriations.

HB 2998 February 2, 2006
 Prime Sponsor, Representative P. Sullivan:
 Revising the high school assessment system.
 Reported by Committee on Education

MAJORITY recommendation: The substitute bill be
 substituted therefor and the substitute bill do pass. Signed
 by Representatives Quall, Chairman; P. Sullivan, Vice
 Chairman; Haigh; Hunter; McDermott; Priest; Santos;
 Shabro; Tom and Wallace.

MINORITY recommendation: Without recommendation.
 Signed by Representatives Talcott, Ranking Minority
 Member; Anderson, Assistant Ranking Minority Member;
 Curtis.

Passed to Committee on Rules for second reading.

HB 3001 February 2, 2006
 Prime Sponsor, Representative Hudgins:
 Modifying the definition of limousine. Reported
 by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by
 Representatives Murray, Chairman; Wallace, Vice
 Chairman; Woods, Ranking Minority Member; Skinner,
 Assistant Ranking Minority Member; Appleton; Buck;

Campbell; Clibborn; Curtis; Dickerson; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Uptegrove and Wood.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3004 Prime Sponsor, Representative Pearson: Creating a pilot project for registration of methamphetamine offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Darneille, Vice Chairman.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 3010 Prime Sponsor, Representative Moeller: Relating to ensuring the safety of milk and dairy products. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Appleton; Bailey; Blake; Chase; Clibborn; Dunn; Grant; Haler; Kilmer; Kretz; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Buri and Holmquist.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 3033 Prime Sponsor, Representative Pettigrew: Creating an advisory committee to evaluate animal identification programs. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Appleton; Bailey; Blake; Buri; Chase; Clibborn; Dunn; Grant; Haler; Holmquist; Kilmer; Kretz; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3067 Prime Sponsor, Representative Roach: Addressing identity theft. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Serben; Simpson; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Santos.

Referred to Committee on Appropriations.

February 2, 2006

HB 3069 Prime Sponsor, Representative Morrell: Resolving manufactured/mobile home landlord and tenant disputes. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Ormsby; Pettigrew and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Ranking Minority Member; Dunn, Assistant Ranking Minority Member; McCune and Schindler.

Referred to Committee on Appropriations.

February 2, 2006

HB 3070 Prime Sponsor, Representative Miloscia: Increasing nonprofit housing development capacity. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; McCune; Ormsby; Pettigrew and Sells.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist, Ranking Minority Member; Dunn, Assistant Ranking Minority Member; Schindler.

Referred to Committee on Capital Budget.

February 2, 2006

HB 3079 Prime Sponsor, Representative Conway: Reporting on the employment status of recipients of medicaid and the basic health plan. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Appleton; Clibborn; Condotta; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander and Bailey.

Referred to Committee on Appropriations.

February 2, 2006

HB 3081 Prime Sponsor, Representative Cody: Clarifying the financial responsibility of the state and regional support networks for the costs associated with the care of individuals in need of involuntary treatment under chapter 71.05 RCW. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Morrell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Clibborn; Condotta; Green and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Campbell, Vice Chairman; Alexander; Appleton; Bailey; Lantz and Schual-Berke.

Referred to Committee on Appropriations.

February 1, 2006

HB 3083 Prime Sponsor, Representative Takko: Modifying the excise taxation of fruit and vegetable processing and storage. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 3109 Prime Sponsor, Representative Miloscia: Addressing government performance and accountability. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 3114 Prime Sponsor, Representative Murray: Providing a sales and use tax exemption for recovered wood waste boiler equipment. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3118 Prime Sponsor, Representative O'Brien: Revising reporting requirements for criminal

history record information. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3123 Prime Sponsor, Representative Simpson: Modifying annexation requirements for unincorporated territories. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Woods.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 3138 Prime Sponsor, Representative Sells: Modifying transportation benefit district provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Appleton; Buck; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Hankins and Holmquist.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3139 Prime Sponsor, Representative Pettigrew: Clarifying kinship caregivers' consent for mental health care of minors. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Dunn; Haler and Pettigrew.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 3155 Prime Sponsor, Representative Roberts: Creating an office of the ombudsman for persons with developmental disabilities. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Dunn; Haler and Pettigrew.

Referred to Committee on Appropriations.

February 2, 2006

HB 3170 Prime Sponsor, Representative B. Sullivan: Designating state route number 5 as Washington hydrogen highway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3171 Prime Sponsor, Representative Nixon: Creating a commission on psychoactive substance control. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Condotta; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander and Bailey.

Referred to Committee on Appropriations.

February 2, 2006

HB 3172 Prime Sponsor, Representative Anderson: Penalizing persons who transmit unsolicited facsimiles. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 3182 Prime Sponsor, Representative Pettigrew: Concerning tribal foster care licensing. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle,

Assistant Ranking Minority Member; Darneille; Dickerson; Dunn; Haler and Pettigrew.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3190 Prime Sponsor, Representative Wallace: Providing tax incentives to support the semiconductor cluster in the state. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

Referred to Committee on Finance.

February 1, 2006

HB 3192 Prime Sponsor, Representative B. Sullivan: Authorizing a contract extension for reimbursement by property owners for street, road, and water or sewer projects. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3193 Prime Sponsor, Representative Morris: Collecting royalties for fossil fuel production. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

Referred to Committee on Finance.

February 2, 2006

HB 3208 Prime Sponsor, Representative P. Sullivan: Protecting customer proprietary network information. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Sump; Takko and Wallace.

Passed to Committee on Rules for second reading.

February 2, 2006
HB 3234 Prime Sponsor, Representative Miloscia:
 Authorizing faith communities to host temporary
 homeless encampments subject to restrictions.
 Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Holmquist, Ranking Minority Member; McCune; Ormsby; Pettigrew; Schindler and Sells.

MINORITY recommendation: Without recommendation. Signed by Representative Dunn, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 1, 2006
HB 3253 Prime Sponsor, Representative Simpson:
 Requiring house of representatives and senate confirmation for members of the growth management hearings boards. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

February 2, 2006
HB 3258 Prime Sponsor, Representative Morris:
 Concerning mileage fees for diesel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 2, 2006
HJM 4033 Prime Sponsor, Representative Nixon:
 Requesting Congress to allow states to decide whether marijuana should be used legally for medicinal purposes. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Condotta; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander and Bailey.

Passed to Committee on Rules for second reading.

February 2, 2006
HJR 4221 Prime Sponsor, Representative O'Brien:
 Amending the constitutional provision on inmate labor. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Kirby; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern, Assistant Ranking Minority Member

Passed to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES
 2ND SUPPLEMENTAL**

February 1, 2006
HB 1523 Prime Sponsor, Representative Quall: Extending a sales and use tax exemption to the construction of new facilities to be used for the conditioning of vegetable seeds. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 2, 2006
HB 1672 Prime Sponsor, Representative Conway:
 Requiring hospitals to establish a safe patient handling committee. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist.

Referred to Committee on Appropriations.

February 2, 2006
HB 1731 Prime Sponsor, Representative Hunt: Requiring the removal of mercury components from end-of-life motor vehicles. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Natural Resources, Ecology & Parks. Signed by

Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Schual-Berke and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; McDonald; Pearson; Priest; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 1797 Prime Sponsor, Representative Kirby: Creating the vehicle protection product act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

February 2, 2006

2SHB 1815 Prime Sponsor, House Committee On Appropriations: Creating a competitive grant program for organizations that assist small businesses. Reported by Committee on Appropriations

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; McDonald, Assistant Ranking Minority Member; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Schual-Berke; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; Pearson; Priest and Talcott.

Passed to Committee on Rules for second reading.

February 2, 2006

SHB 1834 Prime Sponsor, House Committee On Appropriations: Using performance measures for budgeting decisions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 1933 Prime Sponsor, Representative Schual-Berke: Requiring the reporting and analysis of medical malpractice related information. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Tom, Assistant Ranking Minority Member; O'Brien; Santos; Simpson; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Newhouse; Serben and Strow.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2104 Prime Sponsor, Representative Chase: Creating a "Washington Made" logo. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Bailey; Blake; Buri; Chase; Clibborn; Grant; Haler; Holmquist; Kilmer; Kretz; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representative Dunn.

Referred to Committee on Appropriations.

February 2, 2006

HB 2233 Prime Sponsor, Representative Kristiansen: Mandating that a percentage of tuition waivers be granted to veterans. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri; Dunn; Fromhold; Hasegawa; Jarrett; Ormsby; Priest; Roberts and Sommers.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2323 Prime Sponsor, Representative B. Sullivan: Encouraging affordable rental housing. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern,

Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2324 Prime Sponsor, Representative Holmquist: Providing incentives to encourage affordable housing. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Clibborn, Vice Chairman; Schindler, Ranking Minority Member.

Referred to Committee on Appropriations.

February 2, 2006

HB 2325 Prime Sponsor, Representative Simpson: Encouraging the development of affordable housing. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2388 Prime Sponsor, Representative Conway: Ensuring employers do not evade their contribution rate. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2392 Prime Sponsor, Representative Dickerson: Modifying the family and medical leave act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2396 Prime Sponsor, Representative Dickerson: Convening a work group to evaluate issues relating to school security professionals. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Haigh; Hunter; McDermott; Priest; Santos; Shabro and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Assistant Ranking Minority Member; Curtis and Tom.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2414 Prime Sponsor, Representative Haler: Regarding Washington's academic assessment system. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2416 Prime Sponsor, Representative Kessler: Establishing an optional state parks vehicle registration fee. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Natural Resources, Ecology & Parks. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2443 Prime Sponsor, Representative Hudgins: Requiring consumer reports procured for employment to be transmitted to the consumer. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 2, 2006
HB 2452 Prime Sponsor, Representative Kessler: Protecting the news media from being compelled to testify in legal proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Williams, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Flannigan, Vice Chairman.

Passed to Committee on Rules for second reading.

February 1, 2006
HB 2485 Prime Sponsor, Representative Hunter: Making a college placement test available for high school students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

Referred to Committee on Appropriations.

February 1, 2006
HB 2489 Prime Sponsor, Representative Hunter: Assisting students to graduate from high school on time. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

Referred to Committee on Appropriations.

February 2, 2006
HB 2537 Prime Sponsor, Representative Conway: Establishing a pilot program to allow employers to assist employees in completing applications for industrial insurance benefits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice

Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 2, 2006
HB 2553 Prime Sponsor, Representative Kirby: Regulating service contracts and guarantee protection products. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

February 2, 2006
HB 2579 Prime Sponsor, Representative Upthegrove: Requiring classroom-based civics assessments. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Haigh; Hunter; McDermott; Santos; Tom and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Priest and Shabro.

Passed to Committee on Rules for second reading.

February 1, 2006
HB 2582 Prime Sponsor, Representative Upthegrove: Expanding high school completion programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

MINORITY recommendation: Do not pass. Signed by Representative Anderson, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 2, 2006
HB 2583 Prime Sponsor, Representative Kenney: Regarding community and technical college part-time academic employee health benefits. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Sells, Vice

Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri; Dunn; Fromhold; Hasegawa; Jarrett; Ormsby; Priest; Roberts and Sommers.

Referred to Committee on Appropriations.

February 2, 2006

HB 2584 Prime Sponsor, Representative Jarrett: Establishing a blue ribbon growth management needs and priorities task force. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Referred to Committee on Appropriations.

February 2, 2006

HB 2586 Prime Sponsor, Representative Blake: Modifying definitions of charter licenses. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2614 Prime Sponsor, Representative Morrell: Regulating employment decisions based on consumption of lawful products. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2623 Prime Sponsor, Representative Kenney: Protecting agricultural workers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist.

Passed to Committee on Rules for second reading.
February 2, 2006

HB 2630 Prime Sponsor, Representative Kenney: Creating the opportunity grant program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on . Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2635 Prime Sponsor, Representative Haigh: Authorizing optional full-day kindergarten. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representative Anderson, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 2, 2006

HB 2667 Prime Sponsor, Representative Springer: Providing municipal services to annexed areas. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Woods.

Referred to Committee on Finance.

February 1, 2006

HB 2668 Prime Sponsor, Representative Hudgins: Modifying provisions regulating certain professional athletic events. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed

by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

HB 2678 February 2, 2006
Prime Sponsor, Representative Kagi:
Reauthorizing the pollution liability insurance
agency. Reported by Committee on
Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Financial Institutions & Insurance. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

HB 2697 February 2, 2006
Prime Sponsor, Representative Hudgins:
Improving unemployment insurance collection
and penalty tools. Reported by Committee on
Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Crouse; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Assistant Ranking Minority Member; Holmquist.

Passed to Committee on Rules for second reading.

HB 2706 February 2, 2006
Prime Sponsor, Representative Hunter:
Regarding a more rigorous curriculum for high
school graduation. Reported by Committee on
Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Shabro; Tom and Wallace.

MINORITY recommendation: Do not pass. Signed by Representative Santos.

Passed to Committee on Rules for second reading.

HB 2722 February 1, 2006
Prime Sponsor, Representative Ericks:
Prohibiting price gouging during significant

disruption, emergency, or disaster. Reported by
Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist.

Passed to Committee on Rules for second reading.

HB 2733 February 1, 2006
Prime Sponsor, Representative P. Sullivan:
Changing the requirements for information on
high school transcripts. Reported by Committee
on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Curtis; Haigh; Hunter; McDermott; Santos; Tom and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Priest and Shabro.

Passed to Committee on Rules for second reading.

HB 2740 February 2, 2006
Prime Sponsor, Representative Orcutt:
Concerning applications for forest practices.
Reported by Committee on Natural Resources,
Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Eickmeyer; Kagi and Orcutt.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson and Hunt.

Passed to Committee on Rules for second reading.

HB 2749 February 2, 2006
Prime Sponsor, Representative B. Sullivan:
Concerning specialized forest products.
Reported by Committee on Natural Resources,
Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz, Assistant Ranking Minority Member; Orcutt.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2785 Prime Sponsor, Representative Quall: Authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

Passed to Committee on Appropriations.

February 2, 2006

HB 2789 Prime Sponsor, Representative Quall: Expanding apprenticeship opportunities for high school graduates. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Appropriations.

February 2, 2006

HB 2794 Prime Sponsor, Representative Chase: Encouraging carbon dioxide mitigation. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt and Kagi.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt.

Passed to Committee on Appropriations.

February 1, 2006

HB 2812 Prime Sponsor, Representative Hunter: Modifying school district levy provisions. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Anderson, Assistant Ranking Minority Member; Haigh; Hunter; McDermott; Santos; Tom and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Talcott, Ranking Minority Member; Curtis and Priest.

Referred to Committee on Appropriations.

February 2, 2006

HB 2823 Prime Sponsor, Representative Lovick: Requiring a study of school district curriculum. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Haigh; Hunter; McDermott; Priest; Santos and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Shabro and Tom.

Referred to Committee on Appropriations.

February 1, 2006

HB 2830 Prime Sponsor, Representative Quall: Granting service credit to educational staff associates for nonschool employment. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Tom and Wallace.

Referred to Committee on Appropriations.

February 2, 2006

HB 2842 Prime Sponsor, Representative B. Sullivan: Requiring that organ donation awareness be taught in public schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2845 Prime Sponsor, Representative Simpson: Regulating water availability for residential fire sprinkler suppression systems. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2860 Prime Sponsor, Representative Grant: Regarding water resource management in the Columbia river basin. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Appleton; Blake; Chase; Clibborn; Grant; Kilmer; McCoy; Morrell; Newhouse; Quall; P. Sullivan and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Bailey; Buri; Dunn; Haler; Holmquist; Kretz and Strow.

Referred to Committee on Capital Budget.

February 2, 2006

HB 2872 Prime Sponsor, Representative Roberts: Increasing the minimum age for gambling. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2901 Prime Sponsor, Representative Morrell: Changing provisions relating to the clean up of properties contaminated by manufactured illegal drugs. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Blake; Dickerson; Eickmeyer; Hunt and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Chandler and Orcutt.

Referred to Committee on Appropriations.

February 1, 2006

HB 2902 Prime Sponsor, Representative Talcott: Allowing certain national tests as multiple measures for mathematics. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed

by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2903 Prime Sponsor, Representative Talcott: Making reforms necessary to improve student academic achievement. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

Referred to Committee on Appropriations.

February 1, 2006

HB 2910 Prime Sponsor, Representative Quall: Requiring a study of environmental education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2946 Prime Sponsor, Representative P. Sullivan: Regarding checks for employees of bureau of Indian affairs-funded schools. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

On page 2, line 7, after "(2)" strike all material through "entity" on line 10 and insert "Federal bureau of Indian affairs-funded schools may use the process in subsection (1) of this section to perform record checks of their employees and applicants for employment"

Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2951 Prime Sponsor, Representative Campbell: Creating a firearms training certificate program for retired law enforcement officers. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice

Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2958 Prime Sponsor, Representative B. Sullivan: Penalizing persons who violate rules concerning the use of nontoxic shot. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2962 Prime Sponsor, Representative Blake: Concerning coastal crab fisheries licenses. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2964 Prime Sponsor, Representative Kagi: Creating the department of early learning. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; McDonald, Assistant Ranking Minority Member; Armstrong; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Bailey; Buri; Chandler; Clements and Pearson.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2973 Prime Sponsor, Representative Priest: Creating a career and technical high school graduation option for students meeting state standards in fundamental academic content areas. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

Referred to Committee on Appropriations.

February 2, 2006

HB 2984 Prime Sponsor, Representative Springer: Authorizing cities, towns, and counties to implement affordable housing incentive programs. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Woods.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2986 Prime Sponsor, Representative Schual-Berke: Minimizing the release of information in student directories. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Haigh; Hunter; McDermott; Santos; Tom and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Priest and Shabro.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2999 Prime Sponsor, Representative P. Sullivan: Requiring that the high school WASL questions and answers be released to parents and on the internet. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Tom and Wallace.

Referred to Committee on Appropriations.

February 1, 2006

HB 3003 Prime Sponsor, Representative Conway: Eliminating the department of transportation's exemption from the public works apprenticeship

utilization requirements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 3013 Prime Sponsor, Representative Flannigan: Requiring an inventory of kindergarten readiness assessments. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

Referred to Committee on Appropriations.

February 2, 2006

HB 3016 Prime Sponsor, Representative Simpson: Requiring senate confirmation for members of the growth management hearings boards. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3017 Prime Sponsor, Representative Springer: Reaffirming Washington state's eminent domain laws with a right of first refusal. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Kirby; Springer; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell and Serben.

Referred to Committee on Capital Budget.

February 2, 2006

HB 3021 Prime Sponsor, Representative Lantz: Changing the election and appointment provisions for

municipal court judges. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Rodne, Assistant Ranking Minority Member; Campbell; Serben; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member; Kirby and Springer.

Referred to Committee on Appropriations.

February 3, 2006

HB 3028 Prime Sponsor, Representative P. Sullivan: Requiring that a review of classified school employee funding be considered in the Washington Learns study. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3084 Prime Sponsor, Representative B. Sullivan: Studying the regulation of oil and gas exploration, development, and production in the state. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3087 Prime Sponsor, Representative Ormsby: Concerning cost savings on course materials for students at state universities, regional universities, and The Evergreen State College. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri; Dunn; Fromhold; Hasegawa; Jarrett; Ormsby; Priest; Roberts and Sommers.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 3098 Prime Sponsor, Representative McDermott: Transferring duties of the reconstituted state board of education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

Referred to Committee on Capital Budget.

February 2, 2006

HB 3102 Prime Sponsor, Representative B. Sullivan: Providing guidelines for the issuance and renewal of a geoduck diver license and requiring harvesters to help reseed state commercial beds. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Dickerson; Eickmeyer; Hunt and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Orcutt.

Referred to Committee on Capital Budget.

February 2, 2006

HB 3105 Prime Sponsor, Representative Hunt: Addressing noise problems from off-road and all-terrain vehicles. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Dickerson; Eickmeyer; Hunt and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler and Orcutt.

Referred to Committee on Appropriations.

February 2, 2006

HB 3115 Prime Sponsor, Representative Darneille: Establishing a foster parent critical support and retention program. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Dunn; Haler and Pettigrew.

Referred to Committee on Appropriations.

February 2, 2006

HB 3120 Prime Sponsor, Representative Lantz: Concerning notice requirements for tort claims against state and local governments and their officers, employees, or volunteers. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3127 Prime Sponsor, Representative Santos: Regarding the center for the improvement of student learning. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Haigh; Hunter; McDermott; Santos and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Priest; Shabro and Tom.

Referred to Committee on Appropriations.

February 1, 2006

HB 3128 Prime Sponsor, Representative Kenney: Regulating the sale of wine by a society or organization. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3147 Prime Sponsor, Representative Hunt: Creating provisions relating to asbestos liability. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Williams, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Kirby; Serben; Springer and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Flannigan, Vice Chairman; and Campbell.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3148 Prime Sponsor, Representative Kagi:
Concerning investigations of child abuse.
Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Kirby; Springer; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell and Serben.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 3150 Prime Sponsor, Representative Condotta:
Concerning efforts to promote the wine industry.
Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3153 Prime Sponsor, Representative Haler:
Concerning retention of records regarding child abuse and neglect. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Darneille; Dickerson; Dunn; Haler and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representative Hinkle, Assistant Ranking Minority Member.

Referred to Committee on Appropriations.

February 2, 2006

HB 3154 Prime Sponsor, Representative Condotta:
Concerning the retail sale of beer. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3162

Prime Sponsor, Representative Simpson:
Adjusting contracting limits for water-sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Woods.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 3185

Prime Sponsor, Representative McCoy:
Concerning violations of wage payment requirements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3188

Prime Sponsor, Representative B. Sullivan:
Transferring jurisdiction over conversion-related forest practices to local governments. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz, Assistant Ranking Minority Member; Orcutt.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3215

Prime Sponsor, Representative Cox: Continuing the teacher retention study. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri; Dunn; Fromhold; Hasegawa; Jarrett; Ormsby; Priest; Roberts and Sommers.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3227 Prime Sponsor, Representative Conway: Regulating rates of compensation for forest products harvesters or haulers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3237 Prime Sponsor, Representative Hunter: Reviewing the funding and management of state aquatic lands. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3241 Prime Sponsor, Representative Jarrett: Creating opportunities to obtain a diploma through college and career readiness centers. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

Referred to Committee on Appropriations.

February 2, 2006

HB 3260 Prime Sponsor, Representative Moeller: Addressing boundary review board disbandings. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; B. Sullivan and Takko.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Woods.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3278 Prime Sponsor, Representative Conway: Making adjustments to the unemployment insurance

system. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3282 Prime Sponsor, Representative Eickmeyer: Establishing the Hood Canal aquatic rehabilitation account. Reported by Committee on Select Committee on Hood Canal

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Eickmeyer, Chairman; McCoy, Vice Chairman; Pearson, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Appleton; Chase and Walsh.

Referred to Committee on Capital Budget.

February 2, 2006

HB 3287 Prime Sponsor, Representative Chase: Studying nitrogen contributions from on-site sewage systems in Hood Canal. Reported by Committee on Select Committee on Hood Canal

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Eickmeyer, Chairman; McCoy, Vice Chairman; Pearson, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Appleton; Chase and Walsh.

Referred to Committee on Appropriations.

February 1, 2006

HCR 4411 Prime Sponsor, Representative McCoy: Creating a joint select committee on equitable opportunity for all. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Haigh; Hunter; McDermott; Priest; Santos and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Shabro and Tom.

Passed to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES
3RD SUPPLEMENTAL**

February 2, 2006

HB 3160 Prime Sponsor, Representative Hudgins:
Requiring disclosure of information regarding
work done for the state. Reported by Committee
on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse and Holmquist.

Referred to Committee on Appropriations.

February 2, 2006

HB 3243 Prime Sponsor, Representative Schual-Berke:
Regarding the joint task force on the
administration and delivery of services to
children. Reported by Committee on Children &
Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Dunn; Haler and Pettigrew.

Passed to Committee on Rules for second reading.

There being no objection, the bills, memorials and resolutions listed on the day's 1st, 2nd and 3rd supplemental committee reports sheets under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Appropriations was relieved of further consideration of HOUSE BILL NO. 2395, and the bill was referred to the Committee on Rules.

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

There being no objection, the House adjourned until 9:55 a.m., February 6, 2006, the 29th Day of the Regular Session.

FRANK CHOPP, Speaker
RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

TWENTY NINTH DAY

House Chamber, Olympia, Monday, February 6, 2006

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

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

MESSAGES FROM THE SENATE

February 3, 2006

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5160,
SUBSTITUTE SENATE BILL NO. 5318,
SENATE BILL NO. 6231,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

February 3, 2006

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2419,
HOUSE CONCURRENT RESOLUTION NO. 4415,
HOUSE CONCURRENT RESOLUTION NO. 4417,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 3, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5849, and the same is herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION & FIRST READING

HB 3304 by Representatives Grant, Linville, Pettigrew, P. Sullivan, Kessler, Clibborn, Wallace, McCoy, Kilmer, Sells, Green and Morrell

AN ACT Relating to creation of the energy freedom program; amending RCW 43.135.035 and 43.135.035; adding a new chapter to Title 43 RCW; making appropriations; providing effective dates; and providing expiration dates.

Referred to Committee on Capital Budget.

HB 3305 by Representatives Kilmer, Appleton and Green

AN ACT Relating to providing relief to Tacoma Narrows bridge users; and amending RCW 47.46.060.

Referred to Committee on Appropriations.

HJM 4041 by Representatives O'Brien, Rodne, Lovick, Pearson, Miloscia, Sells, Clements, Strow, Hasegawa, Alexander, Darneille, Kirby, Santos, Kilmer, Chase, McDonald, Green and Morrell

Recognizing the value of older people.

Referred to Committee on Children & Family Services.

ESB 5160 by Senators Eide, Swecker, Berkey and Regala

AN ACT Relating to the use of a wireless communications device while operating a motor vehicle; adding a new section to chapter 46.61 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SSB 5318 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Keiser, Kline, Franklin, Poulsen, McAuliffe and Kohl-Welles)

AN ACT Relating to improving health care professional and health care facility patient safety practices; amending RCW 43.70.110, 43.70.250, and 5.64.010; adding new sections to chapter 43.70 RCW; adding a new section to chapter 7.70 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

SB 6231 by Senator Spanel; by request of Insurance Commissioner

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

Referred to Committee on Financial Institutions & Insurance.

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

REPORTS OF STANDING COMMITTEES

February 4, 2006

HB 1672 Prime Sponsor, Representative Conway: Requiring hospitals to establish a safe patient handling committee. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Commerce & Labor. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Darneille; Dunshee; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Schual-Berke and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Grant; Hinkle; McDonald; Pearson; Priest; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2534 Prime Sponsor, Representative Nixon: Requiring full disclosure of vehicle taxes and license fees. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2754 Prime Sponsor, Representative Morrell: Creating the veterans innovations program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on State Government Operations & Accountability. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

February 4, 2006

HB 2939 Prime Sponsor, Representative Grant: Establishing the energy freedom program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Buri; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Schual-Berke; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Chandler; Clements; Hinkle; McDonald; Pearson; Priest and Talcott.

Referred to Committee on Capital Budget.

February 2, 2006

HB 3020 Prime Sponsor, Representative Lovick: Authorizing the use of automated traffic safety cameras in state highway work zones. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Holmquist.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3052 Prime Sponsor, Representative Clibborn: Introducing federal law preemption in regulating train speeds. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Hankins; Holmquist; Hudgins; Jarrett; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 3, 2006

HB 3089 Prime Sponsor, Representative Murray: Revising commute trip reduction provisions. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Nixon; Rodne; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3093 Prime Sponsor, Representative Clibborn: Allowing physician assistants to determine disability for special parking privileges. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner,

Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Hankins; Holmquist; Hudgins; Jarrett; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko and Wood.

There being no objection, the House adjourned until 1:30 p.m., February 7, 2006, the 30th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

Passed to Committee on Rules for second reading.

February 2, 2006

HB 3111 Prime Sponsor, Representative Appleton: Addressing traffic infractions involving rental vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 3, 2006

HB 3266 Prime Sponsor, Representative Rodne: Designating state route number 169 as a highway of statewide significance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Campbell; Clibborn; Curtis; Ericksen; Hankins; Hudgins; Kilmer; Lovick; Nixon; Rodne; Sells; Shabro; Simpson; B. Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson; Flannigan and Upthegrove.

Passed to Committee on Rules for second reading.

There being no objection, HOUSE BILL NO. 2754 was placed on the Second Reading calendar.

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

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

There being no objection, the Rules Committee was relieved of the following bills, which were placed on the Second Reading calendar:

HOUSE BILL NO. 2233,
HOUSE BILL NO. 2881,
HOUSE BILL NO. 3003,

The Speaker (Representative Lovick presiding) called upon Representative Chase to preside.

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

FIFTY NINTH LEGISLATURE - REGULAR SESSION

THIRTIETH DAY

House Chamber, Olympia, Tuesday, February 7, 2006

The House was called to order at 1:30 p.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Matan Smith and Hafsa Propeem. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Chaplain Richard Lopez, Olympia Fire Department.

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

MESSAGE FROM THE SENATE

February 6, 2006

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5106,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5305,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5551,
 SENATE BILL NO. 5636,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5913,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

SECOND READING

HOUSE BILL NO. 2402, By Representatives Morris, Hudgins and B. Sullivan

Providing for expedited processing of energy facilities and alternative energy resources.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2402 was substituted for House Bill No. 2402 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2402 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2402.

MOTIONS

On motion of Representative Santos, Representatives McIntire and Murray were excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2402 and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haler, Hankins, Hasegawa, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Armstrong, Haigh and Hinkle - 3.

Excused: Representatives McIntire and Murray - 2.

SUBSTITUTE HOUSE BILL NO. 2402, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2405, By Representatives Kirby and Roach; by request of Insurance Commissioner

Regulating the compensation paid by an insurer to an insurance broker.

The bill was read the second time.

Substitute House Bill No. 2405 was substituted for House Bill No. 2405 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2405 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2405.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2405 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives McIntire and Murray - 2.

SUBSTITUTE HOUSE BILL NO. 2405, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1120, By Representatives Dunshee, Jarrett, Ormsby, Morrell, Roberts, Chase and Linville

Returning interest earned to the community and technical college capital projects account.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1120 was substituted for House Bill No. 1120 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1120 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1120.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1120 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse,

Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Murray - 1.

SUBSTITUTE HOUSE BILL NO. 1120, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2331, By Representatives Blake, Buck, Upthegrove, Sump and B. Sullivan

Concerning public disclosure requirements for sensitive fish and wildlife data.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2331.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2331 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Murray - 1.

HOUSE BILL NO. 2331, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2339, By Representatives Kirby, Roach and Chase; by request of Department of Financial Institutions

Regulating business development companies and the participation of financial institutions and nondepository lenders in economic development within the state.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2339 was substituted for House Bill No. 2339 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2339 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2339.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2339 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Murray - 1.

SUBSTITUTE HOUSE BILL NO. 2339, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2341, By Representatives Moeller, Hinkle, Williams, Sells, Upthegrove, Lantz, Morrell, Clibborn, Conway, Kenney and Campbell

Modifying optometry licensing requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2341 was substituted for House Bill No. 2341 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2341 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Moeller and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2341.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2341 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Murray - 1.

SUBSTITUTE HOUSE BILL NO. 2341, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2358, By Representatives Haigh, Hunt, Nixon, McDermott, Miloscia, Moeller, Chase, Morrell, Springer, Wallace, Ormsby and Schual-Berke; by request of Public Disclosure Commission

Regarding penalties for violations of the public disclosure act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Nixon spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2358.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2358 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos,

Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Chandler, Cox and Dunn - 3.
Excused: Representative Murray - 1.

HOUSE BILL NO. 2358, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2366, By Representatives B. Sullivan, Appleton, Moeller, Buck, Haler, Fromhold, Ericks, Strow, Simpson, Campbell and Ormsby

Making certain communications between fire fighters and peer support group counselors privileged.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2366.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2366 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2366, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2375, By Representatives Williams, Priest, Rodne and Haler; by request of Statute Law Committee

Simplifying session law publication.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Williams and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2375.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2375 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2375, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2380, By Representatives Serben, Lantz, Rodne, Haler and Schual-Berke

Changing the threshold age of minors under the uniform transfers to minors act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Serben and Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2380.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2380 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse,

Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Flannigan - 1.

HOUSE BILL NO. 2380, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

February 7, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5204, and the same is herewith transmitted.

Thomas Hoemann, Secretary

February 7, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6161,
SENATE BILL NO. 6187,
SUBSTITUTE SENATE BILL NO. 6192,
SUBSTITUTE SENATE BILL NO. 6257,
SENATE BILL NO. 6264,
SUBSTITUTE SENATE BILL NO. 6305,
SUBSTITUTE SENATE BILL NO. 6377,
SUBSTITUTE SENATE BILL NO. 6728,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 2233, By Representatives Kristiansen, B. Sullivan, Cox, Sells, Woods, Rodne, Bailey, Pearson, Strow, Campbell, Serben, O'Brien, Ahern, Kretz and Murray

Mandating that a percentage of tuition waivers be granted to veterans.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2233 was substituted for House Bill No. 2233 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2233 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kristiansen, Kenney, Cox, B. Sullivan, Talcott, Jarrett and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2233.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2233 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2233, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2432, By Representatives Campbell, Morrell, McCune, McCoy, Appleton, Talcott, Linville, Conway, Sump, Springer, Green, Ericks, Dunn and Sells

Modifying property tax exemptions for persons with disabilities related to the performance of military duties.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2432 was substituted for House Bill No. 2432 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2432 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell, Morrell, Orcutt and McIntire spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2432.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2432 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald,

McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2432, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2439, By Representatives Hudgins, Kilmer, McCoy, Morrell, Appleton, Moeller, Rodne, Linville, Conway, P. Sullivan, Morris, B. Sullivan, Green, Ericks, Upthegrove and Ormsby

Providing support for military families by exempting home sales resulting from military relocation orders from real estate excise taxes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2439 was substituted for House Bill No. 2439 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2439 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins, Orcutt, McIntire, Talcott, Bailey and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2439.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2439 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2439, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2497, By Representatives Kilmer, Buri, Hudgins, Skinner, Green, Morrell, Linville, Ormsby, Lantz, Williams, McCoy, Appleton, Moeller, Chase, Conway, P. Sullivan, Haler, Wallace, Sells, Morris, Ericks, Upthegrove and Woods

Authorizing a suspension of business loan payments and interest accrual for active duty national guard members.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2497 was substituted for House Bill No. 2497 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2497 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilmer, Buri, Roach and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2497.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2497 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2497, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2754, By Representatives Morrell, Campbell, Green, Haigh, Appleton, Kilmer, Darneille, Cox, Ormsby, Haler, Chase, P. Sullivan, McCoy, Wallace, Sells, Serben, Curtis, Moeller, Blake, Cody, Kenney, Conway, Ericks, Clibborn, Kessler, Simpson and Linville

Creating the veterans innovations program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2754 was substituted for House Bill No. 2754 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2754 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2754.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2754 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 2754, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2881, By Representatives Appleton, Jarrett, Dickerson, Takko, Morris, Williams, Moeller, Flannigan, Haigh, Hudgins, Wallace, Sells, Kilmer, Schual-Berke, Darneille, Hunt, Campbell, Simpson and Ormsby

Regulating check cashers and sellers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2881 was substituted for House Bill No. 2881 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2881 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appleton, Jarrett, Wallace, Clements, Campbell and Schual-Berke spoke in favor of passage of the bill.

Representatives Roach, Serben and Nixon spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2881.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2881 and the bill passed the House by the following vote: Yeas - 74, Nays - 24, Excused - 0.

Voting yea: Representatives Appleton, Bailey, Blake, Buck, Campbell, Chase, Clements, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 74.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Buri, Chandler, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Holmquist, Kretz, Nixon, Orcutt, Roach, Rodne, Schindler, Serben, Shabro and Sump - 24.

SUBSTITUTE HOUSE BILL NO. 2881, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3074, By Representatives Serben, Lantz, Haler, McCoy, Chase, Dunn, Green and Morrell

Concerning default judgments against service members.

The bill was read the second time.

Representative Serben moved the adoption of amendment (694):

Beginning on page 2, line 1, after "(3)" strike all material through "administration," on page 3, line 9 and insert the following: "(a) To determine whether or not a defendant is a dependent of a person in the military service under this chapter, the plaintiff may serve on or mail via first-class mail to the defendant a written notice in substantially the following form:

"NOTICE: State and federal law provide protections to defendants who are on active duty in the military service, and to their dependents. Dependents of a service member are the service member's spouse, the service member's minor child, or an individual for whom the service member provided more than one-half of the individual's support for one hundred eighty days immediately preceding an application for relief.

One protection provided is the protection against the entry of a default judgment in certain circumstances. This notice only pertains to a defendant who is a dependent of a member of the national guard or a military reserve component under a call to active service for a period of more than thirty consecutive days. Other defendants in military service also have protections against default judgments not

covered by this notice. If you are the dependent of a member of the national guard or a military reserve component under a call to active service for a period of more than thirty consecutive days, you should notify the plaintiff or the plaintiff's attorneys in writing of your status as such within twenty days of the receipt of this notice. If you fail to do so, then a court or an administrative tribunal may presume that you are not a dependent of an active duty member of the national guard or reserves, and proceed with the entry of an order of default and/or a default judgment without further proof of your status. Your response to the plaintiff or plaintiff's attorneys about your status does not constitute an appearance for jurisdictional purposes in any pending litigation nor a waiver of your rights."

(b) If the notice is either served on the defendant twenty or more days prior to an application for an order of default or a default judgment, or mailed to the defendant more than twenty-three days prior to such application, and the defendant fails to timely respond, then for purposes of entry of an order of default or default judgment, the court or administrative tribunal may presume that the defendant is not a dependent of a person in the military service under this chapter."

Representatives Serben and Lantz spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Serben and Green spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 3074.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3074 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED HOUSE BILL NO. 3074, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3078, By Representatives Conway, Haigh, McCoy, Linville and Dunn

Transferring responsibility for the World War II oral history project to the department of veterans affairs.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Nixon and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3078.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3078 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 3078, having received the necessary constitutional majority, was declared passed.

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

REPORTS OF STANDING COMMITTEES

February 4, 2006

HB 1015 Prime Sponsor, Representative Campbell: Requiring reporting of infections acquired in health care facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 4, 2006

E2SHB 1458 Prime Sponsor, House Committee On Appropriations: Concerning the management of on-site sewage disposal systems in marine areas. Reported by Committee on Appropriations

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass and do not pass the second substitute bill by Committee on Natural Resources, Ecology & Parks. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Schual-Berke and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; McDonald; Pearson; Priest; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 3, 2006

HB 1504 Prime Sponsor, Representative Simpson: Adjusting notice of abandoned vehicle auctions. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 1731 Prime Sponsor, Representative Hunt: Requiring the removal of mercury components from end-of-life motor vehicles. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Natural Resources, Ecology & Parks. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Schual-Berke and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; McDonald; Pearson; Priest; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2333 Prime Sponsor, Representative Green: Providing parity for home care agency workers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Chandler; Clements; Hinkle; Kessler; McDonald; Pearson and Talcott.

February 7, 2006

HB 2418 Prime Sponsor, Representative Springer: Increasing the availability of affordable housing. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Housing. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Blake; Chase; Clements; Eickmeyer; Ericks; Ericksen; Flannigan; Green; Hasegawa; Lantz; McCune; Moeller; Morrell; Newhouse; O'Brien; Schual-Berke; Serben; Springer and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Cox; Kretz; Kristiansen; Roach and Strow.

February 4, 2006

HB 2422 Prime Sponsor, Representative B. Sullivan: Providing funding for state and local parks. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Natural Resources, Ecology & Parks. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Schual-Berke and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; McDonald; Pearson; Priest; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 3, 2006

HB 2462 Prime Sponsor, Representative Moeller: Establishing work groups to periodically review

and update the child support schedule. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2473 Prime Sponsor, Representative Schual-Berke: Protecting against unfair prescription drug practices by pharmacy benefit managers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Schual-Berke and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; McDonald; Pearson; Priest; Talcott and Walsh.

February 4, 2006

HB 2475 Prime Sponsor, Representative Conway: Requiring collective bargaining regarding hours of work for individual providers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Commerce & Labor. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; McDonald, Assistant Ranking Minority Member; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Priest; Schual-Berke; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; Pearson and Talcott.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2572 Prime Sponsor, Representative Morrell: Establishing the small employer health insurance partnership program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Schual-Berke and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; McDonald; Pearson; Priest; Talcott and Walsh.

February 4, 2006

HB 2575 Prime Sponsor, Representative Cody: Establishing a health technology assessment program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Schual-Berke; P. Sullivan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Hinkle; McDonald; Pearson; Priest and Walsh.

February 4, 2006

HB 2582 Prime Sponsor, Representative Upthegrove: Expanding high school completion programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Assistant Ranking Minority Member; and Clements.

February 4, 2006

HB 2593 Prime Sponsor, Representative Appleton: Changing provisions relating to oil spill prevention, preparedness, and response. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on

Natural Resources, Ecology & Parks. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 1, 2006

HB 2645 Prime Sponsor, Representative Kilmer: Providing a limited public utility tax credit for gas distribution businesses. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 2, 2006

HB 2678 Prime Sponsor, Representative Kagi: Reauthorizing the pollution liability insurance agency. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Financial Institutions & Insurance. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2747 Prime Sponsor, Representative Lovick: Revising the model policy for disclosure of sex offender information. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Criminal Justice & Corrections. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 3, 2006

HB 2829 Prime Sponsor, Representative Wallace: Modifying provisions concerning the regulation of driver training schools. Reported by Committee on Transportation

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Transportation. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Campbell; Clibborn; Curtis; Dickerson; Flannigan; Hankins; Hudgins; Jarrett; Kilmer; Lovick; Nixon; Rodne; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen and Holmquist.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2912 Prime Sponsor, Representative Green: Requiring that mental health professionals do private home visits in pairs and providing for other safety and violence prevention measures. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Anderson, Assistant Ranking Minority Member; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle and Talcott.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2925 Prime Sponsor, Representative Santos: Concerning assisted living facility medicaid minimum occupancy of fifty percent or greater. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Appropriations. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Buri; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Schual-Berke; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Bailey; Chandler; Clements; Hinkle; Priest and Talcott.

February 4, 2006

HB 3079 Prime Sponsor, Representative Conway:
Reporting on the employment status of recipients
of medicaid and the basic health plan. Reported
by Committee on Appropriations

HOUSE BILL NO. 2473,
HOUSE BILL NO. 2572,
HOUSE BILL NO. 2575,
HOUSE BILL NO. 2582,
HOUSE BILL NO. 2925,
HOUSE BILL NO. 2964,
HOUSE BILL NO. 3127,

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 6, 2006

HB 3102 Prime Sponsor, Representative B. Sullivan:
Providing guidelines for the issuance and
renewal of a geoduck diver license and requiring
harvesters to help reseed state commercial beds.
Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Natural Resources, Ecology & Parks. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Blake; Chase; Eickmeyer; Ericks; Flannigan; Green; Hasegawa; Kretz; McCune; Moeller; Morrell; O'Brien; Springer and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Clements; Cox; Kristiansen; Newhouse; Roach and Serben.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 3127 Prime Sponsor, Representative Santos:
Regarding the center for the improvement of
student learning. Reported by Committee on
Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Linville; McDermott; Miloscia; Schual-Berke; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Hinkle; McDonald; Pearson; Priest and Talcott.

There being no objection, the bills listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated with the exception of the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 2333,
HOUSE BILL NO. 2418,

SECOND READING

HOUSE BILL NO. 2564, By Representatives Kilmer, Strow, Wallace, Appleton, Morrell, Haler, Eickmeyer, Haigh, Campbell, Upthegrove, Hasegawa, McCoy, Ericks, Linville, Darneille, Green, Lantz, Ormsby, Woods, Moeller and Conway

Including persons with veteran or military status within antidiscrimination provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilmer and Strow spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2564.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2564 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Chandler and Talcott - 2.

HOUSE BILL NO. 2564, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on HOUSE BILL NO. 2564.
GLENN ANDERSON, 5th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on HOUSE BILL NO. 2564.
JAY RODNE, 5th District

HOUSE BILL NO. 3003, By Representatives Conway, Wallace, Jarrett, Wood, Hankins, Murray, Haler, Ormsby, Morrell, Strow, McCoy, Upthegrove, Chase, Simpson, Appleton, Sells, Dickerson, Hasegawa, Kenney and Hudgins; by request of Department of Transportation

Eliminating the department of transportation's exemption from the public works apprenticeship utilization requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3003 was substituted for House Bill No. 3003 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3003 was read the second time.

Representative Condotta moved the adoption of amendment (703):

On page 1, line 14, after "Apprenticeship" insert "and other"

On page 1, line 17, after "for" strike "apprenticeship" and insert "~~((apprenticeship))~~ apprentice and trainee"

On page 2, after line 9, insert the following:

"Sec. 2. RCW 39.04.310 and 2005 c 3 s 2 are each amended to read as follows:

The definitions in this section apply throughout this section and RCW 39.04.300 and 39.04.320 unless the context clearly requires otherwise.

(1) "Apprentice" means an apprentice enrolled in a state-approved apprenticeship training program.

(2) "Apprentice utilization requirement" means the requirement that the appropriate percentage of labor hours be performed by apprentices.

(3) "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed on the site of the public works project. "Labor hours" includes hours performed by workers employed by the contractor and all subcontractors working on the project. "Labor hours" does not include hours worked by foremen, superintendents, owners, and workers who are not subject to prevailing wage requirements.

(4) "State-approved apprenticeship training program" means an apprenticeship training program approved by the Washington state apprenticeship council.

(5) "Trainee" means a worker participating in a formal training program other than a state-approved apprenticeship training program.

(6) "Training program" means a formal training program conducted by an employer and approved by the awarding agency, or a private vocational school licensed under chapter 28B.10 RCW, or an institution of higher education as defined in RCW 28B.10.016."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 2, line 15, after "apprentices" insert "and/or trainees"

On page 2, line 23, after "apprentices" insert "and/or trainees"

On page 2, line 28, after "apprentices" insert "and/or trainees"

On page 2, line 33, after "apprentices" insert "and/or trainees"

On page 2, line 36, after "apprentices" insert "and/or trainees"

On page 3, line 3, after "apprentice" insert "and/or trainee"

On page 3, line 18, after "number" insert ", and/or the name of each trainee"

On page 3, line 22, after "apprentices" insert "and/or trainees"

On page 4, line 7, after "apprentice" insert "and/or trainee"

Correct the title.

Representatives Condotta and Ericksen spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (703) to Substitute House Bill No. 3003.

ROLL CALL

The Clerk called the roll on the adoption of amendment (703) to Substitute House Bill No. 3003, and the amendment was not adopted by the following vote: Yeas - 41, Nays - 57, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Sump, Talcott, Tom, Walsh and Woods - 41.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 57.

Representative Shabro moved the adoption of amendment (697):

On page 3, beginning on line 31, strike all of subsection (5) and insert the following:

"(5) Both the secretary of transportation and the director of the department of general administration shall establish an apprenticeship utilization advisory committee, which shall consist of equal numbers of representatives of contractors and labor. Both the secretary and the director shall meet regularly with their respective advisory committees to discuss implementation of this section, including development of the process to be used to adjust the requirements of this section for a specific project."

Representatives Shabro, Sump, Talcott and Ericksen spoke in favor of the adoption of the amendment.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The Speaker would remind the gentleman from the 42nd District not to assign motives."

Representatives Conway and Simpson spoke against the adoption of the amendment.

Representative Armstrong spoke in favor of the adoption of the amendment.

POINT OF ORDER

Representative Williams: "Mr. Speaker, the previous speaker was assigning motives to those who might oppose this amendment."

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The Speaker would request that members speak to the substance of the amendment and not speculate what other members might believe."

Representative Armstrong (continued) spoke in favor of the adoption of the amendment.

POINT OF ORDER

Representative Simpson: "Mr. Speaker, no where in the amendment does it talk about union members and apprenticeships."

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): The Speaker would say that the point of order from the gentleman for the 47th District is not well taken. The Speaker believes that the gentleman is speaking as to his belief of what the amendment does."

Representatives Armstrong (continued), Nixon and Ahern spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (697) to Substitute House Bill No. 3003.

ROLL CALL

The Clerk called the roll on the adoption of amendment (697) to Substitute House Bill No. 3003, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 54, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Erickson, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Roberts, Rodne, Schindler, Serben,

Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh, and Woods - 44.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood, and Mr. Speaker - 54.

Representative Chandler moved the adoption of amendment (699):

On page 2, line 23, after "by" insert "veteran"

On page 2, line 28, after "by" insert "veteran"

On page 2, at the beginning of line 33, insert "veteran"

On page 2, after line 33, insert the following:

"(c) For the purposes of this subsection, "veteran" means the same as the definitions in RCW 41.04.005 and 41.04.007."

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Quall spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (699) to Substitute House Bill No. 3003.

ROLL CALL

The Clerk called the roll on the adoption of amendment (699) to Substitute House Bill No. 3003, and the amendment was not adopted by the following vote: Yeas - 41, Nays - 57, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Erickson, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Sump, Talcott, Tom, Walsh, and Woods - 41.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood, and Mr. Speaker - 57.

Representative Condotta moved the adoption of amendment (711):

On page 3, beginning on line 31, strike all of subsection (5) and insert the following:

"(5) Both the secretary of transportation and the director of the department of general administration shall establish an apprenticeship utilization advisory committee, which shall consist of equal numbers of representatives of contractors and labor. Both the secretary and the director shall meet regularly with their respective advisory committees to discuss implementation of this section, including development of the process to be used to adjust the requirements of this section for a specific project."

Representative Condotta spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (695):

On page 4, after line 20, insert the following:

"**Sec. 4.** RCW 49.04.030 and 2001 c 204 s 2 are each amended to read as follows:

Subject to the confirmation of the state apprenticeship council by a majority vote, the director of labor and industries shall appoint and deputize an assistant director to be known as the supervisor of apprenticeship. Under the supervision of the director of labor and industries and with the advice and guidance of the apprenticeship council, the supervisor shall: (1) Encourage and promote apprenticeship programs conforming to the standards established under this chapter, and in harmony with the policies of the United States department of labor; (2) act as secretary of the apprenticeship council and of state apprenticeship committees; (3) when authorized by the apprenticeship council, register apprenticeship agreements that are in the best interests of increasing the opportunities for training available to the apprentice and conform with standards established under this chapter; (4) keep a record of apprenticeship agreements and upon successful completion issue certificates of completion of apprenticeship; and (5) terminate or cancel any apprenticeship agreements in accordance with the provisions of the agreements.

The supervisor may act to bring about the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally. The director of labor and industries is authorized to appoint such other personnel as may be necessary to aid the supervisor of apprenticeship in the execution of the supervisor's functions under this chapter."

Correct the title.

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (695) to Substitute House Bill No. 3003.

ROLL CALL

The Clerk called the roll on the adoption of amendment (695) to Substitute House Bill No. 3003, and the amendment

was not adopted by the following vote: Yeas - 41, Nays - 57, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Sump, Talcott, Tom, Walsh, and Woods - 41.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood, and Mr. Speaker - 57.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Wood and Flannigan spoke in favor of passage of the bill.

Representatives Condotta, Clements and Woods spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3003.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3003 and the bill passed the House by the following vote: Yeas - 68, Nays - 30, Excused - 0.

Voting yea: Representatives Appleton, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Cox, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 68.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Chandler, Clements, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler, Serben, Shabro, Sump, Talcott and Woods - 30.

SUBSTITUTE HOUSE BILL NO. 3003, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 3003.

JIM MCCUNE, 2nd District

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

Senators Kohl-Welles, Schmidt, Pridemore and Shin)

INTRODUCTION & FIRST READING

HB 3306 by Representatives Orcutt, Roach, Curtis, Shabro, Hinkle, Nixon, McDonald, Ahern, Ericksen, Kretz, Schindler, Walsh, Woods, Cox, Bailey, McCune, Alexander, Clements, Haler, Sump, Strow, Dunn, Armstrong and Serben

AN ACT Relating to the Washington state estate and transfer tax; amending RCW 83.100.020, 83.100.040, 83.100.050, 83.100.060, 83.100.070, 83.100.090, 83.100.110, 83.100.130, 83.100.140, 83.100.150, 83.100.210, and 84.52.068; adding new sections to chapter 83.100 RCW; creating a new section; repealing RCW 83.100.046, 83.100.047, and 83.100.095; repealing 2005 c 516 s 1 (uncodified); and declaring an emergency.

HB 3307 by Representatives P. Sullivan, Pettigrew, Simpson, B. Sullivan, Williams and Strow

AN ACT Relating to the creation of certified capital companies to promote investment in start-up and emerging Washington businesses; adding a new section to chapter 48.14 RCW; adding a new chapter to Title 43 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

SB 5106 by Senators Swecker, Jacobsen, Kastama and Oke; by request of Utilities & Transportation Commission

AN ACT Relating to inspections of hazardous materials offered by private shippers for transportation by rail; amending RCW 81.44.065; and creating a new section.

Referred to Committee on Transportation.

ESSB 5305 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Rasmussen, Benton, Roach, Swecker, Zarelli, Regala, Stevens, Shin, Delvin, Franklin and Mulliken)

AN ACT Relating to the use of mercury-containing vaccines; and adding a new section to chapter 70.95M RCW.

Referred to Committee on Health Care.

ESSB 5551 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Hargrove, Hewitt, Schoesler, Mulliken, Parlette and Oke)

AN ACT Relating to studying the minimum wage in Washington state; and creating new sections.

Referred to Committee on Commerce & Labor.

ESSB 5849 by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by

AN ACT Relating to including cyberbullying in school district harassment prevention policies; and amending RCW 28A.300.285.

Referred to Committee on Education.

ESSB 5913 by Senate Committee on Ways & Means (originally sponsored by Senators Kastama, Kohl-Welles and Rasmussen)

AN ACT Relating to regulating tattooing and body piercing businesses; amending RCW 70.54.340, 5.40.050, and 43.24.150; adding a new chapter to Title 18 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care.

SSB 6359 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Parlette and Kline; by request of Employment Security Department)

AN ACT Relating to ensuring employers do not evade their contribution rate; amending RCW 50.29.062 and 50.12.220; adding a new section to chapter 50.29 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 3306.

MOTION

Representative Orcutt moved that the rules be suspended and that House Bill No. 3306 be advanced to Second Reading.

Representative Orcutt spoke in favor of the motion.

Representative Kessler spoke against the motion.

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be the motion to suspend the rules and advance House Bill No. 3306 to Second Reading.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and advance House Bill No. 3306 to Second Reading and the motion was not adopted by the following vote: Yeas - 45, Nays - 53, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kilmer, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben,

Shabro, Skinner, Strow, Sump, Talcott, Tom, Wallace, Walsh and Woods - 45.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Williams, Wood and Mr. Speaker - 53.

The motion, having failed to receive the necessary two-thirds majority, was declared failed.

The Speaker (Representative Lovick presiding) called upon Representative Santos to preside.

REPORTS OF STANDING COMMITTEES

February 3, 2006

HB 1614 Prime Sponsor, Representative Green: Restricting correctional facilities on the grounds of a state hospital. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Assistant Ranking Minority Member

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2349 Prime Sponsor, Representative Morris: Providing new renewable energy standards. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Anderson, Assistant Ranking Minority Member; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Schual-Berke and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; Pearson; Priest; Talcott and Walsh

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2353 Prime Sponsor, Representative Pettigrew: Providing collective bargaining for family child care providers. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Commerce & Labor. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong; Buri; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Assistant Ranking Minority Member; Bailey; Chandler; Hinkle and Talcott

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2407 Prime Sponsor, Representative Lovick: Revising provisions relating to electronic monitoring of sex offenders. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Criminal Justice & Corrections. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2412 Prime Sponsor, Representative O'Brien: Changing the penalty provisions for violating the registration statute. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Criminal Justice & Corrections. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2431 Prime Sponsor, Representative Campbell: Requiring background checks on persons licensed as health care professionals. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; McDonald; Pearson; Talcott and Walsh

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2482 Prime Sponsor, Representative O'Brien: Creating the insurance fraud program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Financial Institutions & Insurance. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Schual-Berke and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; McDonald; Pearson; Priest; Talcott and Walsh

Passed to Committee on Rules for second reading.

February 6, 2006

HB 2489 Prime Sponsor, Representative Hunter: Assisting students to graduate from high school on time. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representative Clements.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2498 Prime Sponsor, Representative Kilmer: Establishing an industry cluster-based approach to economic development. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Economic Development, Agriculture & Trade. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2539 Prime Sponsor, Representative Schual-Berke: Concerning disaster medical assistance teams. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Anderson, Assistant Ranking Minority Member; Bailey; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Linville; McDermott; McDonald; Miloscia; Priest; Schual-Berke; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Armstrong; Buri; Chandler; Hinkle; Kessler; Pearson and Talcott

Passed to Committee on Rules for second reading.

February 3, 2006

HB 2561 Prime Sponsor, Representative Conway: Modifying requirements for the direct shipment of wine to Washington state consumers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Commerce & Labor. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2574 Prime Sponsor, Representative Cody: Regarding hospital charity care and debt collection. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health

Care. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Schual-Berke and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; McDonald; Pearson; Priest; Talcott and Walsh

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2583 Prime Sponsor, Representative Kenney: Regarding community and technical college part-time academic employee health benefits. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Higher Education & Workforce Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

February 3, 2006

HB 2595 Prime Sponsor, Representative Kenney: Providing for academic employee salary increments for community and technical colleges. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Higher Education & Workforce Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Assistant Ranking Minority Member; Chandler.

February 4, 2006

HB 2597 Prime Sponsor, Representative Kenney: Establishing additional requirements for private vocational schools. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member;

Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Talcott.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2612 Prime Sponsor, Representative Kagi: Including failure to secure a load in the first degree as a compensable crime under the crime victims' compensation program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 6, 2006

HB 2617 Prime Sponsor, Representative Kretz: Allowing local jurisdictions to allow off-road vehicles to operate on designated city or county roads. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Buck; Campbell; Clibborn; Curtis; Ericksen; Hankins; Holmquist; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Murray, Chairman; Appleton; Dickerson; Flannigan; Hudgins; Simpson and B. Sullivan

Passed to Committee on Rules for second reading.

February 7, 2006

HB 2658 Prime Sponsor, Representative Hinkle: Establishing a statewide ORV data base. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Natural Resources, Ecology & Parks. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Blake; Chase; Clements; Cox; Eickmeyer; Ericks; Ericksen; Flannigan; Green; Hasegawa; Kretz; Kristiansen; Lantz; McCune; Moeller; Morrell; Newhouse; O'Brien; Roach; Schual-Berke; Serben; Springer; Strow and Upthegrove.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2662 Prime Sponsor, Representative B. Sullivan: Providing electronic product recycling through manufacturer financed opportunities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Natural Resources, Ecology & Parks. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Anderson, Assistant Ranking Minority Member; Buri; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Priest; Schual-Berke and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Armstrong; Bailey; Chandler; Clements; Hinkle; Pearson; Talcott and Walsh

Passed to Committee on Rules for second reading.

February 6, 2006

HB 2682 Prime Sponsor, Representative Conway: Setting contribution rates in the Washington state patrol retirement system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2684 Prime Sponsor, Representative Fromhold: Allowing vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2685 Prime Sponsor, Representative Fromhold: Making changes to general provisions in the

public safety employees' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2726 Prime Sponsor, Representative Chase: Creating Washington manufacturing services in statute. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 6, 2006

HB 2738 Prime Sponsor, Representative Holmquist: Developing minimum renewable fuel content requirements and fuel quality standards in an alternative fuels market. Reported by Committee on Transportation

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Technology, Energy & Communication and with the following amendment by the Committee on Transportation:

On page 1, after line 11, strike all of section 2, and insert the following:

"**NEW SECTION. Sec. 2** A new section is added to chapter 19.112 RCW to read as follows:

(1) When the director determines that a predominant portion of the feedstock to satisfy the two percent requirement was grown in Washington state, or the date November 30, 2008, has passed, businesses selling fuel at the distributor level in the state of Washington must at the end of each calendar year provide evidence to the department of licensing that at least two percent of total diesel fuel sales were biodiesel fuel.

(2) If the director determines that both in-state oil seed crushing capacity and feedstock grown in Washington state can satisfy the two percent requirement, businesses selling fuel at the distributor level in the state of Washington must at the end of each calendar year provide evidence to the department of licensing that at least five percent of total diesel fuel sales were biodiesel fuel.

(3) For the purposes of this chapter, "biodiesel fuel" has the meaning provided in RCW 82.29A.135.

(4) The director shall adopt rules for enforcing and carrying out the purposes of this section."

On page 1, line 16, after "determines that" strike all material through "passed" on line 18 and insert the following:

"in-state biodiesel production from feedstocks grown in Washington state could satisfy a two percent requirement, or the date November 30, 2008, has passed"

On page 2, line 1, after "determines that" strike all material through "requirement" on line 3 and insert the following:

"in-state oilseed crushing capacity and in-state biodiesel fuel production from feedstock grown in Washington state could satisfy a three percent requirement"

On page 3, line 20, strike "two percent"

Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Campbell; Dickerson; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Rodne; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Buck; Clibborn; Curtis; Ericksen; Nixon; Schindler and Shabro

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2780 Prime Sponsor, Representative McDermott: Authorizing additional payroll deductions for state employees. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; McDonald, Assistant Ranking Minority Member; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Schual-Berke and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Hinkle; Pearson; Priest; Talcott and Walsh

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2785 Prime Sponsor, Representative Quall: Authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Clements

February 4, 2006

HB 2789 Prime Sponsor, Representative Quall: Expanding apprenticeship opportunities for high school graduates. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Commerce & Labor. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Buri; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Bailey and Chandler

February 4, 2006

HB 2812 Prime Sponsor, Representative Hunter: Modifying school district levy provisions. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Anderson, Assistant Ranking Minority Member; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Schual-Berke and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; Pearson; Priest; Talcott and Walsh.

February 4, 2006

HB 2815 Prime Sponsor, Representative Simpson: Clarifying the best available science requirements to protect critical areas. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Local Government. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Priest; Schual-Berke and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; McDonald; Pearson; Talcott and Walsh

Passed to Committee on Rules for second reading.

February 6, 2006

HB 2860 Prime Sponsor, Representative Grant: Regarding water resource management in the Columbia river basin. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Economic Development, Agriculture & Trade. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Blake; Chase; Eickmeyer; Ericks; Flannigan; Green; Hasegawa; Lantz; Moeller; Morrell; O'Brien and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Clements; Cox; Ericksen; Kretz; Kristiansen; McCune; Newhouse; Roach; Serben and Upthegrove

Passed to Committee on Rules for second reading.

February 3, 2006

HB 2867 Prime Sponsor, Representative Kenney: Regarding expansion of WSU Tri-Cities into a four-year institution. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Armstrong; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Bailey; Hinkle; McDonald and Pearson

February 6, 2006

HB 2871 Prime Sponsor, Representative Murray: Creating a regional transportation commission. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Flannigan; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; B. Sullivan; Takko and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen; Hankins; Holmquist; Simpson and Wood.

Passed to Committee on Rules for second reading.

February 3, 2006

HB 2884

Prime Sponsor, Representative Linville: Concerning the use of reclaimed water. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Economic Development, Agriculture & Trade. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Buri; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; Miloscia; Priest; Schual-Berke; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Chandler; Clements; McDonald and Pearson

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2914

Prime Sponsor, Representative Roberts: Regarding compliance with certification standards for providers of residential services and support to persons with developmental disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2973

Prime Sponsor, Representative Priest: Creating a career and technical high school graduation option for students meeting state standards in fundamental academic content areas. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

February 4, 2006

HB 2985

Prime Sponsor, Representative Schual-Berke: Creating a foster care health unit in the department of social and health services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Children & Family Services. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

February 6, 2006

HB 2987 Prime Sponsor, Representative Kagi: Increasing penalties for vehicle gross weight violations. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Flannigan; Hankins; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen and Holmquist

Passed to Committee on Rules for second reading.

February 4, 2006

HB 2989 Prime Sponsor, Representative Kenney: Establishing the Washington Teach Math-Science program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Higher Education & Workforce Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

February 7, 2006

HB 3017 Prime Sponsor, Representative Springer: Reaffirming Washington state's eminent domain laws with a right of first refusal. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Blake; Chase; Eickmeyer; Ericks; Flannigan; Green; Hasegawa; Lantz; Moeller; Morrell; O'Brien; Schual-Berke; Springer and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Jarrett, Ranking Minority Member;

Hankins, Assistant Ranking Minority Member; Clements; Cox; Ericksen; Kretz; Kristiansen; McCune; Newhouse; Roach; Serben and Strow

Passed to Committee on Rules for second reading.

February 6, 2006

HB 3070 Prime Sponsor, Representative Miloscia: Increasing nonprofit housing development capacity. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Housing. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Blake; Chase; Eickmeyer; Ericks; Flannigan; Green; Hasegawa; Lantz; McCune; Moeller; Morrell; O'Brien; Springer and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Clements; Cox; Ericksen; Kretz; Kristiansen; Newhouse; Roach and Serben

Passed to Committee on Rules for second reading.

February 6, 2006

HB 3098 Prime Sponsor, Representative McDermott: Transferring duties of the reconstituted state board of education. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Blake; Chase; Eickmeyer; Ericks; Flannigan; Green; Lantz; Moeller; Morrell; Newhouse; O'Brien; Springer and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Clements; Cox; Ericksen; Hasegawa; Kretz; Kristiansen; McCune; Roach and Serben

Passed to Committee on Rules for second reading.

February 4, 2006

HB 3113 Prime Sponsor, Representative Sells: Expanding access to higher education using the university center model. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Higher Education & Workforce Education. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Anderson, Assistant Ranking Minority Member; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Without recommendation,
Signed by Representatives Alexander, Ranking Minority
Member; Armstrong and Hinkle

February 4, 2006

HB 3115 Prime Sponsor, Representative Darneille:
Establishing a foster parent critical support and
retention program. Reported by Committee on
Appropriations

MAJORITY recommendation: The second substitute bill
be substituted therefor and the second substitute do pass
and do not pass the substitute bill by Committee on
Children & Family Services. Signed by Representatives
Sommers, Chairman; Fromhold, Vice Chairman;
Alexander, Ranking Minority Member; Anderson,
Assistant Ranking Minority Member; Armstrong; Bailey;
Buri; Chandler; Clements; Cody; Conway; Darneille;
Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney;
Kessler; Linville; McDermott; McDonald; Miloscia;
Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and
Walsh.

February 6, 2006

HB 3137 Prime Sponsor, Representative Lovick:
Determining benefits for surviving spouses of
disabled Washington state patrol officers.
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass. Signed
by Representatives Murray, Chairman; Wallace, Vice
Chairman; Woods, Ranking Minority Member; Skinner,
Assistant Ranking Minority Member; Appleton; Buck;
Campbell; Clibborn; Curtis; Dickerson; Ericksen;
Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer;
Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro;
Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 7, 2006

HB 3165 Prime Sponsor, Representative Miloscia: Using
surplus property to develop affordable housing.
Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill
be substituted therefor and the second substitute do pass
and do not pass the substitute bill by Committee on
Housing. Signed by Representatives Dunshee, Chairman;
Ormsby, Vice Chairman; Blake; Chase; Eickmeyer;
Ericks; Flannigan; Green; Hasegawa; Lantz; Moeller;
Morrell; O'Brien; Schual-Berke; Springer and
Upthegrove.

MINORITY recommendation: Do not pass. Signed by
Representatives Jarrett, Ranking Minority Member;
Hankins, Assistant Ranking Minority Member; Clements;
Cox; Ericksen; Kretz; Kristiansen; McCune; Newhouse;
Roach; Serben and Strow

Passed to Committee on Rules for second reading.

February 6, 2006

HB 3178 Prime Sponsor, Representative Murray:
Concerning collective bargaining by state ferry

employees. Reported by Committee on
Transportation

MAJORITY recommendation: Do pass substitute bill
proposed by the Committee on Technology, Energy &
Communications. Signed by Representatives Murray,
Chairman; Wallace, Vice Chairman; Woods, Ranking
Minority Member; Skinner, Assistant Ranking Minority
Member; Appleton; Buck; Campbell; Clibborn; Curtis;
Dickerson; Ericksen; Flannigan; Hankins; Hudgins;
Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler;
Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove
and Wood.

MINORITY recommendation: Do not pass. Signed by
Representative Holmquist.

Passed to Committee on Rules for second reading.

February 6, 2006

HB 3179 Prime Sponsor, Representative Murray: Refining
the roles of the transportation commission and
department of transportation. Reported by
Committee on Transportation

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass. Signed
by Representatives Murray, Chairman; Wallace, Vice
Chairman; Appleton; Campbell; Clibborn; Dickerson;
Flannigan; Hudgins; Kilmer; Lovick; Morris; Sells;
Simpson; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by
Representatives Woods, Ranking Minority Member;
Skinner, Assistant Ranking Minority Member; Buck;
Curtis; Ericksen; Hankins; Holmquist; Jarrett; Nixon;
Rodne; Schindler and Shabro

Passed to Committee on Rules for second reading.

February 6, 2006

HB 3207 Prime Sponsor, Representative Santos: Creating
the community preservation authority program.
Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass. Signed
by Representatives Dunshee, Chairman; Ormsby, Vice
Chairman; Blake; Chase; Eickmeyer; Ericks; Flannigan;
Green; Hasegawa; Lantz; Moeller; Morrell; O'Brien;
Springer and Upthegrove.

MINORITY recommendation: Without recommendation.
Signed by Representatives Jarrett, Ranking Minority
Member; Hankins, Assistant Ranking Minority Member;
Clements; Cox; Kretz; Kristiansen; McCune; Newhouse;
Roach and Serben

Passed to Committee on Rules for second reading.

February 4, 2006

HB 3287 Prime Sponsor, Representative Chase: Studying
nitrogen contributions from on-site sewage
systems in Hood Canal. Reported by Committee
on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Select Committee on Hood Canal. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES
1ST SUPPLEMENTAL**

February 6, 2006

HB 1446 Prime Sponsor, Representative Hunter: Modifying requirements for voter-approved property tax levies. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway; Ericks; Hasegawa and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta and Shabro

Passed to Committee on Rules for second reading.

February 6, 2006

EHB 2270 Prime Sponsor, Representative McIntire: Exempting payment for certain services provided by public development authorities from business and occupation taxation. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway; Ericks; Hasegawa and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta and Shabro

Passed to Committee on Rules for second reading.

February 6, 2006

HB 2348 Prime Sponsor, Representative Morris: Extending tax relief for aluminum smelters. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 6, 2006

HB 2457 Prime Sponsor, Representative Grant: Providing excise tax relief for farm machinery and equipment. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Santos and Shabro.

MINORITY recommendation: Do not pass. Signed by Representatives Hunter, Vice Chairman; Hasegawa

Passed to Committee on Rules for second reading.

February 6, 2006

HB 2565 Prime Sponsor, Representative Kilmer: Modifying the worker training business and occupation tax credit. Reported by Committee on Finance

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Commerce & Labor. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 6, 2006

HB 2640 Prime Sponsor, Representative B. Sullivan: Providing biotechnology product and medical device manufacturing tax incentives. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 6, 2006

HB 2667 Prime Sponsor, Representative Springer: Providing municipal services to annexed areas. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway; Ericks; Hasegawa and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta and Shabro

Passed to Committee on Rules for second reading.

February 7, 2006
HB 2673 Prime Sponsor, Representative Linville:
 Providing tools for local infrastructure financing.
 Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Economic Development, Agriculture & Trade. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway; Ericks; Hasegawa and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta and Shabro

Passed to Committee on Rules for second reading.

February 6, 2006
HB 2799 Prime Sponsor, Representative Chase: Providing tax exemptions for solar hot water equipment. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 6, 2006
HB 2804 Prime Sponsor, Representative Conway: Modifying the property tax exemption for nonprofit schools and colleges. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 6, 2006
HB 2818 Prime Sponsor, Representative McIntire: Improving the state of Washington's economic, cultural, and educational standing in the motion picture industry. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

MINORITY recommendation: Do not pass. Signed by Representative Hunter, Vice Chairman.

Passed to Committee on Rules for second reading.

February 6, 2006
HB 3059 Prime Sponsor, Representative Grant: Clarifying the application of taxes to the financial activities of professional employer organizations. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Santos and Shabro.

MINORITY recommendation: Do not pass. Signed by Representatives Hunter, Vice Chairman; and Hasegawa.

Passed to Committee on Rules for second reading.

February 7, 2006
HB 3159 Prime Sponsor, Representative Linville: Modifying the excise taxation of food products. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern, Condotta, Ericks, Santos and Shabro.

MINORITY recommendation: Do not pass. Signed by Representatives McIntire, Chair; Hunter, Vice Chair; Conway and Hasegawa.

Passed to Committee on Rules for second reading.

February 6, 2006
HB 3164 Prime Sponsor, Representative Kilmer: Increasing the personal property exemption for the head of a family. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 6, 2006
HB 3190 Prime Sponsor, Representative Wallace: Providing tax incentives to support the semiconductor cluster in the state. Reported by Committee on Finance

MAJORITY recommendation: Do pass substitute bill proposed by the Committee on Technology, Energy & Communications. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 7, 2006
HB 3222 Prime Sponsor, Representative Pettigrew:
 Modifying excise tax exemptions for the
 handling and processing of livestock manure.
 Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 6, 2006
HB 3251 Prime Sponsor, Representative Santos:
 Modifying the special stadium sales and use tax imposed on food and beverages. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member

Passed to Committee on Rules for second reading.

February 6, 2006
HB 3285 Prime Sponsor, Representative Conway: Raising the exemption for charitable or nonprofit bingo organizations from the gambling tax on bingo and amusement games. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

MINORITY recommendation: Do not pass. Signed by Representative Hunter, Vice Chairman.

Passed to Committee on Rules for second reading.

February 6, 2006
HJR 4223 Prime Sponsor, Representative Kilmer:
 Amending the state Constitution to increase the personal property tax exemption for the head of a family. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's 1st and 2nd supplemental committee reports sheet under the fifth order of business were referred to the committees so designated, with the exception of the following bills which were placed on the Second Reading calendar:

HOUSE BILL NO. 2489,
 HOUSE BILL NO. 2583,
 HOUSE BILL NO. 2595,
 HOUSE BILL NO. 2785,
 HOUSE BILL NO. 2789,
 HOUSE BILL NO. 2812,
 HOUSE BILL NO. 2867,
 HOUSE BILL NO. 2973,
 HOUSE BILL NO. 2985,
 HOUSE BILL NO. 2989,
 HOUSE BILL NO. 3113,
 HOUSE BILL NO. 3115,
 HOUSE BILL NO. 3127,

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

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Second Reading calendar:

SECOND SUBSTITUTE HOUSE BILL NO. 1107,
 HOUSE BILL NO. 1483,
 HOUSE BILL NO. 2002,
 HOUSE BILL NO. 2395,
 HOUSE BILL NO. 2423,
 HOUSE BILL NO. 2630,
 HOUSE BILL NO. 2706,
 HOUSE BILL NO. 2733,
 HOUSE BILL NO. 2817,
 HOUSE BILL NO. 2857,
 HOUSE BILL NO. 2910,
 HOUSE BILL NO. 2976,
 HOUSE BILL NO. 2998,
 HOUSE BILL NO. 3028,
 HOUSE BILL NO. 3087,
 HOUSE BILL NO. 3139,
 HOUSE BILL NO. 3182,
 HOUSE BILL NO. 3215,

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

There being no objection, the House adjourned until 10:00 a.m., February 8, 2006, the 31st Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

THIRTY FIRST DAY

House Chamber, Olympia, Wednesday, February 8, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Chelsea Woods and Perry Piper. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Chaplain Richard Lopez, Olympia Fire Department.

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

RESOLUTION

HOUSE RESOLUTION NO. 2006-4676, By Representatives Quall, Talcott, P. Sullivan, Anderson and Hunter

WHEREAS, The State of Washington recognizes home education as a valuable educational alternative; and

WHEREAS, The importance of parental involvement in children's education and character development is critical; and

WHEREAS, Homeschools offer families the opportunity for their children to receive an education that couples high standards with a sound environment based on individual family desires; and

WHEREAS, More than sixteen thousand Washington children are currently being home educated; and

WHEREAS, Studies confirm that children who are educated at home score exceptionally well on nationally normed achievement tests and are well-prepared to meet the challenges of today's society; and

WHEREAS, Home education was one of the only means of education for much of America's early history; and

WHEREAS, Many notable Americans, including George and Martha Washington, Benjamin Franklin, Abigail Adams, John Quincy Adams, Chief Seattle, Thomas Edison, Sacajawea, Helen Keller, Douglas MacArthur, Geronimo, Pearl S. Buck, Franklin Roosevelt, Patrick Henry, John Marshall, Abraham Lincoln, and Woodrow Wilson were primarily educated at home; and

WHEREAS, Washington state recognizes home educators for their continued commitment to the diversity and quality of education in our state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington hereby honor, thank, and celebrate the home-educating families in Washington state.

Representative Quall moved the adoption of the resolution.

Representatives Quall and Talcott spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4676 was adopted.

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

SECOND READING SUSPENSION

HOUSE BILL NO. 1361, by Representatives Alexander, Simpson, Schindler and Holmquist

Modifying the disbursement of funds by air pollution control agencies.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Alexander and Simpson spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1361.

MOTIONS

On motion of Representative Santos, Representatives Morrell and Pettigrew were excused. On motion of Representative Clements, Representative Campbell was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1361 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Morrell and Pettigrew - 3.

HOUSE BILL NO. 1361, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1430, by House Committee on Commerce & Labor (originally sponsored by Representatives Wood and Condotta)

Authorizing the sale by spirit, beer, and wine licensees of malt liquor in containers that are capable of holding four gallons or more and are registered in accordance with RCW 66.28.200.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SECOND SUBSTITUTE HOUSE BILL NO. 1430 was read the second time.

The bill was placed on final passage.

Representative Woods spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1430.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1430 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representative Anderson - 1.

Excused: Representatives Campbell, Morrell and Pettigrew - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 1430, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1813, by Representatives Williams, DeBolt, Hunt and Moeller

Increasing the term of nonvoter approved rural library district general obligation bonds.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Williams and DeBolt spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1813.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1813 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Campbell and Morrell - 2.

HOUSE BILL NO. 1813, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2463, by Representatives Moeller and Morrell

Modifying dental licensure provisions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2463 was read the second time.

The bill was placed on final passage.

Representatives Moeller and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2463.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2463 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa,

Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Morrell - 1.

SUBSTITUTE HOUSE BILL NO. 2463, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2562, by Representatives Wood, Conway, Fromhold and Condotta; by request of Liquor Control Board

Regulating flavored malt beverage.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2562.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2562 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Anderson - 1.

Excused: Representative Morrell - 1.

HOUSE BILL NO. 2562, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2563, by Representatives Wood, Conway, Fromhold and Condotta; by request of Liquor Control Board

Concerning the processing of liquor licenses.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2563 was read the second time.

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2563.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2563 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2563, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2587, by Representatives Blake, Buck, Takko, Chase, Morrell, Kessler, Williams, Buri, Linville, McCoy, Morris, Flannigan, Eickmeyer, B. Sullivan, Wallace, Dunshee, Haigh, Kenney, Lantz, Hunt and Conway

Designating the Lady Washington as the official ship of the state of Washington.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Blake and Buck spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2587.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2587 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Curtis - 1.

HOUSE BILL NO. 2587, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2615, by Representatives Quall, Morris and Clibborn; by request of Insurance Commissioner

Exempting certain private air ambulance services from licensing under the insurance code.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Quall spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2615.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2615 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2615, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2654, by Representatives Darneille, Strow, O'Brien, Lantz, Rodne, Simpson, Clibborn, McDonald, Conway, Miloscia, B. Sullivan and Ericks

Prohibiting sex offender treatment by treatment providers who are sex offenders.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2654 was read the second time.

The bill was placed on final passage.

Representatives Darneille and Strow spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2654.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2654 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2654, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2655, by Representatives Takko, Orcutt, Dunn and Fromhold

Modifying disbursement of the metropolitan park district fund.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Takko and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2655.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2655 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2655, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2656, by Representatives Takko, Schindler, Simpson, Dunn, Moeller, Ahern and Fromhold

Modifying county lien authority.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2656 was read the second time.

The bill was placed on final passage.

Representatives Takko and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2656.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2656 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos,

Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2656, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2676, by Representatives Linville, Jarrett, Simpson, Ericksen, Ahern, Dunn and Upthegrove

Posting interlocal agreements in an electronic format in lieu of filing with the county auditor.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Linville and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2676.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2676 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2676, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2825, by Representatives Lovick and McCoy

Revising provisions relating to deferred disposition of juveniles.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Lovick and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2825.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2825 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Roberts - 1.

HOUSE BILL NO. 2825, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2897, by Representatives Condotta and Dunn

Modifying the liquor licensee's caterer's endorsement to include passenger vessels.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Condotta, Conway and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2897.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2897 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz,

Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2897, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2900, by Representative B. Sullivan

Regarding the issuance of checks by joint operating agencies.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives B. Sullivan and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2900.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2900 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2900, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2908, by Representatives Bailey, Schindler and Strow

Modifying the boundary provision for Island county.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2908 was read the second time.

The bill was placed on final passage.

Representatives Bailey and Simpson spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2908.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2908 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2908, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2960, by Representative Kessler

Determining rates for the rental of county equipment.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kessler and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2960.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2960 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold,

Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative DeBolt - 1.

HOUSE BILL NO. 2960, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2975, by Representatives Newhouse, Kirby and Dunn

Granting an exemption under the state securities act.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Newhouse and Kirby spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2975.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2975 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2975, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2979, by Representatives Hasegawa, Chase, Roberts and Santos

Addressing cultural upbringing in parenting plans.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2979 was read the second time.

The bill was placed on final passage.

Representatives Hasegawa and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2979.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2979 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2979, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2983, by Representatives O'Brien, Ericks, Upthegrove, Sells, Kilmer, Green, Pearson, Springer, Conway and Simpson; by request of Washington State Patrol

Clarifying procedures for forwarding sex offender information.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2983.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2983 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2983, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2991, by Representatives Darneille, Walsh, Springer and Simpson

Concerning background checks of metropolitan park district employees.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Darneille and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2991.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2991 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Ericksen - 1.

HOUSE BILL NO. 2991, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3019, by Representatives Haigh, Alexander, Dunshee and B. Sullivan

Clarifying the role of a chief financial officer in a charter county.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Haigh and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 3019.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3019 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

HOUSE BILL NO. 3019, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3041, by Representatives Alexander, Nixon, Haigh, Darneille and P. Sullivan

Modifying voter registration timelines.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Alexander and Haigh spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 3041.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3041 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 3041, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3048, by Representatives Moeller and Darneille; by request of Uniform Legislation Commission

Changing the effective date of the uniform interstate family support act.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Moeller and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 3048.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3048 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 3048, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3056, by Representatives Takko, Woods, Clibborn, B. Sullivan and Springer

Allowing second class cities and towns to pay claims by check or warrant.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Takko and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 3056.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3056 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 3056, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3073, by Representatives McIntire, Nixon, Sommers, Haigh, Morrell, McDermott, Simpson, Hunt, Ericks and Schual-Berke

Authorizing shared leave for declared emergencies.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives McIntire and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 3073.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3073 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 3073, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3205, by Representatives O'Brien, Clements, Pettigrew, Santos, McDermott, Ericks, Sells, Kilmer, Green and Morrell

Clarifying the authority to apprehend conditionally released persons.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Clement spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 3205.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3205 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson,

Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 3205, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4038, by Representatives Hinkle, Cody and Santos

Requesting that certified diabetes educators be added as Medicare providers.

The joint memorial was read the second time.

There being no objection, the committee recommendation was adopted.

The joint memorial was placed on final passage.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4038.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4038, and the joint memorial passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE JOINT MEMORIAL NO. 4038, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Lovick to preside.

HOUSE BILL NO. 2718, by Representatives Morris, Holmquist, O'Brien, Miloscia and Schindler

Regulating manufactured home parks or manufactured housing communities.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Morris and Holmquist spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2718.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2718 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2718, having received the necessary constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 2328, by Representatives Lantz and Priest

Changing provisions relating to the insanity defense.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2328.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2328 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi,

Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2328, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2381, by Representatives Kretz, Blake, Sump, Buri, Haler, Ericks and Holmquist

Authorizing a beaver relocation permit.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kretz, B. Sullivan, Buck and Flannigan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2381.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2381 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2381, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2394, by Representatives Dickerson, Morrell, Appleton, Moeller, Lantz, Hasegawa, Williams, Darneille, Santos, Haler, Wallace, Walsh, McIntire and Simpson

Including financial literacy in work activity provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2394 was substituted for House Bill No. 2394 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2394 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2394.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2394 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2394, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 8, 2006

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5527,
SECOND ENGROSSED SENATE BILL NO. 6010,
SUBSTITUTE SENATE BILL NO. 6540,
SENATE JOINT MEMORIAL NO. 8039,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

INTRODUCTION & FIRST READING

ESSB 5204 by Senate Committee on Judiciary (originally sponsored by Senators Brandland, Kastama, Sheldon, Rasmussen, Spanel, Hargrove and Shin)

AN ACT Relating to chattel liens; amending RCW 60.10.030 and 60.10.040; adding new sections to chapter 60.08 RCW; and providing an effective date.

Referred to Committee on Judiciary.

SSB 6161 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senator Oke)

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

Referred to Committee on Natural Resources, Ecology & Parks.

SB 6187 by Senator Keiser

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

Referred to Committee on Health Care.

SSB 6192 by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Poulsen, Rockefeller, Rasmussen and Fraser)

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

Referred to Committee on Technology, Energy & Communications.

SSB 6257 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senator Delvin)

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

Referred to Committee on Commerce & Labor.

SB 6264 by Senators Kohl-Welles, Parlette, Honeyford, Keiser, Prentice, Kline, McAuliffe and Roach; by request of Department of Labor & Industries

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

Referred to Committee on Commerce & Labor.

SSB 6305 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Keiser, Prentice, Johnson and Kohl-Welles)

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

Referred to Committee on Children & Family Services.

SSB 6377 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by

Senators Doumit, Rasmussen, Schoesler, Swecker, Morton, Zarelli, Shin and Pflug)

AN ACT Relating to regulation of milk and milk products; amending RCW 15.36.012, 15.36.111, and 15.36.511; adding new sections to chapter 15.36 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Economic Development, Agriculture & Trade.

SSB 6728 by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Fraser, Swecker, Fairley, Prentice, Spanel, Thibaudeau and Franklin)

AN ACT Relating to seller disclosure of information concerning unimproved real property zoned for residential use; and amending RCW 64.06.005 and 64.06.020.

Referred to Committee on Commerce & Labor.

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

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

SECOND READING

HOUSE BILL NO. 2477, by Representatives Green, Nixon, Haigh, Hunt, Moeller and Rodne; by request of Secretary of State

Making technical changes to election laws.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Green and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2477.

MOTIONS

On motion of Representative Santos, Speaker Chopp was excused. On motion of Representative Clements, Representative DeBolt was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2477 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold,

Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Woods - 96.

Excused: Representatives DeBolt and Mr. Speaker - 2.

HOUSE BILL NO. 2477, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2478, by Representatives Green, Nixon, Haigh and Hunt; by request of Secretary of State

Clarifying laws on ballot measures.

The bill was read the second time.

Representative Nixon moved the adoption of amendment (682):

On page 4, line 25, after "who" insert "knowingly"

On page 4, line 25, after "that" strike "appears to support" and insert "supports"

Representatives Nixon and Green spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Green and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2478.

MOTION

On motion of Representative Santos, Representative Clibborn was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2478 and the bill passed the House by the following vote: Yeas - 89, Nays - 6, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray,

Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Woods - 89.

Voting nay: Representatives Cox, Dunn, Hinkle, Holmquist, Orcutt and Serben - 6.

Excused: Representatives Clibborn, DeBolt and Mr. Speaker - 3.

ENGROSSED HOUSE BILL NO. 2478, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2520, by Representative Nixon

Recodifying and making technical corrections to public disclosure law.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Nixon and Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2520.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2520 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Woods - 95.

Excused: Representatives Clibborn, DeBolt and Mr. Speaker - 3.

HOUSE BILL NO. 2520, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2543, by Representatives Kilmer, Crouse, Nixon, Hudgins, Morrell, Green and Lantz; by request of Military Department

Making permanent the enhanced 911 advisory committee.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2543 was substituted for House Bill No. 2543 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2543 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilmer and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2543.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2543 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Woods - 95.

Excused: Representatives Clibborn, DeBolt and Mr. Speaker - 3.

SUBSTITUTE HOUSE BILL NO. 2543, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2601, by Representatives Hunter, Anderson, Morris, Jarrett, Nixon, O'Brien, Hudgins, Tom, Kilmer and Wallace

Regarding state purchasing of information technology projects.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2601 was substituted for House Bill No. 2601 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2601 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2601.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2601 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Woods - 95.

Excused: Representatives Clibborn, DeBolt, and Mr. Speaker - 3.

SUBSTITUTE HOUSE BILL NO. 2601, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4023, by Representatives Moeller, Buck, Kessler, DeBolt, Haigh, Talcott, Morrell, Newhouse, Williams, Serben and Eickmeyer

Requesting Congress to enact the Kidney Care Quality Improvement Act of 2005.

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Moeller and Buck spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4023.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4023 and the joint memorial passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant,

Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Woods - 95.

Excused: Representatives Clibborn, DeBolt and Mr. Speaker - 3.

HOUSE JOINT MEMORIAL NO. 4023, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1071, by Representatives Campbell and Morrell

Concerning the uniform disciplinary act for health professions.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1071 was substituted for House Bill No. 1071 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1071 was read the second time.

With the consent of the House, amendment (668) was withdrawn.

Representative Campbell moved the adoption of amendment (670):

On page 2, after line 19, insert the following:

"**NEW SECTION. Sec. 3.** A new section is added to chapter 18.130 RCW to read as follows:

The secretary, with the advice and consultation of the other disciplining authorities, shall adopt a schedule that defines appropriate ranges of sanctions that are applicable to a finding after a hearing that a license holder has committed unprofessional conduct as defined in this chapter or the chapters specified in RCW 18.130.040(2). The schedule must identify aggravating and mitigating circumstances that may enhance or reduce the sanction imposed by the disciplining authority for each act of unprofessional conduct. The schedule must apply to all disciplining authorities. In addition, the secretary shall make provisions for instances in which there are multiple findings of unprofessional conduct. When establishing the schedule, the secretary shall consider maintaining consistent sanction determinations that balance the protection of the public's health and the rights of health care providers of the different health professions.

Sec. 4. RCW 18.130.050 and 1995 c 336 s 4 are each amended to read as follows:

The disciplining authority has the following authority:

(1) To adopt, amend, and rescind such rules as are deemed necessary to carry out this chapter;

(2) To investigate all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;

(3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(5) To compel attendance of witnesses at hearings;

(6) In the course of investigating a complaint or report of unprofessional conduct, to conduct practice reviews;

~~(7) ((To take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice pending proceedings by the disciplining authority;~~

~~(8))~~ (8) To use a presiding officer as authorized in RCW 18.130.095(3) or the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. The disciplining authority shall make the final decision regarding disposition of the license unless the disciplining authority elects to delegate in writing the final decision to the presiding officer;

~~((9))~~ (9) To use individual members of the boards to direct investigations. However, the member of the board shall not subsequently participate in the hearing of the case;

~~((10))~~ (10) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

~~((11))~~ (11) To contract with licensees or other persons or organizations to provide services necessary for the monitoring and supervision of licensees who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the disciplining authority;

~~((12))~~ (12) To adopt standards of professional conduct or practice;

~~((13))~~ (13) To grant or deny license applications, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction consistent with section 2 of this act against a license applicant or license holder provided by this chapter;

~~((14))~~ (14) To designate individuals authorized to sign subpoenas and statements of charges;

~~((15))~~ (15) To establish panels consisting of three or more members of the board to perform any duty or authority within the board's jurisdiction under this chapter;

~~((16))~~ (16) To review and audit the records of licensed health facilities' or services' quality assurance committee decisions in which a licensee's practice privilege or employment is terminated or restricted. Each health facility or service shall produce and make accessible to the disciplining authority the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to discovery or introduction into evidence in any civil action pursuant to RCW 70.41.200(3).

Sec. 5. RCW 18.130.060 and 2001 c 101 s 1 are each amended to read as follows:

In addition to the authority specified in RCW 18.130.050, the secretary has the following additional authority:

(1) To employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter;

(2) Upon the request of a board, to appoint pro tem members to participate as members of a panel of the board in connection with proceedings specifically identified in the request. Individuals so appointed must meet the same minimum qualifications as regular members of the board. Pro tem members appointed for matters under this chapter are appointed for a term of no more than one year. No pro tem member may serve more than four one-year terms. While serving as board members pro tem, persons so appointed have all the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular members of the board. The chairperson of a panel shall be a regular member of the board appointed by the board chairperson. Panels have authority to act as directed by the board with respect to all matters concerning the review, investigation, and adjudication of all complaints, allegations, charges, and matters subject to the jurisdiction of the board. The authority to act through panels does not restrict the authority of the board to act as a single body at any phase of proceedings within the board's jurisdiction. Board panels may make interim orders and issue final decisions with respect to matters and cases delegated to the panel by the board.

Final decisions may be appealed as provided in chapter 34.05 RCW, the Administrative Procedure Act;

(3) To establish fees to be paid for witnesses, expert witnesses, and consultants used in any investigation and to establish fees to witnesses in any agency adjudicative proceeding as authorized by RCW 34.05.446;

(4) To conduct investigations and practice reviews at the direction of the disciplining authority and to issue subpoenas, administer oaths, and take depositions in the course of conducting those investigations and practice reviews at the direction of the disciplining authority;

(5) To take emergency action ordering summary suspension of a license, or restriction or limitation of the license holder's practice pending proceedings by the disciplining authority;

(6) To have the health professions regulatory program establish a system to recruit potential public members, to review the qualifications of such potential members, and to provide orientation to those public members appointed pursuant to law by the governor or the secretary to the boards and commissions specified in RCW 18.130.040(2)(b), and to the advisory committees and councils for professions specified in RCW 18.130.040(2)(a).

Sec. 6. RCW 18.130.160 and 2001 c 195 s 1 are each amended to read as follows:

Upon a finding, after hearing, that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority may issue an order providing for one or any combination of the following, in accordance with the schedule adopted by the secretary in section 2 of this act:

- (1) Revocation of the license;
- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation of the practice;
- (4) Requiring the satisfactory completion of a specific program of remedial education or treatment;
- (5) The monitoring of the practice by a supervisor approved by the disciplining authority;
- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;
- (8) Payment of a fine for each violation of this chapter, not to exceed five thousand dollars per violation. Funds received shall be placed in the health professions account;
- (9) Denial of the license request;
- (10) Corrective action;
- (11) Refund of fees billed to and collected from the consumer;
- (12) A surrender of the practitioner's license in lieu of other sanctions, which must be reported to the federal data bank.

Any of the actions under this section may be totally or partly stayed by the disciplining authority. In determining what action is appropriate, the disciplining authority must consider the schedule adopted by the secretary in section 2 of this act. Where the schedule allows flexibility in determining the appropriate sanction, the disciplining authority must first consider what sanctions are necessary to protect or compensate the public. Only after such provisions have been made may the disciplining authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or inability to practice, or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct or inability to practice. The stipulation entered into pursuant to this subsection shall be considered formal disciplinary action for all purposes."

Correct the title.

Representatives Campbell and Cody spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1071.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1071 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Bailey and Chandler - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1071, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2342, by Representatives Moeller, Appleton, Nixon, Hunt, Curtis, Lantz, Morrell, Springer, Wallace, Fromhold, Kagi, Roberts, Cody, Ericks, Green and Ormsby

Establishing a health care declarations registry.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2342 was substituted for House Bill No. 2342 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2342 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Moeller and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2342.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2342 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Cox - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 2342, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2974, by Representatives Cody, Morrell and Moeller

Modifying provisions with respect to disciplining health professions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2974 was substituted for House Bill No. 2974 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2974 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schual-Berke spoke in favor of passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2974.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2974 and the bill passed the House by the following vote: Yeas - 61, Nays - 37, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Walsh and Woods - 37.

SUBSTITUTE HOUSE BILL NO. 2974, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2376, by Representatives Clibborn, Morrell, Murray, Wallace, Cody, Schual-Berke, Simpson, Green, Sells, Ormsby, Appleton, Fromhold, Hunt, Kenney, Kessler, Lantz, Miloscia, Moeller and Williams; by request of Governor Gregoire

Repealing cost-sharing in medical programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2376 was substituted for House Bill No. 2376 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2376 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn, Schual-Berke and Lantz spoke in favor of passage of the bill.

Representatives Hinkle and Serben spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2376.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2376 and the bill passed the House by the following vote: Yeas - 72, Nays - 26, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clements, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, Dickerson, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott,

McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 72.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Condotta, Cox, DeBolt, Dunn, Dunshee, Haler, Hinkle, Holmquist, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Schindler, Serben, Strow, Sump and Talcott - 26.

SUBSTITUTE HOUSE BILL NO. 2376, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2573, by Representatives Morrell, Wallace, Clibborn, Cody, Flannigan, Simpson, Green, Ormsby, Springer, Kilmer, Moeller, Kagi and Conway; by request of Governor Gregoire

Adopting health information technology to improve quality of care.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2573 was substituted for House Bill No. 2573 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2573 was read the second time.

Representative Bailey moved the adoption of amendment (698):

On page 1, line 4, after "**Sec. 1.**" strike "(1)"

On page 1, beginning on line 9, strike all material through "2012." on line 11

Representatives Bailey and Hinkle spoke in favor of the adoption of the amendment.

Representatives Cody spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Morrell spoke in favor of passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2573.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2573 and the bill passed the House by the following vote: Yeas - 75, Nays - 23, Excused - 0.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Campbell, Chase, Clements, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 75.

Voting nay: Representatives Ahern, Alexander, Armstrong, Buck, Buri, Chandler, Condotta, Cox, Crouse, DeBolt, Dunn, Ericksen, Hinkle, Holmquist, Kretz, Kristiansen, Newhouse, Pearson, Roach, Schindler, Shabro, Sump and Woods - 23.

SUBSTITUTE HOUSE BILL NO. 2573, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2333, by Representatives Green, Haler, Conway, Curtis, Fromhold, McDonald, Walsh, Strow, Sells, Campbell, Miloscia, Roach, P. Sullivan, Morrell, McDermott, Serben, Darneille, Appleton, Williams, Chase, Moeller, Hasegawa, Rodne, Linville, Santos, Springer, Wallace, Kenney, Cody, Ericksen, O'Brien, Wood, B. Sullivan, Simpson, Ericks, Ormsby and McCune

Providing parity for home care agency workers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2333 was substituted for House Bill No. 2333 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2333 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Green and Haler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2333.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2333 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz,

Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2333, having received the necessary constitutional majority, was declared passed.

On motion of Representative Kessler, the House immediately reconsidered the vote on third reading by which SUBSTITUTE HOUSE BILL NO. 2376 passed the House.

RECONSIDERATION

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2376 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2376 on reconsideration and the bill passed the House by the following vote: Yeas - 74, Nays - 24, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clements, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 74.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Condotta, Cox, DeBolt, Dunn, Hinkle, Holmquist, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Schindler, Serben, Strow, Sump and Talcott - 24.

SUBSTITUTE HOUSE BILL NO. 2376, having received the necessary constitutional majority, was declared passed on reconsideration.

HOUSE BILL NO. 2572, by Representatives Morrell, Clibborn, Green, Flannigan, Eickmeyer, Conway, Dickerson, Blake, Cody, Wallace, Roberts, Appleton, Hasegawa, McCoy, Linville, Simpson, Chase, Darneille, O'Brien, Murray, B. Sullivan, Ormsby, Springer, Moeller and Kagi

Establishing the small employer health insurance partnership program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2572 was substituted for House Bill No. 2572 and the

second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2572 was read the second time.

Representative Cody moved the adoption of amendment (717):

On page 2, beginning on line 13, after "by a" strike all material through "welfare arrangement" on line 14, and insert "self-funded multiple employer welfare arrangement as defined in RCW 48.125.010"

Representative Cody spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Hinkle moved the adoption of amendment (713):

On page 2, line 32, after "4 of this act" insert "or a business and occupation tax deduction under section 5 of this act"

On page 3, after line 37, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax the amount paid by small employers to provide health care services for its employees. Payments made by employees are not eligible for deduction under this subsection.

(2) For the purposes of this section, the following definitions apply:

(a) "Small employer" has the meaning provided in RCW 48.43.005;

(b) "Health care services" means a health benefit plan as defined in RCW 48.43.005, contributions to health savings accounts as defined by the United States internal revenue service, or other health care services purchased by the small employer for its employees."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 5, after line 21, insert the following:

"NEW SECTION. Sec. 12. Section 5 of this act takes effect July 1, 2006."

Correct the title.

Representative Hinkle and Ericksen spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (713) to Second Substitute House Bill No. 2572.

ROLL CALL

The Clerk called the roll on the adoption of amendment (713) to Second Substitute House Bill No. 2572, and the

amendment was not adopted by the following vote: Yeas - 43, Nays - 55, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 43.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 55.

Representative Bailey moved the adoption of amendment (724):

On page 2, line 32, after "act" insert ", or subsidies to fund a health savings account under section 5 of this act"

On page 2, after line 32, insert the following:

"NEW SECTION. Sec. 4. HEALTH SAVINGS ACCOUNT SUBSIDIES TO ELIGIBLE EMPLOYEES. (1) Beginning July 1, 2007, the administrator shall accept applications from eligible employees, on behalf of themselves, their spouses, and their dependent children, to receive subsidies to fund a health savings account through the small employer health insurance partnership program.

(2) Health savings account subsidy payments may be provided to eligible employees if:

(a) The eligible employee is employed by a small employer; and

(b) The eligible employee participates in an employer sponsored high deductible health plan and health savings account that conforms to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986.

(3) The amount of an eligible employee's health savings account subsidy shall be determined by the legislature in the biennial operating budget.

(4) After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.

(5) An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on health savings account subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representative Bailey spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (724) to Second Substitute House Bill No. 2572.

ROLL CALL

The Clerk called the roll on the adoption of amendment (724) to Second Substitute House Bill No. 2572, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 55, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, Linville, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 43.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 55.

Representative Curtis moved the adoption of amendment (715):

On page 3, beginning on line 6, strike all of subsection (b) and reletter the remaining subsection accordingly.

Representatives Curtis, Hinkle, Bailey and Ericksen spoke in favor of the adoption of the amendment.

Representatives Morrell and Cody spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (715) to Second Substitute House Bill No. 2572.

ROLL CALL

The Clerk called the roll on the adoption of amendment (715) to Second Substitute House Bill No. 2572, and the amendment was not adopted by the following vote: Yeas - 42, Nays - 56, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 42.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 56.

Representative Hinkle moved the adoption of amendment (714):

On page 5, after line 17, insert the following:

"**NEW SECTION. Sec. 10.** The joint legislative audit and review committee shall conduct a program and fiscal review of the small employer health insurance partnership program and report their findings and recommendation to the appropriate committees of the legislature no later than December 1, 2009."

Renumber the remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Hinkle and Linville spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Bailey moved the adoption of amendment (720):

On page 5, after line 21, insert the following:

"**Sec. 12.** RCW 48.21.045 and 2004 c 244 s 1 are each amended to read as follows:

(1)(a) An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.

(2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;

(iii) Age; and

(iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool ~~((; such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal))~~ if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

~~((7))~~ (8) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 13. RCW 48.44.023 and 2004 c 244 s 7 are each amended to read as follows:

(1)(a) A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.

(2) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool (~~such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that:~~ (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal) if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum

employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 14. RCW 48.46.066 and 2004 c 244 s 9 are each amended to read as follows:

(1)(a) A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.

(2) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool ~~((; such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal))~~ if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the health maintenance organization's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan."

Correct internal references and correct the title.

POINT OF ORDER

Representative Hunt requested a scope and object ruling on the amendment (720) to Second Substitute House Bill No. 2572.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "Second Substitute House Bill No. 2572 is an act relating to "establishment of the small employer health insurance partnership program." The bill creates a new chapter in Title 70 RCW and establishes a premium assistance program for small business through the Health Care Authority. The bill does not make any changes to the insurance code in Title 48.

Amendment (720) changes insurance regulations for carriers participating in the small group market and amends the insurance code in Title 48.

The amendment is unrelated to the establishment of a premium assistance program for small business through the Health Care Authority, and is therefore, beyond the scope and object of the bill.

Representative Hunt, your point of order is well taken."

Representative Bailey moved the adoption of amendment (721):

On page 5, after line 21, insert the following:

"**Sec. 12.** RCW 48.21.045 and 2004 c 244 s 1 are each amended to read as follows:

(1)(a) An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.

(2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs (~~due to network provider reimbursement schedules or type of network~~) for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial (within thirty days of the denial).

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum

employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 13. RCW 48.44.023 and 2004 c 244 s 7 are each amended to read as follows:

(1)(a) A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.

(2) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;

(iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs (~~due to network provider reimbursement schedules or type of network~~) for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 14. RCW 48.46.066 and 2004 c 244 s 9 are each amended to read as follows:

(1)(a) A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule

of covered health care services. Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.

(2) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate

adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan."

Correct internal references and correct the title.

POINT OF ORDER

Representative Hunt requested a scope and object ruling on the amendment (721) to Second Substitute House Bill No. 2572.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "Second Substitute House Bill No. 2572 is an act relating to "establishment of the small employer health insurance partnership program." The bill creates a new chapter in Title 70 RCW and establishes a premium assistance program for small business through the Health Care Authority. The bill does not make any changes to the insurance code in Title 48.

Amendment (721) changes insurance regulations for carriers participating in the small group market and amends the insurance code in Title 48.

The amendment is unrelated to the establishment of a premium assistance program for small business through the

Health Care Authority, and is therefore, beyond the scope and object of the bill.

Representative Hunt, your point of order is well taken."

Representative Bailey moved the adoption of amendment (722):

On page 5, after line 21, insert the following:

"**Sec. 12.** RCW 48.21.045 and 2004 c 244 s 1 are each amended to read as follows:

~~(1)((a))~~ An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.~~

~~(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.~~

~~(2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.21.130 through 48.21.240, 48.21.244 through 48.21.280, 48.21.300 through 48.21.320, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the insurer must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) An insurer offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

~~((7))~~ (8) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 13. RCW 48.44.023 and 2004 c 244 s 7 are each amended to read as follows:

~~(1)((a))~~ A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.~~

~~(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.~~

~~(2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.44.210, 48.44.212, 48.44.225, 48.44.240 through 48.44.245, 48.44.290 through 48.44.340, 48.44.344, 48.44.360 through 48.44.380, 48.44.400, 48.44.420, 48.44.440 through 48.44.460, 48.44.500, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the health care service contractor must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) A health care service contractor offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 14. RCW 48.46.066 and 2004 c 244 s 9 are each amended to read as follows:

~~(1)((a))~~ A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.~~

~~(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.~~

~~(2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.46.250, 48.46.272 through 48.46.290, 48.46.320, 48.46.350, 48.46.375, 48.46.440 through 48.46.460, 48.46.480, 48.46.490, 48.46.510, 48.46.520, 48.46.530, 48.46.565, 48.46.570, 48.46.575, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the health maintenance organization must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) A health maintenance organization offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan."

POINT OF ORDER

Representative Hunt requested a scope and object ruling on the amendment (722) to Second Substitute House Bill No. 2572.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "Second Substitute House Bill No. 2572 is an act relating to "establishment of the small employer health insurance partnership program." The bill creates a new chapter in Title 70 RCW and establishes a premium assistance program for small business through the Health Care Authority. The bill does not make any changes to the insurance code in Title 48.

Amendment 722 changes insurance regulations for carriers participating in the small group market and amends the insurance code in Title 48.

The amendment is unrelated to the establishment of a premium assistance program for small business through the Health Care Authority, and is therefore, beyond the scope and object of the bill.

Representative Hunt, your point of order is well taken."

Representative Bailey moved the adoption of amendment (727):

On page 5, after line 21, insert the following:

"NEW SECTION. Sec. 12. The legislature finds and declares that there has been an ongoing controversy over the costs and benefits of existing health care coverage statutory requirements and their effect on health care insurance costs. It is for this reason that an unbiased, independent actuarial study of existing health care coverage statutory requirements needs to be conducted. It is not the intent of the legislature to take any actions in relation to the findings of the study until they can be reviewed and analyzed by the legislature, in consultation with the office of the insurance commissioner, health care providers, health carriers, and health care purchasers.

NEW SECTION. Sec. 13. The office of the insurance commissioner shall contract for an actuarial review and analysis of existing health care coverage statutory requirements. The office of the insurance commissioner shall:

(1) Contract with a qualified independent and impartial entity that has not taken a public position in the past on the merits or consequences of the adoption of health care coverage statutory requirements;

(2) Provide that the review of health care coverage statutory requirements include statutes that:

(a) Mandate that health carriers provide benefits for certain conditions or services;

(b) Prohibit discrimination between health care provider groups who deliver services that are included in a health benefit plan;

(c) Establish requirements as to how a particular service or benefit must be provided by a health carrier in its health benefit plans; and

(d) Require health carriers to offer certain services as an option for individuals or groups purchasing a health benefit plan;

(3) Include the following analyses in the scope of the actuarial review:

(a) The cost of including the statutory requirements in health benefit plans, taking into consideration the impact that covering the statutory requirement has on the utilization of other health services, expressed as a net premium cost or savings per member per month; and

(b) An assessment of whether market demand has already resulted in inclusion of current statutory requirements in a significant number of health benefit plans in states that do not have such statutory requirements; and

(4) Submit an interim report to the governor and appropriate committees of the legislature by December 1, 2005, and a final report by December 1, 2006."

Correct the title.

Representatives Bailey and Ericksen spoke in favor of the adoption of the amendment.

Representative Linville spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (727) to Second Substitute House Bill No. 2572.

ROLL CALL

The Clerk called the roll on the adoption of amendment (727) to Second Substitute House Bill No. 2572, and the amendment was not adopted by the following vote: Yeas - 42, Nays - 56, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 42.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 56.

Representative Bailey moved the adoption of amendment (723):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.21.045 and 2004 c 244 s 1 are each amended to read as follows:

(1)((~~(a)~~)) An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer (~~(a)~~) no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.~~

~~—(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235,~~

~~48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.~~

~~(2)) (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.21.130 through 48.21.240, 48.21.244 through 48.21.280, 48.21.300 through 48.21.320, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.~~

~~(b) In offering the plan under this subsection, the insurer must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).~~

~~(2) An insurer offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.~~

~~(3) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.~~

~~((3)) (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:~~

~~(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:~~

- ~~(i) Geographic area;~~
- ~~(ii) Family size;~~
- ~~(iii) Age; and~~
- ~~(iv) Wellness activities.~~

~~(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.~~

~~(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ((3)) (4).~~

~~(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.~~

~~(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.~~

~~(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:~~

- ~~(i) Changes to the enrollment of the small employer;~~
- ~~(ii) Changes to the family composition of the employee;~~
- ~~(iii) Changes to the health benefit plan requested by the small employer; or~~
- ~~(iv) Changes in government requirements affecting the health benefit plan.~~

~~(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.~~

~~(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ((due to network provider reimbursement schedules or type of network)) for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.~~

~~(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical~~

experience of all small groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ((four)) eight percentage points from the overall adjustment of a carrier's entire small group pool (~~such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal~~)) if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ((sixty)) thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ((within thirty days)) at the time of the denial.

~~((4)) (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.~~

~~((5)) (6)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.~~

~~(b) An insurer shall not require a minimum participation level greater than:~~

~~(i) One hundred percent of eligible employees working for groups with three or less employees; and~~

~~(ii) Seventy-five percent of eligible employees working for groups with more than three employees.~~

~~(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.~~

~~(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.~~

~~((6)) (7) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.~~

~~((7)) (8) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.~~

Sec. 2. RCW 48.44.023 and 2004 c 244 s 7 are each amended to read as follows:

~~(1)((a)) A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ((a)) no more than one health benefit plan featuring a limited schedule of covered health care services. ((Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.~~

~~(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.~~

~~(2)) (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.44.210, 48.44.212, 48.44.225, 48.44.240 through 48.44.245, 48.44.290 through 48.44.340, 48.44.344, 48.44.360 through 48.44.380, 48.44.400, 48.44.420, 48.44.440 through 48.44.460, 48.44.500, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.~~

~~(b) In offering the plan under this subsection, the health care service contractor must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).~~

~~(2) A health care service contractor offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.~~

~~(3) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.~~

~~((3)) (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:~~

~~(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:~~

- ~~(i) Geographic area;~~
- ~~(ii) Family size;~~
- ~~(iii) Age; and~~
- ~~(iv) Wellness activities.~~

~~(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.~~

~~(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ((3)) (4).~~

~~(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.~~

~~(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.~~

~~(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:~~

- ~~(i) Changes to the enrollment of the small employer;~~
- ~~(ii) Changes to the family composition of the employee;~~
- ~~(iii) Changes to the health benefit plan requested by the small employer; or~~
- ~~(iv) Changes in government requirements affecting the health benefit plan.~~

~~(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.~~

~~(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier~~

may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

~~(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool ~~((such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal))~~ if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.~~

~~((4)) (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.~~

~~((5)) (6)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.~~

~~(b) A contractor shall not require a minimum participation level greater than:~~

- ~~(i) One hundred percent of eligible employees working for groups with three or less employees; and~~
- ~~(ii) Seventy-five percent of eligible employees working for groups with more than three employees.~~

~~(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.~~

~~(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.~~

~~((6)) (7) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.~~

Sec. 3. RCW 48.46.066 and 2004 c 244 s 9 are each amended to read as follows:

~~(1)((a))~~ A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude a health maintenance~~

organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.

~~(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.~~

~~(2)) (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.46.250, 48.46.272 through 48.46.290, 48.46.320, 48.46.350, 48.46.375, 48.46.440 through 48.46.460, 48.46.480, 48.46.490, 48.46.510, 48.46.520, 48.46.530, 48.46.565, 48.46.570, 48.46.575, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.~~

~~(b) In offering the plan under this subsection, the health maintenance organization must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).~~

~~(2) A health maintenance organization offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.~~

~~(3) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.~~

~~((3)) (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:~~

~~(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:~~

- ~~(i) Geographic area;~~
- ~~(ii) Family size;~~
- ~~(iii) Age; and~~
- ~~(iv) Wellness activities.~~

~~(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.~~

~~(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ((3)) (4).~~

~~(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.~~

~~(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.~~

~~(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:~~

- ~~(i) Changes to the enrollment of the small employer;~~
- ~~(ii) Changes to the family composition of the employee;~~
- ~~(iii) Changes to the health benefit plan requested by the small employer; or~~
- ~~(iv) Changes in government requirements affecting the health benefit plan.~~

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

~~(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ((four)) eight percentage points from the overall adjustment of a carrier's entire small group pool((- such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal)) if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the health maintenance organization's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ((sixty)) thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ((within thirty days)) at the time of the denial.~~

~~((4)) (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.~~

~~((5)) (6)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.~~

~~(b) A health maintenance organization shall not require a minimum participation level greater than:~~

- ~~(i) One hundred percent of eligible employees working for groups with three or less employees; and~~
- ~~(ii) Seventy-five percent of eligible employees working for groups with more than three employees.~~

~~(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.~~

~~(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.~~

~~((6)) (7) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits~~

for specific diseases, medical conditions, or services otherwise covered by the plan."

Correct the title.

Representative Bailey spoke in favor of the adoption of the amendment.

POINT OF ORDER

Representative Hunt requested a scope and object ruling on the amendment (723) to Second Substitute House Bill No. 2572.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "Second Substitute House Bill No. 2572 is an act relating to "establishment of the small employer health insurance partnership program." The bill creates a new chapter in Title 70 RCW and establishes a premium assistance program for small business through the Health Care Authority. The bill does not make any changes to the insurance code in Title 48.

Amendment (723) changes insurance regulations for carriers participating in the small group market and amends the insurance code in Title 48.

The amendment is unrelated to the establishment of a premium assistance program for small business through the Health Care Authority, and is therefore, beyond the scope and object of the bill.

Representative Hunt, your point of order is well taken."

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell, Cody, Eickmeyer, Linville and Flannigan spoke in favor of passage of the bill.

Representatives Hinkle, Serben, Bailey, Anderson, Ahern, Armstrong and Schindler spoke against the passage of the bill.

Representative Morrell (again) spoke in favor of passage of the bill.

POINT OF ORDER

Representative Chandler: "Mr. Speaker, I believe that the lady reached over the line on the protocol of the House."

SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "The Speaker would ask the gentle lady not to make remarks that could be interpreted as impugning other members."

Representative Morrell (continued) spoke in favor of passage of the bill.

Representatives McDonald, Orcutt and Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2572.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2572 and the bill passed the House by the following vote: Yeas - 57, Nays - 41, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 41.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2575, by Representatives Cody, Morrell and Moeller; by request of Governor Gregoire

Establishing a health technology assessment program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2575 was substituted for House Bill No. 2575 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2575 was read the second time.

Representative Bailey moved the adoption of amendment (710):

On page 1, line 12, after "incorporated." insert "Nothing in this act is intended to ration health care that is provided to individuals in a state purchased health care program."

Representatives Bailey and Cody spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Cody moved the adoption of amendment (705):

On page 7, beginning on line 24, after "recommendation" strike all material through "conclusion" on line 26 and insert ", at the discretion of the oversight committee"

Representatives Cody and Hinkle spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Cody moved the adoption of amendment (706):

On page 8, at the beginning of line 16 insert "an"

On page 8, beginning on line 16, after "federal statute" strike all material through "recommendation" on line 18 and insert "or regulation, or state statute"

Representatives Cody and Hinkle spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Cody moved the adoption of amendment (707):

On page 10, after line 14, insert the following:

"NEW SECTION. Sec. 8. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Representatives Cody and Hinkle spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Hinkle, Morris and Bailey spoke in favor of passage of the bill.

Representative Ahern spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2575.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2575 and the bill passed the House by the following vote: Yeas - 72, Nays - 26, Excused - 0.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Campbell, Chase, Clements, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Sommers, Springer, Strow, Sullivan, B., Sullivan, P.,

Takko, Tom, Upthegrove, Wallace, Walsh, Wood, Woods and Mr. Speaker - 72.

Voting nay: Representatives Ahern, Alexander, Armstrong, Buck, Buri, Chandler, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Holmquist, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Schindler, Serben, Simpson, Skinner, Sump, Talcott and Williams - 26.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2575, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

February 8, 2006

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5179,
SENATE BILL NO. 5325,
SUBSTITUTE SENATE BILL NO. 6185,
SUBSTITUTE SENATE BILL NO. 6188,
SUBSTITUTE SENATE BILL NO. 6246,
SUBSTITUTE SENATE BILL NO. 6262,
SENATE BILL NO. 6280,
SENATE BILL NO. 6371,
SUBSTITUTE SENATE BILL NO. 6617,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6870,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 8, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5126,
SENATE BILL NO. 6159,
SUBSTITUTE SENATE BILL NO. 6221,
SENATE BILL NO. 6344,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6428,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6776,
SENATE BILL NO. 6816,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SECOND READING SUSPENSION

HOUSE BILL NO. 2500, by House Committee on Health Care (originally sponsored by Representatives Green, Morrell, Cody, Schual-Berke, Clibborn and Conway; by request of Insurance Commissioner)

Requiring health carriers to report certain information.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The substitute bill was placed on final passage.

Representatives Green and Hinkle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2500.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2500 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2500, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2972, by Representatives Clibborn, Hinkle, Curtis, B. Sullivan, Cody, Moeller, P. Sullivan, Kenney, Kilmer and Jarrett

Determining community rates for health benefit plans.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Clibborn and Hinkle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2972.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2972 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2972, having received the necessary constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 2925, by Representatives Santos, Morrell, Bailey, Cody, Hinkle, Pettigrew, Linville and Schual-Berke

Concerning assisted living facility medicaid minimum occupancy of fifty percent or greater.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2925 was substituted for House Bill No. 2925 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2925 was read the second time.

Representative Hinkle moved the adoption of amendment (712):

On page 1, line 10, after "percentage of" strike "sixty" and insert "fifty"

Representatives Hinkle and Armstrong spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Santos moved the adoption of amendment (719):

On page 1, at the beginning of line 7, insert "(1)"

On page 1, after line 18, insert the following:
"(2) This section applies to assisted living facility rates established on or after January 1, 2006."

Representative Santos spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos, Hinkle and Armstrong spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2925.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2925 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell,

Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

HOUSE BILL NO. 1383, by Representatives Condotta, Bailey, Newhouse, Curtis, Hinkle, Pearson, Kretz, Strow, Armstrong, Kristiansen, Talcott, Skinner and Holmquist

Requiring the public employees' benefits board to develop a health savings account option for employees.

The bill was read the third time.

There being no objection, the rules were suspended and HOUSE BILL NO. 1383 was returned to Second Reading for purpose of amendments.

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

SECOND READING

HOUSE BILL NO. 1383, by Representatives Condotta, Bailey, Newhouse, Curtis, Hinkle, Pearson, Kretz, Strow, Armstrong, Kristiansen, Talcott, Skinner and Holmquist

Requiring the public employees' benefits board to develop a health savings account option for employees.

Representative Condotta moved adoption of amendment (665):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.05.006 and 1988 c 107 s 2 are each amended to read as follows:

(1) The legislature recognizes that (a) the state is a major purchaser of health care services, (b) the increasing costs of such health care services are posing and will continue to pose a great financial burden on the state, (c) it is the state's policy, consistent with the best interests of the state, to provide comprehensive health care as an employer, to state employees and officials and their dependents and to those who are dependent on the state for necessary medical care, and (d) it is imperative that the state begin to develop effective and efficient health care delivery systems and strategies for

procuring health care services in order for the state to continue to purchase the most comprehensive health care possible.

(2) It is therefore the purpose of this chapter to establish the Washington state health care authority whose purpose shall be to (a) develop health care benefit programs that provide access to at least one comprehensive benefit plan funded to the fullest extent possible by the employer, ~~((that provide comprehensive health care))~~ and a health savings account/high deductible health plan option as defined in section 1201 of the medicare prescription drug improvement and modernization act of 2003, as amended, for eligible state employees, officials, and their dependents, and (b) study all state-purchased health care, alternative health care delivery systems, and strategies for the procurement of health care services and make recommendations aimed at minimizing the financial burden which health care poses on the state, its employees, and its charges, while at the same time allowing the state to provide the most comprehensive health care options possible.

Sec. 2. RCW 41.05.065 and 2005 c 518 s 920 and 2005 c 195 s 1 are each reenacted and amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of public employee benefit plans to be offered to enrollees participating in the employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993. Nothing in this subsection (2)(g) shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits or the administration of a high deductible health plan in conjunction with a health savings account.

(3) The board shall design benefits and determine the terms and conditions of employee and retired employee participation and coverage, including establishment of eligibility criteria. The same terms and conditions of participation and coverage, including eligibility criteria, shall apply to state employees and to school district employees and educational service district employees.

(4) The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems. During the 2005-2007 fiscal biennium, the board may only authorize premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or

nonrepresented by a collective bargaining unit under the personnel system reform act of 2002. The board shall require participating school district and educational service district employees to pay at least the same employee premiums by plan and family size as state employees pay.

(5) The board shall develop a health savings account option for employees that conform to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The board shall comply with all applicable federal standards related to the establishment of health savings accounts.

(6) Notwithstanding any other provision of this chapter, the board shall develop a high deductible health plan to be offered in conjunction with a health savings account developed under subsection (5) of this section.

(7) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

~~((6))~~ (8) The board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

~~((7))~~ (9) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and retired school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments and employees of political subdivisions not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the administrator, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits board, shall establish

marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the board.

(h) By December 1998, the health care authority, in consultation with the public employees' benefits board, shall submit a report to the appropriate committees of the legislature, including an analysis of the marketing and distribution of the long-term care insurance provided under this section."

Correct the title.

Representatives Condotta and Cody spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Condotta and Cody spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1383.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1383 and the bill passed the House by the following vote: Yeas - 87, Nays - 11, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cox, Crouse, Curtis, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Walsh, Wood, Woods and Mr. Speaker - 87.

Voting nay: Representatives Appleton, Conway, Darneille, Hasegawa, Hudgins, Murray, Ormsby, Schual-Berke, Simpson, Wallace and Williams - 11.

ENGROSSED HOUSE BILL NO. 1383, having received the necessary constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote on third reading by which ENGROSSED HOUSE BILL NO. 1383 passed the House.

RECONSIDERATION

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1383 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1383 on reconsideration and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Cox, Crouse, Curtis, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Wood, Woods and Mr. Speaker - 88.

Voting nay: Representatives Appleton, Conway, Darneille, Hasegawa, Hudgins, Murray, Ormsby, Schual-Berke, Simpson and Williams - 10.

ENGROSSED HOUSE BILL NO. 1383 on reconsideration, having received the necessary constitutional majority, was declared passed.

There being no objection, HOUSE BILL NO. 3186 was removed from the Suspension Calendar, and the bill was placed on the Second Reading calendar.

There being no objection, the Rules Committee was relieved of the following bills which were placed on second reading:

HOUSE BILL NO. 1523,
HOUSE BILL NO. 1815,
HOUSE BILL NO. 2334,
HOUSE BILL NO. 2348,
HOUSE BILL NO. 2349,
HOUSE BILL NO. 2352,
HOUSE BILL NO. 2353,
HOUSE BILL NO. 2414,
HOUSE BILL NO. 2416,
HOUSE BILL NO. 2422,
HOUSE BILL NO. 2457,
HOUSE BILL NO. 2495,
HOUSE BILL NO. 2498,
HOUSE BILL NO. 2537,
HOUSE BILL NO. 2538,
HOUSE BILL NO. 2565,
HOUSE BILL NO. 2597,
HOUSE BILL NO. 2640,
HOUSE BILL NO. 2644,
HOUSE BILL NO. 2645,
HOUSE BILL NO. 2669,
HOUSE BILL NO. 2673,
HOUSE BILL NO. 2723,
HOUSE BILL NO. 2726,
HOUSE BILL NO. 2738,
HOUSE BILL NO. 2758,
HOUSE BILL NO. 2815,
HOUSE BILL NO. 2836,
HOUSE BILL NO. 2860,
HOUSE BILL NO. 2917,
HOUSE BILL NO. 2939,
HOUSE BILL NO. 3033,
HOUSE BILL NO. 3059,
HOUSE BILL NO. 3098,

HOUSE BILL NO. 3159,
HOUSE BILL NO. 3164,
HOUSE BILL NO. 3185,
HOUSE BILL NO. 3190,
HOUSE BILL NO. 3222,
HOUSE BILL NO. 3237,
HOUSE BILL NO. 3251,
HOUSE BILL NO. 3282,
HOUSE BILL NO. 3287,
HOUSE JOINT RESOLUTION NO. 4223,

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

There being no objection, the House adjourned until 10:00 a.m., February 9, 2006, the 32nd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

THIRTY SECOND DAY

House Chamber, Olympia, Thursday, February 9, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brian Stacey and Marissa Macy. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Chaplain Richard Lopez, Olympia Fire Department.

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

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

SECOND READING

HOUSE BILL NO. 1010, By Representatives Morris, Hudgins, Morrell, Linville, B. Sullivan, McCoy and Chase

Concerning energy efficiency and renewable energy standards.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1010 was substituted for House Bill No. 1010 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1010 was read the second time.

Representative Morris moved the adoption of amendment (736):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to establish a goal of encouraging the construction and development of new energy resources in the state of Washington to meet increasing demand for affordable and reliable electricity. Since electricity supply may lag behind electricity demand, the result may be a sharp increase in electricity prices. The legislature finds that it is desirable to shorten the time it takes to bring new electricity generation to market. The legislature also recognizes the resulting infrastructure to get new electricity generation to market may not be available, which may also lead to more expensive electricity prices. The legislature intends that information obtained from integrated resource planning under this chapter will be used to assist in identifying and developing new energy generation and related infrastructure to meet growing electricity demand.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the Washington state utilities and transportation commission.

(2) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed

under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(3) "Department" means the department of community, trade, and economic development.

(4) "Electric utility" means a consumer-owned or investor-owned utility.

(5) "Governing body" means the board of directors, city council, commissioners, or board of any consumer-owned utility.

(6) "Integrated resource plan" means a plan describing the mix of generating resources and improvements in the efficient generation, transmission, distribution, and use of electricity that will meet current and future needs at the lowest reasonable cost to the utility and its ratepayers and that complies with the requirements specified in Section 3(1).

(7) "Resource plan" means a plan that estimates electricity loads and resources over a defined period of time and complies with the requirements in Section 3(2).

(8) "Plan" means either an integrated resource plan or a resource plan.

(9) "Investor-owned utility" means a corporation owned by investors that meets the definition of electrical company in RCW 80.04.010 and is engaged in distributing electricity to more than one retail electric customer in the state.

(10) "Renewable energy" means resources whose common characteristic is that they are nondepletable or are naturally replenishable existing or emerging nonfossil fuel energy sources or technologies, and shall include but not be limited to the following:

(a) Solar photovoltaic or solar thermal electric energy;

(b) wind energy;

(c) ocean thermal, wave, or tidal energy;

(d) fuel cells;

(e) landfill gas;

(f) incremental gains in energy production from capital and operational improvements in hydroelectric generating facilities;

(g) run of river hydropower generation;

(h) hydroelectric generation that does not impede the flow in naturally flowing water;

(i) advanced biomass power conversion technologies, such as gasification using such biomass fuels as wood, agricultural, or food wastes, energy crops, biogas, biodiesel, or organic refuse-derived fuel;

(j) biomass energy using animal waste, solid organic fuels from wood, forest, or field residues, dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol or copper chrome arsenic; and

(k) lignin in spent pulping liquors.

(l) The following technologies or fuels shall not be considered renewable energy supplies: Coal, oil, nuclear power, or fuel gases, excluding fuel gases that are used in a combined heat and power plant designed to produce both heat and electricity from a single heat source.

(11) "Full requirements customer" means an electric utility that relies on the Bonneville power administration for all power needed to supply its total load requirement other than that served by nondispatchable generating resources totaling no more than six megawatts or renewable resources.

(12) "Lowest reasonable cost" means the lowest cost mix of resources determined through a detailed and consistent analysis of a wide range of commercially available sources. At a minimum, this analysis must consider resource cost, market-volatility risks, demand-side resource

uncertainties, resource dispatchability, resource effect on system operation, the risks imposed on ratepayers, public policies regarding resource preference adopted by Washington state or the federal government and the cost of risks associated with environmental effects including emissions of carbon dioxide.

(13) "Conservation" means any reduction in electric power consumption that results from increases in the efficiency of energy use, production, or delivery.

NEW SECTION. Sec. 3. (1) Except as otherwise provided under this section, utilities with more than 25,000 customers that are not full-requirements customers must develop an integrated resource plan consistent with the provisions of this section by July 31, 2007. Such a plan, at a minimum, must include:

- (a) A range of forecasts of future customer demand using methods that examine the effect of economic forces on the consumption of electricity and that address changes in the number, type, and efficiency of electrical end-uses;
 - (b) An assessment of technically feasible and commercially available efficiency improvements in the generation, delivery, and use of electricity, including load management and fuel switching, as well as currently employed and new policies and programs needed to obtain the efficiency improvements;
 - (c) An assessment of technically feasible and commercially available utility scale generating technologies including but not limited to renewable resources, cogeneration, power purchases, and thermal resources;
 - (d) An assessment of transmission system capability and reliability, to the extent such information can be provided consistent with applicable laws;
 - (e) An evaluation comparing the cost-effectiveness of generating resources with the cost-effectiveness of efficiency improvements in the delivery and use of electricity;
 - (f) The integration of the demand forecasts and resource evaluations into a long-range integrated resource plan describing the mix of resources and efficiency measures that will meet current and future needs at the lowest reasonable cost to the utility and ratepayers;
 - (g) A short-term plan outlining the specific actions to be taken by the utility consistent with the long-range integrated resource plan; and
 - (h) For all plans subsequent to the initial integrated resource plan, a progress report that relates the new plan to the previous plan.
- (2) All other utilities may elect to develop a full integrated resource plan as set forth in sub-section (1) or, at a minimum, shall develop by July 31, 2007, a resource plan that:
- (a) Estimates loads for the next 5 and 10 years;
 - (b) Enumerates the resources that will be maintained and/or acquired to serve those loads; and
 - (c) Explains why the resources in (b) were chosen and, if the resources chosen are not renewable resources or conservation, why such a decision was made.
- (3) In development of a resource plan under subsection (2), a utility may use data submitted to federal power marketing agencies that is equivalent to the data required in this subsection.
- (4) Plans developed under this section must be updated on a regular basis, at a minimum of intervals of three years.
- (5) Plans shall not be a basis to bring legal action against electric utilities.

NEW SECTION. Sec. 4. (1) Investor-owned utilities shall submit integrated resource plans to the commission. The commission shall establish by rule the requirements for preparation and submission of integrated resource plans.

(2) The commission may adopt additional rules as necessary to clarify the requirements of section 3 of this act as they apply to investor-owned utilities.

NEW SECTION. Sec. 5. (1) Before conducting or contracting for work under this act, the governing body of each utility shall approve a work plan that includes public comment opportunities. Only after complying with its adopted work plan may a governing body approve a proposed plan. Upon approval of its governing board, each consumer-owned utility required to develop a plan shall

publish a final plan either as part of an annual report or as a separate document available to the public.

(2) Each consumer owned utility required to develop a plan shall transmit a copy of its plan to the department by December 31, 2007, and transmit subsequent plans to the department at least every three years thereafter. The department shall develop, in consultation with utilities, a common cover sheet that summarizes the essential data in their plans.

(3) Consumer-owned utilities may develop plans jointly with other consumer-owned utilities. Data and assessments included in joint reports must be identifiable to each individual utility.

(4) Consumer-owned utilities are encouraged to use resource planning concepts, techniques and information provided to and by other state, regional, national and bi-national entities in developing their plans.

NEW SECTION. Sec. 6. The department shall review the plans of consumer and investor owned utilities and prepare an electronic report to the legislature that aggregates the data submitted by all utilities, summarizes at a state-wide level the resource choices and dates specified in the plans. The commission shall provide the department with data summarizing the plans of investor owned utilities for use in the department's statewide summary. Individual utility plans will be provided to the legislature. The report shall include a statewide summary of utility load forecasts, load/resource balance, and utility plans for the development of thermal generation, renewable resources, and efficiency resources. The department shall submit the initial report by June 30, 2008, and subsequent reports every three years thereafter. Where appropriate, the department may include reports required by this section within the biennial report required under RCW 43.21F.045.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 19 RCW."

Representatives Morris and Crouse spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1010.

MOTION

On motion of Representative Santos, Representative Schual-Berke was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1010 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer,

Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Armstrong - 1.

Excused: Representative Schual-Berke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1650, By Representatives O'Brien, Newhouse, Lovick and Rodne; by request of Integrated Justice Information Board

Addressing the failure to respond to citations and notices of infractions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1650 was substituted for House Bill No. 1650 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1650 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1650.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1650 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1650, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1641, By Representatives Kretz, Blake, Ahern, Buri, Ericks, Serben, DeBolt, Schindler, Kristiansen, Condotta, Orcutt, Strow, Cox, Buck and Armstrong

Decriminalizing vessel registration violations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kretz and Blake spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1641.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1641 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 1641, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1436, By Representatives McDermott, Clibborn, Dickerson, Santos, Moeller, Simpson and McIntire

Allowing public funding of local office campaigns.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDermott, Hunt, Miloscia and Haigh spoke in favor of passage of the bill.

Representatives Nixon, Anderson, Armstrong, Shabro, Buck, Orcutt, Skinner and Clements spoke against the passage of the bill.

There being no objection, the House deferred action on HOUSE BILL NO. 1436, and the bill held its place on the Third Reading calendar.

HOUSE BILL NO. 2344, By Representatives Kessler, Buck, Kagi, Curtis, Takko, Blake and Kenney

Authorizing three superior court judges in Clallam county.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2344 was substituted for House Bill No. 2344 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2344 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler, Buck, Takko, Orcutt and Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2344.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2344 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2344, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2372, By Representatives Cox, Buri, Williams, Blake, Moeller, Buck, Conway, Sump, P. Sullivan, Springer, Haler, Ericks, Kretz, Simpson, Dunn and Ormsby

Encouraging volunteers to teach hunter education courses.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2372 was substituted for House Bill No. 2372 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2372 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cox and B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2372.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2372 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2372, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2382, By Representatives Kretz, Haler and Holmquist

Providing limited liability immunity for injuries at bovine handling facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2382 was substituted for House Bill No. 2382 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2382 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kretz and Williams spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2382.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2382 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2382, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2389, By Representatives Kagi and Moeller

Adding porphyria to the list of disabilities for special parking privileges.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2389 was substituted for House Bill No. 2389 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2389 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Buck spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2389.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2389 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa,

Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2389, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2404, By Representatives Cody and Morrell; by request of Insurance Commissioner

Regulating retainer health care practices.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2404 was substituted for House Bill No. 2404 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2404 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Curtis, Bailey, Hinkle, Morrell, Campbell and Schual-Berke spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2404.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2404 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Anderson, Chandler and Dunn - 3.

SUBSTITUTE HOUSE BILL NO. 2404, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2408, By Representatives O'Brien, Rodne, Ericks, Lovick, Anderson, Jarrett, Nixon, McDonald, Williams, Darneille, Buck, Conway, P. Sullivan, Tom, Takko, Lantz, Kilmer, Fromhold, B. Sullivan, Morrell, Simpson, Springer, Green, Miloscia, Sells, Campbell and Ormsby

Modifying the statute of limitations toll for felony sex offenses.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2408.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2408 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2408, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2420, By Representatives Kessler and Haigh; by request of Lieutenant Governor

Outlining the duties of the lieutenant governor.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2420 was substituted for House Bill No. 2420 and the substitute bill was placed on second reading.

SUBSTITUTE HOUSE BILL NO. 2420 was read a second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kessler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2420.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2420 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2420, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2453, By Representatives Williams, Hunt, Moeller, Chase and Morrell

Making the Washington essential property insurance inspection and placement program apply to all counties.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Williams and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2453.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2453 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray,

Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2453, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2481, By Representatives Williams, Blake, Appleton, Moeller, Hasegawa, Chase, Rodne, Eickmeyer, Conway, Roberts, Hunt and Simpson

Insuring victims of crimes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2481 was substituted for House Bill No. 2481 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2481 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Williams and Roach spoke in favor of passage of the bill.

Representative Newhouse spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2481.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2481 and the bill passed the House by the following vote: Yeas - 71, Nays - 27, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 71.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Newhouse, Nixon, Pearson, Schindler, Sump and Talcott - 27.

SUBSTITUTE HOUSE BILL NO. 2481, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 2481.

GARY ALEXANDER, 20th District

HOUSE BILL NO. 2501, By Representatives Schual-Berke, Cody and Morrell; by request of Insurance Commissioner

Regulating group health benefit plan coverage of mental health services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2501.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2501 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2501, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2507, By Representatives Kenney, Shabro, Hasegawa, Morrell, Rodne, Lantz and Ormsby

Prohibiting false or misleading college degrees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2507 was substituted for House Bill No. 2507 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2507 was read the second time.

Representative Sells moved the adoption of amendment (734):

On page 5, beginning on line 17, after "institution" strike ", as defined by chapter 28B.90 RCW"

On page 5, line 19, after "(2)" insert "As used in this section, "foreign degree-granting institution" means a public or private college or university, either profit or nonprofit, that:

- (a) Is domiciled in a foreign country;
 - (b) Offers in its country of domicile credentials, instruction, and services prerequisite to the obtaining of an academic or professional degree granted by such college or university; and
 - (c) Is authorized under the laws or regulations of its country of domicile to operate a degree-granting institution in that country.
- (3)"

Representatives Sells and Cox spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney, Cox, Flannigan, Shabro and Strow spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2507.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2507 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2571, By Representatives Morrell, Cody, Conway, Blake, Eickmeyer, Wallace, Flannigan, Roberts and Hasegawa

Collecting health care services debt under the homestead exemption.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2571 was substituted for House Bill No. 2571 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2571 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell and Serben spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2571.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2571 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2571, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1107, By Representatives Dickerson, Talcott, Linville, Tom, Priest, Darneille, Pettigrew, Shabro, Jarrett, McCoy, Roberts, Kagi, Clements, Dunn, Hunter, Quall, Haler, Hinkle, Cody, Walsh, Ormsby, Kilmer, Simpson, Kessler, Morrell, Williams, O'Brien, Chase, Hunt, Schual-Berke, Conway, Santos, Haigh, Upthegrove and B. Sullivan

Providing for early intervention services for children with disabilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1107 was substituted for House Bill No. 1107 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1107 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1107.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1107 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1107, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE HOUSE BILL NO. 1483, By House Committee on Appropriations (originally sponsored by Representatives Dickerson, McDonald, Moeller, Darneille, Jarrett, Simpson, Morrell, Sommers, Kenney, McDermott, Kagi, Chase and Clibborn)

Establishing a reinvesting in youth program.

The bill was read the second time.

There being no objection, Fourth Substitute House Bill No. 1483 was substituted for Second Substitute House Bill No. 1483 and the fourth substitute bill was placed on the second reading calendar.

FOURTH SUBSTITUTE HOUSE BILL NO. 1483 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Fourth Substitute House Bill No. 1483.

ROLL CALL

The Clerk called the roll on the final passage of Fourth Substitute House Bill No. 1483 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

FOURTH SUBSTITUTE HOUSE BILL NO. 1483, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2002, By Representatives Dickerson, Roberts, Kagi, Kenney and Santos

Authorizing limited continuing foster care and support services up to age twenty-one.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2002 was substituted for House Bill No. 2002 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2002 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2002.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2002 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers,

Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 2002, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Morris to preside.

HOUSE BILL NO. 2465, By Representatives Lovick, Kessler, P. Sullivan, Halder and O'Brien; by request of Washington State Patrol

Modifying vehicle equipment standards related to original equipment installed.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick, Woods and Kessler spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2465.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2465 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Halder, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2465, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2466, By Representatives Lovick, McCoy, Conway, Halder, Sells, Morris, Dunshee, Ericks, Morrell, O'Brien and Green; by request of Governor Gregoire

Providing excise tax relief for aerospace businesses.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2466.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2466 and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Halder, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Talcott, Tom, Upthegrove, Wallace, Walsh, Wood, Woods and Mr. Speaker - 88.

Voting nay: Representatives Appleton, Blake, Chase, Darneille, Eickmeyer, Flannigan, Hasegawa, Kirby, Takko and Williams - 10.

HOUSE BILL NO. 2466, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Lovick to preside.

MESSAGE FROM THE SENATE

February 9, 2006

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5385,
ENGROSSED SENATE BILL NO. 6152,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6166,
SENATE BILL NO. 6219,
SUBSTITUTE SENATE BILL NO. 6336,
SENATE BILL NO. 6338,
SUBSTITUTE SENATE BILL NO. 6439,
SUBSTITUTE SENATE BILL NO. 6571,
SECOND SUBSTITUTE SENATE BILL NO. 6823,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 2395, By Representatives Dickerson, Williams, Hasegawa, Darneille, Morrell, Roberts, Kagi, Flannigan, B. Sullivan and Miloscia

Addressing the impact of domestic violence on children.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2395 was substituted for House Bill No. 2395 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2395 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2395.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2395 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2395, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2423, By Representatives Anderson, Talcott, Rodne and Hunter

Encouraging the creation of a comprehensive guidance, counseling, and planning program in schools.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2423 was substituted for House Bill No. 2423 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2423 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson, Quall, Talcott and Hunter spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2423.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2423 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Clements, Crouse and Dunn - 3.

SUBSTITUTE HOUSE BILL NO. 2423, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2489, By Representatives Hunter, Jarrett, P. Sullivan, Springer, Morrell, Tom, Simpson, Miloscia, O'Brien, Roberts and Green

Assisting students to graduate from high school on time.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2489 was substituted for House Bill No. 2489 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2489 was read the second time.

Representative Talcott moved the adoption of amendment (670):

On page 12, after line 9, insert the following:
"NEW SECTION. Sec. 7. A new section is added to chapter 28A.300 RCW to read as follows:

Subject to the availability of funds appropriated for this purpose, the superintendent of public instruction shall negotiate statewide contracts with providers of online courses, materials, and diagnostic assessments to provide remedial extended learning activities and prerediation and postremediation assessments under section 2 of this act. The superintendent shall act as a broker between school districts that elect to use the courses, materials, or assessments offered by a provider and the provider in order to facilitate contract negotiations, ensure consistent and equitable contract terms, and reduce administrative burden on both parties. Nothing in this section prevents a school district from independently negotiating contracts with providers of online courses, materials, or diagnostic assessments."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

Representatives Talcott and Haigh spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter, Jarrett, Tom and Quall spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2489.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2489 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Clements and Dunn - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2489, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2489.

JIM MCCUNE, 2nd District

HOUSE BILL NO. 2582, By Representatives Upthegrove, Hunter, Appleton, Hasegawa, Quall, Clibborn, Simpson, Green, Ormsby, Kenney, Hudgins and Kagi

Expanding high school completion programs.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2582 was substituted for House Bill No. 2582 and the

second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2582 was read the second time.

Representative Upthegrove moved the adoption of amendment (728):

On page 2, line 13, after "study" insert ", on the college campus,"

On page 2, line 21, after "programs" strike all material through "campus" on line 22

On page 3, line 6, after "delivery." insert "Colleges may also make courses or programs under this section available for students at locations in addition to the college campus but not on a high school campus."

Representatives Upthegrove and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Upthegrove moved the adoption of amendment (729):

On page 2, line 30, after "college;" insert "or"

On page 2, line 31, after "(c)" strike all material through "(d)" on page 3, line 3

On page 3, after line 13, insert the following:

"(4) Nothing in this section or section 4 of this act precludes a community or technical college from offering courses or a program of study for students other than eligible students as defined by section 4 of this act to obtain a high school diploma, nor is intended to restrict diploma completion programs offered by school districts or educational service districts. Community and technical colleges and school districts are encouraged to consult with educational service districts in the development and delivery of programs and courses required under this section."

Representatives Upthegrove and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Upthegrove, Talcott, Hunter, Jarrett and Talcott (again) spoke in favor of passage of the bill.

Representative Clements spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2582.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2582 and the bill passed the

House by the following vote: Yeas - 85, Nays - 13, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Blake, Buck, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, Morris, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 85.

Voting nay: Representatives Anderson, Bailey, Buri, Clements, Cox, Dunn, Ericksen, Hinkle, Holmquist, McDonald, Rodne, Skinner and Strow - 13.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2582, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2583, By Representatives Kenney, Cox, Conway, Hasegawa, Roberts, Appleton, Upthegrove, Morrell, Linville, Hunt, Dickerson and Ormsby

Regarding community and technical college part-time academic employee health benefits.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2583 was substituted for House Bill No. 2583 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2583 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney, Cox and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2583.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2583 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald,

McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 2583, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2595, By Representatives Kenney, Cox, Hasegawa, Hankins, Roberts, McIntire, Fromhold, Kilmer, Morrell, Rodne, Santos, Clibborn, Ormsby, O'Brien, Jarrett, Walsh, Conway, Wood, Kessler, Linville, Kagi, Appleton, Green, McCoy, Blake, Lantz, Sells, Campbell, P. Sullivan, Simpson, Schual-Berke, McDonald, Haigh, Dickerson, Moeller, Springer and Wallace

Providing for academic employee salary increments for community and technical colleges.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2595 was substituted for House Bill No. 2595 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2595 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2595.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2595 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Anderson and Chandler - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 2595, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2630, By Representatives Kenney, Cox, Kessler, Priest, Conway, Hunter, Buri, Fromhold, Sells, Grant, Ormsby, Quall, Haigh, Clements, Roberts, Upthegrove, McDermott, Hasegawa, Santos, Flannigan, Appleton, Rodne, Clibborn, Simpson, Linville, Kagi, Dickerson, P. Sullivan, Morrell, Moeller, Ericks and Kilmer

Creating the opportunity grant program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2630 was substituted for House Bill No. 2630 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2630 was read the second time.

Representative Conway moved the adoption of amendment (739):

On page 1, line 13, after "(1)" strike all material through "organization" on line 18 and insert "The college board, a nonprofit organization that has been established to address work force development issues by a recognized statewide organization of employers representing a majority of employers in the state, and the workforce training and education coordinating board, in consultation with a statewide high-technology organization, shall"

Representatives Conway spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Ormsby moved the adoption of amendment (730):

On page 3, line 12, after "(1)" strike "Subject to approval of the board, the Washington state institute for public policy" and insert "The workforce training and education coordinating board, with cooperation from the college board and the higher education coordinating board,"

On page 3, line 30, after "(2)" strike "The Washington state institute of public policy" and insert "The workforce training and education coordinating board"

On page 3, line 34, after "(3)" strike "The Washington state institute of public policy" and insert "The workforce training and education coordinating board"

On page 3, line 36, after "the" strike "institute" and insert "workforce training and education coordinating board"

On page 4, line 2, after "the" strike "institute" and insert "workforce training and education coordinating board"

Representative Ormsby spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney, Cox and Wallace spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2630.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2630 and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Chandler, Dunn, Orcutt and Schindler - 4.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2630, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2733, By Representatives P. Sullivan, Simpson, Haler, McCoy, Schual-Berke, Curtis, Green and Morrell

Changing the requirements for information on high school transcripts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2733 was substituted for House Bill No. 2733 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2733 was read the second time.

Representative Talcott moved the adoption of amendment (738):

On page 1, line 11, after "include" strike "~~((the following information:~~

~~(a))~~" and insert "~~((the following information)):~~
~~((a))~~"

On page 1, at the beginning of line 18, after "~~(e))~~" strike "~~a~~" and insert "(a) A"

On page 2, line 3, after "assessment" insert "; and

(b) A notation of "achieved advanced level on the Washington assessment of student learning in" for each content area in which the student achieved a level four on the Washington assessment of student learning"

On page 4, beginning on line 2 strike "assessment. (8))" and insert "assessment.)"

(8) Beginning with the graduating class of 2008, each student shall receive a notation on his or her transcript of "achieved advanced level on the Washington assessment of student learning in" for each content area in which the student achieved a level four on the Washington assessment of student learning."

Representative Talcott spoke in favor of the adoption of the amendment.

Representative P. Sullivan spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (738) to Substitute House Bill No. 2733.

ROLL CALL

The Clerk called the roll on the adoption of amendment (738) to Substitute House Bill No. 2733, and the amendment was not adopted by the following vote: Yeas - 39, Nays - 59, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Strow, Sump, Talcott, Walsh and Woods - 39.

Voting nay: Representatives Appleton, Blake, Chase, Clements, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 59.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives P. Sullivan, Quall, Nixon and Schindler spoke in favor of passage of the bill.

Representatives Talcott, Anderson and Clements spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2733.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2733 and the bill passed the House by the following vote: Yeas - 77, Nays - 21, Excused - 0.

Voting yea: Representatives Ahern, Appleton, Armstrong, Blake, Buck, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roberts, Santos, Schindler, Schual-Berke, Sells, Serben, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 77.

Voting nay: Representatives Alexander, Anderson, Bailey, Buri, Chandler, Cox, DeBolt, Dunn, Ericksen, Hinkle, Holmquist, Jarrett, Kretz, McCune, Orcutt, Roach, Rodne, Shabro, Strow, Sump and Talcott - 21.

SUBSTITUTE HOUSE BILL NO. 2733, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2785, By Representatives Quall, Tom, P. Sullivan, Hunter, Morrell, Nixon, Rodne, Roberts, Schual-Berke, Simpson, Springer, Sells, Lantz, Linville, Dunshee and Kagi; by request of Superintendent of Public Instruction

Authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2785 was substituted for House Bill No. 2785 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2785 was read the second time.

Representative Talcott moved the adoption of amendment (732):

On page 8, line 19, after "resolution." insert "The state board of education shall submit the first proposed scores to the legislature by December 1, 2006."

Representative Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall, Tom and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2785.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2785 and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Excused - 0.

Voting yea: Representatives Ahern, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Alexander, Chandler, Clements and Dunn - 4.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2785, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2789, By Representatives Quall, Conway, Wood, Hasegawa, Haigh, Ormsby, Murray, Chase, Kessler, Morrell, Green, Roberts, McCoy, Moeller, Simpson, Sells, Lantz, McDermott, Ericks, Hankins, Kagi and Hudgins; by request of Governor Gregoire

Expanding apprenticeship opportunities for high school graduates.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2789 was substituted for House Bill No. 2789 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2789 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall, Conway, Cox, Hinkle, Clements and Curtis spoke in favor of passage of the bill.

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2789.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2789 and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Chandler, Crouse, Dunn and Orcutt - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 2789, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2812, By Representatives Hunter, Rodne, Quall, Nixon, P. Sullivan, Jarrett, Clibborn, Tom, Morrell, Fromhold, Roberts, Schual-Berke, Simpson, Anderson and Kagi

Modifying school district levy provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2812 was substituted for House Bill No. 2812 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2812 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Jarrett spoke in favor of passage of the bill.

Representatives Priest and Alexander spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2812.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2812 and the bill passed the House by the following vote: Yeas - 62, Nays - 36, Excused - 0.

Voting yea: Representatives Anderson, Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia,

Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Walsh and Woods - 36.

SUBSTITUTE HOUSE BILL NO. 2812, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 2817, By Representatives Sells, McCoy, Strow, Dunshee, Lovick, Jarrett, Morris, Ormsby, Morrell, Haler, O'Brien, Fromhold, Ericks, Kilmer and B. Sullivan

Establishing technology priorities for institutions of higher education.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2817 was substituted for House Bill No. 2817 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2817 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sells, Dunn and Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2817.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2817 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2817, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2857, By Representatives Kenney, Sells, Cox, Rodne and Kessler

Revising terms of appointment of student regents and trustees.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2857.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2857 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2857, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2867, By Representatives Kenney, Haler, Grant, Hankins, Cox, Sells, Roberts, Fromhold, Armstrong, Walsh, Skinner and Newhouse

Regarding expansion of WSU Tri-Cities into a four-year institution.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2867 was substituted for House Bill No. 2867 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2867 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney, Haler, Hankins, Grant, Walsh and Dunn spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2867.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2867 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2867, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2964, By Representatives Kagi, Talcott, Walsh, Quall, Haler, Shabro, Fromhold, Kessler, Hunt, Appleton, Lantz, Darneille, Kenney, Chase, Hasegawa, Sells, Roberts, Hunter, Moeller, McCoy, Santos, Green and Simpson; by request of Governor Gregoire

Creating the department of early learning.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2964 was substituted for House Bill No. 2964 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2964 was read the second time.

With the consent of the House, amendment (773) was withdrawn.

Representative Anderson moved the adoption of amendment (752):

On page 23, line 12, after "July 1," strike "2006" and insert "2007"

On page 23, line 13, after "July 1," strike "2006" and insert "2007"

On page 40, beginning on line 27, after "November 15," strike all material through "council," on line 28, and insert "2007, the department of early learning"

On page 41, line 7, after "1," strike all material through "council" and insert "2008"

On page 42, beginning on line 7, strike all of section 604, and insert the following:

"NEW SECTION. Sec. 604. The office of financial management shall develop a detailed plan for implementation of this act. The plan shall include a description of: Anticipated efficiency gains and costs savings; proposed agency organization, structure, and mission; proposed budget and staffing levels; historical client services offered; anticipated client services to be provided; and projected changes in service. The detailed implementation plan shall be submitted to the legislature by January 1, 2007.

NEW SECTION. Sec. 605. Sections 101 through 113, 201 through 212, 301 through 315, 401 through 404, 501 through 506, and 601 of this act take effect July 1, 2007, if the legislature approves the plan in section 604 of this act either by concurrent resolution or by bill, during the 2007 legislative session. If the legislature does not approve the plan in section 604 of this act by concurrent resolution or bill during the 2007 legislative session, this act is null and void."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Kagi spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi, Talcott and Walsh spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2964.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2964 and the bill passed the House by the following vote: Yeas - 79, Nays - 19, Excused - 0.

Voting yea: Representatives Appleton, Armstrong, Blake, Campbell, Chase, Clements, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 79.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Buck, Buri, Chandler, Condotta, Cox, Crouse, DeBolt, Dunn, Hinkle, Kretz, Kristiansen, Newhouse, Pearson, Schindler and Sump - 19.

SECOND SUBSTITUTE HOUSE BILL NO. 2964, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 9, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6144,
 SECOND SUBSTITUTE SENATE BILL NO. 6172,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6315,
 SECOND SUBSTITUTE SENATE BILL NO. 6319,
 SUBSTITUTE SENATE BILL NO. 6320,
 SUBSTITUTE SENATE BILL NO. 6322,
 SUBSTITUTE SENATE BILL NO. 6323,
 SUBSTITUTE SENATE BILL NO. 6325,
 SUBSTITUTE SENATE BILL NO. 6406,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6409,
 SECOND SUBSTITUTE SENATE BILL NO. 6460,
 SENATE BILL NO. 6576,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6580,
 SUBSTITUTE SENATE BILL NO. 6775,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 2973, By Representatives Priest, Ormsby, Kenney, Kagi, Hasegawa, P. Sullivan, Moeller, Santos and Springer

Creating a career and technical high school graduation option for students meeting state standards in fundamental academic content areas.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2973 was substituted for House Bill No. 2973 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2973 was read the second time.

With the consent of the House, amendment (737) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Priest and Ormsby spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2973.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2973 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos,

Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2973, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2976, By Representatives Sommers, Hasegawa, Linville, P. Sullivan, Quall, Kenney and Conway

Implementing a collective bargaining agreement with Western Washington University.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2976 was substituted for House Bill No. 2976 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2976 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Alexander spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2976.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2976 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2976, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2985, By Representatives Schual-Berke, Clibborn, Appleton, Moeller, Green, Cody, Morrell, Walsh, McIntire, Kagi, Kenney, Hasegawa and Simpson

Creating a foster care health unit in the department of social and health services.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2985 was substituted for House Bill No. 2985 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2985 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Schual-Berke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2985.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2985 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

SUBSTITUTE HOUSE BILL NO. 2985, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2989, By Representatives Kenney, Cox, Sells, Chase, Ericks, Hasegawa, Takko, Haler, Rodne, Hunter, Quall, McCoy, Santos, Green, Schual-Berke, Springer, Dickerson, Simpson and Hudgins

Establishing the Washington Teach Math-Science program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2989 was substituted for House Bill No. 2989 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2989 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney, Cox and Talcott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2989.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2989 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

SUBSTITUTE HOUSE BILL NO. 2989, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2998, By Representatives P. Sullivan, Simpson, Santos, McCoy, Chase, Morrell, B. Sullivan, Hasegawa, Kenney and Green

Revising the high school assessment system.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2998 was substituted for House Bill No. 2998 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2998 was read the second time.

Representative McCoy moved the adoption of amendment (704):

On page 2, line 5, after "data to" strike "profile" and insert "increase understanding of"

On page 3, line 27, after "representatives of" insert "federally recognized"

Representatives McCoy and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives P. Sullivan, Talcott, Hasegawa, Clements and Flannigan spoke in favor of passage of the bill.

Representative Anderson spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2998.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2998 and the bill passed the House by the following vote: Yeas - 80, Nays - 18, Excused - 0.

Voting yea: Representatives Alexander, Appleton, Armstrong, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cox, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Morris, Nixon, Newhouse, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 80.

Voting nay: Representatives Ahern, Anderson, Bailey, Chandler, Condotta, Crouse, Curtis, Dunn, Ericksen, Holmquist, McCune, Orcutt, Roach, Schindler, Serben, Shabro, Skinner and Strow - 18.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2998, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3028, By Representatives P. Sullivan, Cox, Quall, Hunt, Buri, Pearson, Ormsby, Fromhold, Anderson, Chase, Kessler, Lantz, Simpson, Sells, Appleton, Talcott, Green, Conway, Rodne, Woods, Morrell, Kilmer, B. Sullivan, Santos, Hasegawa, Kenney and Hudgins

Requiring that a review of classified school employee funding be considered in the Washington Learns study.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives P. Sullivan and Curtis spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 3028.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3028 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell,

Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 3028, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3087, By Representatives Ormsby, Sells, Kenney, Cox, Buri, Fromhold, Hasegawa, Morrell, McCoy, Upthegrove, Ericks, Darneille, Rodne, Chase, Conway, Kessler, Dunn, Green and Lantz

Concerning cost savings on course materials for students at state universities, regional universities, and The Evergreen State College.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3087 was substituted for House Bill No. 3087 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3087 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ormsby and Cox spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3087.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3087 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P.,

Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 3087, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3113, By Representatives Sells, Kenney, Strow, McCoy, Haler, Dunshee, B. Sullivan, Lovick, Roberts and Hasegawa

Expanding access to higher education using the university center model.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3113 was substituted for House Bill No. 3113 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3113 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sells, Haler, Cox and Dunshee spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3113.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3113 and the bill passed the House by the following vote: Yeas - 90, Nays - 8, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Chandler, Crouse, Dunn, McCune, Newhouse, Roach, Schindler and Shabro - 8.

SUBSTITUTE HOUSE BILL NO. 3113, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3115, By Representatives Darneille, Talcott, Morrell, Green, McDonald, Ormsby, Simpson and Roberts

Establishing a foster parent critical support and retention program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 3115 was substituted for House Bill No. 3115 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 3115 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Darneille and Talcott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 3115.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 3115 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 3115, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

HOUSE BILL NO. 3139, By Representatives Pettigrew, Haler, Dickerson, Kagi, Dunn, Walsh, Darneille, Roberts, Hinkle, Morrell and Kenney

Clarifying kinship caregivers' consent for mental health care of minors.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew and Haler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3139.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3139 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 3139, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 3182, By Representatives Pettigrew and Santos**Concerning tribal foster care licensing.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 3182 was substituted for House Bill No. 3182 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3182 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew and Hinkle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3182.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3182 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald,

McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 3182, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3215, By Representatives Cox, Newhouse, Ormsby and Kenney**Continuing the teacher retention study.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cox and Kenney spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 3215.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3215 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Hinkle and Holmquist - 2.

HOUSE BILL NO. 3215, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2414, By Representatives Haler, Talcott and McCune**Regarding Washington's academic assessment system.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2414 was substituted for House Bill No. 2414 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2414 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haler, Hunter and Talcott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2414.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2414 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

SUBSTITUTE HOUSE BILL NO. 2414, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2597, By Representatives Kenney, Cox, Sells, Hasegawa, Fromhold, Rodne, McCoy, Jarrett, Morrell, Conway, Ormsby and Clibborn

Establishing additional requirements for private vocational schools.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2597.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2597 and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox,

Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Chandler, Hinkle, Holmquist, Nixon, and Talcott - 5.

HOUSE BILL NO. 2597, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2836, By Representatives Sommers, Kagi, Green and Kilmer

Creating the reading achievement account.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2836 was substituted for House Bill No. 2836 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2836 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sommers spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2836.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2836 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2836, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3098, By Representatives McDermott, Talcott and Quall

Transferring duties of the reconstituted state board of education.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 3098 was substituted for House Bill No. 3098 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 3098 was read the second time.

Representative Curtis moved the adoption of amendment (758):

On page 37, after line 7, insert the following:

"NEW SECTION. Sec. 405. (1) The state board of education shall develop and propose a revised definition of the purpose and expectations for high school diplomas issued by public schools in Washington state. The revised definition shall address whether attainment of a high school diploma is intended to signify that a student is ready for success in college, ready for successful and gainful employment in the workplace, or some combination of these and other objectives. The revised definition shall focus on the knowledge, skills, and abilities that students are expected to demonstrate to receive a high school diploma, as well as the various methods to be used to measure student performance, rather than focusing on courses, credits, seat time, and test scores.

(2) In developing the revised definition of the high school diploma, the state board of education shall consult with educators, parents, institutions of higher education, employers, and community leaders. The board shall also work with the state board for community and technical colleges, the higher education coordinating board, and the work force training and education coordinating board.

(3) The state board of education shall submit the proposed revised definition of the high school diploma, along with any necessary revisions to state statutes and rules, to the education committees of the legislature by December 1, 2007."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

Representatives Curtis and McDermott spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDermott and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 3098.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 3098 and the bill passed the House by the following vote: Yeas - 92, Nays - 6, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Cox, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Chandler, Clements, Crouse, Hinkle, Holmquist and Schindler - 6.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3098, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1484, By House Committee on Finance (originally sponsored by Representatives Hunter, Jarrett, Haigh, Tom, McDermott, McIntire, Simpson, P. Sullivan, Kagi and Chase)

Authorizing voter approved regular property tax levies for school purposes.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1484 was substituted for Engrossed Second Substitute House Bill No. 1484 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1484 was read the second time.

Representative Anderson moved the adoption of amendment (671):

On page 1, beginning on line 5, strike all of section 1 and insert the following:

"NEW SECTION. Sec. 1. In accordance with the court decisions known as School Funding I and School Funding II, which established the legal principles governing the state's school funding system in conformance with Article IX, sections 1 and 2 of the state Constitution, it is the intent of the legislature that any revenues from the property tax levy authorized under section 2 of this act be used by school districts solely to enrich programs outside of the legislative definition of basic education and not to reduce the state's obligation to fund basic education."

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (750):

On page 1, line 13, after "county" insert: "for up to four years"

On page 3, line 31, after "84.52.069" strike "or"

On page 3, line 31, after "84.52.135" insert ", or section 2 of this act"

On page 4, line 5, after "84.52.069" strike "or section 2 of this act"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (750) to Third Substitute House Bill No. 1484.

ROLL CALL

The Clerk called the roll on the adoption of amendment (750) to Third Substitute House Bill No. 1484, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 54, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haigh, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Takko, Talcott, Walsh and Woods - 44.

Voting nay: Representatives Appleton, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 54.

Representative Anderson moved the adoption of amendment (672):

On page 2, line 4, after "with", strike "fewer than fifteen school districts and".

On page 2, line 8, strike subsection (c)

Renumber the subsections consecutively and correct any internal references accordingly.

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Talcott moved the adoption of amendment (674):

On page 2, line 4, after "than", strike "fifteen", and insert "sixteen".

On page 2, line 8, after "than," strike "fourteen", and insert "fifteen".

Representative Talcott spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Orcutt moved the adoption of amendment (675):

On page 2, line 16, strike subsection (3) and insert:

"(3) A tax levy under this section must be specifically authorized by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in such taxing district in the last preceding general election. If the proposition is approved the county shall impose a levy not to exceed the lesser of the amount necessary to fully fund the cost-of-living supplements defined in subsection (5) of this section or seventy-five cents per thousand dollars of assessed value."

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative McDermott spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Buri moved the adoption of amendment (688):

On page 2, Line 24, after "bargaining" insert: ", and for additional local effort assistance as provided in this section."

On page 2, line 28, after "distribute" insert: "to the state treasurer twenty percent of the annual revenue from the tax imposed under this section and shall distribute the remaining"

On page 3, after line 21, insert:

"(6) The superintendent of public instruction shall allocate to districts funds available from section 2 of this act in proportion to funding provided under local effort assistance under RCW 28A.500.030. These funds are in addition to and shall not supplant funds appropriated to districts under RCW 28.500.030."

Renumber the subsections consecutively and correct any internal references accordingly.

Representatives Buri, DeBolt and Cox spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (688) to Third Substitute House Bill No. 1484.

ROLL CALL

The Clerk called the roll on the adoption of amendment (688) to Third Substitute House Bill No. 1484, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 54, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Eickmeyer, Ericks, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Walsh and Woods - 44.

Voting nay: Representatives Appleton, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 54.

Representative Anderson moved the adoption of amendment (673):

On page 3, after line 21, insert the following:

"(6) Each school receiving levy proceeds under this section shall annually report to the superintendent of public instruction on the use of the proceeds. The report shall include a detailed description of the additional time, additional responsibilities, or incentives for which certificated instructional staff receive the supplemental contracts supported by the proceeds.

(7) The state auditor shall conduct regular audits of compliance with RCW 28A.400.200 in the implementation of this act."

Renumber the subsections consecutively and correct any internal references accordingly.

Representatives Anderson and Hunter spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Orcutt moved the adoption of amendment (676):

On page 3, beginning on line 25, strike all of subsection (7)

On page 5, beginning on line 18, strike all of section 5

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representatives Orcutt and Anderson spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Anderson moved the adoption of amendment (689):

On page 6, after line 2, insert the following:

"NEW SECTION. Sec. 6. The secretary of state shall submit sections 2 through 5 of this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article 2, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Representative Anderson spoke in favor of the adoption of the amendment.

Representative McDermott spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Anderson moved the adoption of amendment (751):

On page 6, after line 2, insert:

"NEW SECTION. Sec. 5. The governor is in the process of studying school funding under chapter 496, Laws of 2005 (Washington Learns). The final report and recommendations of the steering committee will be submitted to the legislature by November 15, 2006. In order for the legislature to have sufficient opportunity to review and respond to the final report and recommendations this act takes effect July 1, 2007."

Correct the title

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, Rule 13(c) was suspended.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter, Fromhold and Tom spoke in favor of passage of the bill.

Representatives Anderson, Orcutt, Jarrett, Talcott, Clements, Buri, Priest, Hinkle, Armstrong, Roach, Serben, Ericksen and DeBolt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1484.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1484 and the bill passed the House by the following vote: Yeas - 50, Nays - 48, Excused - 0.

Voting yea: Representatives Appleton, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Flannigan, Fromhold, Green, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kilmer, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 50.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Eickmeyer, Ericksen, Grant, Haigh, Haler, Hankins, Hinkle, Holmquist, Kessler, Kretz, Kristiansen, Linville, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Takko, Talcott, Walsh and Woods - 48.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1484, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1986, By Representatives Roberts, Buri, Kenney, Cox and Morrell

Requiring a review of tuition waivers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1986 was substituted for House Bill No. 1986 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1986 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Roberts and Buri spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1986.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1986 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest,

Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Jarrett - 1.

SUBSTITUTE HOUSE BILL NO. 1986, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

MESSAGE FROM THE SENATE

February 9, 2006

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6334,
SENATE BILL NO. 6429,
SUBSTITUTE SENATE BILL NO. 6465,
SUBSTITUTE SENATE BILL NO. 6478,
SENATE BILL NO. 6479,
SUBSTITUTE SENATE BILL NO. 6502,
SUBSTITUTE SENATE BILL NO. 6519,
SUBSTITUTE SENATE BILL NO. 6597,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

INTRODUCTION & FIRST READING

HB 3308 By Representative Morris

AN ACT Relating to revenue from fossil fuel production; amending RCW 79.14.070 and 79.14.010; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Technology, Energy & Communications.

HB 3309 By Representative Anderson

AN ACT Relating to prioritizing basic education expenditures within the state appropriations process; amending RCW 28A.150.380; and adding new sections to chapter 44.04 RCW.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 3309.

MOTION

Representative Anderson moved that the rules be suspended, and that HOUSE BILL NO. 3309 be advanced to the Second Reading calendar.

Representative Anderson spoke in favor of adoption of the motion.

Representative Kessler spoke against the adoption of the motion.

MOTION

On motion of Representative Santos, Representative Linville was excused.

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of the motion to suspend the rules and advance House Bill No. 3309 to Second Reading.

ROLL CALL

The Clerk called the roll on the adoption of the motion to suspend the rules and advance House Bill No. 3309 to Second Reading, and the motion was not adopted by the following vote: Yeas - 43, Nays - 54, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 43.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 54.

Excused: Representative Linville - 1.

There being no objection, HOUSE BILL NO. 3309 was referred to the Committee on Appropriations.

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

There being no objection, the House adjourned until 10:00 a.m., February 10, 2006, the 33rd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

THIRTY THIRD DAY

House Chamber, Olympia, Friday, February 10, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jordan Rehwaldt and Garrett Grigas. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Chaplain Richard Lopez, Olympia Fire Department.

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

RESOLUTION

HOUSE RESOLUTION NO. 4678, by Representatives Kenney, Cox, Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Chopp, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Woods

WHEREAS, Earl Hale is retiring from the State Board for Community and Technical Colleges on January 20, 2006, after thirty-five years of total service and the last nineteen years as the Executive Director; and

WHEREAS, Earl Hale has helped the State Board to ensure that the two-year college system maintains an open door to public education for nearly half a million Washington residents every year; and

WHEREAS, Earl Hale has articulately and effectively communicated the system's core mission and values to leaders across the state, including business, state government, faculty unions, the K-12 system, and four-year colleges and universities; and

WHEREAS, Earl Hale has overseen tremendous growth of the two-year college system with the addition of the technical colleges into the system in 1991, and two additional community colleges since 1994;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives hereby commend Earl Hale for his tireless efforts on behalf of the two-year college system and his deep commitment to serving the citizens of Washington over the last thirty-five years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Earl Hale.

Representative Kenney moved the adoption of the resolution.

Representatives Kenney, Cox, Dunshee, Jarrett and Kessler spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4678 was adopted.

MESSAGE FROM THE SENATE

February 9, 2006

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5232,
ENGROSSED SENATE BILL NO. 6537,
ENGROSSED SENATE JOINT MEMORIAL NO. 8019,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

SECOND READING

HOUSE BILL NO. 2353, By Representatives Pettigrew, Shabro, Kessler, Priest, Cox, Conway, Haler, P. Sullivan, Appleton, Walsh, Kenney, Green, Armstrong, Hasegawa, Kagi, Hunt, McCoy, Buri, Fromhold, Strow, Curtis, McDermott, Williams, Hudgins, Moeller, Sells, Lantz, Kilmer, Chase, McDonald, Morrell, Murray, Linville, Santos, Springer, Wallace, Dickerson, Roberts, Cody, B. Sullivan, Simpson, Ericks, Upthegrove, Campbell, Ormsby and O'Brien

Providing collective bargaining for family child care providers.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2353 was substituted for House Bill No. 2353 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2353 was read the second time.

Representative Pettigrew moved the adoption of amendment (757):

On page 2, line 12, after "41.56.070" insert the following:

" , except that in the initial election conducted under this act, if more than one labor organization is on the ballot and none of the choices receives a majority of the votes cast, a run-off election shall be held"

Representatives Pettigrew and Appleton spoke in favor of the adoption of the amendment.

Representative Chandler spoke against the adoption of the amendment.

The Speaker (Representative Lovick presiding) divided the House. The result was 59 - YEAS; 39 -NAYS.

The amendment was adopted.

Representative Chandler moved the adoption of amendment (784):

On page 2, line 25, after "(d)" insert the following:

"RCW 41.56.122(1) does not apply, and nothing in this chapter authorizes the governor to negotiate or agree to a union security provision in the collective bargaining agreement covering family child care providers.

(e)"

Reletter the remaining subsections consecutively and correct internal references accordingly.

On page 7, beginning on line 15, strike all of section 3

Renumber the remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (785):

On page 3, beginning on line 11, strike all of subsection (4) and insert the following:

"(4) This section and sections 2 through 5 of this act do not create or modify:

(a) The parents' or legal guardians' right to choose and terminate the services of any family child care provider that provides care for their child or children, including a family child care provider who declines to pay regular union dues and initiation fees or representation fees in accordance with a union security provision;

(b) The secretary of the department of social and health services' right to adopt requirements under RCW 74.15.030, except for requirements related to grievance procedures and collective negotiations on personnel matters as specified in subsection (2)(c) of this section;

(c) The secretary of the department of social and health services' right to determine the family child care providers who receive child care subsidies, except that the secretary is prohibited from barring a family child care provider from receiving child care subsidies because the provider declines to pay regular union dues and initiation fees or representation fees in accordance with a union security provision;

(d) Chapter 26.44 RCW, RCW 43.43.832, 43.20A.205, and 74.15.130; and

(e) The legislature's right to make programmatic modifications to the delivery of state services through child care subsidy programs, including standards of eligibility of parents, legal guardians, and family child care providers participating in child care subsidy programs, and the nature of services provided. The governor shall not enter into, extend, or renew any agreement under this section that does not expressly reserve the legislative rights described in this subsection (4)(d)."

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Conway moved the adoption of amendment (787):

On page 3, line 37, after "(6)" strike "Except as provided in subsection (7) of this section, a" and insert "A"

Representative Conway spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Chandler moved the adoption of amendment (786):

On page 7, beginning on line 13, after "RCW 74.15.030" strike "or is exempt from licensing under chapter 74.15 RCW"

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Pettigrew spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew, Shabro, Conway and Simpson spoke in favor of passage of the bill.

Representative Condotta, Ahern and Clements spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2353.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2353 and the bill passed the House by the following vote: Yeas - 84, Nays - 14, Excused - 0.

Voting yea: Representatives Alexander, Appleton, Armstrong, Blake, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson,

Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Ahern, Anderson, Bailey, Buck, Chandler, Condotta, Holmquist, Kretz, Kristiansen, Newhouse, Orcutt, Rodne, Sump and Talcott - 14.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2353, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2454, By Representatives Williams, Lantz, Darneille, Morrell, O'Brien and Green

Revising the privilege for sexual assault advocates.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Williams and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2454.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2454 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Woods and Mr. Speaker - 96.

Voting nay: Representatives Flannigan and Wood - 2.

HOUSE BILL NO. 2454, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3261, By Representatives O'Brien, Rodne, Dickerson, Clements, Haigh, Simpson, Pearson, McDonald, Ericks, Kilmer and Williams

Strengthening the review process by the indeterminate sentence review board.

The bill was read the second time.

With the consent of the House, amendment (690) was withdrawn.

Representative O'Brien moved the adoption of amendment (716):

On page 4, line 7, after "shall" strike all material through "board" on line 9 and insert "provide opportunities for the victims of any crimes for which the offender has been convicted to present oral, video, written, or in-person testimony to the board. The procedures for victim input shall be developed by rule. To facilitate victim involvement, county prosecutor's offices shall ensure that any victim impact statements and known contact information for victims of record are forwarded as part of the judgment and sentence"

Representatives O'Brien and Pearson spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 3261.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3261 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED HOUSE BILL NO. 3261, having received the necessary constitutional majority, was declared passed.

SECOND READING SUSPENSION

HOUSE BILL NO. 2596, By Representatives Kenney, McDonald, Conway, Wood, Hasegawa, Hudgins, Rodne, McCoy, Morrell and Ormsby

Modifying provisions for the cosmetology apprenticeship program.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2596 was read the second time.

The bill was placed on final passage.

Representatives Kenney and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2596.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2596 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2596, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3085, By Representatives Blake, Kretz, B. Sullivan, Orcutt, Haler and Ericks

Making technical corrections to certain public lands statutes.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 3085 was read the second time.

The bill was placed on final passage.

Representatives Blake and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3085.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3085 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell,

Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 3085, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1504, By Representatives Simpson, Woods and Lovick

Adjusting notice of abandoned vehicle auctions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1504 was read the second time.

The bill was placed on final passage.

Representatives Simpson and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1504.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1504 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

SUBSTITUTE HOUSE BILL NO. 1504, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1827, By Representatives Wood, Condotta, McCoy, Crouse and Conway

Refining the definition of "bushing."

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1827 was read the second time.

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1827.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1827 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1827, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2384, By Representatives Dickerson, Buck, Blake and B. Sullivan; by request of Department of Natural Resources**Concerning the state geological survey.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2384 was read the second time.

The bill was placed on final passage.

Representatives Dickerson and Buck spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2384.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2384 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2384, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2386, By Representatives B. Sullivan and Chase; by request of Department of Natural Resources**Modifying provisions related to the commercial harvest of geoduck clams.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives B. Sullivan and Buck spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2386.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2386 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2386, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2493, By Representatives Kilmer, Lantz and Ericks

Limiting access to law enforcement and emergency equipment and vehicles.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2493 was read the second time.

The bill was placed on final passage.

Representatives Kilmer and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2493.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2493 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2493, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2591, By Representatives B. Sullivan, Blake, Roberts and Lovick

Providing an exemption from special fuel taxes for regional transit authorities.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2591 was read the second time.

The bill was placed on final passage.

Representatives Wallace and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2591.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2591 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2591, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2646, By Representatives Wallace, Hinkle, Haigh and Holmquist

Providing a sales tax exemption for trail grooming.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2646 was read the second time.

The bill was placed on final passage.

Representatives Wallace and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2646.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2646 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach,

Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2646, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2720, By Representatives Simpson, Schindler, Takko, P. Sullivan, B. Sullivan and Woods

Revising provisions relating to water-sewer districts.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Simpson and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2720.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2720 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2720, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2874, By Representatives Murray, Ericksen, Jarrett, Wallace and Woods; by request of Department of Transportation

Modifying transportation project design-build provisions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Murray and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2874.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2874 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2874, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2981, By Representatives Fromhold, Clements and Murray; by request of Washington State Patrol

Modifying commercial vehicle provisions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Fromhold and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2981.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2981 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi,

Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2981, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3001, By Representatives Hudgins and Conway; by request of Department of Licensing

Modifying the definition of limousine.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Hudgins spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3001.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3001 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

HOUSE BILL NO. 3001, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3093, By Representatives Clibborn, Curtis, Simpson, Darneille, Schual-Berke, Dickerson and Dunn

Allowing physician assistants to determine disability for special parking privileges.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 3093 was read the second time.

The bill was placed on final passage.

Representatives Clibborn and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3093.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3093 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 3093, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3111, By Representative Appleton

Addressing traffic infractions involving rental vehicles.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Appleton and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3111.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3111 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson,

Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 3111, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3114, By Representatives Murray and Dunn

Providing a sales and use tax exemption for recovered wood waste boiler equipment.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Murray and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3114.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3114 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Dickerson, and Sommers - 2.

HOUSE BILL NO. 3114, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3128, By Representatives Kenney, Hankins, Conway, Chandler, Wood, Condotta, Newhouse and Springer

Regulating the sale of wine by a society or organization.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 3128 was read the second time.

The bill was placed on final passage.

Representative Kenney spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3128.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3128 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 3128, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3150, By Representatives Condotta, Linville, Kenney, Chase, Kessler, Conway, Holmquist, Morrell, Newhouse and Armstrong

Concerning efforts to promote the wine industry.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 3150 was read the second time.

The bill was placed on final passage.

Representatives Condotta and Wood spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3150.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3150 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 3150, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3154, By Representatives Condotta, Wood and Newhouse

Concerning the retail sale of beer.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Condotta and Wood spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3154.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3154 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 3154, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3258, By Representatives Morris, Simpson, Wallace and Chase

Concerning mileage fees for diesel.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Morris and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3258.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3258 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 3258, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SECOND READING

HOUSE BILL NO. 1523, By Representatives Quall, Morris, Pettigrew, Kilmer, Talcott, Pearson, Linville and Kristiansen

Extending a sales and use tax exemption to the construction of new facilities to be used for the conditioning of vegetable seeds.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1523 was substituted for House Bill No. 1523 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1523 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Orcutt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1523.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1523 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkley, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1523, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE HOUSE BILL NO. 1815, By House Committee on Appropriations (originally sponsored by Representatives Wallace, Skinner, Pettigrew, Rodne, Kilmer, Ahern, Blake, McCoy, Anderson, Walsh, Lovick, Hudgins, Appleton, Strow, Murray, B. Sullivan, Simpson, Kessler, Williams, O'Brien, Conway, Morris, Linville, Lantz and Moeller)

Creating a competitive grant program for organizations that assist small businesses.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1815 was substituted for Second Substitute House Bill No. 1815 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1815 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace and Skinner spoke in favor of passage of the bill.

Representative Kristiansen spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Third Substitute House Bill No. 1815.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1815 and the bill passed the House by the following vote: Yeas - 69, Nays - 29, Excused - 0.

Voting yea: Representatives Appleton, Blake, Buck, Campbell, Chase, Clements, Clibborn, Cody, Conway, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 69.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Cox, Crouse, Curtis, DeBolt, Ericksen, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Sump and Tom - 29.

THIRD SUBSTITUTE HOUSE BILL NO. 1815, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2348, By Representatives Morris, Ericksen, Condotta, Linville, Conway, Sump, Haler, Orcutt, Wallace, Ericks, B. Sullivan, O'Brien, Dunn and Holmquist

Extending tax relief for aluminum smelters.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris, Orcutt, Linville, Ericksen and Armstrong spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2348.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2348 and the bill passed the House by the following vote: Yeas - 90, Nays - 8, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDonald, McIntire, Miloscia, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow,

Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Cody, Dickerson, McDermott, Moeller, Morrell, Nixon, Sommers, and Tom - 8.

HOUSE BILL NO. 2348, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2352, By Representatives Morris, Hudgins and B. Sullivan

Modifying net metering provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2352 was substituted for House Bill No. 2352 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2352 was read the second time.

Representative Morris moved the adoption of amendment (792):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.60.010 and 2000 c 158 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Customer-generator" means a user of a net metering system.

(3) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(4) "Electric cooperative" means a cooperative or association organized under chapter 23.86 or 24.06 RCW.

(5) "Electric utility" means any electrical company, public utility district, irrigation district, port district, electric cooperative, or municipal electric utility that is engaged in the business of distributing electricity to retail electric customers in the state.

(6) "Irrigation district" means an irrigation district under chapter 87.03 RCW.

(7) "Municipal electric utility" means a city or town that owns or operates an electric utility authorized by chapter 35.92 RCW.

(8) "Net metering" means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator that is fed back to the electric utility over the applicable billing period.

(9) "Net metering system" means ~~((a fuel cell or))~~ a facility for the production of electrical energy that:

(a) Uses ~~((as its fuel either solar, wind, or hydropower))~~ renewable energy;

(b) Has a generating capacity of not more than ~~((twenty-five))~~ one hundred kilowatts;

(c) Is located on the customer-generator's premises;

(d) Operates in parallel with the electric utility's transmission and distribution facilities; and

(e) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.

(10) "Port district" means a port district within which an industrial development district has been established as authorized by Title 53 RCW.

(11) "Public utility district" means a district authorized by chapter 54.04 RCW.

(12) "Renewable energy" means resources whose common characteristic is that they are nondepletable or are naturally

replenishable existing or emerging nonfossil fuel energy sources or technologies, and shall include but not be limited to the following:

(a) Solar photovoltaic or solar thermal electric energy;

(b) Wind energy;

(c) Ocean thermal, wave, or tidal energy;

(d) Fuel cells;

(e) Landfill gas;

(f) Incremental gains in energy production from capital and operational improvements in hydroelectric generating facilities;

(g) Run of river hydropower generation;

(h) Hydroelectric generation that does not impede the flow in naturally flowing water;

(i) Advanced biomass power conversion technologies, such as gasification using such biomass fuels as wood, agricultural, or food wastes, energy crops, biogas, biodiesel, or organic refuse-derived fuel;

(j) Biomass energy using animal waste, solid organic fuels from wood, forest, or field residues, dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; and

(k) Lignin in spent pulping liquors.

(l) The following technologies or fuels shall not be considered renewable energy supplies: Coal, oil, nuclear power, or fuel gases, excluding fuel gases that are used in a combined heat and power plant designed to produce both heat and electricity from a single heat source.

Sec. 2. RCW 80.60.020 and 2000 c 158 s 2 are each amended to read as follows:

An electric utility:

(1) Shall offer to make net metering available to eligible customers-generators on a first-come, first-served basis until the cumulative generating capacity of net metering systems equals ~~((0.1))~~ 0.25 percent of the utility's peak demand during 1996_ ((of which not less than 0.05 percent shall be attributable to net metering systems that use as its fuel either solar, wind, or hydropower)) If one or more utilities are found to be approaching the maximum cumulative generating capacity of net metering systems allowed under this subsection of this section, the legislature may review the generation threshold contained in this section for potential modification. On January 1, 2014 the cumulative generating capacity of net metering systems will equal 0.5 percent of the utility's peak demand during 1996;

(2) Shall allow net metering systems to be interconnected using a standard kilowatt-hour meter capable of registering the flow of electricity in two directions, unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment:

(a) That the use of additional metering equipment to monitor the flow of electricity in each direction is necessary and appropriate for the interconnection of net metering systems, after taking into account the benefits and costs of purchasing and installing additional metering equipment; and

(b) How the cost of purchasing and installing an additional meter is to be allocated between the customer-generator and the utility;

(3) Shall charge the customer-generator a minimum monthly fee that is the same as other customers of the electric utility in the same rate class, but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment that:

(a) The electric utility will incur direct costs associated with interconnecting or administering net metering systems that exceed any offsetting benefits associated with these systems; and

(b) Public policy is best served by imposing these costs on the customer-generator rather than allocating these costs among the utility's entire customer base.

Sec. 3. RCW 80.60.030 and 1998 c 318 s 4 are each amended to read as follows:

Consistent with the other provisions of this chapter, the net energy measurement must be calculated in the following manner:

(1) The electric utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(2) If the electricity supplied by the electric utility exceeds the electricity generated by the customer-generator and fed back to the electric utility during the billing period, the customer-generator shall be billed for the net electricity supplied by the electric utility, in accordance with normal metering practices.

(3) If electricity generated by the customer-generator exceeds the electricity supplied by the electric utility, the customer-generator:

(a) Shall be billed for the appropriate customer charges for that billing period, in accordance with RCW 80.60.020; and

(b) Shall be credited for the excess kilowatt-hours generated during the billing period, with this kilowatt-hour credit appearing on the bill for the following billing period.

~~(At the beginning)~~ On April 30th of each calendar year, any remaining unused kilowatt-hour credit accumulated during the previous year shall be granted to the electric utility, without any compensation to the customer-generator.

Sec. 4. RCW 80.60.040 and 2000 c 158 s 3 are each amended to read as follows:

(1) A net metering system used by a customer-generator shall include, at the customer-generator's own expense, all equipment necessary to meet applicable safety, power quality, and interconnection requirements established by the national electrical code, national electrical safety code, the institute of electrical and electronics engineers, and underwriters laboratories.

(2) The commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, after appropriate notice and opportunity for comment, may adopt by regulation additional safety, power quality, and interconnection requirements for customer-generators, including limitations on the number of customer generators and total capacity of net metering systems that may be interconnected to any distribution feeder line, circuit or network that the commission or governing body determines are necessary to protect public safety and system reliability.

(3) An electric utility may not require a customer-generator whose net metering system meets the standards in subsections (1) and (2) of this section to comply with additional safety or performance standards, perform or pay for additional tests, or purchase additional liability insurance. However, an electric utility shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a net metering system, or for the acts or omissions of the customer-generator that cause loss or injury, including death, to any third party."

Representatives Morris and Crouse spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2352.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2352 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Straw, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Hasegawa - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2401, By Representatives Morris and B. Sullivan

Developing regional compacts for siting transmission lines.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2401 was substituted for House Bill No. 2401 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2401 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2401.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2401 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson,

Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2401, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2495, By Representatives Kilmer, Holmquist, Green, Miloscia, Buri, Nixon, Rodne, Hudgins, P. Sullivan, Springer, Haler, Morrell, Morris, Ericks, B. Sullivan, Simpson and Upthegrove

Establishing a state government efficiency hotline.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2495 was substituted for House Bill No. 2495 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2495 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilmer and Nixon spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2495.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2495 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2495, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2498, By Representatives Kilmer, Buri, Morrell, Skinner, Green, Linville, McCoy, Moeller, Chase, Rodne, Conway, Haler, Morris, Ericks and Sells

Establishing an industry cluster-based approach to economic development.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2498 was substituted for House Bill No. 2498 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2498 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilmer and Buri spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2498.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2498 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Chandler, and Condotta - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 2498, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2537, By Representatives Conway, Condotta, McCoy, Hudgins and B. Sullivan; by request of Department of Labor & Industries

Establishing a pilot program to allow employers to assist employees in completing applications for industrial insurance benefits.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2537 was substituted for House Bill No. 2537 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2537 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2537.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2537 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Hasegawa - 1.

SUBSTITUTE HOUSE BILL NO. 2537, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2538, By Representatives Conway, Hudgins and McCoy; by request of Department of Labor & Industries

Authorizing the department to request and superior court to grant warrants pursuant to chapter 49.17 RCW.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2538 was substituted for House Bill No. 2538 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2538 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2538.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2538 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2538, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2565, By Representatives Kilmer, Haler, Wallace, Strow, Clibborn, Morrell, McCoy, Appleton, Ericks, Linville, Simpson, Green and Springer

Modifying the worker training business and occupation tax credit.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2565 was substituted for House Bill No. 2565 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2565 was read the second time.

Representative Kilmer moved the adoption of amendment (796):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.4333 and 1996 c 1 s 4 are each amended to read as follows:

(1) ~~((There may be credited against the tax imposed by this chapter, the value of state-approved, employer-provided or sponsored job training services designed to enhance the job-related performance of employees, for those businesses eligible for a tax deferral under chapter 82.60 RCW.))~~ In computing the tax imposed under this chapter, a credit is allowed for fifty percent of the value of qualified worker training expenses incurred by a qualified employer.

(2) ~~The value of the ((state-approved, job training services)) qualified worker training expenses provided by the qualified employer to ((the)) a new or existing employee, without charge, shall be determined by the allocation of the cost method using generally accepted accounting standards.~~

(3) ~~((The credit allowed under this section shall be limited to an amount equal to twenty percent of the value of the state-approved, job training services determined under subsection (2) of this section.))~~ The total credits allowed under this section for a ((business)) qualified employer shall not exceed ((five)) the lesser of ten thousand dollars per calendar year or the amount of tax otherwise due under this chapter for the calendar year. Credits may not be carried over to subsequent calendar years. No refunds may be granted for any unused credits. Credits may not be approved on training expenses incurred prior to January 1, 2007. Approved

credits must be taken for taxes due for the calendar year following the calendar year in which the qualified expenses were incurred.

(4) The total credits allowed under this section for all qualified employers shall not exceed two million dollars per calendar year for credits taken for qualified worker training under subsection (6)(f)(i), (ii), and (iii) of this section. The total credits allowed under this section for all qualified employers shall not exceed one million dollars per calendar year for credits taken for qualified worker training under subsection (6)(f)(iv) of this section. The department shall allow the use of the credits on a first-in-time basis.

(5) Prior to claiming the credit under this section, the ~~((business))~~ qualified employer must obtain approval of the proposed ~~((job training service))~~ worker training expenses from the ~~((employment security department))~~ work force training and education coordinating board. The employer's request for approval must include a description of the proposed ~~((job))~~ worker training service, how the ~~((job))~~ worker training will enhance the employee's performance, and the cost of the proposed ~~((job))~~ worker training.

~~((5)) This section only applies to training in respect to eligible business projects for which an application is approved on or after January 1, 1996.))~~ (6) For the purposes of this section:

(a) "Manufacturing" has the meaning provided in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(b) "Pilot scale manufacturing" has the meaning provided in RCW 82.63.010.

(c) "Qualified employer" means an independently owned and operated business located in Washington with less than fifty employees worldwide that is engaged in a manufacturing, pilot scale manufacturing, or qualified research and development operation.

(d) "Qualified research and development operation" has the meaning provided in RCW 82.63.010.

(e) "Qualified worker training expenses" means the amount of qualified worker training expenditures that exceed the lesser of: (i) The employer's average annual amount of qualified worker training expenditures for the previous five calendar years; or (ii) the employer's annual amount of qualified worker training expenditures for the previous year.

(f) "Qualified worker training" means instruction to enhance an employee's job-related performance through: (i) A course or program at an institution of higher education, as defined in RCW 28B.10.016, or a private vocational school licensed under RCW 28C.10.060; (ii) a private, nonprofit educational institution, the main campus of which is permanently situated in the state, and that: (A) Is open to residents of the state; (B) does not restrict entry on racial or religious grounds; (C) provides programs beyond high school leading to at least the baccalaureate degree; and (D) is accredited by the Northwest association of schools and colleges or by an accrediting association recognized by the higher education coordinating board; (iii) training provided by Washington manufacturing services; or (iv) for employers with more than two and less than twenty employees, training provided by the employer on premises the value of which is determined according to subsection (2) of this section.

(7) This section expires December 31, 2012.

NEW SECTION. Sec. 2. A new section is added to chapter 82.32 RCW to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources, the legislature needs information on how a tax incentive is used.

(2)(a) A person who claims the tax credit under RCW 82.04.4333 shall file a complete annual survey with the department. The survey is due by March 31st following any year in which a person takes the credit under RCW 82.04.4333. The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall also include the following information for employment positions in Washington:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band;

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands;

(v) The number of people receiving qualified worker training;

(vi) The average cost of the qualified worker training;

(vii) The cost of the program administration; and

(viii) The type of qualified worker training received, including the average length of training.

(b) As part of the annual survey, the department may request additional information necessary to measure the results of, or determine eligibility for, the tax credit in RCW 82.04.4333.

(c) All information collected under this section, except the amount of the tax credit taken under RCW 82.04.4333 is deemed taxpayer information under RCW 82.32.330. Information on the amount of the tax credit is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, except as provided in (d) of this subsection. If the amount of the tax credit as reported on the survey is different than the amount actually reduced based on the taxpayer's excise tax returns or otherwise allowed by the department, the amount actually reduced may be disclosed.

(d) Persons for whom the actual amount of the tax credit is less than ten thousand dollars during the period covered by the survey may request the department to treat the amount of the tax reduction as confidential under RCW 82.32.330.

(3) If a person fails to submit a complete annual survey under subsection (2) of this section by the due date or any extension under RCW 82.32.590, the department shall declare the amount of tax credit taken under RCW 82.04.4333 for the period covered by the survey to be immediately due and payable. The department shall assess interest, but not penalties, on the taxes. Interest shall be assessed at the rate provided for delinquent excise taxes under this chapter, retroactively to the date the reduced taxes were due, and shall accrue until the amount of the reduced taxes is repaid.

(4) The department shall use the information from the annual survey required under subsection (2) of this section to prepare summary descriptive statistics by category including the number of qualified employers utilizing the credit by firm size:

(a) Under five employees;

(b) Five to ten employees;

(c) Eleven to twenty-five employees; and

(d) Twenty-six to forty-nine employees.

The department shall report these statistics to the legislature each year by September 1st.

(5) By November 1, 2010, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the tax credit provided in RCW 82.04.4333 in regard to keeping Washington competitive. The report shall measure the effect of the tax credit provided in RCW 82.04.4333 on job retention, net jobs created for Washington residents, company growth, diversification of the state's economy, cluster dynamics, and other factors as the committees select. The report shall include a discussion of principles to apply in evaluating whether the legislature should extend the tax credit provided in RCW 82.04.4333.

Sec. 3. RCW 82.32.590 and 2005 c 514 s 1001 are each amended to read as follows:

(1) If the department finds that the failure of a taxpayer to file an annual survey under RCW 82.04.4452 or 82.04.4333 by the due date was the result of circumstances beyond the control of the taxpayer, the department shall extend the time for filing the survey. Such extension shall be for a period of thirty days from the date the department issues its written notification to the taxpayer that it qualifies for an extension under this section. The department may grant additional extensions as it deems proper.

(2) In making a determination whether the failure of a taxpayer to file an annual survey by the due date was the result of

circumstances beyond the control of the taxpayer, the department shall be guided by rules adopted by the department for the waiver or cancellation of penalties when the underpayment or untimely payment of any tax was due to circumstances beyond the control of the taxpayer.

NEW SECTION. **Sec. 4.** This act takes effect January 1, 2007."

Correct the title.

Representative Kilmer spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilmer and Haler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2565.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2565 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2640, By Representatives B. Sullivan, McCoy, O'Brien, Haler, Sells, Morris, Ericks, Strow and Dunn

Providing biotechnology product and medical device manufacturing tax incentives.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2640 was substituted for House Bill No. 2640 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2640 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan and Orcutt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2640.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2640 and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Appleton, Cody, Dickerson, McDermott, and Sommers - 5.

SUBSTITUTE HOUSE BILL NO. 2640, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2644, By Representatives P. Sullivan, Crouse and Kilmer; by request of Department of Trade and Economic Development

Increasing temporarily the statewide cap for the customer assistance public utility tax credit.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives P. Sullivan and Crouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2644.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2644 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa,

Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2644, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2645, By Representatives Kilmer, Crouse, P. Sullivan, Morris and Dunn; by request of Department of Community, Trade, and Economic Development

Providing a limited public utility tax credit for gas distribution businesses.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2645 was substituted for House Bill No. 2645 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2645 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilmer and Crouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2645.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2645 and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Dickerson, Kagi, Moeller, Ormsby, and Sommers - 5.

SECOND SUBSTITUTE HOUSE BILL NO. 2645, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2671, By Representatives Ericks, Kessler, Simpson, Clibborn, Morrell, Springer, Dunn and Wallace; by request of Governor Gregoire

Providing excise tax relief by modifying due dates and eliminating an assessment penalty.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ericks, McDonald, McIntire and Orcutt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2671.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2671 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2671, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

HOUSE BILL NO. 2723, By Representatives Tom, Lantz, Priest, Clibborn, Shabro, Hunter and Green

Eliminating the requirement for a seller's real estate disclosure of proximity to farming.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2723 was substituted for House Bill No. 2723 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2723 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Tom spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2723.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2723 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Armstrong - 1.

SUBSTITUTE HOUSE BILL NO. 2723, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2726, By Representatives Chase, Skinner, Kessler, Haler, Kilmer, Grant, Chandler, Blake, Clements, Linville, Newhouse, McCoy, Kristiansen, Kenney and Wallace

Creating Washington manufacturing services in statute.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2726 was substituted for House Bill No. 2726 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2726 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chase, Skinner, Ericksen, Armstrong, Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2726.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2726 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Nixon - 1.

SUBSTITUTE HOUSE BILL NO. 2726, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2738, By Representatives Holmquist, Dunshee, Dunn, Chase, Grant, Rodne, Haler, Kessler, Kilmer, Green, Sells, Kenney, McCoy, Simpson, Roberts, Ormsby, Moeller, Morrell, Linville, Hudgins, McCune and Hinkle; by request of Governor Gregoire

Developing minimum renewable fuel content requirements and fuel quality standards in an alternative fuels market.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2738 was substituted for House Bill No. 2738 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2738 was read the second time.

There being no objection, amendment by the Committee on Transportation were adopted. (For committee amendment., see Journal 33rd Day, February 10, 2006.)

With the consent of the House, amendment (805) was withdrawn.

Representative Anderson moved the adoption of amendment (828):

On page 4, after line 16, insert:

"Sec. 8. RCW 82.04.4461 and 2003 2nd sp.s. c 1 s 7 are each amended to read as follows:

(1)(a) In computing the tax imposed under this chapter, a credit is allowed for each person for preproduction development spending occurring after December 1, 2003.

(b) Before July 1, 2005, any credits earned under this section must be accrued and carried forward and may not be used until July 1, 2005. These carryover credits may be used at any time thereafter, and may be carried over until used. Refunds may not be granted in the place of a credit.

(2) The credit is equal to the amount of qualified preproduction development expenditures of a person, multiplied by the rate of 1.5 percent.

(3) Except as provided in subsection (1)(b) of this section the credit shall be taken against taxes due for the same calendar year in which the qualified preproduction development expenditures are incurred. Credit earned on or after July 1, 2005, may not be carried over. The credit for each calendar year shall not exceed the amount of tax otherwise due under this chapter for the calendar year. Refunds may not be granted in the place of a credit.

(4) Any person claiming the credit shall file an affidavit form prescribed by the department that shall include the amount of the credit claimed, an estimate of the anticipated preproduction development expenditures during the calendar year for which the credit is claimed, an estimate of the taxable amount during the calendar year for which the credit is claimed, and such additional information as the department may prescribe.

(5) The definitions in this subsection apply throughout this section.

(a) "Aeronautics" means the study of flight and the science of building and operating commercial aircraft.

(b) "Person" means a person as defined in RCW 82.04.030, who is a manufacturer or processor for hire of commercial airplanes, or components of such airplanes, as those terms are defined in RCW 82.32.550.

(c) "Preproduction development" means research, design, and engineering activities performed in relation to the development of a product, product line, model, or model derivative, including prototype development, testing, and certification. The term includes the discovery of technological information, the translating of technological information into new or improved products, processes, techniques, formulas, or inventions, and the adaptation of existing products and models into new products or new models, or derivatives of products or models. The term does not include manufacturing activities or other production-oriented activities, however the term does include tool design and engineering design for the manufacturing process. The term does not include surveys and studies, social science and humanities research, market research or testing, quality control, sale promotion and service, computer software developed for internal use, and research in areas such as improved style, taste, and seasonal design.

(d) "Preproduction development spending" means qualified preproduction development expenditures plus eighty percent of amounts paid to a person other than a public educational or research institution to conduct qualified preproduction development.

(e) "Qualified preproduction development" means preproduction development performed within this state in the field of aeronautics or eligible diesel engine design.

(f) "Qualified preproduction development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership as determined by the department, benefits, supplies, and computer expenses, directly incurred in qualified preproduction development by a person claiming the credit provided in this section. The term does not include amounts paid to a person other than a public educational or research institution to conduct qualified preproduction development. The term does not include capital costs and overhead, such as expenses for land, structures, or depreciable property.

(g) "Taxable amount" means the taxable amount subject to the tax imposed in this chapter required to be reported on the person's tax returns during the year in which the credit is claimed, less any taxable amount for which a credit is allowed under RCW 82.04.440.

(h) "Eligible diesel engine" means a diesel engine designed for operating on biodiesel fuel.

(i) "Biodiesel fuel" means a mono alkyl ester of long chain fatty acids derived from vegetable oils or animal fats for use in compression-ignition engines and that meets the requirements of the American society of testing and materials specification D 6751 in effect as of January 1, 2003.

(6) In addition to all other requirements under this title, a person taking the credit under this section must report as required under RCW 82.32.545.

(7) Credit may not be claimed for expenditures for which a credit is claimed under RCW 82.04.4452.

(8) This section expires July 1, 2024.

Sec. 9. RCW 82.04.260 and 2005 c 513 s 2 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent;

(c) Dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record;

(d) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(e) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities

of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(b) Beginning October 1, 2005, upon every person engaging within this state in the business of making sales, at retail or wholesale, of commercial airplanes, or components of such airplanes, manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the airplanes or components multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(c) For the purposes of this subsection (11), "commercial airplane," "component," and "final assembly of a superefficient airplane" have the meanings given in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person eligible for the tax rate under this subsection (11) must report as required under RCW 82.32.545.

(e) This subsection (11) does not apply after the earlier of: July 1, 2024; or December 31, 2007, if assembly of a superefficient airplane does not begin by December 31, 2007, as determined under RCW 82.32.550.

(12) Upon every person engaging within this state in the business of manufacturing eligible diesel engines, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of 0.2904 percent. Eligible diesel engines has the same meaning as given in RCW 82.04.4461.

NEW SECTION. Sec. 10. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of computer hardware, computer peripherals, or software used primarily in the development, design, and engineering of eligible diesel engines, or to sales of or charges made for labor and services rendered in respect to installing the computer hardware, computer peripherals, or software. The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(2) As used in this section:

(a) "Eligible diesel engines" has the same meaning as given in RCW 82.04.4461.

(b) "Peripherals" includes keyboards, monitors, mouse devices, and other accessories that operate outside of the computer, excluding cables, conduit, wiring, and other similar property.

NEW SECTION. Sec. 11. A new section is added to chapter 82.12 RCW to read as follows: (1) The provisions of this chapter do not apply in respect to the use of computer hardware, computer peripherals, or software used primarily in the development, design, and engineering of eligible diesel engines, or to the use of labor and services rendered in respect to installing the computer hardware, computer peripherals, or software.

(2) As used in this section:

(a) "Eligible diesel engines" has the same meaning as given in RCW 82.04.4461.

(b) "Peripherals" includes keyboards, monitors, mouse devices, and other accessories that operate outside of the computer, excluding cables, conduit, wiring, and other similar property."

Correct the title

POINT OF ORDER

Representative Hunt requested a scope and object ruling on the amendment (828) to Substitute House Bill No. 2738.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): The title of Substitute House Bill No. 2738 is an act "relating to developing minimum renewable fuel content requirements and fuel quality standards." The bill amends the Motor Fuel Quality Act in chapter 19.112 RCW by establishing minimum fuel content requirements for biodiesel and ethanol, requiring the Department of Agriculture to adopt fuel quality standards for biodiesel and rules for ethanol and biodiesel, and establishing a Biofuels Advisory Committee.

Amendment (828) changes various taxes related to the development and production of biodiesel engines. It amends 82.04 and 82.08 RCW.

Changes to the tax code for the development and production of engines is completely unrelated to the bill's purpose of developing fuel content requirements and fuel quality standards.

The Speaker finds the amendment is beyond the scope and object of the bill.

Representative Hunt, your point of order is well taken."

Representative Holmquist moved the adoption of amendment (798):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is in the public interest to establish a market for alternative fuels in Washington. By requiring a growing percentage of our fuel supply to be renewable biofuel that meets appropriate fuel quality standards, we will reduce our dependence on imports of foreign oil, improve the health and quality of life for Washingtonians, and stimulate the creation of a new industry that benefits our farmers and rural communities.

NEW SECTION. Sec. 2. A new section is added to chapter 19.112 RCW to read as follows:

(1) Special fuel licensees under chapter 82.38 RCW, other than international fuel tax agreement licensees and special fuel distributors, shall provide evidence to the department of licensing that at least two percent of total annual diesel fuel sales are biodiesel fuel sales, when the director determines that feedstock grown in Washington state can satisfy a two-percent requirement, or the date November 30, 2008, has passed.

(2) Special fuel licensees under chapter 82.38 RCW, other than international fuel tax agreement licensees and special fuel distributors, shall provide evidence to the department of licensing that at least five percent of total annual diesel fuel sales are biodiesel fuel sales, when the director determines that both in-state oil seed crushing capacity and feedstock grown in Washington state can satisfy a three-percent requirement.

(3) For the purposes of this chapter, "biodiesel fuel" has the meaning provided in RCW 82.29A.135.

(4) The director and the director of licensing shall adopt rules for enforcing and carrying out the purposes of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 19.112 RCW to read as follows:

(1) Beginning December 1, 2008, all gasoline sold or offered for sale in Washington shall contain at least two percent denatured ethanol by volume.

(2) If the director of ecology determines that ethanol content greater than two percent will not jeopardize continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution in Washington and the director of agriculture determines that sufficient raw materials are available within Washington to support economical production of ethanol at higher levels, the director of agriculture may require by rule that all gasoline sold or offered for sale in Washington shall contain up to a maximum of ten percent of denatured ethanol by volume. The director of agriculture shall allow blenders and retailers six months to meet the new minimum content requirement.

(3) The director of agriculture shall adopt rules for enforcing and carrying out the purposes of this section.

Sec. 4. RCW 19.112.020 and 1990 c 102 s 3 are each amended to read as follows:

(1) This chapter shall be administered by the director or his or her authorized agent. ~~((For the purpose of administering this chapter;))~~

(2) The director shall adopt rules for maintaining standards for biodiesel fuel or fuel blended with biodiesel fuel by adopting all or part of the standards set forth in the Annual Book of ASTM Standards and supplements ((thereto, and revisions thereof, are adopted)), amendments, or revisions thereof, all or part of the standards set forth in the National Institute of Standards and Technology (NIST) Handbook 130, Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality rules, and any supplements, amendments, or revisions thereof, together with applicable federal environmental protection agency standards. If a

conflict exists between federal environmental protection agency standards, ASTM standards, or ~~((state))~~ NIST standards, for purposes of uniformity, federal environmental protection agency standards shall take precedence over ASTM and NIST standards. ((Any state standards adopted must be consistent with federal environmental protection agency standards and ASTM standards not in conflict with federal environmental protection agency standards.)) The department of agriculture shall not exceed ASTM standards for diesel.

(3) The director may establish a fuel testing laboratory or may contract with a laboratory for testing. The director may also adopt rules on false and misleading advertising, labeling and posting of prices, and the standards for, and identity of, motor fuels. The director shall require fuel pumps offering biodiesel and ethanol blends to be identified by a label stating the percentage of biodiesel or ethanol.

NEW SECTION. Sec. 5. A new section is added to chapter 19.112 RCW to read as follows:

The director shall establish a biofuels advisory committee to advise the director on implementing or suspending the minimum renewable fuel content requirements. The committee shall advise the director on applicability to all users; logistical, technical, and economic issues of implementation; and how the use of renewable fuel blends greater than two percent could achieve the goals of this act. The director shall make recommendations to the legislature and the governor on the implementation or suspension of this act by September 1, 2007.

NEW SECTION. Sec. 6. A new section is added to chapter 19.112 RCW to read as follows:

The governor, by executive order, may suspend all or portions of the minimum renewable fuel content requirements in section 2 or 3 of this act, or both, based on a determination that such requirements are temporarily technically or economically infeasible.

NEW SECTION. Sec. 7. A new section is added to chapter 19.112 RCW to read as follows:

(1) By November 30, 2008, the director shall determine whether the state's diesel fuel supply is comprised of at least ten percent biodiesel made predominantly from Washington feedstock, and whether the goals of section 2 of this act have been achieved.

(2) By November 30, 2008, the director shall determine whether the state's gasoline fuel supply is comprised of at least five percent ethanol made predominantly from Washington feedstock, without jeopardizing continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution, and whether the goals of section 3 of this act have been achieved.

(3) By December 1, 2008, the director shall notify the governor and the legislature of the findings in subsections (1) and (2) of this section.

(4) If the findings from the director indicate that the goals of section 2 or 3 of this act, or both, have been achieved, then the governor shall issue an executive order declaring that section 2 or 3 of this act, or both, are no longer applicable."

Representatives Ericksen moved the adoption of amendment (804) to amendment (798):

On page 1, beginning on line 3 of the amendment, strike everything and insert the following:

"Sec. 1. RCW 43.19.642 and 2003 c 17 s 2 are each amended to read as follows:

(1) All state agencies are encouraged to use a fuel blend of twenty percent biodiesel and eighty percent petroleum diesel for use in diesel-powered vehicles and equipment. The department shall ensure that the fuel used is produced from feedstock grown in Washington state.

(2) Effective ~~((June))~~ July 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, except for vehicles engaged in fire suppression and life

support activities (provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives). The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than:

(a) two percent, if both in-state oil seed crushing capacity and feedstock grown, produced, and refined in Washington state can fully satisfy the two percent requirement;

(b) five percent, if feedstock grown, produced, and refined in Washington state can fully satisfy a five percent requirement;

(c) ten percent, if feedstock grown, produced, and refined in Washington state can fully satisfy a ten percent requirement; and

(d) twenty percent, if feedstock grown, produced, and refined in Washington state can fully satisfy a ten percent requirement.

NEW SECTION. Sec. 2. A new section is added to chapter 19.112 RCW to read as follows:

The director shall establish a biofuels advisory committee to advise the director on implementing or suspending the minimum renewable fuel content standards for state agencies. The committee shall advise the director on applicability to all users; logistical, technical and economic issues of implementation; and how the use of renewable fuel blends greater than two percent could achieve the goals of this act. The director shall make recommendations to the legislature and the governor on the implementation of this act by September 1, 2007.

NEW SECTION. Sec. 3. The office of financial management shall conduct a fiscal impact study of the cost impacts of this act on state government. The office shall report its findings to the relevant committees of the legislature by November 1st, 2006."

Correct the title.

Representatives Ericksen, Armstrong, Buck, Buri and Kretz spoke in favor of the adoption of the amendment to the amendment.

Representative Morris, B. Sullivan and Dunshee spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (804) to amendment (789) to Substitute House Bill No. 2738.

ROLL CALL

The Clerk called the roll on the adoption of amendment (804) to amendment (789) to Substitute House Bill No. 2738, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 54, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Jarrett, Kretz, Kristiansen, McCune, McDonald, Moeller, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Simpson, Skinner, Strow, Sump, Tom, Walsh and Woods - 44.

Voting nay: Representatives Appleton, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Sommers, Springer, Sullivan, B., Sullivan, P., Takko,

Talcott, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 54.

Representative Holmquist moved the adoption of amendment (807) to amendment (798):

On page 4, after line 15, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 19.112 RCW to read as follows:

(1) If either or both of the goals in sections 2 and 3 of this act are not achieved by November 30, 2008, the director shall monitor the state's diesel and gasoline fuel supply until such time as those goals, or either of them, is met.

(2) The director shall report to the governor and the legislature November 30th of the year in which a goal is met.

(3) Following notification under this section that a goal has been met, the governor shall prepare executive request legislation repealing section 2 or 3 of this act, or both, as applicable."

Representatives Holmquist and Morris spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Amendment (798) as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Holmquist, Morris and Dunshee spoke in favor of passage of the bill.

Representative Curtis, Nixon, Schindler and Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2738.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2738 and the bill passed the House by the following vote: Yeas - 70, Nays - 28, Excused - 0.

Voting yea: Representatives Ahern, Anderson, Appleton, Campbell, Chase, Clements, Clibborn, Cody, Conway, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Hankins, Hasegawa, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 70.

Voting nay: Representatives Alexander, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Condotta, Cox, Crouse, Curtis, DeBolt, Ericksen, Haigh, Haler, Hinkle, Kretz, Kristiansen, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler, Serben, Shabro, Sump and Talcott - 28.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2738, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2917, By Representatives P. Sullivan, Kristiansen, Simpson, Linville, Blake and Ericks; by request of Department of Agriculture

Identifying accessory uses on agricultural lands.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2917 was substituted for House Bill No. 2917 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2917 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives P. Sullivan, Kristiansen, Walsh and Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2917.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2917 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2917, having received the necessary constitutional majority, was declared passed.

There being no objection, HOUSE BILL NO. 3084 was removed from the Suspension Calendar and placed on Second Reading calendar.

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

INTRODUCTION & 1ST READING

HB 3310 by Representatives Bailey, Linville, Kessler, Morrell, Clibborn and Morris

AN ACT Relating to health care coverage statutory requirements; and creating new sections.

Held on 1st Reading.

SSB 5126 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Kastama, Roach and Keiser)

AN ACT Relating to developing policies, procedures, and mandatory training programs on sexual harassment for all state employees; adding a new section to chapter 41.06 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

ESB 5179 by Senators Morton, Jacobsen, Sheldon and Stevens

AN ACT Relating to forest health; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

SB 5325 by Senators Zarelli, Brown, Doumit, Kline, Shin, Sheldon, Pflug, Mulliken, Kohl-Welles, Rasmussen and Pridemore

AN ACT Relating to community revitalization financing; amending RCW 39.89.020, 39.89.030, 39.89.050, 39.89.060, 39.89.070, and 39.89.080; adding new sections to chapter 39.89 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Economic Development, Agriculture & Trade.

ESB 5527 by Senators Morton, Mulliken, Schoesler, Carrell, Benson, Honeyford, McCaslin and Stevens

AN ACT Relating to prohibiting automatic fee increases; and amending RCW 43.135.055.

Referred to Committee on Finance.

2ESB 6010 by Senator Fairley

AN ACT Relating to employment rights of peace corps and humanitarian organization volunteers and faith-based missionaries; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government Operations & Accountability.

SB 6159 by Senators Jacobsen, Oke and Spanel

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

Referred to Committee on Natural Resources, Ecology & Parks.

SSB 6185 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored

by Senators Keiser, Kohl-Welles, Thibaudeau, Kline and Poulsen) **SB 6280** by Senator Regala

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

Referred to Committee on Commerce & Labor.

SSB 6188 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Johnson, Keiser, Oke, Rockefeller, Thibaudeau and Kohl-Welles)

AN ACT Relating to health benefit plans offering coverage for prostate cancer screening; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.125 RCW; adding a new section to chapter 70.47 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Appropriations.

SSB 6221 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Franklin, Kline, Kastama, Keiser, Regala and Jacobsen)

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

Referred to Committee on State Government Operations & Accountability.

SSB 6246 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Roach, Eide, Pflug and Shin; by request of Lieutenant Governor)

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

Referred to Committee on State Government Operations & Accountability.

SSB 6262 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Parlette, Honeyford, Keiser, Prentice and Kline; by request of Department of Labor & Industries)

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

Referred to Committee on Commerce & Labor.

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

Referred to Committee on Finance.

SB 6344 by Senators Kline, Kohl-Welles, Hargrove, Rockefeller, Shin and Benton

AN ACT Relating to the collection of personally identifiable information by state agencies; and amending RCW 43.105.020 and 43.105.052.

Referred to Committee on State Government Operations & Accountability.

SB 6371 by Senators Rasmussen, Schoesler, Shin, Jacobsen and Sheldon; by request of Department of Agriculture

AN ACT Relating to dead animal disposal; amending RCW 16.68.020; adding a new section to chapter 16.36 RCW; and recodifying RCW 16.68.020.

Referred to Committee on Economic Development, Agriculture & Trade.

ESSB 6428 by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Pridemore, Esser, Poulsen, Morton, Schmidt, Fairley, Benson, Berkey, Regala, Kohl-Welles, Weinstein, Prentice, Kastama, Johnson, Thibaudeau, Kline, Eide, Shin, Rockefeller, Jacobsen, Haugen, Doumit, Oke, Franklin, Swecker, Carrell, Rasmussen, Spanel, Fraser, McAuliffe, Keiser, Brown, Finkbeiner, Brandland and Benton)

AN ACT Relating to providing electronic product recycling through manufacturer financed opportunities; amending RCW 42.56.270; adding a new section to chapter 43.19 RCW; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Appropriations.

SSB 6540 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Parlette and Keiser; by request of Liquor Control Board)

AN ACT Relating to processing liquor licenses; and amending RCW 66.24.010.

Referred to Committee on Commerce & Labor.

SSB 6617 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen and Rasmussen)

AN ACT Relating to verification of the contents of farm plans prepared by conservation districts; amending RCW

42.56.270; adding a new section to chapter 89.08 RCW; and providing an effective date.

Referred to Committee on Local Government.

ESSB 6776 by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Finkbeiner, Poulsen, Weinstein, Esser, Rasmussen, Keiser, Oke, Kline and Kohl-Welles)

AN ACT Relating to prohibiting the unauthorized sale of telephone records; reenacting and amending RCW 9A.82.010; adding a new section to chapter 9.26A RCW; and prescribing penalties.

Referred to Committee on Technology, Energy & Communications.

SB 6816 by Senator Zarelli

AN ACT Relating to cemetery districts; and amending RCW 68.52.210.

Referred to Committee on Local Government.

ESSB 6870 by Senate Committee on Transportation (originally sponsored by Senator Haugen)

AN ACT Relating to the board of pilotage commissioners' training program; amending RCW 88.16.035; amending 2005 c 313 s 204 (uncodified); creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation.

SJM 8039 by Senators Brown, Kohl-Welles, Franklin, Pridemore and Thibaudeau

Requesting changes to the Medicare Modernization Act.

Referred to Committee on Health Care.

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

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

There being no objection, the House adjourned until 9:00 a.m., February 11, 2006, the 34th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

THIRTY FOURTH DAY

House Chamber, Olympia, Saturday, February 11, 2006

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mary Frances Brennan and Jessica Pacheco. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative David Quall.

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

MESSAGE FROM THE SENATE

February 10, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5838,
 SUBSTITUTE SENATE BILL NO. 6196,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6239,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6475,
 SUBSTITUTE SENATE BILL NO. 6618,
 SENATE BILL NO. 6674,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

SECOND READING

HOUSE BILL NO. 3033, By Representatives Pettigrew, Kristiansen, Grant, Kretz, Holmquist, Cox, B. Sullivan, Clements, Campbell, Haigh, Newhouse and Linville

Creating an advisory committee to evaluate animal identification programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3033 was substituted for House Bill No. 3033 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3033 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew, Kretz and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3033.

MOTIONS

On motion of Representative Santos, Representatives McIntire, Morris and Sommers were excused. On motion of Representative Clements, Representative Campbell was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3033 and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Armstrong, Condotta and Sump - 3.

Excused: Representatives Campbell, McIntire, Morris and Sommers - 4.

SUBSTITUTE HOUSE BILL NO. 3033, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3059, By Representatives Grant, Condotta, Cody and Kessler

Clarifying the application of taxes to the financial activities of professional employer organizations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3059 was substituted for House Bill No. 3059 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3059 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3059.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3059 and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Chase, Hasegawa and Hunter - 3.

Excused: Representatives Campbell, McIntire, Morris and Sommers - 4.

SUBSTITUTE HOUSE BILL NO. 3059, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3159, By Representatives Linville, Newhouse, Grant, Kessler, Orcutt, Chandler, Dunn and Kristiansen

Modifying the excise taxation of food products.

The bill was read the second time.

Representative Upthegrove moved the adoption of amendment (823):

On page 7, after line 16, insert the following:

"(12) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent."

On page 27, after line 22, insert the following:

"NEW SECTION. Sec. 14. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales to persons who are subject to tax under RCW 82.04.260(12) of: (a) Materials used to package canned salmon including, but not limited to, clear wrap, boxes, tape, and box labels; and (b) glue, ink, or similar tangible personal property, that: (i) Affixes the label to the labeled product; or (ii) becomes a component of the label.

(2) The exemption is available only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

NEW SECTION. Sec. 15. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply with respect to the use by persons who are subject to tax under RCW 82.04.260(12) of: (a) Materials used to package canned salmon including, but not limited

to, clear wrap, boxes, tape, and box labels; and (b) glue, ink, or similar tangible personal property, that: (i) Affixes the label to the labeled product; or (ii) becomes a component of the label."

Renumber remaining sections consecutively, correct internal references accordingly, and correct the title.

Representatives Upthegrove and Linville spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 3159.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3159 and the bill passed the House by the following vote: Yeas - 90, Nays - 5, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, DeBolt, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDonald, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Upthegrove, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 90.

Voting nay: Representatives Dameille, Dickerson, Hasegawa, McDermott, and Tom - 5.

Excused: Representatives Campbell, McIntire, and Sommers - 3.

ENGROSSED HOUSE BILL NO. 3159, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT RESOLUTION NO. 4223, By Representatives Kilmer, Kristiansen, Linville, Bailey, Pettigrew, P. Sullivan, Dunn, Ericks, Morrell, Appleton, Green, Sells and Simpson

Amending the state Constitution to increase the personal property tax exemption for the head of a family.

The joint resolution was read the second time.

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

Representatives Kilmer, Kristiansen and Linville spoke in favor of passage of the joint resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Resolution No. 4223.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Resolution No. 4223 and the joint resolution passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Orcutt, Ormsby, Pearson, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Campbell, and McIntire - 2.

HOUSE JOINT RESOLUTION NO. 4223, having received the necessary two-thirds majority, was adopted.

HOUSE BILL NO. 3164, By Representatives Kilmer, Kristiansen, Linville, Bailey, Pettigrew, P. Sullivan, Dunn, Ericks, Appleton, Green, Morrell, Sells and Simpson

Increasing the personal property exemption for the head of a family.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3164 was substituted for House Bill No. 3164 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3164 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilmer and Kristiansen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3164.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3164 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SUBSTITUTE HOUSE BILL NO. 3164, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3185, By Representative McCoy

Concerning violations of wage payment requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3185 was substituted for House Bill No. 3185 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3185 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McCoy and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3185.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3185 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 3185, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3190, By Representatives Wallace, Fromhold, Curtis, Orcutt, Moeller and Dunn

Providing tax incentives to support the semiconductor cluster in the state.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3190 was substituted for House Bill No. 3190 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3190 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace, Orcutt and Fromhold spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3190.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3190 and the bill passed the House by the following vote: Yeas - 89, Nays - 9, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Cody, Cox, Eickmeyer, Hasegawa, McDermott, Ormsby, Schual-Berke, Sommers, and Upthegrove - 9.

SUBSTITUTE HOUSE BILL NO. 3190, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3222, By Representatives Pettigrew, Haler, Chandler, Kretz, Hinkle, Kristiansen, Holmquist and Linville

Modifying excise tax exemptions for the handling and processing of livestock manure.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3222 was substituted for House Bill No. 3222 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3222 was read the second time.

Representative Pettigrew moved the adoption of amendment (826):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 2001 2nd sp.s. c 18 s 1 (uncodified) is amended to read as follows:

It is the intent of the legislature to provide tax exemptions to assist dairy farmers to comply with the dairy nutrient management act, chapter 90.64 RCW, to encourage owners of nondairy animal feeding operations to develop and implement approved nutrient management plans, and to assist public or private entities to establish and operate anaerobic digesters to treat ~~((dairy))~~ livestock nutrients on a regional or on-farm basis.

Sec. 2. RCW 82.08.890 and 2001 2nd sp.s. c 18 s 2 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales to eligible persons of services rendered in respect to operating, repairing, cleaning, altering, or improving of ~~((dairy))~~ livestock nutrient management equipment and facilities, or to sales of tangible personal property that becomes an ingredient or component of the equipment and facilities.

~~(2)(a) To be eligible, the equipment and facilities must be used exclusively for activities necessary to maintain a ((dairy)) livestock nutrient management plan ((as required under chapter 90.64 RCW. This)).~~

~~(b) The exemption applies to sales made after the ((dairy)) livestock nutrient management plan is: (i) Certified under chapter 90.64 RCW; (ii) approved as part of the permit issued under chapter 90.48 RCW; or (iii) approved as required under subsection (4)(c)(iii) of this section.~~

~~((2)) (3)(a) The department of revenue must provide an exemption certificate to an eligible person upon application by that person. The department of agriculture must provide a list of eligible persons, as defined in subsection (4)(c)(i) and (ii) of this section, to the department of revenue. Conservation districts must maintain lists of eligible persons as defined in subsection (4)(c)(iii) of this section to allow the department of revenue to verify eligibility. The application must be in a form and manner prescribed by the department and must contain information regarding the location of the dairy or animal feeding operation and other information the department may require.~~

~~(b) A person claiming an exemption under this section must keep records necessary for the department to verify eligibility under this section. The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.~~

~~((3)) (4) The definitions in this subsection apply to this section and RCW 82.12.890 unless the context clearly requires otherwise:~~

~~(a) ("Dairy nutrient management equipment and facilities" means machinery, equipment, and structures used in the handling and treatment of dairy manure, such as aerators, agitators, alley scrapers, augers, dams, gutter cleaners, loaders, lagoons, pipes, pumps, separators, and tanks. The term also includes tangible personal property that becomes an ingredient or component of the equipment and facilities, including repair and replacement parts)) "Animal feeding operation" means a lot or facility, other than an aquatic animal production facility, where the following conditions are met:~~

~~(i) Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve-month period; and~~

(ii) Crops, vegetation, forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility.

(b) "Conservation district" means a subdivision of state government organized under chapter 89.08 RCW.

~~((b))~~ (c) "Eligible person" means a person (i) licensed to produce milk under chapter 15.36 RCW who has a certified dairy nutrient management plan ~~(by December 31, 2003)~~, as required by chapter 90.64 RCW; (ii) who owns an animal feeding operation and has a permit issued under chapter 90.48 RCW; or (iii) who owns an animal feeding operation and has a nutrient management plan approved by a conservation district as meeting natural resource conservation service field office technical guide standards.

(d) "Livestock nutrient management equipment and facilities" means machinery, equipment, and structures used in the handling and treatment of livestock manure, such as aerators, agitators, alley scrapers, augers, dams, gutter cleaners, loaders, lagoons, pipes, pumps, separators, and tanks. The term also includes tangible personal property that becomes an ingredient or component of the equipment and facilities, including repair and replacement parts.

(e) "Permit" means either a state waste discharge permit or a national pollutant discharge elimination system permit, or both.

Sec. 3. RCW 82.12.890 and 2003 c 5 s 15 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use by an eligible person of tangible personal property that becomes an ingredient or component of ~~((dairy))~~ livestock nutrient management equipment and facilities, as defined in RCW 82.08.890, or to labor and services rendered in respect to repairing, cleaning, altering, or improving eligible tangible personal property.

(2)(a) To be eligible, the equipment and facilities must be used exclusively for activities necessary to maintain a ~~((dairy))~~ livestock nutrient management plan ~~(as required under chapter 90.64 RCW. This)~~.

(b) The exemption applies to the use of tangible personal property or labor and services made after the ~~((dairy))~~ livestock nutrient management plan is: (i) Certified under chapter 90.64 RCW; (ii) approved as part of the permit issued under chapter 90.48 RCW; or (iii) approved as required under RCW 82.08.890(4)(c)(iii).

(3) The exemption certificate and recordkeeping requirements of RCW 82.08.890 apply to this section. The definitions in RCW 82.08.890 apply to this section.

Sec. 4. RCW 82.08.900 and 2001 2nd sp.s. c 18 s 4 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales to an eligible person establishing or operating an anaerobic digester or to services rendered in respect to installing, constructing, repairing, cleaning, altering, or improving an anaerobic digester, or to sales of tangible personal property that becomes an ingredient or component of the anaerobic digester. The anaerobic digester must be used primarily to treat ~~((dairy))~~ livestock manure.

(2)(a) The department of revenue must provide an exemption certificate to an eligible person upon application by that person. The application must be in a form and manner prescribed by the department and must contain information regarding the location of the facility and other information as the department may require.

(b) A person claiming an exemption under this section must keep records necessary for the department to verify eligibility under this section. The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) The definitions in this subsection apply to this section and RCW 82.12.900 unless the context clearly requires otherwise:

(a) "Anaerobic digester" means a facility that processes manure from ~~((cattle))~~ livestock into biogas and dried manure using microorganisms in a decomposition process within a closed, oxygen-free container.

(b) "Eligible person" means any person establishing or operating an anaerobic digester to treat primarily ~~((dairy))~~ livestock manure.

(c) "Primarily" means more than fifty percent measured by volume or weight.

Sec. 5. RCW 82.12.900 and 2003 c 5 s 16 are each amended to read as follows:

The provisions of this chapter do not apply with respect to the use of anaerobic digesters, tangible personal property that becomes an ingredient or component of anaerobic digesters, or the use of services rendered in respect to installing, repairing, cleaning, altering, or improving eligible tangible personal property by an eligible person establishing or operating an anaerobic digester, as defined in RCW 82.08.900. The anaerobic digester must be used primarily to treat ~~((dairy))~~ livestock manure.

NEW SECTION. Sec. 6. The conservation commission shall compile the following information on nutrient management plans written and approved by conservation districts for animal feeding operations during the 2005-2007 biennium: (1) The number of requests received to write or approve plans; (2) the number of plans completed and approved; (3) the total costs of writing and approving the plans, and the funding sources used; and (4) the relationship, if any, between the tax exemptions provided in this act and the number of plans written and approved. In its report, the commission shall compare the totals under subsections (1) through (3) of this section to the totals in the previous biennium. The conservation commission shall report this information to the appropriate committees of the legislature by December 1, 2007.

NEW SECTION. Sec. 7. This act takes effect July 1, 2006."

Correct the title.

Representatives Pettigrew and Orcutt spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew, Haler, Kretz, McIntire and Linville spoke in favor of passage of the bill.

Representative Tom spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3222.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3222 and the bill passed the House by the following vote: Yeas - 77, Nays - 21, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Linville, Lovick, McCoy, McCune, McDonald, McIntire, Moeller, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Wallace, Walsh, Wood, Woods and Mr. Speaker - 77.

Voting nay: Representatives Anderson, Appleton, Chase, Cody, Dickerson, Jarrett, Kagi, Lantz, McDermott, Miloscia, Morrell, Murray, Ormsby, Schual-Berke, Simpson, Sommers, Takko, Talcott, Tom, Upthegrove and Williams - 21.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3222, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2939, By Representatives Grant, Dunshee, Linville, Kessler, Upthegrove, Kilmer, Ericks, Hasegawa, P. Sullivan, Santos, Green, Springer, Conway, Simpson and Hudgins

Establishing the energy freedom program.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 2939 was substituted for House Bill No. 2939 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 2939 was read the second time.

With the consent of the House, amendment (814) was withdrawn.

Representative Chandler moved the adoption of amendment (810):

On page 2, line 20, after "fuels" insert "and by the lack of a market for its products, both of which the legislature proposes to provide"

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Dunshee moved the adoption of amendment (759):

On page 4, line 25, after "(3)" insert "Establish a peer review committee to include board members, renewable energy specialists, energy conservation specialists, scientists, and individuals with specific recognized expertise. The peer review committee shall provide to the board an independent peer review of all grant proposals submitted by Washington public research institutions for the purposes specified in section 7, subsections(3)(a) and (c) of this act that are determined to be competitive for a grant award. The board shall review the findings of the peer review committee when making final grant allocation decisions;

(4)"

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representative Dunshee spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Chandler moved the adoption of amendment (813):

On page 4, line 32, strike "grant or"

On page 5, beginning on line 9, after "activities." strike all material through "grants." on line 16

On page 5, line 17, strike "and grants"

On page 5, line 21, strike "and grants"

On page 5, line 23, strike "financial assistance" and insert "loans"

On page 6, line 18, strike "Financial assistance awarded to political subdivisions is" and insert "Loans awarded to political subdivisions are"

On page 6, line 34, strike "financial assistance" and insert "a loan"

On page 7, line 2, strike "or grants"

On page 7, line 11, strike "or grant"

on page 7, line 33, strike "grant and"

Representatives Chandler, Newhouse and Alexander spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (813) to Third Substitute House Bill No. 2939.

ROLL CALL

The Clerk called the roll on the adoption of amendment (813) to Third Substitute House Bill No. 2939, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 55, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 43.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 55.

Representative Chandler moved the adoption of amendment (809):

On page 5, line 29, after "facilities," insert "and"

On page 5, line 31, after "byproducts" strike the remainder of subsection (3) and insert ".".

Representatives Chandler and Ericksen spoke in favor of the adoption of the amendment.

Representative Ormsby and Dunshee spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ericksen moved the adoption of amendment (822):

On page 5, line 31, strike "and"

On page 5, line 32, after "retrofits" insert the following:

"; and
(e) Facilities and infrastructure for hydrogen fuel production"

On page 5, line 33, after "(4)" strike "Applications" and insert the following:

"Projects that involve conversion of an existing facility for construction of hydrogen fuel shall receive first priority for loans and grants under this section. Other applications"

Representatives Ericksen, Serben, Haler and Ericksen spoke in favor of the adoption of the amendment.

Representatives Dunshee and Morris spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved adoption of amendment (812):

On page 6, line 31, after "up to" strike "twenty-four" and insert "twelve"

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (812) to Third Substitute House Bill No. 2939.

ROLL CALL

The Clerk called the roll on the adoption of amendment (812) to Third Substitute House Bill No. 2939, and the amendment was not adopted by the following vote: Yeas - 42, Nays - 56, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom and Woods - 42.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee,

Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 56.

Representative Ericksen moved the adoption of amendment (827):

On page 7, after line 19, insert the following:

"(15) Grant or loan funds awarded in this section shall only be available for facilities that use crops where relinquishment does not affect the water right of the land upon which the alternative crop is grown."

Representatives Ericksen, Haler and Newhouse spoke in favor of the adoption of the amendment.

Representatives Linville and Dunshee spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (827) to Third Substitute House Bill No. 2939.

ROLL CALL

The Clerk called the roll on the adoption of amendment (827) to Third Substitute House Bill No. 2939, and the amendment was not adopted by the following vote: Yeas - 40, Nays - 58, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom and Woods - 40.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 58.

Representative Chandler moved the adoption of amendment (811):

On page 7, line 28, after "chapter." insert "Administrative costs shall not exceed three percent of the annual funds deposited in the account for this program."

Representatives Chandler and Ericksen spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Jarrett moved the adoption of amendment (815):

On page 8, beginning on line 1, strike all of section 10

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Jarrett spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Anderson moved the adoption of amendment (816):

On page 8, after line 32, insert the following:

NEW SECTION. Sec. 9. (1) No later than January 1, 2010, the office of financial management shall contract for an independent study of the extent to which any state investments made under this act in ethanol and biodiesel production as alternative fuels are resulting in a positive net energy balance.

(2) In evaluating the net energy of ethanol produced with the assistance of this act, the independent study shall consider, at a minimum, the following:

(a) the cost of the feedstock per gallon of ethanol;

(b) the number of distillation steps necessary to separate the ethanol;

(c) the amount of treatment and energy required to produce the pure ethanol for mixture with gasoline; and

(d) the amount of energy contained in the final ethanol product.

(3) In evaluating the net energy of biodiesel produced with the assistance of this act, the independent study shall consider, at a minimum, the following:

(a) the cost of production of the soybean, sunflower, mustard seed or other crops per gallon of biodiesel;

(b) the amount of energy consumed in producing the crops and converting the crops to biodiesel fuel; and

(c) the amount of energy in the final biodiesel product.

(4) The office of financial management shall submit a report to the governor and the appropriate policy and fiscal committees in the legislature by December 1, 2010. The report shall include recommendations as to whether continued review of net energy balances resulting from state investments in ethanol and biodiesel fuel production are necessary and desirable."

Renumber the remaining sections and correct internal references accordingly. Correct the title.

On page 9, line 4, after "9" insert ", 11,"

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Cox moved the adoption of amendment (817):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that it is in the public interest to encourage the rapid adoption and use of bioenergy, to develop a viable bioenergy industry within Washington state, and to support a viable agriculture industry to grow bioenergy crops. To accomplish this, the Washington bioenergy loan program is established to stimulate the construction of facilities in Washington to generate energy from farm sources or convert organic matter into fuels.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "Project" means the construction of facilities, including the purchase of equipment, to convert farm products or wastes into electricity or gaseous and liquid fuels. These specifically include facilities to generate electricity or methane from the anaerobic digestion of organic matter, and facilities for the extracting oils from canola, rape, mustard, and other oilseeds.

(4) "Political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state.

NEW SECTION. Sec. 3. (1) An bioenergy loan program is established within the department. The director may only approve an application providing a loan to a political subdivision for a project that the director finds:

(a) Will convert farm products or wastes directly into electricity or into gaseous or liquid fuels;

(b) Demonstrates technical feasibility and probable business success;

(c) The facility produces long-term economic benefits to the state, a region of the state, or a particular community in the state;

(d) The project does not require continuing state support;

(e) The expenditure will result in new jobs, job retention, or higher incomes for citizens of the state; and

(f) The expenditure is accompanied by private investment.

(2) The director may not approve an application if it fails to provide for adequate reporting or disclosure of financial and employment data to the director. The director may require an annual or other periodic audit of the project books.

(3) The director may approve an application that results in a loan of up to five million dollars. In no circumstances shall a loan approved under this section constitute more than fifty percent of total project funding.

(4) The director shall fix the terms and rates of these loans to minimize the costs to the borrowers and to encourage establishment of a viable bioenergy industry. The interest rates for these loans must be one percent below the prime interest rate offered by private lending institutions.

(5) The director may defer loan repayment for up to twelve months or until the project starts to receive revenue from operations, whichever is sooner.

(6) The director is authorized to award grants to Washington public research institutions for the research and development of new and renewable energy and biofuel sources and markets for alternative fuel byproducts.

NEW SECTION. Sec. 4. (1) The director may establish policies and procedures necessary for processing, reviewing, and approving loan applications made under this section.

(2) Each application must show in detail the nature of the project, the source of the feedstock, and the technologies that will be used. Each application submitted by a political subdivision must contain a credit analysis of any industry partner that the political subdivision may propose to partner with, and must include a detailed feasibility analysis and business plan.

(3) The director shall consult with those agencies having expertise and knowledge to assess the technical and business feasibility of the project and probability of success. These agencies may include, but are not limited to, Washington State University, the University of Washington, the department of ecology, the department of agriculture, and the Washington state conservation commission.

(4) If the total requested dollar amount of loans exceeds the amount available in the Washington bioenergy loan account created in section 5 of this act, the applications must be prioritized based upon the following criteria:

(a) The extent to which the project will help conserve energy and reduce dependence on petroleum fuels and imported energy either directly or indirectly;

(b) The extent to which the project will reduce air and water pollution either directly or indirectly;

(c) The extent to which the project will establish a viable bioenergy production capacity in Washington;

(d) The benefits to Washington's agriculture producers; and

(e) The number and quality of jobs and economic benefits created by the project.

(5) Upon receiving financial assistance, a political subdivision must enter into appropriate contracts with any industry partners that may be involved in the use of the facilities, infrastructure, or equipment.

NEW SECTION. Sec. 5. The Washington bioenergy loan account is created in the state treasury. All receipts from appropriations made to the account and loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for loans for projects consistent with this chapter. Administrative costs of the department may not exceed three percent of the annual funds available for this program.

NEW SECTION. Sec. 6. The director shall report to the legislature and governor on the status of the Washington bioenergy loan program created under this chapter, on or before December 1st of the years 2006, 2007, and 2009. This report must include information on the projects that have been funded, the status of these projects, and their environmental, energy savings, and job creation benefits.

Sec. 7. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.-- (sections 1 through 6, 9, and 10 of this act), 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure

would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; and

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter.

Sec. 8. RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased

banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high- occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington bioenergy loan account, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health

insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 1 through 6 and 9 of this act expire June 30, 2016. Any moneys in the Washington bioenergy loan account on that date and any moneys received pursuant to loans made under this chapter must be deposited in the general fund.

NEW SECTION. Sec. 11. Sections 1 through 6, 9, 10, and 12 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 12. This act takes effect July 1, 2006."

Correct the title.

Representatives Cox and Ericksen spoke in favor of the adoption of the amendment.

Representatives Dunshee and Dunshee (again) spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (817) to Third Substitute House Bill No. 2939.

ROLL CALL

The Clerk called the roll on the adoption of amendment (817) to Third Substitute House Bill No. 2939, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 55, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Erickson, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 43.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 55.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant, Nixon and Wallace spoke in favor of passage of the bill.

Representative Clements, Armstrong, Anderson, Chandler and Erickson spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 2939.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 2939 and the bill passed the House by the following vote: Yeas - 68, Nays - 30, Excused - 0.

Voting yea: Representatives Appleton, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 68.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Erickson, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott and Woods - 30.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 2939, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2608, By Representatives Curtis, Takko, Bailey, Grant, Orcutt, Hinkle, McDonald, Clements, Moeller, Chandler, Wallace, O'Brien, Haler, Haigh, Alexander and Morrell

Defining performance of duty for the volunteer fire fighters' and reserve officers' relief and pension act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2608 was substituted for House Bill No. 2608 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2608 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Curtis and Takko spoke in favor of passage of the bill.

COLLOQUY

Representative Fromhold: "Mr. Speaker, there was discussion in the Appropriations Committee about the potential cost of HB 2608 as originally introduced, and specially about its impact on the Volunteer Firefighters' and Reserve Officers' Relief and Pensions Fund, given the possible liability created by the bill and the actuarial status of the fund. With your permission, I'd like to ask the gentleman from the 18th District how that concern was addressed in the Appropriations Committee."

Representative Curtis: "House Bill No. 2608 was amended in the Appropriations Committee to tighten the definition of "performance of duty" or "performance of service" in the Volunteer Fire Fighters' and Reserve Officers' Relief and Pension System from "any participation in community or charitable events sanctioned by the chief or another officer" to "other officially assigned duties that are secondary to duties as a fire fighter, emergency worker, or reserve officer, including maintenance, public education, inspections, investigations, court testimony, and fund raising for the benefit of the department." Based on advice from the Board for Volunteer Firefighters, we believe this tightens that language sufficiently to minimize the risk of any significant exposure to the fund from this bill."

Representative Fromhold: "Mr. Speaker, if I may ask a follow-up question of the gentleman from the 18th - If, despite the amendment in the Appropriations Committee, the impact of the provisions of Substitute House Bill No. 2608 are found later to be greater than we anticipate based on present actuarial analysis, how would that contingency be addressed?"

Representative Curtis: "The Board of Volunteer Firefighters has indicated to members of the Appropriations Committee that in that contingency it would come to the Legislature to seek any adjustment to the funding of the system required to ensure the actuarial soundness of the system. It would be the intent of the Legislature to give due consideration to such a request."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2608.

MOTION

On motion of Representative Santos, Representative Schual-Berke was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2608 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 2608, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2687, By Representatives Bailey, Conway, Fromhold, Lovick, Hunt, Nixon, Kenney, Quall, Simpson, Ormsby, Moeller, Morrell, Upthegrove and Hinkle; by request of Select Committee on Pension Policy

Establishing a one thousand dollar minimum monthly benefit for certain plan 1 members of the public employees' retirement system and certain plan 1 members of the teachers' retirement system.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bailey and Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2687.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2687 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald,

McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

HOUSE BILL NO. 2687, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2690, By Representatives Crouse, Conway, Lovick, Hunt, Green, Sells, Quall, Simpson, Moeller and Morrell; by request of Select Committee on Pension Policy

Permitting members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the public safety employees' retirement system, plan 1 of the law enforcement officers' and fire fighters' retirement system, and the Washington state patrol retirement system to make a one-time purchase of additional service credit.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Crouse and Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2690.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2690 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

HOUSE BILL NO. 2690, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2691, By Representatives Crouse, Fromhold, Conway, Lovick, Bailey, Kenney and Quall; by request of Select Committee on Pension Policy

Creating optional public retirement benefits for justices and judges.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2691 was substituted for House Bill No. 2691 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2691 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Crouse and Fromhold spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2691.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2691 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Hinkle - 1.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 2691, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2934, By Representatives Simpson, Priest, Conway, Hinkle, Williams, Ericks, Sells, Rodne, McDonald, Kilmer and Green; by request of LEOFF Plan 2 Retirement Board

Determining the retirement allowance of a member who is killed in the course of employment.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2934 was substituted for House Bill No. 2934 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2934 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2934.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2934 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 2934, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2681, By Representatives Conway, Fromhold, Lovick, Green, Sells, Kenney, Quall, Simpson, Moeller and Morrell; by request of Select Committee on Pension Policy

Establishing minimum contribution rates for the public employees' retirement system, the public safety employees' retirement system, the school employees' retirement system, and the teachers' retirement system.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2681.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2681 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

HOUSE BILL NO. 2681, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2684, By Representatives Fromhold, Bailey, Conway, Lovick, Green, Sells, Kenney, Quall, Simpson, Moeller and Morrell; by request of Select Committee on Pension Policy

Allowing vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2684 was substituted for House Bill No. 2684 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2684 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2684.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2684 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson,

Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 2684, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2685, By Representatives Fromhold, Conway, Lovick, Quall, Simpson, Ormsby and Moeller; by request of Select Committee on Pension Policy

Making changes to general provisions in the public safety employees' retirement system.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2685 was substituted for House Bill No. 2685 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2685 was read the second time.

Representative Fromhold moved the adoption of amendment (791):

On page 2, line 36, after "incarcerated" insert "or probationary"

On page 2, line 36, after "officer" insert ", probation officer,"

Representatives Fromhold and Alexander spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2685.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2685 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan,

Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2685, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2688, By Representatives Fromhold, Conway, Lovick, Kenney, Quall, Simpson, Ormsby, Moeller and Ericks; by request of Select Committee on Pension Policy

Addressing the law enforcement officers' and fire fighters' retirement system plan 1.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2688 was substituted for House Bill No. 2688 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2688 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold and Conway spoke in favor of passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2688.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2688 and the bill passed the House by the following vote: Yeas - 78, Nays - 19, Excused - 1.

Voting yea: Representatives Ahern, Appleton, Blake, Buck, Campbell, Chase, Clements, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 78.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Condotta, Cox, Crouse, DeBolt, Holmquist, Kretz, Kristiansen, Newhouse, Nixon, Pearson, Schindler, Strow and Sump - 19.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 2688, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2689, By Representatives Bailey, Conway, Fromhold, Lovick, Quall, Simpson and Ormsby; by request of Select Committee on Pension Policy

Addressing the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2689 was substituted for House Bill No. 2689 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2689 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bailey and Fromhold spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2689.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2689 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 2689, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2932, By Representatives Darneille, Curtis, Simpson, Conway, Hinkle, Williams,

Ericks, Sells, Rodne, McDonald, Kilmer and Green; by request of LEOFF Plan 2 Retirement Board

Establishing a catastrophic disability allowance under the law enforcement officers' and fire fighters' retirement system, plan 2.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Darneille and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2932.

MOTION

On motion of Representative Santos, Representative Quall was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2932 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Quall and Schual-Berke - 2.

HOUSE BILL NO. 2932, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2933, By Representatives P. Sullivan, Curtis, Simpson, Conway, Hinkle, Kenney, Williams, Ericks, Sells, Rodne, McDonald, Kilmer and Green; by request of LEOFF Plan 2 Retirement Board

Addressing death benefit payments for law enforcement officers' and fire fighters' retirement system, plan 2.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2933 was substituted for House Bill No. 2933 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2933 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives P. Sullivan and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2933.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2933 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Quall and Schual-Berke - 2.

SUBSTITUTE HOUSE BILL NO. 2933, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2682, By Representatives Conway, Fromhold, Lovick, Kenney, Quall, Simpson, Roberts, Ormsby and McCune; by request of Select Committee on Pension Policy

Setting contribution rates in the Washington state patrol retirement system.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2682.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2682 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Quall and Schual-Berke - 2.

HOUSE BILL NO. 2682, having received the necessary constitutional majority, was declared passed.

SECOND READING SUSPENSION

HOUSE BILL NO. 2409, By Representatives O'Brien, Rodne, Ericks, Lovick, Anderson, Jarrett, Nixon, McDonald, Williams, Darneille, Buck, Conway, P. Sullivan, Tom, Takko, Lantz, Kilmer, Fromhold, B. Sullivan, Morrell, Simpson, Springer, Green, Miloscia, Sells and Ormsby

Changing the provisions relating to sex and kidnapping offender registration.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2409 .

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2409 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom,

Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Quall and Schual-Berke - 2.

HOUSE BILL NO. 2409, having received the necessary constitutional majority, was declared .

HOUSE BILL NO. 2580, By Representatives Upthegrove, Schual-Berke, P. Sullivan, Simpson and McCune

Providing excise tax relief for persons that process canned salmon.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Upthegrove and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2580 .

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2580 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Cody - 1.

Excused: Representatives Quall and Schual-Berke - 2.

HOUSE BILL NO. 2580, having received the necessary constitutional majority, was declared .

HOUSE BILL NO. 2590, By Representatives Dickerson and McIntire

Exempting nonprofit organizations organized for zoological purposes from certain excise taxes.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2590 was read the second time.

The bill was placed on final passage.

Representatives Dickerson and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2590 .

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2590 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Anderson and Kirby - 2.

Excused: Representatives Quall and Schual-Berke - 2.

SUBSTITUTE HOUSE BILL NO. 2590, having received the necessary constitutional majority, was declared .

HOUSE BILL NO. 2799, By Representatives Chase, Morris, Crouse, Eickmeyer, Clibborn, P. Sullivan, Hunt, McCoy, Miloscia, Grant, Sells, Williams, McCune, Moeller, Conway, Upthegrove, Morrell, Simpson, Kilmer, Kagi, Hudgins, Dunn and Darneille

Providing tax exemptions for solar hot water equipment.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SECOND SUBSTITUTE HOUSE BILL NO. 2799 was read the second time.

The bill was placed on final passage.

Representatives Chase and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2799.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2799 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler,

Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Anderson - 1.

Excused: Representatives Quall and Schual-Berke - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 2799, having received the necessary constitutional majority, was declared.

HOUSE BILL NO. 2805, By Representatives O'Brien, Ericks, Morrell, Miloscia and Green

Expanding provisions relating to missing persons.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SECOND SUBSTITUTE HOUSE BILL NO. 2805 was read the second time.

The bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2805.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2805 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Quall and Schual-Berke - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 2805, having received the necessary constitutional majority, was declared.

HOUSE BILL NO. 2846, By Representatives Miloscia, Hunt, Campbell and Dunshee**Expanding campaign finance disclosure in small political subdivisions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2846 was read the second time.

The bill was placed on final passage.

Representatives Miloscia and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2846.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2846 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Dunn - 1.

Excused: Representatives Quall and Schual-Berke - 2.

SUBSTITUTE HOUSE BILL NO. 2846, having received the necessary constitutional majority, was declared.

HOUSE BILL NO. 3024, By Representatives Haigh, Cox, Ericks, Miloscia, Armstrong, McCoy, McDermott, Green, Morrell, Wallace, Nixon, Clements, Chase and Linville**Increasing the number of demonstration projects that may be authorized by the school district project review board.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 3024 was read the second time.

The bill was placed on final passage.

Representatives Haigh and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3024.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3024 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Quall and Schual-Berke - 2.

SUBSTITUTE HOUSE BILL NO. 3024, having received the necessary constitutional majority, was declared.

HOUSE BILL NO. 3057, By Representatives Green, Nixon, Hunt, Sump, Miloscia, Haigh, Schual-Berke and Morrell; by request of Secretary of State**Modifying address confidentiality program provisions.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Green and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3057.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3057 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz,

Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, and Talcott - 88.

Excused: Representatives Quall and Schual-Berke - 2.

HOUSE BILL NO. 3057, having received the necessary constitutional majority, was declared.

HOUSE BILL NO. 3109, By Representatives Miloscia, Morrell and O'Brien; by request of Governor Gregoire

Addressing government performance and accountability.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 3109 was read the second time.

The bill was placed on final passage.

Representatives Miloscia and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3109.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3109 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Quall and Schual-Berke - 2.

SUBSTITUTE HOUSE BILL NO. 3109, having received the necessary constitutional majority, was declared.

The Speaker (Representative Lovick presiding) called upon Representative Morris to preside.

HOUSE BILL NO. 2407, By Representatives Lovick, Strow, O'Brien, Ericks, Dunshee, Linville, Grant, Lantz, Kessler, Williams, Blake, Morrell, Rodne, Hunt, Conway, P. Sullivan, Springer, Takko, Kilmer, Fromhold, B.

Sullivan, Hunter, Simpson, Green, Miloscia, Sells, Upthegrove, Campbell and Ormsby

Revising provisions relating to electronic monitoring of sex offenders.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2407 was read the second time.

The bill was placed on final passage.

Representatives Lovick and Strow spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2407.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2407 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Darneille - 1.

Excused: Representatives Quall and Schual-Berke - 2.

SUBSTITUTE HOUSE BILL NO. 2407, having received the necessary constitutional majority, was declared.

The Speaker assumed the chair.

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

INTRODUCTION & FIRST READING

HB 3310 by Representatives Bailey, Linville, Kessler, Morrell, Clibborn and Morris

AN ACT Relating to health care coverage statutory requirements; and creating new sections.

HB 3311 by Representatives Kretz, Kristiansen, Buri, Holmquist, Serben, Newhouse, Orcutt, Condotta, Sump, Ormsby, Schindler, Hinkle, Campbell, Chandler, Crouse, McDonald, Armstrong,

Rodne, Buck, Haler, Ericksen, Linville, Kessler, Grant, McCune and Morrell

AN ACT Relating to providing fairness in government regulation of private property; adding new sections to chapter 64.40 RCW; adding a new section to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Judiciary.

HJM 4042 by Representatives B. Sullivan, Pearson, Hinkle, Roach, Haigh, Kristiansen, McCune, Newhouse, Campbell, Shabro, Eickmeyer, Chandler, McDonald, Kretz, Sump, Schindler, Crouse, Orcutt, Holmquist, Buck and Blake

Requesting that Congress pass the Right-to-Ride Livestock on Federal Land Act of 2005.

Referred to Committee on Natural Resources, Ecology & Parks.

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

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

SECOND READING

HOUSE BILL NO. 3180, By Representatives Haigh, Nixon, Hudgins, Jarrett, Cody, Haler, Santos and Morrell

Applying whistleblower and discrimination provisions to contractors who hold contracts with the state.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3180 was substituted for House Bill No. 3180 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3180 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh, Nixon and Eickmeyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3180.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3180 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan,

Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Quall and Schual-Berke - 2.

SUBSTITUTE HOUSE BILL NO. 3180, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3282, By Representatives Eickmeyer, Green, Haigh, Appleton, Kilmer, O'Brien, Lantz, McCoy, Chase, Miloscia, Clibborn and Ormsby

Establishing the Hood Canal aquatic rehabilitation account.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3282 was substituted for House Bill No. 3282 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3282 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Eickmeyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3282.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3282 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Dunn - 1.

Excused: Representatives Quall and Schual-Berke - 2.

SUBSTITUTE HOUSE BILL NO. 3282, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3287, By Representatives Chase, Sump, Eickmeyer, McCoy, Walsh and Pearson

Studying nitrogen contributions from on-site sewage systems in Hood Canal.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 3287 was substituted for House Bill No. 3287 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 3287 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chase and Sump spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 3287.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 3287 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Quall and Schual-Berke - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 3287, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1305, By Representatives Haigh, McDonald, Eickmeyer, Holmquist, Wallace, P. Sullivan, Roach, Morrell and Sells

Authorizing background checks before an authorized emergency vehicle permit is issued.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Woods spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1305.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1305 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Quall and Schual-Berke - 2.

HOUSE BILL NO. 1305, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1395, By Representatives Wood, Conway and Condotta; by request of Department of Licensing

Modifying provisions concerning the uniform regulation of business and professions.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1395 was substituted for House Bill No. 1395 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1395 was read the second time.

Representative Wood moved adoption of amendment (799):

On page 2, beginning on line 15, strike all of subsections (7) and (8) and insert the following:

"(7) Failure or refusal without good cause to exercise reasonable diligence in performing an appraisal practice under this chapter, including preparing an oral or written report to communicate information concerning an appraisal practice; and

(8) Negligence or incompetence in performing an appraisal practice under this chapter, including preparing an oral or written report to communicate information concerning an appraisal practice."

Representatives Wood and Condotta spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1395.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1395 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Quall and Schual-Berke - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1395, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1458, By House Committee on Appropriations (originally sponsored by Representatives Hunt, Dickerson, McCoy, B. Sullivan, Williams, Haigh, Appleton, Linville, Chase, Dunshee, Simpson, Upthegrove, Moeller and McDermott)

Concerning the management of on-site sewage disposal systems in marine areas.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1458 was substituted for Engrossed Second Substitute House Bill No. 1458 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1458 was read the second time.

Representative Pearson moved the adoption of amendment (846):

On page 3, beginning on line 5, after "where the" strike "local health officer, or the department in consultation with the health officer," and insert "county legislative authority"

On page 3, line 34, after "act, the" strike "local health officer" and insert "county legislative authority"

On page 4, beginning on line 11, strike "local health officer" and insert "county legislative authority"

On page 4, line 21, after "2007, the" strike "local health officer" and insert "county legislative authority"

On page 4, beginning on line 23, after "information." strike all material through "recommendation." on line 27

On page 5, line 9, after "they are" strike "functioning properly" and insert "not failing"

On page 5, after line 10, insert the following:

"(3) If a repair is required under subsection (2) of this section, nothing in this section requires a homeowner to install or modify an existing on-site septic system specifically to remove nitrogen."

Representative Pearson spoke in favor of the adoption of the amendment.

Representative B. Sullivan spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Pearson moved the adoption of amendment (836):

On page 4, line 17, after "department" insert "and the results of the study of nitrogen contributions to ground water required in chapter ... (Second Substitute House Bill No. 3287), Laws of 2006. A local health officer may not require an on-site sewage disposal system to address nitrogen until the results of the study are complete, and the findings clearly indicate that on-site sewage disposal systems are a significant factor contributing to marine waters with excess nitrogen and low-dissolved oxygen"

Representative Pearson spoke in favor of the adoption of the amendment.

Representative B. Sullivan spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Pearson moved the adoption of amendment (837):

On page 4, line 18, before ". The" strike "available scientific and technical data" and insert "credible data as defined in RCW 90.48.575"

Representative Pearson spoke in favor of the adoption of the amendment.

Representative B. Sullivan spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Pearson moved the adoption of amendment (835):

On page 8, after line 22, insert the following:

"**Sec. 12.** RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve.

Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development. Extensions or expansions of sewer systems consistent with the requirements of section 13 of this act satisfy the requirements of this section.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

(7) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county.

NEW SECTION. Sec. 13. A new section is added to chapter 36.70A RCW to read as follows:

Sewer systems may be extended to or expanded in rural areas within a marine recovery area as defined in section 2 of this act according to the requirements of this section.

(1) Municipal sewer systems and community sewage collection and treatment facilities may be constructed in or extended to areas in which:

- (a) Clusters of high-density development are present;
- (b) Water quality problems associated with discharge of nutrients from on-site sewage treatment systems have been documented based upon credible data standards used in RCW 90.48.575; and
- (c) The treatment efficiency of existing on-site sewage treatment systems is poor.

(2) Systems and facilities constructed in or extended into rural areas must include nitrogen removal treatment capability when practicable.

(3) Consistent with the requirements of RCW 36.70A.110(4), any system or facility constructed or expanded to serve residences in rural areas of a marine recovery area shall be financially supportable at rural densities."

Re-number the remaining section consecutively, correct any internal references accordingly, and correct the title.

POINT OF ORDER

Representative Hudgins requested a scope and object ruling on the amendment (835) to Third Substitute House Bill No. 1458.

SPEAKER'S RULING

Mr. Speaker: "The title of Third Substitute House Bill No. 1458 is an act relating to "managing on-site sewage disposal systems in marine areas. Section 2, subsection 7 of the bill defines an on-site sewage disposal system as "as integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment sequence, and a soil dispersal component. An on-site sewage disposal system also refers to a holding tank sewage system or other system that does not have a soil dispersal component. For purposes of this chapter, the term "on-site sewage disposal system" does not include any system regulated by a water quality discharge permit issued under chapter 90.48 RCW."

Amendment (838) authorizes the extension or expansion of sewer systems OTHER than on-site sewage disposal systems as defined in the bill.

The amendment is therefore beyond the scope and object of the bill.

Mr. Speaker: Representative Hudgins, your point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt and Buck spoke in favor of passage of the bill.

Representative Pearson spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Third Substitute House Bill No. 1458.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1458 and the bill passed the House by the following vote: Yeas - 70, Nays - 26, Excused - 2.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Buck, Campbell, Chase, Clements, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Sells, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood, Woods and Mr. Speaker - 70.

Voting nay: Representatives Ahern, Alexander, Armstrong, Buri, Chandler, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hinkle, Holmquist, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Schindler, Serben, Skinner, Sump, Talcott and Walsh - 26.

Excused: Representatives Quall and Schual-Berke - 2.

THIRD SUBSTITUTE HOUSE BILL NO. 1458, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2418, By Representatives Springer, Miloscia, Chase, Morrell, Hasegawa, Darneille, Santos, P. Sullivan, Kagi, Green, Sells, Ormsby and O'Brien

Increasing the availability of affordable housing.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2418 was substituted for House Bill No. 2418 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2418 was read the second time.

Representative Serben moved the adoption of amendment (718):

Beginning on page 1, line 8, strike all of sections 1 and 2.

Renumber the sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Serben spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (789) was withdrawn.

Representative Holmquist moved the adoption of amendment (857):

On page 2, line 34, after "appropriated for" strike "rental vouchers for low-income" and insert "housing vouchers for homeless persons, victims of domestic violence, and low-income persons"

On page 3, line 15, after "(1)" strike "\$8,600,000" and insert "\$8,100,000"

On page 3, line 19, after "(2)" strike "\$1,000,000" and insert "\$1,500,000"

On page 3, line 20 after "solely for" strike everything through "applicable." on line 25 and insert "short-term, long-term or emergency housing vouchers for homeless persons, victims of domestic violence, low-income persons or seasonal farm workers. The department shall establish guidelines for housing voucher programs.

(a) Housing vouchers for low-income persons or seasonal farm workers are specifically to be used for: (i) Privately owned and operated rental units, including single-family homes; or (ii) on-farm housing units. Housing and rental units for which farm worker housing vouchers may be used must meet temporary worker housing standards, when applicable. Housing voucher programs shall be administered by local public housing authorities or other local organizations.

(b) Housing vouchers for homeless persons and victims of domestic violence shall be administered by local public housing authorities, other local organizations with existing housing voucher programs, homeless shelters, or domestic violence shelters."

Representative Holmquist and Dunshee spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Schindler moved the adoption of amendment (858):

On page 7, line 29, after "Identify" strike "and eliminate"

On page 7, line 29, after "that" insert "may"

On page 7, line 33, after "Recommend" strike "and adopt new"

Representatives Schindler and Miloscia spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment (779) was withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer, Jarrett and Holmquist spoke in favor of passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2418.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2418 and the bill passed the House by the following vote: Yeas - 72, Nays - 24, Excused - 2.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clements, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Roach, Roberts, Santos, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 72.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Kretz, Kristiansen, Orcutt, Pearson, Rodne, Schindler, Strow, Sump, Talcott and Tom - 24.

Excused: Representatives Quall and Schual-Berke - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2418, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1944, By Representatives Hunt and Williams

Allowing raffles conducted by state employees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1944 was substituted for House Bill No. 1944 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1944 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt and Condotta spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1944.

MOTION

On motion of Representative Santos, Representative Fromhold was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1944 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

SUBSTITUTE HOUSE BILL NO. 1944, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 2033, By House Committee on Finance (originally sponsored by Representatives McIntire, Orcutt, Conway, Hunter, Chase and Santos)

Modifying the allocation of printing and publishing income for municipal business and occupation taxes.

The bill was read the third time.

Representatives McIntire and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2033.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2033 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

SUBSTITUTE HOUSE BILL NO. 2033, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 2219, By Representatives Hunt, DeBolt, Williams and Alexander

Expanding eligibility for urban industrial land banks.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2219 was substituted for Engrossed House Bill No. 2219 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2219 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2219.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2219 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle,

Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

SUBSTITUTE HOUSE BILL NO. 2219, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2340, By Representatives Kirby, Roach, Chase, Kenney and Simpson; by request of Department of Financial Institutions

Regulating mortgage brokers and loan originators.

The bill was read the second time.

Representative Kirby moved the adoption of amendment (806):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.146.005 and 1994 c 33 s 1 are each amended to read as follows:

The legislature finds and declares that the brokering of residential real estate loans substantially affects the public interest. The practices of mortgage brokers and loan originators have had significant impact on the citizens of the state and the banking and real estate industries. It is the intent of the legislature to establish a state system of licensure in addition to rules of practice and conduct of mortgage brokers and loan originators to promote honesty and fair dealing with citizens and to preserve public confidence in the lending and real estate community.

Sec. 2. RCW 19.146.010 and 1997 c 106 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affiliate" means any person who directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with another person.

(2) "Application" means the same as in Regulation X, Real Estate Settlement Procedures, 24 C.F.R. Sec. 3500.

(3) "Borrower" means any person who consults with or retains a mortgage broker or loan originator in an effort to obtain or seek advice or information on obtaining or applying to obtain a residential mortgage loan for himself, herself, or persons including himself or herself, regardless of whether the person actually obtains such a loan.

~~((3))~~ (4) "Computer loan information systems" or "CLI system" means ~~((the real estate mortgage financing information system defined by rule of the director))~~ a real estate mortgage financing information system that facilitates the provision of information to consumers by a mortgage broker, loan originator, lender, real estate agent, or other person regarding interest rates and other loan terms available from different lenders.

~~((4))~~ (5) "Department" means the department of financial institutions.

~~((5))~~ (6) "Designated broker" means a natural person designated ~~((by the applicant for a license or licensee))~~ as the person responsible for activities of the licensed mortgage broker in conducting the business of a mortgage broker under this chapter and

who meets the experience (~~(education)~~) and examination requirements set forth in RCW 19.146.210(1)(e).

~~((6))~~ (7) "Director" means the director of financial institutions.

~~((7))~~ (8) "Employee" means an individual who has an employment relationship (~~(acknowledged by both the employee and the licensee)~~) with a mortgage broker, and the individual is treated as an employee by the (~~(licensee)~~) mortgage broker for purposes of compliance with federal income tax laws.

~~((8))~~ (9) "Independent contractor" or "person who independently contracts" means any person that expressly or impliedly contracts to perform mortgage brokering services for another and that with respect to its manner or means of performing the services is not subject to the other's right of control, and that is not treated as an employee by the other for purposes of compliance with federal income tax laws.

~~((9))~~ "Investigation" means an examination undertaken for the purpose of detection of violations of this chapter or securing information lawfully required under this chapter.)

(10) "Loan originator" means a natural person (~~(employed, either directly or indirectly, or retained as an independent contractor by a person required to be licensed as a mortgage broker, or a natural person who represents a person required to be licensed as a mortgage broker, in the performance of any act specified in subsection (12) of this section)~~) who (a) takes a residential mortgage loan application for a mortgage broker, or (b) offers or negotiates terms of a mortgage loan, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain. "Loan originator" also includes a person who holds themselves out to the public as able to perform any of these activities. "Loan originator" does not mean persons performing purely administrative or clerical tasks for a mortgage broker. For the purposes of this subsection, "administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing of a loan in the mortgage industry and communication with a borrower to obtain information necessary for the processing of a loan. A person who holds himself or herself out to the public as able to obtain a loan is not performing administrative or clerical tasks.

(11) "Lock-in agreement" means an agreement with a borrower made by a mortgage broker or loan originator, in which the mortgage broker or loan originator agrees that, for a period of time, a specific interest rate or other financing terms will be the rate or terms at which it will make a loan available to that borrower.

(12) "Mortgage broker" means any person who for compensation or gain, or in the expectation of compensation or gain (a) makes a residential mortgage loan or assists a person in obtaining or applying to obtain a residential mortgage loan or (b) holds himself or herself out as being able to make a residential mortgage loan or assist a person in obtaining or applying to obtain a residential mortgage loan.

(13) "Person" means a natural person, corporation, company, limited liability corporation, partnership, or association.

(14) "Principal" means any person who controls, directly or indirectly through one or more intermediaries, or alone or in concert with others, a ten percent or greater interest in a partnership, company, association, or corporation, and the owner of a sole proprietorship.

(15) "Residential mortgage loan" means any loan primarily for personal, family, or household use secured by a mortgage or deed of trust on residential real estate upon which is constructed or intended to be constructed a single family dwelling or multiple family dwelling of four or less units.

~~((15))~~ (16) "Third-party provider" means any person other than a mortgage broker or lender who provides goods or services to the mortgage broker in connection with the preparation of the borrower's loan and includes, but is not limited to, credit reporting agencies, title companies, appraisers, structural and pest inspectors, or escrow companies.

Sec. 3. RCW 19.146.020 and 1997 c 106 s 2 are each amended to read as follows:

(1) Except as provided under subsections (2) (~~(and 3))~~) through (4) of this section, the following are exempt from all provisions of this chapter:

(a)(i) Any person doing business under the laws of the state of Washington or the United States, and any federally insured depository institution doing business under the laws of any other state, relating to commercial banks, bank holding companies, savings banks, trust companies, savings and loan associations, credit unions, (~~(consumer loan companies)~~) insurance companies, or real estate investment trusts as defined in 26 U.S.C. Sec. 856 and the affiliates, subsidiaries, and service corporations thereof; and

(ii) Subject to the director's written approval, the exclusive agents of an affiliate of a bank that is wholly owned by the bank holding company that owns the bank;

(b) Any person doing business under the consumer loan act is exempt from this chapter only for that business conducted under the authority and coverage of the consumer loan act;

(c) An attorney licensed to practice law in this state who is not principally engaged in the business of negotiating residential mortgage loans when such attorney renders services in the course of his or her practice as an attorney;

~~((e))~~ (d) Any person doing any act under order of any court, except for a person subject to an injunction to comply with any provision of this chapter or any order of the director issued under this chapter;

~~((d))~~ (e) Any person making or acquiring a residential mortgage loan solely with his or her own funds for his or her own investment without intending to resell the residential mortgage loans;

~~((e))~~ (f) A real estate broker or salesperson licensed by the state who obtains financing for a real estate transaction involving a bona fide sale of real estate in the performance of his or her duties as a real estate broker and who receives only the customary real estate broker's or salesperson's commission in connection with the transaction;

~~((f))~~ (g) Any mortgage broker approved and subject to auditing by the federal national mortgage association or the federal home loan mortgage corporation;

~~((g))~~ (h) The United States of America, the state of Washington, any other state, and any Washington city, county, or other political subdivision, and any agency, division, or corporate instrumentality of any of the entities in this subsection (1) (~~((g))~~) (h); and

~~((h))~~ (i) A real estate broker who provides only information regarding rates, terms, and lenders in connection with a CLI system, who receives a fee for providing such information, who conforms to all rules of the director with respect to the providing of such service, and who discloses on a form approved by the director that to obtain a loan the borrower must deal directly with a mortgage broker or lender. However, a real estate broker shall not be exempt if he or she does any of the following:

(i) Holds himself or herself out as able to obtain a loan from a lender;

(ii) Accepts a loan application, or submits a loan application to a lender;

(iii) Accepts any deposit for third-party services or any loan fees from a borrower, whether such fees are paid before, upon, or after the closing of the loan;

(iv) Negotiates rates or terms with a lender on behalf of a borrower; or

(v) Provides the disclosure required by RCW 19.146.030(1).

(2) Those persons and their loan originators otherwise exempt under subsection (1) (~~((d) or (f))~~) (e), (g), or (4) of this section must comply with RCW 19.146.0201 (~~(and shall be subject to the director's authority to issue a cease and desist order for any violation of RCW 19.146.0201 and shall be subject to the director's authority)~~) through 19.146.080. For violations of RCW 19.146.0201 through 19.146.080, the director has authority to issue a cease and desist order as provided in RCW 19.146.220 and 19.146.227, to impose penalties as provided in RCW 19.146.220, and to obtain and review books and records that are relevant to any allegation of such a violation as provided in RCW 19.146.235.

(3) Any person otherwise exempted from the licensing provisions of this chapter may voluntarily submit an application to the director for a mortgage broker's license. The director shall review such application and may grant or deny licenses to such applicants

upon the same grounds and with the same fees as may be applicable to persons required to be licensed under this chapter.

(a) Upon receipt of a license under this subsection, ~~((such an applicant))~~ the licensee is required to continue to maintain a valid license, is subject to all provisions of this chapter, and has no further right to claim exemption from the provisions of this chapter except as provided in (b) of this subsection.

(b) Any licensee under this subsection who would otherwise be exempted from the requirements of licensing by ~~((RCW 19.146.020))~~ this section may apply to the director for exemption from licensing. The director shall adopt rules for reviewing such applications and shall grant exemptions from licensing to applications which are consistent with those rules and consistent with the other provisions of this chapter.

(4) The director may exempt an exclusive agent under subsection (1)(a) of this section provided that the affiliate in subsection (1)(a) of this section:

(a) Applies for and maintains a license as provided by subsection (3) of this section;

(b) Has on file with the director a binding written agreement under which the affiliate assumes responsibility for the exclusive agent's violations of this chapter or rules adopted under this chapter; and

(c) Maintains a bond or other security in an amount required by the director that runs to the benefit of the state and any person who suffers loss by reason of the exclusive agent's violation of this chapter or rules adopted under this chapter.

Sec. 4. RCW 19.146.0201 and 1997 c 106 s 3 are each amended to read as follows:

It is a violation of this chapter for a loan originator, mortgage broker required to be licensed under this chapter, or mortgage broker otherwise exempted from this chapter under RCW 19.146.020(1) ~~((d) or (f) in connection with a residential mortgage loan))~~ ~~((e), (g), or (4))~~ to:

(1) Directly or indirectly employ any scheme, device, or artifice to defraud or mislead borrowers or lenders or to defraud any person;

(2) Engage in any unfair or deceptive practice toward any person;

(3) Obtain property by fraud or misrepresentation;

(4) Solicit or enter into a contract with a borrower that provides in substance that the mortgage broker may earn a fee or commission through the mortgage broker's "best efforts" to obtain a loan even though no loan is actually obtained for the borrower;

(5) Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting from a person exempt from licensing under RCW 19.146.020(1) ~~((f) or (g) or (h))~~ or a lender with whom the mortgage broker maintains a written correspondent or loan ~~((brokerage))~~ broker agreement under RCW 19.146.040;

(6) Fail to make disclosures to loan applicants and noninstitutional investors as required by RCW 19.146.030 and any other applicable state or federal law;

(7) Make, in any manner, any false or deceptive statement or representation with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan or engage in bait and switch advertising;

(8) Negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any reports filed by a mortgage broker or in connection with any investigation conducted by the department;

(9) Make any payment, directly or indirectly, to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property;

(10) Advertise any rate of interest without conspicuously disclosing the annual percentage rate implied by such rate of interest ~~((or otherwise));~~

(11) Fail to comply with any requirement of the truth-in-lending act, 15 U.S.C. Sec. 1601 and Regulation Z, 12 C.F.R. Sec. 226((:)); the real estate settlement procedures act, 12 U.S.C. Sec. 2601 and Regulation X, 24 C.F.R. Sec. 3500((: or)); the equal credit opportunity act, 15 U.S.C. Sec. 1691 and Regulation B, Sec. 202.9,

202.11, and 202.12((, as now or hereafter amended, in any advertising of residential mortgage loans or any other mortgage brokerage activity)); Title V, Subtitle A of the financial modernization act of 1999 (known as the "Gramm-Leach-Bliley act"), 12 U.S.C. Secs. 6801-6809; the federal trade commission's privacy rules, 16 C.F.R. Parts 313-314, mandated by the Gramm-Leach-Bliley act; the home mortgage disclosure act, 12 U.S.C. Sec. 2801 et seq. and Regulation C, home mortgage disclosure; the federal trade commission act, 12 C.F.R. Part 203, 15 U.S.C. Sec. 45(a); the telemarketing and consumer fraud and abuse act, 15 U.S.C. Secs. 6101 to 6108; and the federal trade commission telephone sales rule, 16 C.F.R. Part 310, as these acts existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, in any advertising of residential mortgage loans, or any other applicable mortgage broker or loan originator activities covered by the acts. The department may adopt by rule requirements that mortgage brokers and loan originators comply with other applicable federal statutes and regulations in any advertising of residential mortgage loans, or any other mortgage broker or loan originator activity;

~~((11))~~ (12) Fail to pay third-party providers no later than thirty days after completion of the loan closing documents or ninety days after completion of the third-party service, whichever comes first, unless otherwise agreed or unless the third-party service provider has been notified in writing that a bona fide dispute exists regarding the performance or quality of the third-party service;

~~((12))~~ (13) Collect, charge, attempt to collect or charge or use or propose any agreement purporting to collect or charge any fee prohibited by RCW 19.146.030 or 19.146.070;

~~((13))~~ (14)(a) Except when complying with (b) and (c) of this subsection, ~~((to))~~ act as a ~~((mortgage broker))~~ loan originator in any transaction (i) in which the ~~((mortgage broker))~~ loan originator acts or has acted as a real estate broker or salesperson or (ii) in which another person doing business under the same licensed real estate broker acts or has acted as a real estate broker or salesperson;

(b) Prior to providing mortgage ~~((broker))~~ services to the borrower, ~~((the mortgage broker))~~ a loan originator, in addition to other disclosures required by this chapter and other laws, shall provide to the borrower the following written disclosure:

THIS IS TO GIVE YOU NOTICE THAT I OR ONE OF MY ASSOCIATES HAVE/HAS ACTED AS A REAL ESTATE BROKER OR SALESPERSON REPRESENTING THE BUYER/SELLER IN THE SALE OF THIS PROPERTY TO YOU. I AM ALSO A ~~((LICENSED MORTGAGE BROKER))~~ LOAN ORIGINATOR, AND WOULD LIKE TO PROVIDE MORTGAGE ~~((BROKERAGE))~~ SERVICES TO YOU IN CONNECTION WITH YOUR LOAN TO PURCHASE THE PROPERTY. YOU ARE NOT REQUIRED TO USE ME AS A ~~((MORTGAGE BROKER))~~ LOAN ORIGINATOR IN CONNECTION WITH THIS TRANSACTION. YOU ARE FREE TO COMPARISON SHOP WITH OTHER MORTGAGE BROKERS AND LENDERS, AND TO SELECT ANY MORTGAGE BROKER OR LENDER OF YOUR CHOOSING; and

(c) A real estate broker or salesperson licensed under chapter 18.85 RCW who also acts as a mortgage broker shall carry on such mortgage ~~((brokerage))~~ broker business activities and shall maintain such person's mortgage ~~((brokerage))~~ broker business records separate and apart from the real estate ~~((brokerage))~~ broker activities conducted pursuant to chapter 18.85 RCW. Such activities shall be deemed separate and apart even if they are conducted at an office location with a common entrance and mailing address, so long as each business is clearly identified by a sign visible to the public, each business is physically separated within the office facility, and no deception of the public as to the separate identities of the ~~((brokerage))~~ broker business firms results. This subsection ~~((13))~~ (14)(c) shall not require a real estate broker or salesperson licensed under chapter 18.85 RCW who also acts as a mortgage broker to maintain a physical separation within the office facility for the conduct of its real estate and mortgage ~~((brokerage))~~ broker activities where the director determines that maintaining such physical separation would constitute an undue financial hardship upon the

mortgage broker and is unnecessary for the protection of the public; or

~~((14))~~ (15) Fail to comply with any provision of RCW 19.146.030 through 19.146.080 or any rule adopted under those sections.

Sec. 5. RCW 19.146.030 and 1997 c 106 s 4 are each amended to read as follows:

(1) Within three business days following receipt of a loan application or any moneys from a borrower, a mortgage broker or loan originator on behalf of the mortgage broker shall provide to each borrower a full written disclosure containing an itemization and explanation of all fees and costs that the borrower is required to pay in connection with obtaining a residential mortgage loan, and specifying the fee or fees which inure to the benefit of the mortgage broker and other such disclosures as may be required by rule. A good faith estimate of a fee or cost shall be provided if the exact amount of the fee or cost is not determinable. This subsection shall not be construed to require disclosure of the distribution or breakdown of loan fees, discount, or points between the mortgage broker and any lender or investor.

(2) The written disclosure shall contain the following information:

(a) The annual percentage rate, finance charge, amount financed, total amount of all payments, number of payments, amount of each payment, amount of points or prepaid interest and the conditions and terms under which any loan terms may change between the time of disclosure and closing of the loan; and if a variable rate, the circumstances under which the rate may increase, any limitation on the increase, the effect of an increase, and an example of the payment terms resulting from an increase. Disclosure in compliance with the requirements of the truth-in-lending act, 15 U.S.C. Sec. 1601 and Regulation Z, 12 C.F.R. Sec. 226, as now or hereafter amended, shall be deemed to comply with the disclosure requirements of this subsection;

(b) The itemized costs of any credit report, appraisal, title report, title insurance policy, mortgage insurance, escrow fee, property tax, insurance, structural or pest inspection, and any other third-party provider's costs associated with the residential mortgage loan. Disclosure through good faith estimates of settlement services and special information booklets in compliance with the requirements of the real estate settlement procedures act, 12 U.S.C. Sec. 2601, and Regulation X, 24 C.F.R. Sec. 3500, as now or hereafter amended, shall be deemed to comply with the disclosure requirements of this subsection;

(c) If applicable, the cost, terms, duration, and conditions of a lock-in agreement and whether a lock-in agreement has been entered, and whether the lock-in agreement is guaranteed by the mortgage broker or lender, and if a lock-in agreement has not been entered, disclosure in a form acceptable to the director that the disclosed interest rate and terms are subject to change;

(d) A statement that if the borrower is unable to obtain a loan for any reason, the mortgage broker must, within five days of a written request by the borrower, give copies of any appraisal, title report, or credit report paid for by the borrower to the borrower, and transmit the appraisal, title report, or credit report to any other mortgage broker or lender to whom the borrower directs the documents to be sent;

(e) Whether and under what conditions any lock-in fees are refundable to the borrower; and

(f) A statement providing that moneys paid by the borrower to the mortgage broker for third-party provider services are held in a trust account and any moneys remaining after payment to third-party providers will be refunded.

(3) If subsequent to the written disclosure being provided under this section, a mortgage broker or loan originator enters into a lock-in agreement with a borrower or represents to the borrower that the borrower has entered into a lock-in agreement, then no less than three business days thereafter including Saturdays, the mortgage broker or loan originator shall deliver or send by first-class mail to the borrower a written confirmation of the terms of the lock-in agreement, which shall include a copy of the disclosure made under subsection (2)(c) of this section.

(4) A mortgage broker or loan originator on behalf of a mortgage broker shall not charge any fee that inures to the benefit of the mortgage broker if it exceeds the fee disclosed on the written disclosure pursuant to this section, unless (a) the need to charge the fee was not reasonably foreseeable at the time the written disclosure was provided and (b) the mortgage broker or loan originator on behalf of a mortgage broker has provided to the borrower, no less than three business days prior to the signing of the loan closing documents, a clear written explanation of the fee and the reason for charging a fee exceeding that which was previously disclosed. However, if the borrower's closing costs on the final settlement statement, excluding prepaid escrowed costs of ownership as defined by rule, does not exceed the total closing costs in the most recent good faith estimate, excluding prepaid escrowed costs of ownership as defined by rule, no other disclosures shall be required by this subsection.

Sec. 6. RCW 19.146.040 and 1994 c 33 s 19 are each amended to read as follows:

(1) Every contract between a mortgage broker, or a loan originator, and a borrower shall be in writing and shall contain the entire agreement of the parties.

(2) Any contract under this section entered by a loan originator shall be binding on the mortgage broker.

(3) A mortgage broker shall have a written correspondent or loan ~~(brokerage)~~ broker agreement with a lender before any solicitation of, or contracting with, the public.

Sec. 7. RCW 19.146.060 and 1997 c 106 s 6 are each amended to read as follows:

(1) A mortgage broker shall use generally accepted accounting principles.

(2) Except as otherwise provided in subsection (3) of this section, a mortgage broker shall maintain accurate and current books and records which shall be readily available at ~~((the mortgage broker's usual business))~~ a location available to the director until at least twenty-five months have elapsed following the effective period to which the books and records relate.

(3) Where a mortgage broker's usual business location is outside of the state of Washington, the mortgage broker shall, as determined by the director by rule, either maintain its books and records at a location in this state, or reimburse the director for his or her expenses, including but not limited to transportation, food, and lodging expenses, relating to any examination or investigation resulting under this chapter.

(4) "Books and records" includes but is not limited to:

(a) Copies of all advertisements placed by or at the request of the mortgage broker which mention rates or fees. In the case of radio or television advertisements, or advertisements placed on a telephonic information line or other electronic source of information including but not limited to a computer data base or electronic bulletin board, a mortgage broker shall keep copies of the precise script for the advertisement. All advertisement records shall include for each advertisement the date or dates of publication and name of each periodical, broadcast station, or telephone information line which published the advertisement or, in the case of a flyer or other material distributed by the mortgage broker, the dates, methods, and areas of distribution; and

(b) Copies of all documents, notes, computer records if not stored in printed form, correspondence or memoranda relating to a borrower from whom the mortgage broker has accepted a deposit or other funds, or accepted a residential mortgage loan application or with whom the mortgage broker has entered into an agreement to assist in obtaining a residential mortgage loan.

Sec. 8. RCW 19.146.070 and 1993 c 468 s 13 are each amended to read as follows:

(1) Except as otherwise permitted by this section, a mortgage broker shall not receive a fee, commission, or compensation of any kind in connection with the preparation, negotiation, and brokering of a residential mortgage loan unless a borrower actually obtains a loan from a lender on the terms and conditions agreed upon by the borrower and mortgage broker. A loan originator may not accept a

fee, commission, or compensation of any kind from borrowers in connection with the preparation, negotiation, and brokering of a residential mortgage loan.

(2) A mortgage broker may:

(a) If the mortgage broker has obtained for the borrower a written commitment from a lender for a loan on the terms and conditions agreed upon by the borrower and the mortgage broker, and the borrower fails to close on the loan through no fault of the mortgage broker, charge a fee not to exceed three hundred dollars for services rendered, preparation of documents, or transfer of documents in the borrower's file which were prepared or paid for by the borrower if the fee is not otherwise prohibited by the Truth-in-Lending Act, 15 U.S.C. Sec. 1601, and Regulation Z, 12 C.F.R. Sec. 226, as now or hereafter amended; or

(b) Solicit or receive fees for third party provider goods or services in advance. Fees for any goods or services not provided must be refunded to the borrower and the mortgage broker may not charge more for the goods and services than the actual costs of the goods or services charged by the third party provider.

(3) A loan originator may not solicit or receive fees for a third-party provider of goods or services except that a loan originator may transfer funds from a borrower to a licensed mortgage broker, exempt mortgage broker, or third-party provider, if the loan originator does not deposit, hold, retain, or use the funds for any purpose other than the payment of bona fide fees to third-party providers.

Sec. 9. RCW 19.146.200 and 1997 c 106 s 8 are each amended to read as follows:

(1) A person, unless specifically exempted from this chapter under RCW 19.146.020, may not engage in the business of a mortgage broker ~~(, except as an employee of a person licensed or exempt from licensing,)~~ or loan originator without first obtaining and maintaining a license under this chapter. ~~((However, a person who independently contracts with a licensed mortgage broker need not be licensed if the licensed mortgage broker and the independent contractor have on file with the director a binding written agreement under which the licensed mortgage broker assumes responsibility for the independent contractor's violations of any provision of this chapter or rules adopted under this chapter; and if the licensed mortgage broker's bond or other security required under this chapter runs to the benefit of the state and any person who suffers loss by reason of the independent contractor's violation of any provision of this chapter or rules adopted under this chapter.))~~

(2) A person may not bring a suit or action for the collection of compensation ~~((as a mortgage broker))~~ in connection with a residential mortgage loan unless the plaintiff alleges and proves that he or she was a duly licensed mortgage broker, or exempt from the license requirement of this chapter, at the time of offering to perform or performing any such an act or service regulated by this chapter. ~~((This subsection does not apply to suits or actions for the collection or compensation for services performed prior to October 31, 1993.))~~

(3) ~~((The))~~ A mortgage broker license must be prominently displayed in the mortgage broker's place of business.

(4) Every licensed mortgage broker must at all times have a designated broker responsible for all activities of the mortgage broker in conducting the business of a mortgage broker. A designated broker, principal, or owner who has supervisory authority over a mortgage broker is responsible for a licensee's, employee's, or independent contractor's violations of this chapter and its rules if:

(a) The designated broker, principal, or owner directs or instructs the conduct or, with knowledge of the specific conduct, approves or allows the conduct; or

(b) The designated broker, principal, or owner who has supervisory authority over the licensed mortgage broker knows or by the exercise of reasonable care and inquiry should have known of the conduct, at a time when its consequences can be avoided or mitigated and fails to take reasonable remedial action.

Sec. 10. RCW 19.146.205 and 2001 c 177 s 4 are each amended to read as follows:

(1) Application for a mortgage broker license under this chapter shall be in writing and in the form prescribed by the director. The application shall contain at least the following information:

(a) The name, address, date of birth, and social security number of the applicant, and any other names, dates of birth, or social security numbers previously used by the applicant, unless waived by the director;

(b) If the applicant is a partnership or association, the name, address, date of birth, and social security number of each general partner or principal of the association, and any other names, dates of birth, or social security numbers previously used by the members, unless waived by the director;

(c) If the applicant is a corporation, the name, address, date of birth, and social security number of each officer, director, registered agent, and each principal stockholder, and any other names, dates of birth, or social security numbers previously used by the officers, directors, registered agents, and principal stockholders unless waived by the director;

(d) The street address, county, and municipality where the principal business office is to be located;

(e) The name, address, date of birth, and social security number of the applicant's designated broker, and any other names, dates of birth, or social security numbers previously used by the designated broker and a complete set of the designated broker's fingerprints taken by an authorized law enforcement officer; and

(f) Such other information regarding the applicant's or designated broker's background, financial responsibility, experience, character, and general fitness as the director may require by rule.

~~(2) ((The director may exchange fingerprint data with the federal bureau of investigation.))~~ As a part of or in connection with an application for any license under this section, the applicant shall furnish information concerning his or her identity, including fingerprints for submission to the Washington state patrol, the federal bureau of investigation, and any governmental agency or entity authorized to receive this information for a state and national criminal history background check; personal history; experience; business record; purposes; and other pertinent facts, as the director may reasonably require. As part of or in connection with an application for a license under this chapter, the director is authorized to receive criminal history record information that includes nonconviction data as defined in RCW 10.97.030. The department may only disseminate nonconviction data obtained under this section to criminal justice agencies. This section does not apply to financial institutions regulated under chapters 31.12 and 31.13 RCW and Titles 30, 32, and 33 RCW.

(3) At the time of filing an application for a license under this chapter, each applicant shall pay to the director the appropriate application fee in an amount determined by rule of the director in accordance with RCW 43.24.086 to cover, but not exceed, the cost of processing and reviewing the application. The director shall deposit the moneys in the financial services regulation fund, unless the consumer services account is created as a dedicated, nonappropriated account, in which case the director shall deposit the moneys in the consumer services account.

(4)(a) Each applicant for a mortgage broker's license shall file and maintain a surety bond, in an amount of not greater than sixty thousand dollars nor less than twenty thousand dollars which the director deems adequate to protect the public interest, executed by the applicant as obligor and by a surety company authorized to do a surety business in this state as surety. The bonding requirement as established by the director may take the form of a uniform bond amount for all licensees or the director may establish by rule a schedule establishing a range of bond amounts which shall vary according to the annual average number of loan originators ~~((or independent contractors))~~ of a licensee. The bond shall run to the state of Washington as obligee, and shall run first to the benefit of the borrower and then to the benefit of the state and any person or persons who suffer loss by reason of the applicant's or its loan originator's violation of any provision of this chapter or rules adopted under this chapter. The bond shall be conditioned that the obligor as licensee will faithfully conform to and abide by this chapter and all rules adopted under this chapter, and shall reimburse all persons who suffer loss by reason of a violation of this chapter or rules adopted under this chapter. Borrowers shall be given priority over the state and other persons. The state and other third parties shall be allowed to receive distribution pursuant to a valid claim against the remainder

of the bond. In the case of claims made by any person or entity who is not a borrower, no final judgment may be entered prior to one hundred eighty days following the date the claim is filed. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director of its intent to cancel the bond. The cancellation shall be effective thirty days after the notice is received by the director. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety upon the bond shall not be liable in an aggregate or cumulative amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or any portion thereof, at two or more points in time be added together in determining the surety's liability. The bond shall not be liable for any penalties imposed on the licensee, including, but not limited to, any increased damages or attorneys' fees, or both, awarded under RCW 19.86.090. The applicant may obtain the bond directly from the surety or through a group bonding arrangement involving a professional organization comprised of mortgage brokers if the arrangement provides at least as much coverage as is required under this subsection.

(b) Subsection (4)(b) and (c) of this section applies only to applications received on or before January 1, 2007. Before January 1, 2007, in lieu of a surety bond, the applicant may, upon approval by the director, file with the director a certificate of deposit, an irrevocable letter of credit, or such other instrument as approved by the director by rule, drawn in favor of the director for an amount equal to the required bond.

(c) Before January 1, 2007, in lieu of the surety bond or compliance with (b) of this subsection, an applicant may obtain insurance or coverage from an association comprised of mortgage brokers that is organized as a mutual corporation for the sole purpose of insuring or self-insuring claims that may arise from a violation of this chapter. An applicant may only substitute coverage under this subsection for the requirements of (a) or (b) of this subsection if the director, with the consent of the insurance commissioner, has authorized such association to organize a mutual corporation under such terms and conditions as may be imposed by the director to ensure that the corporation is operated in a financially responsible manner to pay any claims within the financial responsibility limits specified in (a) of this subsection.

Sec. 11. RCW 19.146.210 and 1997 c 106 s 10 are each amended to read as follows:

(1) The director shall issue and deliver a mortgage broker license to an applicant if, after investigation, the director makes the following findings:

(a) The applicant has paid the required license fees;

(b) The applicant has complied with RCW 19.146.205;

(c) Neither the applicant, any of its principals, or the designated broker have had a license issued under this chapter or any similar state statute suspended or revoked within five years of the filing of the present application;

(d) Neither the applicant, any of its principals, or the designated broker have been convicted of a gross misdemeanor involving dishonesty or financial misconduct or a felony within seven years of the filing of the present application;

(e) The designated broker, (i) has at least two years of experience in the residential mortgage loan industry ~~((or has completed the educational requirements established by rule of the director))~~ and (ii) has passed a written examination whose content shall be established by rule of the director; ~~((and))~~

(f) The applicant ~~((has)), its principals, and the designated broker have demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a belief that the business will be operated honestly, fairly, and efficiently within the purposes of this chapter; and~~

(g) Neither the applicant, any of its principals, or the designated broker have been found to be in violation of this chapter or rules.

(2) If the director does not find the conditions of subsection (1) of this section have been met, the director shall not issue the license. The director shall notify the applicant of the denial and return to the applicant the bond or approved alternative and any remaining portion

of the license fee that exceeds the department's actual cost to investigate the license.

(3) The director shall issue a mortgage broker license under this chapter to any licensee issued a license under chapter 468, Laws of 1993, that has a valid license and is otherwise in compliance with the provisions of this chapter.

(4) A license issued pursuant to this ~~((chapter is valid))~~ section expires on the date one year from the date of issuance ((with no fixed date of expiration)) which, for license renewal purposes, is also the renewal date. The director shall adopt rules establishing the process for renewal of licenses.

(5) A licensee may surrender a license by delivering to the director written notice of surrender, but the surrender does not affect the licensee's civil or criminal liability or any administrative actions arising from acts or omissions occurring before such surrender.

(6) To prevent undue delay in the issuance of a license and to facilitate the business of a mortgage broker, an interim license with a fixed date of expiration may be issued when the director determines that the mortgage broker has substantially fulfilled the requirements for licensing as defined by rule.

Sec. 12. RCW 19.146.215 and 1997 c 106 s 11 are each amended to read as follows:

The designated broker of every licensee shall complete an annual continuing education requirement ~~((which the director shall define by rule)).~~ The director shall establish standards in rule for approval of professional organizations offering continuing education to designated brokers. The director may approve continuing education taken by designated brokers in other states if the director is satisfied that such continuing education meets the requirements of the continuing education required by this chapter.

Sec. 13. RCW 19.146.220 and 1997 c 106 s 12 and 1997 c 58 s 879 are each reenacted and amended to read as follows:

(1) The director ~~((shall))~~ may enforce all laws and rules relating to the licensing of mortgage brokers and loan originators, grant or deny licenses to mortgage brokers and loan originators, and hold hearings.

(2) The director may impose ~~((the following sanctions:~~

~~((a) Deny applications for licenses for: (i))~~ — (a) Deny applications for licenses for: (i)) fines or order restitution against licensees or other persons subject to this chapter, or deny, suspend, decline to renew, or revoke licenses for:

~~((a) Violations of orders, including cease and desist orders ((issued under this chapter; or (ii) any violation of RCW 19.146.050 or 19.146.0201 (1) through (9))));~~

~~((b) ((Suspend or revoke licenses for:~~

~~((i)) False statements or omission of material information on the application that, if known, would have allowed the director to deny the application for the original license;~~

~~((ii)) (c) Failure to pay a fee required by the director or maintain the required bond;~~

~~((iii)) (d) Failure to comply with any directive ((or))₂ order, or subpoena of the director; or~~

~~((iv)) (e) Any violation of ((RCW 19.146.050, 19.146.060(3), 19.146.0201 (1) through (9) or (12), 19.146.205(4), or 19.146.265; (c)) this chapter.~~

(3) The director may impose fines on ((the licensee;)) an employee ((or))₂ loan originator, independent contractor, or agent of the licensee, or other person subject to this chapter for:

~~((i)) (a) Any violations of RCW 19.146.0201 (1) through (9) or ((+2)) (13), 19.146.030 through 19.146.080, 19.146.200, 19.146.205(4), or 19.146.265; or~~

~~((ii)) (b) Failure to comply with any directive or order of the director ((:)).~~

~~((+2)) (4) The director may issue orders directing a licensee, its employee ((or))₂ loan originator, independent contractor, agent, or other person subject to this chapter to((:~~

~~((i)) cease and desist from conducting business ((in a manner that is injurious to the public or violates any provision of this chapter; or~~

~~((ii) Pay restitution to an injured borrower; or~~

~~((c)).~~

(5) The director may issue orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker or any person subject to licensing under this chapter for:

~~((+))~~ (a) Any violation of 19.146.0201 (1) through (9) or ~~((+2))~~ (13), 19.146.030 through 19.146.080, 19.146.200, 19.146.205(4), or 19.146.265; ~~(or~~

~~((+))~~ (b) False statements or omission of material information on the application that, if known, would have allowed the director to deny the application for the original license;

~~((+))~~ (c) Conviction of a gross misdemeanor involving dishonesty or financial misconduct or a felony after obtaining a license; or

~~((+))~~ (d) Failure to comply with any directive or order of the director.

~~((+))~~ (6) Each day's continuance of a violation or failure to comply with any directive or order of the director is a separate and distinct violation or failure.

~~((+))~~ (7) The director shall establish by rule standards for licensure of applicants licensed in other jurisdictions.

~~((+))~~ (8) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order ~~(or a residential or visitation order)~~. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

Sec. 14. RCW 19.146.225 and 1994 c 33 s 15 are each amended to read as follows:

In accordance with the administrative procedure act, chapter 34.05 RCW, the director may issue rules under this chapter only after seeking the advice of the mortgage ~~(brokerage)~~ broker commission and ~~(to govern)~~ only for the purpose of governing the activities of licensed mortgage brokers, loan originators, and other persons subject to this chapter.

Sec. 15. RCW 19.146.228 and 2001 c 177 s 5 are each amended to read as follows:

The director shall establish fees by rule in accordance with the policy established in RCW 43.24.086 and fees shall be sufficient to cover, but not exceed, the costs of administering this chapter. These fees may include:

(1) An annual assessment paid by each licensee on or before a date specified by rule;

(2) An investigation fee to cover the costs of any investigation of the books and records of a licensee or other person subject to this chapter; and

(3) An application fee to cover the costs of processing applications made to the director under this chapter.

Mortgage brokers and loan originators shall not be charged investigation fees for the processing of complaints when the investigation determines that no violation of this chapter occurred or when the mortgage broker or loan originator provides a remedy satisfactory to the complainant and the director and no order of the director is issued. All moneys, fees, and penalties collected under the authority of this chapter shall be deposited into the financial services regulation fund, unless the consumer services account is created as a dedicated, nonappropriated account, in which case all moneys, fees, and penalties collected under this chapter shall be deposited in the consumer services account.

Sec. 16. RCW 19.146.235 and 1997 c 106 s 14 are each amended to read as follows:

~~((For the purposes of investigating complaints arising under this chapter, the director may at any time, either personally or by a designee, examine the business, including but not limited to the books, accounts, records, and files used therein, of every licensee and of every person engaged in the business of mortgage brokering,~~

whether such a person shall act or claim to act under or without the authority of this chapter. For that purpose the director and designated representatives shall have access during regular business hours to the offices and places of business, books, accounts, papers, records, files, safes, and vaults of all such persons. The director or designated person may direct or order the attendance of and examine under oath all persons whose testimony may be required about the loans or the business or subject matter of any such examination or investigation, and may direct or order such person to produce books, accounts, records, files, and any other documents the director or designated person deems relevant to the inquiry. If a person who receives such a directive or order does not attend and testify, or does not produce the requested books, records, files, or other documents within the time period established in the directive or order, then the director or designated person may issue a subpoena requiring attendance or compelling production of books, records, files, or other documents. No person subject to examination or investigation under this chapter shall withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information.

~~Once during the first two years of licensing, the director may visit, either personally or by designee, the licensee's place or places of business to conduct a compliance examination. The director may examine, either personally or by designee, a sample of the licensee's loan files, interview the licensee or other designated employee or independent contractor, and undertake such other activities as necessary to ensure that the licensee is in compliance with the provisions of this chapter. For those licensees issued licenses prior to March 21, 1994, the cost of such an examination shall be considered to have been prepaid in their license fee. After this one visit within the two-year period subsequent to issuance of a license, the director or a designee may visit the licensee's place or places of business only to ensure that corrective action has been taken or to investigate a complaint.)~~

The director or a designee has authority to conduct investigations and examinations as provided in this section.

(1) For the purposes of investigating violations or complaints arising under this chapter, the director or his or her designee may make an investigation of the operations of any mortgage broker or loan originator as often as necessary in order to carry out the purposes of this chapter.

(2) Every mortgage broker shall make available to the director or a designee its books and records relating to its operations.

(a) For the purpose of examinations, the director or his or her designee may have access to such books and records during normal business hours and interview the officers, principals, loan originators, employees, independent contractors, and agents of the licensee concerning their business.

(b) For the purposes of investigating violations or complaints arising under this chapter, the director may at any time, either personally or by a designee, investigate the business, including but not limited to the books, accounts, records, and files used therein, of every licensee and of every person engaged in the business of mortgage brokering, whether such a person acts or claims to act under, or without the authority of, this chapter.

(c) The director or designated person may direct, subpoena, or order the attendance of and examine under oath all persons whose testimony may be required about the loans or the business or subject matter of any such examination or investigation, and may direct, subpoena, or order such person to produce books, accounts, records, files, and any other documents the director or designated person deems relevant to the inquiry.

(3) Once during the first five years of licensing, including branch licensing, the director may visit, either personally or by designee, the licensee's place or places of business to conduct an examination. The scope of the examination is limited to documents and information necessary to determine compliance with this chapter and attendant rules. In general, the examination scope may include:

(a) A review for trust accounting compliance;

(b) Loan file review to determine the mortgage broker's compliance with this chapter and applicable federal regulations covering the business of mortgage brokering and lending;

(c) Interviews for the purpose of understanding business and solicitation practices, transactional events, disclosure compliance,

complaint resolution, or determining specific compliance with this chapter and the attendant rules; and

(d) A review of general business books and records, including employee records, for the purpose of determining specific compliance with this chapter and the attendant rules.

(4) The purpose of an examination is to make certain that licensees are conducting business in compliance with the law. Therefore, protocols for examination findings and corrective action directed from an examination must be established by rule of the director. To accomplish this purpose, these protocols must include the following:

(a) A reporting mechanism from the director to the licensee;

(b) A process for clear notification of violations and an opportunity for response by the licensee; and

(c) The criteria by which the frequency of examinations will be determined.

(5) If the examination findings clearly identify the need to expand the scope of the examination, the director or a designee, upon five days' written notification to the licensee with an explanation of the need, may:

(a) Expand the examination review to locations other than the examined location regardless of the number of years a location has held a license; or

(b) Expand the time period of the examination beyond the five-year period of licensing, provided the expansion of time does not exceed a date certain identified in the written notification in this subsection.

(6) The director or a designee may consider reports made by independent certified professionals for the mortgage broker covering the same general subject matter as the examination. The director or a designee may incorporate all or part of the report in the report of the examination.

(7) The director may retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations. The cost of these services for investigations only must be billed in accordance with RCW 19.146.228.

(8) The director may establish by rule travel costs for examination of out-of-state entities.

(9)(a) No person subject to examination or investigation under this chapter may knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information.

(b) A person who commits an act under (a) of this subsection is guilty of a class B felony punishable under RCW 9A.20.021(1)(b) or punishable by a fine of not more than twenty thousand dollars, or both.

Sec. 17. RCW 19.146.280 and 2001 c 177 s 6 are each amended to read as follows:

(1) There is established the mortgage (~~(brokerage)~~) broker commission consisting of (~~(five)~~) seven commission members who shall act in an advisory capacity to the director on mortgage (~~(brokerage)~~) broker issues.

(2) The director shall appoint the members of the commission, weighing the recommendations from professional organizations representing mortgage brokers and loan originators. At least three of the commission members shall be mortgage brokers licensed under this chapter (~~(and)~~), at least one shall be exempt from licensure under RCW 19.146.020(1)(~~(f)~~) (g), and at least two of the commission members shall be licensed loan originators under this chapter. No commission member shall be appointed who has had less than five years' experience in the business of residential mortgage lending. In addition, the director or a designee shall serve as an ex officio, nonvoting member of the commission. Voting members of the commission shall serve for two-year terms (~~(with three of the initial commission members serving one-year terms)~~). The department shall provide staff support to the commission.

(3) The commission may establish a code of conduct for its members. Any commissioner may bring a motion before the commission to remove a commissioner for failing to conduct themselves in a manner consistent with the code of conduct. The motion shall be in the form of a recommendation to the director to

dismiss a specific commissioner and shall enumerate causes for doing so. The commissioner in question shall recuse himself or herself from voting on any such motion. Any such motion must be approved unanimously by the remaining (~~(four)~~) six commissioners. Approved motions shall be immediately transmitted to the director for review and action.

(4) Members of the commission shall be reimbursed for their travel expenses incurred in carrying out the provisions of this chapter in accordance with RCW 43.03.050 and 43.03.060. All costs and expenses associated with the commission shall be paid from the financial services regulation fund, unless the consumer services account is created as a dedicated, nonappropriated account, in which case all costs and expenses shall be paid from the consumer services account.

(5) The commission shall advise the director on the characteristics and needs of the mortgage (~~(brokerage)~~) broker profession.

(6) The department, in consultation with other applicable agencies of state government, shall conduct a continuing review of the number and type of consumer complaints arising from residential mortgage lending in the state. The department shall report its findings to the senate committee on financial institutions and house of representatives committee on financial institutions and insurance along with recommendations for any changes in the licensing requirements of this chapter, biennially by December 1st of each even-numbered year.

NEW SECTION. Sec. 18. A new section is added to chapter 19.146 RCW to read as follows:

(1) A licensee shall provide the director with an annual report of mortgage broker activity. The director may by rule create a schedule and format for the annual report. The annual report may only include the following for mortgage broker activities in Washington state:

(a) The total number of closed loans originated by the mortgage broker; and

(b) The total dollar volume of closed loans originated by the mortgage broker.

(2) Any information provided by a mortgage broker in an annual report that constitutes a trade secret as defined in RCW 19.108.010 is exempt from the disclosure requirements in chapters 42.17 and 42.56 RCW, unless aggregated with information supplied by other mortgage brokers in such a manner that the mortgage broker's individual information is not identifiable. Any information provided by the mortgage broker that allows identification of the mortgage broker may only be used for purposes reasonably related to the regulation of mortgage brokers to ensure compliance with this chapter.

NEW SECTION. Sec. 19. A new section is added to chapter 19.146 RCW to read as follows:

(1) Application for a loan originator license under this chapter shall be in writing and in the form prescribed by the director. The application shall contain at least the following information:

(a) The name, address, date of birth, and social security number of the loan originator applicant, and any other names, dates of birth, or social security numbers previously used by the loan originator applicant, unless waived by the director; and

(b) Such other information regarding the loan originator applicant's background, experience, character, and general fitness as the director may require by rule.

(2) As part of or in connection with an application for any license under this section, the loan originator applicant shall furnish information concerning his or her identity, including fingerprints for submission to the Washington state patrol, the federal bureau of investigation, and any governmental agency or entity authorized to receive this information for a state and national criminal history background check; personal history; experience; business record; purposes; and other pertinent facts, as the director may reasonably require. As part of or in connection with an application for a license under this chapter, the director is authorized to receive criminal history record information that includes nonconviction data as defined in RCW 10.97.030. The department may only disseminate nonconviction data obtained under this section to criminal justice

agencies. This section does not apply to financial institutions regulated under chapters 31.12 and 31.13 RCW and Titles 30, 32, and 33 RCW.

(3) At the time of filing an application for a license under this chapter, each loan originator applicant shall pay to the director the appropriate application fee in an amount determined by rule of the director in accordance with RCW 19.146.228 to cover the cost of processing and reviewing the application. The director shall deposit the moneys in the financial services regulation fund.

(4) The director must establish by rule procedures for accepting and processing incomplete applications.

NEW SECTION. Sec. 20. A new section is added to chapter 19.146 RCW to read as follows:

(1) The director shall issue and deliver a loan originator license if, after investigation, the director makes the following findings:

(a) The loan originator applicant has paid the required license fees;

(b) The loan originator applicant has met the requirements of section 19 of this act;

(c) The loan originator applicant has not had a license issued under this chapter or any similar state statute suspended or revoked within five years of the filing of the present application;

(d) The loan originator applicant has not been convicted of a gross misdemeanor involving dishonesty or financial misconduct or a felony within seven years of the filing of the present application;

(e) The loan originator applicant has passed a written examination whose content shall be established by rule of the director;

(f) The loan originator applicant has not been found to be in violation of this chapter or rules;

(g) The loan originator applicant has demonstrated character and general fitness such as to command the confidence of the community and to warrant a belief that the business will be operated honestly and fairly within the purposes of this chapter; and

(h) The loan originator licensee has completed, during the calendar year preceding a licensee's annual license renewal date, continuing education as established by rule of the director. The director shall establish standards in rule for approval of professional organizations offering continuing education to loan originators. The director may approve continuing education taken by loan originators in other states if the director is satisfied that such continuing education meets the requirements of the continuing education required by this chapter.

(2) If the director does not find the conditions of subsection (1) of this section have been met, the director shall not issue the loan originator license. The director shall notify the loan originator applicant of the denial and return to the loan originator applicant any remaining portion of the license fee that exceeds the department's actual cost to investigate the license.

(3) The director shall issue a new loan originator license under this chapter to any licensee that has a valid license and is otherwise in compliance with this chapter.

(4) A loan originator license issued under this section expires on the date one year from the date of issuance which, for license renewal purposes, is also the renewal date. The director shall establish rules regarding the loan originator license renewal process created under this chapter.

(5) A loan originator licensee may surrender a license by delivering to the director written notice of surrender, but the surrender does not affect the loan originator licensee's civil or criminal liability or any administrative actions arising from acts or omissions occurring before such surrender.

(6) To prevent undue delay in the issuance of a loan originator license and to facilitate the business of a loan originator, an interim loan originator license with a fixed date of expiration may be issued when the director determines that the loan originator has substantially fulfilled the requirements for loan originator licensing as defined by rule.

NEW SECTION. Sec. 21. A new section is added to chapter 19.146 RCW to read as follows:

A loan originator license, or the authority granted under such a license, is not assignable and cannot be transferred, sold, or franchised by contract or any other means.

NEW SECTION. Sec. 22. A new section is added to chapter 19.146 RCW to read as follows:

A loan originator may only take an application on behalf of one mortgage broker at a time, and that mortgage broker must be clearly identified on the application.

NEW SECTION. Sec. 23. The director of the department of financial institutions or the director's designee may take such steps as are necessary to ensure that this act is implemented on the effective date of this section.

NEW SECTION. Sec. 24. This act takes effect January 1, 2007."

Correct the title.

Representatives Kirby and Roach spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Roach spoke in favor of passage of the bill.

Representative Nixon spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2340.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2340 and the bill passed the House by the following vote: Yeas - 89, Nays - 6, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Condotta, Cox, Dunn, Flannigan, Nixon and Orcutt - 6.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

ENGROSSED HOUSE BILL NO. 2340, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2364, By Representatives Santos, Orcutt, McIntire, Hunter, Armstrong, Morrell, Roach, Kenney, Fromhold, Ericks and McDermott

Creating a use tax exemption when converting or merging a federal, foreign, or out-of-state credit union into a state charter.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos, Orcutt and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2364.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2364 and the bill passed the House by the following vote: Yeas - 87, Nays - 8, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Blake, Buck, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 87.

Voting nay: Representatives Armstrong, Buri, Condotta, Cox, Curtis, Hinkle, Holmquist and Tom - 8.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

HOUSE BILL NO. 2364, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2398, By Representatives Cody, Morrell, Appleton, Hasegawa, Clibborn, Hudgins, Dickerson, Kagi, Green and Schual-Berke

Expanding participation in state purchased health care programs.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cody spoke in favor of passage of the bill.

Representatives Hinkle and Alexander spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2398.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2398 and the bill passed the House by the following vote: Yeas - 53, Nays - 42, Excused - 3.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Cox, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, O'Brien, Ormsby, Pettigrew, Roberts, Santos, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 53.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Morris, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 42.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

HOUSE BILL NO. 2398, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 2437, By Representatives Hudgins, Chase, Dunshee and Upthegrove

Providing guidelines for state-owned refueling stations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2437 was substituted for House Bill No. 2437 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2437 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins and Nixon spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2437.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2437 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta,

Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

SUBSTITUTE HOUSE BILL NO. 2437, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2447, By Representatives Condotta and Armstrong

Extending the expiration date for funding the construction of new regional centers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2447 was substituted for House Bill No. 2447 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2447 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Condotta and Armstrong spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2447.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2447 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

SUBSTITUTE HOUSE BILL NO. 2447, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2534, By Representatives Nixon, Rodne and Woods

Requiring full disclosure of vehicle taxes and license fees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2534 was substituted for House Bill No. 2534 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2534 was read the second time.

Representative Nixon moved the adoption of amendment (708):

Beginning on page 1, line 18, after "description," strike all material through "2006," on page 2, line 2

On page 2, line 23, strike "August 1, 2006" and insert "July 1, 2007"

Representatives Nixon and Murray spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Nixon and Murray spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2534.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2534 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2534, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2551, By Representative Dunshee

Regulating campaign contributions by limited liability companies.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, Nixon, Clements, Flannigan and Strow spoke in favor of passage of the bill.

Representatives Armstrong, Ericksen and Ahern spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2551.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2551 and the bill passed the House by the following vote: Yeas - 66, Nays - 29, Excused - 3.

Voting yea: Representatives Appleton, Blake, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cox, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Grant, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Roberts, Santos, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Holmquist, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Sump and Talcott - 29.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

HOUSE BILL NO. 2551, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2617, By Representatives Kretz, Blake, Ahern, Schindler, Sump, Condotta, Holmquist, Kristiansen, Serben, Campbell, McDonald, Hinkle and Dunn

Allowing local jurisdictions to allow off-road vehicles to operate on designated city or county roads.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kretz and Blake spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2617.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2617 and the bill passed the House by the following vote: Yeas - 84, Nays - 11, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hunt, Jarrett, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Chase, Cody, Dickerson, Flannigan, Hudgins, Hunter, Kagi, McDermott, Morris, Murray, and Simpson - 11.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

HOUSE BILL NO. 2617, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2651, By Representatives Pettigrew, Kristiansen, Haigh, Buri, Walsh, Linville, Kretz, Grant, Cox, Newhouse, Holmquist, Blake, Armstrong and Springer

Regarding disclosure of animal information.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2651 was substituted for House Bill No. 2651 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2651 was read the second time.

Representative Pettigrew moved the adoption of amendment (840):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that livestock identification numbers, premise information, and animal movement data are proprietary information that all have a role in defining a livestock producer's position within the marketplace, including his or her competitive advantage over other producers. The legislature therefore finds that exempting certain voluntary livestock identification, premise, and movement information from state public

disclosure requirements will foster an environment that is more conducive to voluntary participation, and lead to a more effective livestock identification system.

Sec. 2. RCW 42.17.310 and 2005 c 424 s 16, 2005 c 349 s 1, 2005 c 312 s 6, 2005 c 284 s 1, 2005 c 172 s 13, and 2005 c 33 s 4 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070,

except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers, and emergency contact information of dependents of employees or volunteers of a public agency, which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by, a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mmm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing

need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for

purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order.

(hhh) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information.

(iii) Records of mediation communications that are privileged under chapter 7.07 RCW.

(jjj) Information submitted by an individual or business for the purpose of participating in a state or national animal identification system. Disclosure to local, state, and federal officials is not public disclosure. This exemption does not affect the disclosure of information used in reportable animal health investigations under chapter 16.36 RCW once they are complete.

(kkk) Results of testing for animal diseases not required to be reported under chapter 16.36 RCW that is done at the request of the animal owner or his or her designee that can be identified to a particular business or individual.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 3. RCW 42.56.380 and 2005 c 274 s 418 are each amended to read as follows:

The following information relating to agriculture and livestock is exempt from disclosure under this chapter:

(1) Business-related information under RCW 15.86.110;

(2) Information provided under RCW 15.54.362;

(3) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, and 16.67 RCW or required by the department of agriculture to administer these chapters or the department's programs;

(4) Consent information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture;

(5) Financial and commercial information and records supplied by persons (a) to the department of agriculture for the purpose of conducting a referendum for the potential establishment of a

commodity board or commission; or (b) to the department of agriculture or commodity boards or commissions formed under chapter 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, or 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information;

(6) Except under RCW 15.19.080, information obtained regarding the purchases, sales, or production of an individual American ginseng grower or dealer;

(7) Information that can be identified to a particular business and that is collected under section 3(1), chapter 235, Laws of 2002; ~~(and)~~

(8) Financial statements provided under RCW 16.65.030(1)(d);

(9) Information submitted by an individual or business for the purpose of participating in a state or national animal identification system. Disclosure to local, state, and federal officials is not public disclosure. This exemption does not affect the disclosure of information used in reportable animal health investigations under chapter 16.36 RCW once they are complete; and

(10) Results of testing for animal diseases not required to be reported under chapter 16.36 RCW that is done at the request of the animal owner or his or her designee that can be identified to a particular business or individual.

NEW SECTION. Sec. 4. Section 2 of this act expires July 1, 2006.

NEW SECTION. Sec. 5. Section 3 of this act takes effect July 1, 2006."

Representatives Pettigrew and Kristiansen spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew, Kristiansen, Hinkle and Linville spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2651.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2651 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2651, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2670, By Representatives Kilmer, Lantz, Priest, Talcott, Green, Conway, Darneille, Cody, Hinkle, Linville, Flannigan, Miloscia and Moeller

Authorizing hospital benefit zone financing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2670 was substituted for House Bill No. 2670 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2670 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilmer and Talcott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2670.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2670 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representative Roach - 1.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

SUBSTITUTE HOUSE BILL NO. 2670, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

HOUSE BILL NO. 2658, By Representatives Hinkle, B. Sullivan, Condotta and Kretz

Establishing a statewide ORV data base.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2658 was substituted for House Bill No. 2658 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2658 was read the second time.

With the consent of the House, amendment (794) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hinkle and B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2658.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2658 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

SUBSTITUTE HOUSE BILL NO. 2658, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2694, By Representatives Haigh, Nixon, Sump and Hunt

Eliminating Saturday counting of ballots.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2694 was substituted for House Bill No. 2694 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2694 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2694.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2694 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representative Dunn - 1.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

SUBSTITUTE HOUSE BILL NO. 2694, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2704, By Representatives O'Brien, Pearson, Darneille, Kirby, Ahern, Williams, Strow, Kilmer, Green, Sells and Morrell

Including organized retail theft in crime guidelines.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2704.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2704 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville,

Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

HOUSE BILL NO. 2704, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2715, By Representatives Ericks, Anderson, Morris, Haler, Crouse, Hankins, Nixon, Sump, P. Sullivan, Hudgins, Kilmer, Takko, Green, Sells, Clibborn, Simpson, Springer, Roberts, Ormsby, Morrell and McIntire

Regarding the state interoperability executive committee.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2715 was substituted for House Bill No. 2715 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2715 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ericks and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2715.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2715 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Hunt and Hunter - 2.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

SUBSTITUTE HOUSE BILL NO. 2715, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2717, By Representatives Schindler, O'Brien, Dunn, McCune, Miloscia and Holmquist

Restricting mobile home park sewer-related charges.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schindler and Miloscia spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2717.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2717 and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Moeller, and Ormsby - 2.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

HOUSE BILL NO. 2717, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2829, By Representatives Wallace, Curtis, Haigh, Springer, Morrell, Hunt, Takko, Schual-Berke, Murray and Moeller; by request of Department of Licensing

Modifying provisions concerning the regulation of driver training schools.

The bill was read the second time.

Representative Holmquist moved the adoption of amendment (855):

On page 14, after line 11, strike all material through "(d)" on line 15 and insert the following:
 "~~((To classify as a branch office or classroom the facility must be within a thirty-five mile radius of the established place of business.))~~
 (c)"

Representative Holmquist spoke in favor of the adoption of the amendment.

Representative Wallace spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Woods moved the adoption of amendment (853):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.82 RCW to read as follows:

The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

Sec. 2. RCW 46.82.280 and 1986 c 80 s 1 are each amended to read as follows:

~~((Unless the context clearly requires otherwise.))~~ The definitions in this section ~~((shall))~~ apply throughout this chapter unless the context clearly requires otherwise.

(1) "Behind-the-wheel instruction" means instruction in an approved driver training school instruction vehicle according to and inclusive of the minimum required curriculum. Behind-the-wheel instruction is characterized by driving experience.

(2) "Classroom" means a space dedicated to and used exclusively by a driver training instructor for the instruction of students. With prior department approval, a branch office classroom may be located within alternative facilities, such as a public or private library, school, community college, college or university, or a business training facility.

(3) "Classroom instruction" means that portion of a traffic safety education course that is characterized by classroom-based student instruction conducted by or under the direct supervision of a licensed instructor or licensed instructors.

(4) "Driver training school" means a commercial driver training school engaged in the business of giving instruction, for a fee, in the operation of automobiles.

~~((2))~~ (5) "Driver training education course" means a course of instruction in traffic safety education approved and licensed by the department of licensing that consists of classroom and behind-the-wheel instruction as documented by the minimum approved curriculum.

(6) "Director" means the director of the department of licensing of the state of Washington.

~~((3))~~ (7) "Advisory committee" means the driving instructors' advisory committee as created in this chapter.

~~((4))~~ (8) "Fraudulent practices" means any conduct or representation on the part of a ~~((licensee under this chapter tending to induce))~~ driver training school owner or instructor including:

(a) Inducing anyone to believe, or to give the impression, that a license to operate a motor vehicle or any other license granted by the director may be obtained by any means other than those prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, or collecting money for such purposes;

(b) Operation of a driver training school without a license, providing instruction without an instructor's license, verifying enrollment prior to being licensed, misleading or false statements on applications for a commercial driver training school license or instructor's license or on any required records or supporting documentation;

(c) Failing to fully document and maintain all required driver training school records of instruction, school operation, and instructor training;

(d) Issuing a driver training course certificate without requiring completion of the necessary behind-the-wheel and classroom instruction.

~~((5))~~ (9) "Instructor" means any person employed by or otherwise associated with a driver training school to instruct persons in the operation of ~~((automobiles))~~ an automobile.

(10) "Owner" means an individual, partnership, corporation, association, or other person or group that holds a substantial interest in a driver training school.

~~((6))~~ (11) "Place of business" means a designated location at which the business of a driver training school is transacted and its records are kept.

~~((7))~~ (12) "Person" means any individual, firm, corporation, partnership, or association.

(13) "Substantial interest holder" means a person who has actual or potential influence over the management or operation of any driver training school. Evidence of substantial interest includes, but is not limited to, one or more of the following:

(a) Directly or indirectly owning, operating, managing, or controlling a driver training school or any part of a driver training school;

(b) Directly or indirectly profiting from or assuming liability for debts of a driver training school;

(c) Is an officer or director of a driver training school;

(d) Owning ten percent or more of any class of stock in a privately or closely held corporate driver training school, or five percent or more of any class of stock in a publicly traded corporate driver training school;

(e) Furnishing ten percent or more of the capital, whether in cash, goods, or services, for the operation of a driver training school during any calendar year; or

(f) Directly or indirectly receiving a salary, commission, royalties, or other form of compensation from the activity in which a driver training school is or seeks to be engaged.

(14) "Student" means any person enrolled in a driver training course that pays a fee for instruction.

Sec. 3. RCW 46.82.300 and 2002 c 195 s 5 are each amended to read as follows:

(1) The director shall be assisted in the duties and responsibilities of this chapter by the driver instructors' advisory committee, consisting of five members. Members of the advisory committee shall be appointed by the director for two-year terms and shall consist of a representative of the driver training schools, a representative of the driving instructors (who shall not be from the same school as the school member), a representative of the superintendent of public instruction, a representative of the department of licensing, and a representative from the Washington state traffic safety commission. Members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. A member who is receiving a salary from the state shall not receive compensation other than travel expenses incurred in such service.

(2) The advisory committee shall meet at least semiannually and shall have additional meetings as may be called by the director. The director or the director's representative shall attend all meetings of the advisory committee and shall serve as chairman.

(3) Duties of the advisory committee shall be to:

(a) Advise and confer with the director or the director's representative on matters pertaining to the establishment of rules necessary to carry out this chapter;

~~((Review violations of this chapter and to recommend to the director appropriate enforcement or disciplinary action as provided in this chapter;))~~

~~((e))~~ Review and update when necessary a curriculum consisting of a list of items of knowledge and the processes of driving a motor vehicle specifying the minimum requirements adjudged necessary in teaching a proper and adequate course of driver education;

~~((f))~~ (c) Review and update instructor certification standards to be consistent with RCW 46.82.330 and take into consideration those standards required to be met by traffic safety education teachers under RCW 28A.220.020(3); and

~~((e))~~ (d) Prepare the examination for a driver instructor's certificate and review examination results at least once each calendar year for the purpose of updating and revising examination standards.

Sec. 4. RCW 46.82.310 and 2002 c 352 s 24 are each amended to read as follows:

(1) No person shall engage in the business of conducting a driver training school without a license issued by the director for that purpose. The school's license must be displayed before the school may:

(a) Schedule, enroll, or engage any students in a course of instruction;

(b) Issue a verification of enrollment to any student; or

(c) Begin any classroom or behind-the-wheel instruction.

(2) An application for a driver training school license shall be filed with the director, containing such information as prescribed by the director, including a uniform business identifier number, accompanied by an application fee of three hundred dollars, which shall in no event be refunded. Before an application for a driver training school license is approved, the business practices, facilities, records, and insurance of the proposed school must be inspected and reviewed by authorized representatives of the director. If an application is approved by the director, the applicant upon payment of an additional fee of two hundred dollars shall be granted a license valid for a period of one year from the date of issuance.

~~((2))~~ (3) A driver training school may apply for a license to establish a branch office or branch classroom by filing an application with the director, containing such information as prescribed by the director. Before an application for a license to establish a branch office or branch classroom is approved, the business practices, facilities, records, and insurance of the proposed branch location must be inspected and reviewed by authorized representatives of the director. If an application is approved by the director, the applicant shall be granted a license valid for a period of one year from the date of issuance.

(4) The annual fee for renewal of a school license shall be two hundred fifty dollars. Subject to the department's inspection of the business, the director shall issue a license certificate to each licensee which shall be conspicuously displayed in the place of business of the licensee. If the director has not received a renewal application (has not been received by the director within sixty days from) on or before the date a (notice of) license (expiration was mailed to the licensee) expires, the license will be void requiring a new application as provided for in this chapter, including payment of all fees.

~~((3))~~ (5) The person to whom a driver training school license has been issued must notify the director in writing within (thirty) ten business days after any change is made in the officers, directors, or location of the place of business of the school.

~~((4) Driver training school licenses shall not be transferable. In the event of any transfer of ownership in the business, an application for)~~ (6) A change involving the ownership of a driver training school requires a new license application, including payment of all fees (must be made).

(a) The owner relinquishing the business must notify the director in writing within ten business days.

(b) The new owner must submit an application as prescribed by rule of the department for transfer of the school's license to the director within ten business days.

(c) Upon receipt of the required notification and the application for license transfer, the director shall permit continuance of the business for a period not to exceed sixty days from the date of transfer pending approval of the new application for a school license.

(d) The transferred license shall remain subject to suspension, revocation, or denial in accordance with RCW 46.82.350 and 46.82.360.

~~((5) The director shall not issue or renew a school license certificate until the licensee has filed with the director evidence of liability insurance coverage with an insurance company authorized to do business in this state in the amount of not less than three hundred thousand dollars because of bodily injury or death to two or more persons in any one accident, not less than one hundred thousand dollars because of bodily injury or death to one person in one~~

~~accident, and not less than fifty thousand dollars because of property damage to others in one accident, and the coverage shall include uninsured motorists coverage. The insurance coverage shall be maintained in full force and effect and the director shall be notified at least ten days prior to cancellation or expiration of any such policy of insurance.~~

~~((6))~~ (7) Evidence of liability insurance coverage must be filed with the director prior to the issuance or renewal of a school license, and shall meet the following standards:

(a) Coverage must be provided by a company authorized to do business in Washington state;

(b) Automobile liability coverage shall be in the amount of not less than one million dollars, and shall include property damage and uninsured motorists coverage;

(c) The required coverage shall be maintained in full force and effect for the term of the school license;

(d) Changes in insurance coverage due to cancellation or expiration require notification of the director and proof of continuing coverage within ten working days following any change; and

(e) Coverage shall be issued in the name of the school and identify the covered locations and vehicles.

(8) The increased insurance requirements of subsection ((5)) (7) of this section must be in effect by no later than one year after ((September 1, 1979)) July 1, 2006.

Sec. 5. RCW 46.82.320 and 2002 c 352 s 25 are each amended to read as follows:

(1) No person ~~(, including the owner, operator, partner, officer, or stockholder of)~~ (, including the owner, operator, partner, officer, or stockholder of) affiliated with a driver training school shall give instruction in the operation of an automobile for a fee without a license issued by the director for that purpose. An application for an original or renewal instructor's license shall be filed with the director, containing such information as prescribed by this chapter and by the director, accompanied by an application fee of seventy-five dollars, which shall in no event be refunded. An application for a renewal instructor's license must be accompanied by proof of the applicant's continuing professional development that meets the standards adopted by the director. If the (application is approved by the director and the) applicant satisfactorily meets the application requirements and the examination requirements as prescribed in RCW 46.82.330, the applicant shall be granted a license valid for a period of one year from the date of issuance. An instructor shall take a requalification examination every five years.

(2) The annual fee for renewal of an instructor's license shall be twenty-five dollars. The director shall issue a license certificate to each ~~(licensee which shall be)~~ (licensee which shall be) qualified applicant.

(a) An employing driver training school must conspicuously ((displayed in the)) display an instructor's license at its established place of business ((of the employing driver training school)) and display copies of the instructor's license at any branch office where the instructor provides instruction.

(b) Unless revoked, canceled, or denied by the director, the license shall remain the property of the licensee in the event of termination of employment or employment by another driver training school.

(c) If the director has not received a renewal application ((has not been received by the director within sixty days from)) on or before the date a ((notice of)) license ((expiration was mailed to the licensee)) expires, the license will be voided requiring a new application as provided for in this chapter, including examination and payment of all fees.

(d) If revoked, canceled, or denied by the director, the license must be surrendered to the department within ten days following the effective date of such action.

(3) ((Persons who qualify under the rules jointly adopted by the superintendent of public instruction and the director of licensing to teach only the laboratory phase, shall be subject to a ten dollar examination fee:

~~((4))~~ (4)) Each licensee shall be provided with a wallet-size identification card by the director at the time the license is issued which shall be carried on the instructor's person at all times while engaged in instructing.

~~((5))~~ (4) The person to whom an instructor's license has been issued shall notify the director in writing within ((thirty)) ten days of

any change of employment or termination of employment, providing the name and address of the new driver training school by whom the instructor will be employed.

Sec. 6. RCW 46.82.325 and 2002 c 195 s 4 are each amended to read as follows:

(1) ~~((Persons instructing students under eighteen years of age))~~ Instructors, owners, and other persons affiliated with a school who have contact with students are required to have a background check through the Washington state patrol criminal identification system and through the federal bureau of investigation. The background check shall also include a fingerprint check using a fingerprint card. Persons covered by this section must have their background rechecked under this subsection every five years.

(2) In addition to the background check required under subsection (1) of this section, persons covered by this section must have a background check through the Washington criminal identification system at the time of application for any renewal license.

(3) The cost of the background check shall be paid by the ((instructor)) person.

~~((3))~~ The department may waive the background check for any applicant who has had a background check within two years before applying to become an instructor.))

Sec. 7. RCW 46.82.330 and 1979 ex.s. c 51 s 6 are each amended to read as follows:

(1) ~~((Upon receipt and approval of an application accompanied by the proper fees, the director shall arrange for the examination of each applicant for an instructor's license and shall notify each applicant of the time and place to appear for examination.~~

~~(2) The examination prepared by the advisory committee shall consist of a knowledge test and an actual driving test conducted in a vehicle provided by the applicant. The examination shall determine: The applicant's knowledge of driving laws, rules, and regulations; the applicant's ability to safely operate a motor vehicle; and the applicant's ability to impart this knowledge to others.~~

~~(3) No))~~ The application for an instructor's license shall document the applicant's fitness, knowledge, skills, and abilities to teach the classroom and behind-the-wheel phases of a driver training education program in a commercial driver training school.

~~(2) An applicant shall be ((permitted by the director to take the examination for an instructor's license until it is determined that the applicant meets the following requirements))~~ eligible to apply for an original instructor's certificate if the applicant possesses and meets the following qualifications and conditions:

(a) Has been licensed to drive for five or more years and possesses a current and valid Washington driver's license or is a resident of a jurisdiction immediately adjacent to Washington state and possesses a current and valid license issued by such jurisdiction, and does not have on his or her driving record any of the violations or penalties set forth in ((3)) (2)(a) (i), (ii), or (iii) of this section. The director shall have the right to examine the driving record of the applicant from the department of licensing and from other jurisdictions and from these records determine if the applicant has had:

(i) Not more than ~~((three))~~ one moving traffic violation~~((s))~~ within the preceding twelve months or more than ~~((four))~~ two moving traffic violations in the preceding twenty-four months;

(ii) No alcohol-related traffic violation or incident within the preceding ~~((three))~~ seven years; and

(iii) No driver's license suspension, cancellation, revocation, or denial within the preceding ~~((three))~~ five years;

(b) Is a high school graduate or the equivalent and at least twenty-one years of age;

(c) Has completed an acceptable application on a form prescribed by the director; ~~((and))~~

(d) Has satisfactorily completed a ~~((sixty-hour))~~ course of instruction in the training of drivers acceptable to the director((-The course shall include at least twelve hours of)) that is no less than sixty hours in length and includes instruction in classroom and behind-the-wheel teaching methods and ((at least six hours)) supervised practice behind-the-wheel teaching of driving techniques; and

(e) Has successfully completed an instructor's examination as prepared by the advisory committee, which shall consist of a knowledge test and an actual driving test conducted in a vehicle provided by the applicant. The examination shall determine:

(i) The applicant's knowledge of driving laws and rules;

(ii) The applicant's ability to safely operate a motor vehicle; and

(iii) The applicant's ability to impart this knowledge and ability to others.

~~((4))~~ Any person with a valid instructor's license in effect as of September 1, 1979, shall not be required to take the examination, or complete the revised course of instruction, otherwise required under this section.))

Sec. 8. RCW 46.82.350 and 1979 ex.s. c 51 s 8 are each amended to read as follows:

~~((+))~~ The director may suspend, revoke, deny, or refuse to renew an instructor's license or a driver training school license, or impose such other disciplinary action authorized under RCW 18.235.110, upon determination that the applicant, licensee, or owner has engaged in unprofessional conduct as defined by RCW 18.235.130 or for any of the following causes:

~~((a))~~ (1) Upon determination that the licensee has made a false statement or concealed any material fact in connection with the application or license renewal;

~~((b))~~ (2) Upon ((conviction of)) determination that the applicant, licensee, owner, or any person directly or indirectly interested in the driver training school's business has been convicted of a felony, or any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

~~((c))~~ (3) Upon determination that the applicant, licensee, owner, or any person directly or indirectly interested in the driver training school's business previously held a driver training school license which was revoked, suspended, or refused renewal by the director;

~~((d))~~ (4) Upon determination that the applicant ((or)) licensee, or owner does not have ((a)) an established place of business as required by this chapter;

~~((e))~~ (5) Upon determination that the applicant or licensee has failed to require all persons with financial interest in the driver training school to be signatories to the application;

~~((f))~~ (6) Upon determination that the applicant ((or)) licensee, or owner has ((been found guilty of fraud or)) committed fraud, induced another to commit fraud, or engaged in fraudulent practices in relation to the business conducted under the license, or ((guilty of inducing)) has induced another to resort to fraud in relation to securing for himself, herself, or another a license to drive a motor vehicle; ((or

~~((g))~~ (7) Upon determination that the applicant, licensee, or owner has engaged in conduct that could endanger the educational welfare or personal safety of students or others;

(8) Upon determination that a licensed instructor no longer possesses and meets the qualifications and conditions set out in RCW 46.82.330(2)(a); or

(9) Upon determination that the applicant ((or)) licensee or owner failed to satisfy or fails to satisfy the other conditions stated in this chapter.

Sec. 9. RCW 46.82.360 and 1989 c 337 s 19 are each amended to read as follows:

The license of any driver training school or instructor may be suspended, revoked, denied, or refused renewal, or such other disciplinary action authorized under RCW 18.235.110 may be imposed, for failure to comply with the business practices specified in this section.

(1) No place of business shall be established nor any business of a driver training school conducted or solicited within one thousand feet of an office or building owned or leased by the department of licensing in which examinations for drivers' licenses are conducted. The distance of one thousand feet shall be measured along the public streets by the nearest route from the place of business to such building.

(2) Any automobile used by a driver training school or an instructor for instruction purposes must be equipped with:

(a) Dual controls for foot brake and clutch, or foot brake only in a vehicle equipped with an automatic transmission;

(b) An instructor's rear view mirror; and

(c) A sign in legible, printed English letters displayed on the back or top, or both, of the vehicle that:

(i) Is not less than twenty inches in horizontal width or less than ten inches in vertical height ((and having));

(ii) Has the words "student driver," ~~((or))~~ "instruction car," or ~~((both, in legible, printed, English))~~ "driving school" in letters at least two and one-half inches in height near the top ~~((and))~~;

(iii) Has the name and telephone number of the school in similarly legible letters not less than one inch in height placed somewhere below the aforementioned words ~~((, and the street number and name and the telephone number in similarly legible letters at least one inch in height placed next below the name of the school. The))~~;

(iv) Has lettering and background colors ~~((shall be of contrasting shades so as to be))~~ that make it clearly readable at one hundred feet in clear daylight ~~((The sign shall be))~~;

(v) Is displayed at all times when instruction is being given.

(3) Instruction may not be given by an instructor to a student who is under the age of fifteen, and behind-the-wheel instruction may not be given by an instructor to a student in an automobile unless the student possesses a current and valid instruction permit issued pursuant to RCW 46.20.055 or a current and valid driver's license.

(4) No driver training school or instructor shall advertise or otherwise indicate that the issuance of a driver's license is guaranteed or assured as a result of the course of instruction offered.

(5) No driver training school or instructor shall utilize any types of advertising without using the full, legal name of the school and identifying itself as a driver training school. ~~((Items))~~ Instruction vehicles and equipment, classrooms, driving simulators, training materials and services advertised must be available in a manner as might be expected by the average person reading the advertisement.

(6) A driver training school shall have an established place of business owned, rented, or leased by the school and regularly occupied and used exclusively for the business of giving driver instruction. The established place of business of a driver training school ~~((that applies for an initial license after July 23, 1989;))~~ shall be located in a district that is zoned for business or commercial purposes.

(a) The established place of business, branch office, or classroom or advertised address of any such driver training school shall not consist of or include a house trailer, residence, tent, temporary stand, temporary address, bus, telephone answering service if such service is the sole means of contacting the driver training school, a room or rooms in a hotel or rooming house or apartment house, or premises occupied by a single or multiple-unit dwelling house.

(b) A driver training school may lease classroom space within a public or private school that is recognized and regulated by the office of the superintendent of public instruction to conduct student instruction as approved by the director. However, such use of public or private classroom space does not alleviate the driver training school from securing and maintaining an established place of business nor from using its own classroom on a regular basis as required by this chapter.

(c) To classify as a branch office or classroom the facility must be within a thirty-five mile radius of the established place of business.

(d) Nothing in this subsection may be construed as limiting the authority of local governments to grant conditional use permits or variances from zoning ordinances.

(7) No driver training school or instructor shall conduct any type of instruction or training on a course used by the department of licensing for testing applicants for a Washington driver's license.

(8) Each driver training school shall maintain ~~((records on all of))~~ its ~~((students, including))~~ student, instructor, vehicle, and operating records at its established place of business.

(a) Student records must include the student's name ((and)), address, and telephone number, ((the starting and ending)) date of enrollment and all dates of instruction, the student's instruction permit or driver's license number, the type of training given, ((and)) the total number of hours of instruction, and the name and signature of the instructor or instructors.

(b) Instructor records shall include the instructor's license number, the date of hire, the dates and duration of an instructor's training including initial certification as an instructor and continuing education, an abstract of the driving record for the instructor obtained within the past year, and a list of the locations where the instructor is providing student instruction.

(c) Vehicle records shall include the original insurance policies and copies of the vehicle registration for all instruction vehicles.

(d) Student and instructor records ((of past students)) shall be maintained for five years following the completion of the instruction. Vehicle records shall be maintained for five years following their issuance. All records shall be made available for inspection upon the request of the department.

(e) Upon a transfer or sale of school ownership the school records shall be transferred to and become the property and responsibility of the new owner.

(9) Each driver training school shall, at its established place of business, display, in a place where it can be seen by all clients, a copy of the required minimum curriculum ~~((compiled))~~ furnished by the ~~((driver advisory committee))~~ department and a copy of the school's own curriculum. Copies of the required minimum curriculum are to be provided to driver training schools and instructors by the director.

(10) Driver training schools and instructors shall submit to periodic inspections of their business practices, facilities, records, and insurance by authorized representatives of the director of the department of licensing.

Sec. 10. RCW 46.82.370 and 1979 ex.s. c 51 s 10 are each amended to read as follows:

Upon notification of suspension, revocation, denial, or refusal to renew a license under this chapter, a driver training school or instructor shall have the right to appeal the action being taken. An appeal may be made to the director, who shall cause a hearing to be held ~~((by the advisory committee))~~ in accordance with chapter 34.05 RCW. Filing an appeal shall stay the action pending the hearing and the director's decision. Upon conclusion of the hearing, ~~((the advisory committee shall notify the director of its findings of fact and recommended action. Within ten days of receipt of the advisory committee's findings and recommendation;))~~ the director shall issue a decision on the appeal.

(1) A license may, however, be temporarily suspended by the director without notice pending any prosecution, investigation, or hearing where such emergency action is warranted. A licensee or applicant entitled to a hearing shall be given due notice thereof.

(2) The sending of a notice of a hearing by registered mail to the last known address of a licensee or applicant in accordance with chapter 34.05 RCW shall be deemed due notice.

(3) The director or the director's authorized representative shall preside over the ~~((advisory committee during the))~~ hearing and shall have the power to subpoena witnesses, administer oaths to witnesses, take testimony of any person, and cause depositions to be taken. A subpoena issued under the authority of this section shall be served in the same manner as a subpoena issued by a court of record. Witnesses subpoenaed under this section and persons other than officers or employees of the department of licensing shall be entitled to the same fees and mileage as are allowed in civil actions in courts of law.

Sec. 11. RCW 46.82.420 and 2004 c 126 s 2 are each amended to read as follows:

(1) The advisory committee shall ((compile)) consult with the department in the development and maintenance of a basic minimum required curriculum and the department shall furnish to each qualifying applicant for an instructor's license or a driver training school license a ((basic minimum required)) copy of such curriculum.

(2) In addition to information on the safe, lawful, and responsible operation of motor vehicles on the state's highways, the basic minimum required curriculum shall ((also)) include ((+)) information on:

(a) Intermediate driver's license issuance, passenger and driving restrictions and sanctions for violating the restrictions, and the effect of traffic violations and collisions on the driving privileges;

(b) The effects of alcohol and drug use on motor vehicle operators, including information on drug and alcohol related traffic injury and mortality rates in the state of Washington ~~((2))~~ and the current penalties for driving under the influence of drugs or alcohol; and ~~((3) information on)~~

(c) Motorcycle awareness, approved by the Motorcycle Safety Foundation, to ensure new operators of motor vehicles have been instructed in the importance of safely sharing the road with motorcyclists.

(3) Should the director be presented with acceptable proof that any licensed instructor or driver training school is not showing proper diligence in teaching such basic minimum curriculum as required, the instructor or school shall be required to appear before the advisory committee and show cause why the license of the instructor or school should not be revoked for such negligence. If the committee does not accept such reasons as may be offered, the director may revoke the license of the instructor or school, or both.

Sec. 12. RCW 18.235.020 and 2002 c 86 s 103 are each amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

- (i) Auctioneers under chapter 18.11 RCW;
- (ii) Bail bond agents under chapter 18.185 RCW;
- (iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;
- (iv) Commercial telephone solicitors under chapter 19.158 RCW;
- (v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;
- (vi) Court reporters under chapter 18.145 RCW;
- (vii) Driver training schools and instructors under chapter 46.82 RCW;
- (viii) Employment agencies under chapter 19.31 RCW;
- ~~((viii))~~ (ix) For hire vehicle operators under chapter 46.72 RCW;
- ~~((ix))~~ (x) Limousines under chapter 46.72A RCW;
- ~~((x))~~ (xi) Notaries public under chapter 42.44 RCW;
- ~~((xi))~~ (xii) Private investigators under chapter 18.165 RCW;
- ~~((xii))~~ (xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;
- ~~((xiii))~~ (xiv) Real estate appraisers under chapter 18.140 RCW;
- ~~((xiv))~~ (xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;
- ~~((xv))~~ (xvi) Security guards under chapter 18.170 RCW;
- ~~((xvi))~~ (xvii) Sellers of travel under chapter 19.138 RCW;
- ~~((xvii))~~ (xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW; and
- ~~((xviii))~~ (xix) Whitewater river outfitters under chapter 79A.60 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

- (i) The state board of registration for architects established in chapter 18.08 RCW;
- (ii) The cemetery board established in chapter 68.05 RCW;
- (iii) The Washington state collection agency board established in chapter 19.16 RCW;
- (iv) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;
- (v) The state board of funeral directors and embalmers established in chapter 18.39 RCW;
- (vi) The state board of registration for landscape architects established in chapter 18.96 RCW; and
- (vii) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the

conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority.

Sec. 13. RCW 46.20.055 and 2005 c 314 s 303 are each amended to read as follows:

(1) **Driver's instruction permit.** The department may issue a driver's instruction permit with or without a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid a fee of twenty dollars, and meets the following requirements:

- (a) Is at least fifteen and one-half years of age; or
- (b) Is at least fifteen years of age and:
 - (i) Has submitted a proper application; and
 - (ii) Is enrolled in a traffic safety education program offered, approved, and accredited by the superintendent of public instruction or offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW, that includes practice driving.

(2) **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in:

- (a) A traffic safety education course as defined by RCW 28A.220.020(2); or
- (b) A course of instruction offered by a licensed driver training school as defined by RCW 46.82.280 ~~((1))~~ (4).

The department may require proof of registration in such a course as it deems necessary.

(3) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

- (a) The person has immediate possession of the permit; and
- (b) An approved instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

(4) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

- (a) The department may issue one additional one-year permit.
- (b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

(c) A person applying to renew an instruction permit must submit the application to the department in person.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Holmquist moved the adoption of amendment (854) to amendment (853):

On page 13, after line 21 of the amendment, strike all material through "(d)" on line 25 and insert the following:
 "~~((To classify as a branch office or classroom the facility must be within a thirty-five mile radius of the established place of business.))~~
 (c)"

Representative Holmquist spoke in favor of the adoption of the amendment.

Representative Wallace spoke against the adoption of the amendment.

The amendment was not adopted.

The question before the House was the adoption of amendment (853).

Representative Woods spoke in favor of the adoption of the amendment.

Representative Wallace spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace, Curtis and Murray spoke in favor of passage of the bill.

Representative Holmquist spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2829.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2829 and the bill passed the House by the following vote: Yeas - 82, Nays - 13, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Blake, Buck, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 82.

Voting nay: Representatives Armstrong, Bailey, Buri, Chandler, Clements, Condotta, Cox, Dunn, Ericksen, Holmquist, Kretz, Sump and Talcott - 13.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

HOUSE BILL NO. 2829, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2943, By Representatives Cody, Curtis, Morrell, Campbell, Green, Clibborn, Kessler, Serben, Rodne, Roach, Moeller, Buri, Pearson, McCune, Appleton, Kenney, Hasegawa and Dunn

Modifying health care provider contract requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2943 was substituted for House Bill No. 2943 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2943 was read the second time.

Representative Morrell moved the adoption of amendment (818):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

(1) Every health carrier, insurer, and other organization engaged in the business of creating provider networks shall comply with the provisions of this section in selecting and contracting with health care providers. For the purpose of this section, "contractor" refers to health carriers, insurers, and other organizations engaged in the business of creating provider networks.

(2) Contractors may not discriminate against various classes of health care practitioners by adopting health care network selection and credentialing standards that permit selection and credentialing of clinics of only one or certain classes of practitioners. For example and not as a limitation of this subsection, if a contractor permits a clinic comprising physicians and nurses to contract on a clinic rather than upon an individual basis, the contractor must permit a clinic comprising chiropractors and licensed massage therapists to contract on a clinic rather than upon an individual basis.

(3) Contractors may not refuse to contract with a provider or providers who purchase the practice of an existing contracted provider if the purchasing provider or providers otherwise meet the credentialing standards of the contractor and agree to comply with the terms and conditions of the provider contract, including provisions related to quality assurance and utilization review.

(4) Contractors may not refuse to contract with a provider who works as an employee of a contracted provider if the employee otherwise meets the credentialing standards of the contractor and agrees to comply with the terms and conditions of the provider contract, including provisions related to quality assurance and utilization review.

(5) A contractor may not directly or indirectly require a health care provider to participate in any arrangement that is not a health plan as a condition for participating in any of the contractor's health plans.

(6) For purposes of this section, "health plan" includes a health plan as defined in RCW 48.43.005 and medical coverage programs administered by the health care authority.

NEW SECTION. Sec. 2. The insurance commissioner may adopt rules necessary to implement this act."

Representatives Morrell, Cody and Curtis spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Curtis and Campbell spoke in favor of passage of the bill.

Representatives Hinkle and Bailey spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2943.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2943 and the bill passed the House by the following vote: Yeas - 73, Nays - 22, Excused - 3.

Voting yea: Representatives Appleton, Armstrong, Blake, Buck, Buri, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Morrell, Morris, Murray, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Roach, Roberts, Rodne, Santos, Sells, Serben, Shabro, Simpson, Sommers, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 73.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Chandler, Clements, Condotta, Cox, Crouse, Dunn, Ericksen, Hinkle, Holmquist, Moeller, Newhouse, Nixon, Schindler, Skinner, Springer, Strow, Talcott and Tom - 22.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2943, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

ENGROSSED HOUSE BILL NO. 1069, By Representatives McIntire, Conway, Priest, Upthegrove, Kilmer, Moeller, Dickerson, Williams, Schual-Berke, Nixon, Springer, Sells, P. Sullivan, Green, Lovick, Kenney, Haigh, Wallace, Kagi, Simpson, Linville, Morris, Wood, Hunter, Lantz, Hudgins, Ericks, Darneille, Clibborn, Sommers, Morrell, Takko, O'Brien, Appleton, Hunt, Santos, Ormsby, Murray and Chase

Requiring performance audits for tax preferences.

The bill was read the third time.

Representatives McIntire spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1069.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1069 and the bill passed the House by the following vote: Yeas - 61, Nays - 34, Excused - 3.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller,

Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Roberts, Rodne, Santos, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Roach, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott and Woods - 34.

Excused: Representatives Fromhold, Quall and Schual-Berke - 3.

ENGROSSED HOUSE BILL NO. 1069, having received the necessary constitutional majority, was declared passed.

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

INTRODUCTION & FIRST READING

HB 3312 by Representatives Chase, Hasegawa, Williams, Ormsby and Appleton

AN ACT Relating to fair employment practices; and adding a new chapter to Title 49 RCW.

Referred to Committee on Commerce & Labor.

ESB 5232 by Senators Oke, Swecker and Jacobsen

AN ACT Relating to turkey tags; and amending RCW 77.32.460.

Referred to Committee on Natural Resources, Ecology & Parks.

ESSB 5385 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen, Oke, Fraser, Swecker and Kline)

AN ACT Relating to creating an invasive species council; amending RCW 79A.25.010; adding new sections to chapter 79A.25 RCW; and providing an expiration date.

Referred to Committee on Natural Resources, Ecology & Parks.

SSB 5838 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kastama, Benson, Poulsen, Brandland, Deccio, Keiser, Thibaudeau, Franklin and Rasmussen)

AN ACT Relating to the substitution of a preferred drug for a nonpreferred drug in hepatitis C virus treatments; and amending RCW 69.41.190.

Referred to Committee on Health Care.

SSB 6144 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Benton, Carrell, Regala, Benson and Pflug)

AN ACT Relating to registration requirements on sex offenders coming from outside the state who establish or reestablish Washington residency; amending RCW 9A.44.130; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

ESB 6152 by Senators Kastama and Kline; by request of Public Disclosure Commission

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

Referred to Committee on State Government Operations & Accountability.

ESSB 6166 by Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Fairley, Benton, Prentice, Keiser, Franklin, Berkey, Brandland and Benson; by request of Department of Financial Institutions)

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

Referred to Committee on Financial Institutions & Insurance.

SSB 6196 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Regala, Keiser, Eide, Rockefeller, Prentice, Thibaudeau, Jacobsen, Fairley, McAuliffe, Fraser, Sheldon, Brown, Spanel, Kline, Kohl-Welles, Shin and Esser)

AN ACT Relating to including a health official from a federally recognized tribe on the state board of health; reenacting and amending RCW 43.20.030; and creating a new section.

Referred to Committee on Health Care.

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

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

Referred to Committee on Education.

E2SSB 6239 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Johnson, Doumit, Oke, Stevens and Esser; by request of Attorney General)

AN ACT Relating to the impact of controlled substances, primarily methamphetamine; amending RCW 2.28.170, 26.44.020, 26.44.020, 26.44.195, 74.34.020, 64.44.010, 64.44.020, 64.44.030, 64.44.040, 64.44.050, 64.44.060, 64.44.070, 9.94A.533, 9.94A.660, and 9.94A.500; adding a new section to chapter 70.96A RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 64.44 RCW; adding a new chapter to Title 49 RCW; creating new sections; prescribing penalties; providing an effective date; and providing expiration dates.

Referred to Committee on Criminal Justice & Corrections.

ESSB 6315 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Benton, Roach, Mulliken, Oke, Schoesler, Schmidt, Regala, Delvin, Stevens, Benson, Sheldon and Esser)

AN ACT Relating to liability protection for landlords; adding a new section to chapter 59.18 RCW; and creating new sections.

Referred to Committee on Judiciary.

2SSB 6319 by Senate Committee on Ways & Means (originally sponsored by Senators Regala, Brandland, Stevens, Kline, Weinstein, Doumit, Carrell, Keiser, Rockefeller, Berkey, Haugen, Fairley, Spanel, Pflug, Sheldon, Rasmussen, McAuliffe, Shin, Roach and Benton)

AN ACT Relating to failure to register as a sex offender; amending RCW 9A.44.130, 9.94A.545, and 9.94A.715; reenacting and amending RCW 9A.44.130 and 9.94A.515; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

SSB 6320 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Brandland, Franklin, Doumit, Rasmussen, Carrell, Haugen, Pridemore, Kline, Stevens, Keiser, Berkey, Thibaudeau, Jacobsen, Pflug, Sheldon, Kohl-Welles, McAuliffe, Roach and Benton)

AN ACT Relating to a model policy for disclosure of sex offender information; amending RCW 4.24.5501; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

SSB 6322 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Brandland, Kohl-Welles, Carrell, Kastama, Stevens, Keiser, Doumit, Rockefeller, Kline, Rasmussen, Berkey, Haugen, Shin, Jacobsen, McAuliffe, Pflug, Sheldon, Roach and Benton)

AN ACT Relating to electronic monitoring of sex offenders; amending RCW 9.94A.715; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Criminal Justice & Corrections.

SSB 6323 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Regala, Swecker, Kastama and Rasmussen)

AN ACT Relating to campaign finance disclosure; and amending RCW 42.17.030 and 42.17.405.

Referred to Committee on State Government Operations & Accountability.

SSB 6325 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Kline, Fairley, Stevens, Rasmussen and McAuliffe)

AN ACT Relating to establishing residence restrictions for sex offenders; creating a new section; repealing 2005 c 436 s 4 (uncodified); and repealing 2005 c 436 s 6 (uncodified).

Referred to Committee on Criminal Justice & Corrections.

SB 6334 by Senators Fairley, Benton, Franklin, Kline, Rasmussen and Shin; by request of Housing Finance Commission

AN ACT Relating to increasing the debt limit of the housing finance commission; and amending RCW 43.180.160.

Referred to Committee on Housing.

SSB 6336 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Haugen, Prentice, Fairley, Oke, Fraser, Swecker, Shin, Kline, Rockefeller, Eide, Kohl-Welles, Keiser, McAuliffe, Rasmussen, Franklin, Thibaudeau, Jacobsen, Brown and Sheldon)

AN ACT Relating to the definition of income for public assistance; and creating new sections.

Referred to Committee on Children & Family Services.

SB 6338 by Senators Haugen, Oke, Berkey, Swecker, Eide, Mulliken, Spanel, Kline, Rasmussen, McAuliffe, Shin and Fairley

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

Referred to Committee on Finance.

SSB 6382 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Hewitt, Kohl-Welles, Rasmussen, Finkbeiner, Pflug and Sheldon; by request of Horse Racing Commission)

AN ACT Relating to authorizing the Washington horse racing commission to expend a statutorily limited amount of its operating funds for the development of the equine industry, improvement of racing facilities, and equine health research; and amending RCW 67.16.280 and 67.16.101.

Referred to Committee on Commerce & Labor.

SSB 6406 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen, Benton and Oke; by request of Attorney General)

AN ACT Relating to assault of a child in the second degree; amending RCW 9.94A.030, 9.94A.712, and 9.94A.712; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

ESSB 6409 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen and Oke; by request of Attorney General)

AN ACT Relating to prohibiting offenders who enter Alford pleas or Newton pleas from receiving special sex offender sentencing and disposition alternatives; reenacting and amending RCW 9.94A.670 and 13.40.160; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

SB 6429 by Senators Jacobsen, Oke, Haugen, Honeyford and Rasmussen; by request of Archaeology and Historic Preservation

AN ACT Relating to disclosure of certain Native American cultural resources information; amending RCW 42.56.300; and providing an effective date.

Referred to Committee on State Government Operations & Accountability.

SSB 6439 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Doumit, Oke, Jacobsen, Schoesler and Delvin)

AN ACT Relating to coastal crab fisheries licenses; and amending RCW 77.70.350.

Referred to Committee on Natural Resources, Ecology & Parks.

SSB 6441 by Senate Committee on Judiciary (originally sponsored by Senators Johnson and Kline)

AN ACT Relating to judicial orders concerning distraint of personal property; and adding a new section to chapter 84.56 RCW.

Referred to Committee on Judiciary.

SB 6453 by Senators Mulliken, Pridemore, Fraser, Rockefeller, Franklin and Spanel; by request of Select Committee on Pension Policy

AN ACT Relating to a one thousand dollar minimum monthly benefit for plan 1 members of the public employees'

retirement system and plan 1 members of the teachers' retirement system; amending RCW 41.32.4851 and 41.40.1984; and providing an effective date.

Referred to Committee on Appropriations.

2SSB 6460 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Stevens, McCaslin, McAuliffe, Keiser, Rasmussen, Benton, Roach and Oke; by request of Attorney General)

AN ACT Relating to penalties for crimes committed with sexual motivation; amending RCW 9.94A.533 and 9.94A.835; prescribing penalties; creating a new section; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

ESSB 6475 by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators McAuliffe, Schmidt, Eide, Weinstein, Haugen, Berkey, Kastama, Shin, Kohl-Welles and Rasmussen; by request of Superintendent of Public Instruction)

AN ACT Relating to authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement; adding new sections to chapter 28A.655 RCW; adding a new section to chapter 28C.04 RCW; and creating a new section.

Referred to Committee on Education.

SSB 6478 by Senate Committee on Judiciary (originally sponsored by Senators Regala, Hargrove, McAuliffe, Keiser and Rasmussen)

AN ACT Relating to protection of sexual assault victims; amending RCW 9A.46.060, 10.14.130, 10.31.100, 19.220.010, 26.50.110, and 59.18.575; reenacting and amending RCW 26.50.160; adding a new chapter to Title 7 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6479 by Senators Regala, McAuliffe and Kline

AN ACT Relating to the privilege for sexual assault advocates; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

SSB 6502 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Roach, Kohl-Welles, Weinstein, Kline, McCaslin, Benton and Rasmussen)

AN ACT Relating to creating a statewide automated victim information and notification system; amending RCW 36.28A.040; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

SSB 6519 by Senate Committee on Human Services & Corrections (originally sponsored by Senators

Benton, Benson, Schoesler, Carrell, Esser, Jacobsen, Pflug, Mulliken, Johnson, Honeyford, Sheldon, Roach, Kline, Oke, Rasmussen and Keiser)

AN ACT Relating to county sheriffs monitoring registered sex offenders; amending RCW 9A.44.130; reenacting and amending RCW 9A.44.130; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

SB 6536 by Senators Jacobsen and Benton

AN ACT Relating to the legislative youth advisory council; and amending RCW 28A.300.801.

Referred to Committee on State Government Operations & Accountability.

ESB 6537 by Senators Kohl-Welles, Parlette, Hewitt, Honeyford, Keiser and McAuliffe; by request of Liquor Control Board

AN ACT Relating to the shipment of wine from wine manufacturers directly to Washington consumers; amending RCW 66.24.210; adding new sections to chapter 66.20 RCW; and repealing RCW 66.12.190, 66.12.200, 66.12.210, and 66.12.220.

Referred to Committee on Commerce & Labor.

SSB 6571 by Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Berkey, Benton, Fairley, Honeyford, Franklin and Parlette)

AN ACT Relating to financing practices of motor vehicle dealers; amending RCW 46.70.180; and creating a new section.

Referred to Committee on Commerce & Labor.

SSB 6572 by Senate Committee on Judiciary (originally sponsored by Senator Hargrove)

AN ACT Relating to the unlawful detainer process under the residential landlord-tenant act; and amending RCW 59.18.365 and 59.18.375.

Referred to Committee on Judiciary.

SB 6576 by Senators Hargrove, Brandland, Rasmussen and McAuliffe; by request of Washington State Patrol

AN ACT Relating to forwarding of sex offender information; and amending RCW 43.43.540.

Referred to Committee on Criminal Justice & Corrections.

ESSB 6580 by Senate Committee on Human Services & Corrections (originally sponsored by Senators McAuliffe, Schmidt, Weinstein, Carrell, Berkey, Rasmussen, Oke and Shin)

AN ACT Relating to sex offender and kidnapping offender notification and information sharing in schools; creating new sections; and providing an expiration date.

Referred to Committee on Juvenile Justice & Family Law.

SSB 6618 by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators McAuliffe and Schmidt)

AN ACT Relating to the high school assessment system; and creating new sections.

Referred to Committee on Education.

SB 6658 by Senators Thibaudeau and Deccio

AN ACT Relating to experience requirements for licensed mental health counselors; and amending RCW 18.225.090.

Referred to Committee on Health Care.

ESB 6661 by Senators Rasmussen, Esser, Jacobsen, Schoesler and Kohl-Welles

AN ACT Relating to establishing the Washington beer commission; amending RCW 66.44.800, 15.04.200, 42.17.31907, 42.56.380, and 43.23.033; adding a new section to chapter 66.12 RCW; adding a new chapter to Title 15 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Economic Development, Agriculture & Trade.

SB 6674 by Senator Oke

AN ACT Relating to funds collected from construction of the second Tacoma Narrows bridge; and amending RCW 47.56.165 and 47.12.063.

Referred to Committee on Transportation.

ESB 6741 by Senators Stevens, Hargrove, Carrell, Brandland and Rasmussen

AN ACT Relating to the joint task force on the administration and delivery of services to children and families; amending 2005 c 474 s 1 (uncodified); amending 2005 c 474 s 2 (uncodified); amending 2005 c 474 s 3 (uncodified); and providing expiration dates.

Referred to Committee on Children & Family Services.

SSB 6775 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Rasmussen and McAuliffe; by request of Attorney General)

AN ACT Relating to criminal trespass against children by sex offenders; reenacting and amending RCW 9.94A.515; adding new sections to chapter 9A.44 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

SSB 6806 by Senate Committee on Judiciary (originally sponsored by Senators Esser, Hargrove, Brandland, Johnson and Rasmussen)

AN ACT Relating to domestic violence; creating new sections; and providing an expiration date.

Referred to Committee on Juvenile Justice & Family Law.

2SSB 6823 by Senate Committee on Ways & Means (originally sponsored by Senator Kohl-Welles; by request of Liquor Control Board)

AN ACT Relating to the distribution of beer and wine by wineries and breweries located inside and outside Washington state to Washington retail liquor licensees; amending RCW 66.24.170, 66.24.240, 66.24.206, 66.24.210, 66.24.270, 66.24.290, 66.28.180, and 42.56.270; reenacting and amending RCW 66.24.244, 66.28.070, 66.28.180, and 42.17.310; creating a new section; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Commerce & Labor.

ESJM 8019 by Senators Shin, Rasmussen, Rockefeller, Weinstein, Kastama, Kohl-Welles, Pridemore, Berkey, Doumit, McAuliffe, Franklin, Keiser, Regala, Fairley, Prentice, Jacobsen, Fraser and Haugen

Requesting the United States trade representative to create a federal-state international trade policy commission.

Referred to Committee on Economic Development, Agriculture & Trade.

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

REPORTS OF STANDING COMMITTEES

February 10, 2006

HB 3308 Prime Sponsor, Representative Morris: Concerning revenue from fossil fuel production. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Takko and Wallace.

Passed to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports sheet under the fifth order of business was placed on Second Reading.

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

There being no objection, the Rules Committee was relieved of the following bills which were placed on Second Reading:

HOUSE BILL NO. 2325,
HOUSE BILL NO. 2345,
HOUSE BILL NO. 2399,
HOUSE BILL NO. 2426,
HOUSE BILL NO. 2632,
HOUSE BILL NO. 2801,
HOUSE BILL NO. 2813,
HOUSE BILL NO. 2833,
HOUSE BILL NO. 2879,
HOUSE BILL NO. 3102,
HOUSE BILL NO. 3106,
HOUSE BILL NO. 3156,
HOUSE BILL NO. 3157,
HOUSE BILL NO. 3278,

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

There being no objection, the House adjourned until 10:00 a.m., February 13, 2006, the 36th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

THIRTY SIXTH DAY

House Chamber, Olympia, Monday, February 13, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brooke Daniels-Brown and Tyler Best. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Sandra Kreis, St. Christopher's Episcopal Church.

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

RESOLUTION

HOUSE RESOLUTION NO. 2006-4697. By Representatives Haler and Hankins

WHEREAS, On December 2, 2005, the Prosser High School Mustangs became one of the first teams in the state of Washington to compete for the football state championship for a 6th time; and

WHEREAS, The Prosser High School Mustangs had a season record of 13-2 and advanced to the State Championship Game; and

WHEREAS, On November 19, 2005, on their way to the state championship game, the Prosser High School Mustangs defeated the four-time defending class 3A champions with a 38-35 victory over the Bellevue Wolverines at Neil F. Lampson Field in Kennewick; and

WHEREAS, The Prosser High School Mustangs were expected by many to be brushed aside by the nationally recognized Wolverines; however, due to their skill and determination they defeated the Wolverines and brought a much deserved win to Eastern Washington; and

WHEREAS, The ironclad determination of the Prosser High School Mustangs' defense held the Wolverines to just 289 yards, almost 100 yards below their season average; and

WHEREAS, The Prosser High School Mustangs Coaching Staff, led by Head Coach Tom Moore, provided invaluable leadership, motivation, and direction to the players; and

WHEREAS, With senior leadership provided by Tylan Watkins, Adrian Washington, Travis Fanciullo, Danny Lochrie, Ivan Merino, Nick Long, Nick Edwards, David Starkey, Chris Shepherd, Jake Martin, Jaycobb Gagner, Ty Hartley, Cameron Brophy, Chad Don, and Trent Crabtree, the Prosser High School Mustangs have won the Mid-Valley League title 18 of the last 19 years; and

WHEREAS, The Prosser High School Mustangs dominated All League and All Area selections led by seniors - Nick Edwards, Jake Martin, Ty Hartley, Danny Lochrie, Ivan Merino, Cameron Brophy, juniors - Kellen Moore, Bobby Humphreys, Jared Hancock, Nick Boydson, Cody Frank, Josh Beck, and sophomore - Cody Bruns; and

WHEREAS, The Prosser High School Mustangs' Quarterback Kellen Moore set the state records for completions, yardage, and touchdowns in a single season; and

WHEREAS, Every senior on the Prosser High School Mustangs team has completed 20 or more hours of community service as part of their School to Life Program; and

WHEREAS, In addition to Prosser High School having a fantastic football year, it also showed a significant increase in the percentage of students who passed the WASL, with a 20-percent increase in reading, a 12.9-percent increase in math, and a 12.5-percent increase in writing;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and congratulate all the Prosser High School Mustangs team members, coaches, staff, faculty, students, parents, and the community for the extraordinary job well done and for their incredible achievements; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Prosser Superintendent Ray Tolcacher, Principals Kevin Lusk and Kelly Thorson, Athletic Director Casey Gant, Coach Tom Moore and his Assistant Coaches, and each member of the Prosser High School Mustangs Football Team.

Representative Haler moved the adoption of the resolution.

Representatives Haler and Hankins spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4697 was adopted.

The Speaker (Representative Lovick presiding) introduced Prosser High School Principal, Kevin Lusk, Athletic Director Casey Grant, Head Coach Tom Moore, Assistant Coaches Doug Fassler, Rich Harris Jay Dedd and Mark Little, and Team Captains Jake Martin, Nick Edwards, Cameron Brophy, Kellen Moore and Danny Lochrie.

RESOLUTION

HOUSE RESOLUTION NO. 2006-4700. By Representatives Skinner, Clements and Hankins

WHEREAS, Twenty school districts in the state have established policies which allow a student representative from a high school in the district to serve as a nonvoting member of the district's school board; and

WHEREAS, The student representative serves as a liaison between the students and the school board and attends school board meetings, at which he or she reports student activities, concerns, and opinions, and contributes to board discussions, but does not vote or attend executive meetings; and

WHEREAS, The student representative communicates board issues and decisions to students through participation in Associated Student Body meetings or other means; and

February 11, 2006

WHEREAS, Jessica DeWitt from East Valley High School of Yakima is one of those student representatives, and her efforts, like the efforts of other students so honored, have helped to present a valuable perspective to school board deliberations, as well as a professional and direct avenue for student concerns to be voiced; and

WHEREAS, The student representative position offers students an opportunity to develop and refine leadership and public speaking skills, to interact with community leaders, and to gain knowledge of school board issues and procedures, as well as respect for public service;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the contributions of Jessica DeWitt, and all other students who serve as student representatives to school district boards; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Jessica DeWitt, The East Valley School District, and the Washington State School Directors' Association.

Representative Skinner moved the adoption of the resolution.

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

HOUSE RESOLUTION NO. 4700 was adopted.

The Speaker (Representative Lovick presiding) recognized Jessica Dewitt and students from East Valley High School.

MESSAGES FROM THE SENATE

February 11, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6417,
SENATE BILL NO. 6531,
SUBSTITUTE SENATE BILL NO. 6552,
SENATE BILL NO. 6596,
SUBSTITUTE SENATE BILL NO. 6670,
SENATE BILL NO. 6762,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6800,
SUBSTITUTE SENATE BILL NO. 6830,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6839,
SUBSTITUTE SENATE BILL NO. 6853,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 11, 2006

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6062,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6106,
SUBSTITUTE SENATE BILL NO. 6225,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6244,
SUBSTITUTE SENATE BILL NO. 6247,
SENATE BILL NO. 6248,
SUBSTITUTE SENATE BILL NO. 6528,
SENATE BILL NO. 6545,
SENATE BILL NO. 6549,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6566,
SUBSTITUTE SENATE BILL NO. 6785,
SUBSTITUTE SENATE BILL NO. 6794,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5330,
ENGROSSED SENATE BILL NO. 6433,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6480,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

THIRD READING

HOUSE JOINT RESOLUTION NO. 4202, By Representatives Simpson, P. Sullivan, Nixon, Buck, Springer, Hankins, Haler, Quall, B. Sullivan, Kessler, Morris, Roberts and Chase

Authorizing investment of hospital district funds.

The bill was read the third time.

Representatives Simpson and Schindler spoke in favor of passage of the joint resolution.

The Speaker stated the question before the House to be the final passage of House Joint Resolution No. 4202.

MOTION

On motion of Representative Clements, Representatives Ahern and Curtis were excused.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Resolution No. 4202 and the joint resolution passed the House by the following vote: Yeas - 95, Nays - 1, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Woods - 95.

Voting nay: Mr. Speaker - 1.

Excused: Representatives Ahern and Talcott - 2.

HOUSE JOINT RESOLUTION NO. 4202, having received the necessary two-thirds majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1341, By House Committee on Local Government (originally sponsored by Representatives Simpson, P. Sullivan, Nixon, Buck,

Springer, Hankins, Haler, Quall, B. Sullivan, Kessler, Morris, Roberts and Chase)**Authorizing additional investment authority for specified hospital districts.**

The bill was read the third time.

Representatives Simpson and Schindler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1341.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1341 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Woods - 95.

Voting nay: Mr. Speaker - 1.

Excused: Representatives Ahern and Talcott - 2.

SUBSTITUTE HOUSE BILL NO. 1341, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1763, By Representatives B. Sullivan, Cody, Walsh and Nixon**Repealing RCW 68.50.560.**

The bill was read the third time.

Representatives B. Sullivan and Hinkle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1763.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1763 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney,

Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Curtis and Tom - 2.

Excused: Representatives Ahern and Talcott - 2.

HOUSE BILL NO. 1763, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1765, By House Committee on Commerce & Labor (originally sponsored by Representatives Chase, Newhouse, Eickmeyer, Buri, Appleton, B. Sullivan and Dunn)**Allowing auctioneers to auction vessels without registering as a vessel dealer.**

The bill was read the third time.

There being no objection, the rules were suspended and SUBSTITUTE HOUSE BILL NO. 1765 was returned to second reading for purpose of amendments.

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

SECOND READING**SUBSTITUTE HOUSE BILL NO. 1765, By House Committee on Commerce & Labor (originally sponsored by Representatives Chase, Newhouse, Eickmeyer, Buri, Appleton, B. Sullivan and Dunn)****Allowing auctioneers to auction vessels without registering as a vessel dealer.**

Representative Chase moved adoption of amendment (691):

On page 2, line 3, after "business" insert "and the length of any vessel being sold is no greater than 25 feet"

Representatives Chase and Condotta spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chase and Condotta spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1765.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1765 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Ahern and Talcott - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1765, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2349, By Representatives Morris, Hudgins, Chase, Murray, Darneille, Dickerson, B. Sullivan and Sells

Providing new renewable energy standards.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2349 was substituted for House Bill No. 2349 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2349 was read the second time.

With the consent of the House, amendments (820), (755) and (852) were withdrawn.

Representative Morris moved the adoption of amendment (839):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Except as provided under subsection (2), the state agency with the largest electricity load in its service territory must, at the request of the generator to the agency in writing, purchase all available anaerobic digester power from their local utility to the extent that it does not exceed the agency's local annual electricity consumption. State agencies shall pay for anaerobic digester power at a rate no less than the retail price of a qualified alternative energy product that their local utility charges its customers under RCW 19.29A.090.

(2) State agencies are not required to purchase all available anaerobic digester power from their local utility if their utility is exempt from offering a qualified alternative energy product.

(3) To the extent that a utility purchases power from an anaerobic digestion power producer in its service territory, the utility must pay the anaerobic digestion power producer for electricity produced at a rate no less than the retail price the utility charges its customers for a qualified alternative energy product under RCW 19.29A.090 minus administrative costs."

Representatives Morris and Crouse spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris, Hudgins and Morris (again) spoke in favor of passage of the bill.

Representatives Crouse, Armstrong and Clements spoke against the passage of the bill.

There being no objection, the House deferred action on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2349, and it held its place on the Third Reading calendar.

HOUSE BILL NO. 2416, By Representatives Kessler, Hasegawa, Hunt, Haigh, McIntire, Dunshee, B. Sullivan and Takko

Establishing an optional state parks vehicle registration fee.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2416 was substituted for House Bill No. 2416 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2416 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler, Buck, Ericksen, Priest, Strow and Kretz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2416.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2416 and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom,

Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Hudgins and Murray - 2.
Excused: Representatives Ahern and Talcott - 2.

SUBSTITUTE HOUSE BILL NO. 2416, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2457, By Representatives Grant, Williams, Blake, Clibborn, Linville, Cox, Buck, Haigh, Sump, Newhouse, Walsh, Buri, Haler, Morrell, Morris, Ericks, Strow, O'Brien and Holmquist

Providing excise tax relief for farm machinery and equipment.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2457 was substituted for House Bill No. 2357 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2457 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant, Orcutt, Hinkle, Newhouse and McIntire spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2457.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2457 and the bill passed the House by the following vote: Yeas - 86, Nays - 10, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 86.

Voting nay: Representatives Cody, Dickerson, Flannigan, Hasegawa, Hudgins, Kagi, Ormsby, Sommers, Tom and Upthegrove - 10.

Excused: Representatives Ahern and Talcott - 2.

SUBSTITUTE HOUSE BILL NO. 2457, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

HOUSE BILL NO. 1964, By Representatives Walsh, Grant, Haler, McIntire, Conway, Hankins and Chase

Designating the Walla Walla sweet onion as the official Washington state vegetable.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walsh, Grant, DeBolt, Nixon, Springer and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1964.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1964 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Sells - 1.

Excused: Representatives Ahern and Talcott - 2.

HOUSE BILL NO. 1964, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2669, By Representatives Cody, Green, Morrell, Clibborn, Campbell, Moeller, Priest and Lantz

Licensing specialty hospitals.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2669 was substituted for House Bill No. 2669 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2669 was read the second time.

With the consent of the House, amendments (742) and (741) were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cody spoke in favor of passage of the bill.

Representatives Hinkle and Curtis spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2669.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2669 and the bill passed the House by the following vote: Yeas - 65, Nays - 31, Excused - 2.

Voting yea: Representatives Appleton, Blake, Buck, Buri, Campbell, Chase, Clibborn, Cody, Conway, Cox, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McDermott, Miloscia, Moeller, Morrell, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Sump, Takko, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 65.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Chandler, Clements, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kristiansen, McCune, McDonald, McIntire, Morris, Newhouse, Nixon, Orcutt, Pearson, Rodne, Schindler, Skinner, Strow, Tom and Woods - 31.

Excused: Representatives Ahern and Talcott - 2.

SUBSTITUTE HOUSE BILL NO. 2669, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 2669.

LARRY HALER, 8th District

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 2669.

KIRK PEARSON, 39th District

HOUSE BILL NO. 3186, By Representatives Dickerson and Rodne

Modifying disposition orders.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3186 was substituted for House Bill No. 3186 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3186 was read the second time.

Representative Dickerson moved the adoption of amendment (743):

On page 2, line 29, after "(6)" strike all material through "officer" and insert "The prosecuting attorney, upon request by the juvenile court probation officer."

On page 2, line 35, after "respondent" insert ", the victim."

Representatives Dickerson and McDonald spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3186.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3186 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Clibborn - 1.

Excused: Representatives Ahern and Talcott - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3186, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3237, By Representatives Hunter, Eickmeyer, Simpson, Grant, Linville, Hankins and Jarrett

Reviewing the funding and management of state aquatic lands.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hunter spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3237.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3237 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative DeBolt - 1.
Excused: Representatives Ahern and Talcott - 2.

HOUSE BILL NO. 3237, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 13, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6168,
ENGROSSED SENATE BILL NO. 6169,
SECOND SUBSTITUTE SENATE BILL NO. 6197,
SUBSTITUTE SENATE BILL NO. 6223,
SUBSTITUTE SENATE BILL NO. 6287,
SUBSTITUTE SENATE BILL NO. 6365,
SENATE BILL NO. 6493,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6508,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6630,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

THIRD READING

There being no objection, the House immediately resumed consideration of ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2349 on third reading.

Representative Hudgins spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2349.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2349 and the bill passed the House by the following vote: Yeas - 61, Nays - 36, Excused - 1.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Rodne, Santos, Schual-Berke, Sells, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 61.

Voting nay: Representatives Alexander, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Haler, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Roberts, Schindler, Serben, Shabro, Strow, Sump, Talcott, Tom, Walsh and Woods - 36.
Excused: Representative Ahern - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2349, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2706, By Representatives Hunter, Sommers, Tom, Anderson, Talcott, Quall, McIntire, Dunn, Green, Kenney and Lantz

Regarding a more rigorous curriculum for high school graduation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2706 was substituted for House Bill No. 2706 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2706 was read the second time.

With the consent of the House, amendment (790) was withdrawn.

Representative Hunt moved the adoption of amendment (844):

On page 2, line 5, after "in the" strike "2010-11" and insert "2012-13"

Representative Hunt spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter, Tom, Santos, Talcott, Dunn and Clements spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2706.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2706 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Hasegawa and Roberts - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2706, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2910, By Representatives Quall, Talcott, P. Sullivan, Shabro, Santos, Hunt, Anderson and Kenney

Requiring a study of environmental education.

The bill was read the second time.

Representative Quall moved the adoption of amendment (868):

On page 2, line 5, after "environmental" insert ", natural science, wildlife, forestry, and agriculture"

Representatives Quall and Shabro spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Shabro spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2910.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2910 and the bill passed the House by the following vote: Yeas - 79, Nays - 19, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Blake, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cox, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 79.

Voting nay: Representatives Armstrong, Buck, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Schindler, Serben and Sump - 19.

ENGROSSED HOUSE BILL NO. 2910, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED HOUSE BILL NO. 2910.

JOHN AHERN, 6th District

HOUSE BILL NO. 2422, By Representatives B. Sullivan, Chase and Conway

Providing funding for state and local parks.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2422 was substituted for House Bill No. 2422 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2422 was read the second time.

Representative Clements moved the adoption of amendment (871):

On page 1, line 16, after "materialized." insert "The legislature further finds that the commission shall utilize the authority to lease parks under RCW 79A.05.030 (5) to the fullest extent practicable to allow local governments or nonprofit organizations to operate state park facilities before closing any facility."

Representative Clements spoke in favor of the adoption of the amendment.

Representative B. Sullivan spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Sullivan spoke in favor of passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2422.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2422 and the bill passed the House by the following vote: Yeas - 62, Nays - 36, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott and Woods - 36.

SECOND SUBSTITUTE HOUSE BILL NO. 2422, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2815, By Representatives Simpson, Jarrett, Springer and Lantz; by request of Department of Community, Trade, and Economic Development

Clarifying the best available science requirements to protect critical areas.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2815 was substituted for House Bill No. 2815 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2815 was read the second time.

Representative Schindler moved the adoption of amendment (825):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.172 and 1995 c 347 s 105 are each amended to read as follows:

(1) In designating and protecting critical areas under this chapter, counties and cities shall ~~((include))~~ consider the best

available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

(2) If it determines that advice from scientific or other experts is necessary or will be of substantial assistance in reaching its decision, a growth management hearings board may retain scientific or other expert advice to assist in reviewing a petition under RCW 36.70A.290 that involves critical areas.

(3) Where a proposed critical area ordinance is based upon science that has yet to be replicated in a physical context similar to the one at issue, but is theoretically sound and otherwise meets the test for best available science, that science constitutes the best available science.

(4) The requirement to consider the best available science under subsection (1) of this section does not obligate a county or city to use science from a different physical context if the county or city determines that the science is not applicable to a specific local situation or physical context, even if it is the only available science.

(5) The requirement to consider the best available science is a procedural, not substantive, requirement.

(6) In the development of critical areas policies and development regulations, counties and cities may consider a wide range of information, including scientific, legal, social, cultural, economic, political, and other information pertinent to the creation of policies and regulations that address local environmental concerns and serve local needs."

Correct the title.

Representatives Schindler and Hinkle spoke in favor of the adoption of the amendment.

Representative Simpson spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Jarrett spoke in favor of passage of the bill.

Representatives Schindler, Armstrong, Haler, Orcutt and Hinkle spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2815.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2815 and the bill passed the House by the following vote: Yeas - 57, Nays - 41, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 41.

SUBSTITUTE HOUSE BILL NO. 2815, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2452, By Representatives Kessler, Armstrong, Clibborn, Priest, Nixon, Blake, Hunt, Morrell, Grant, Newhouse, Dickerson, Kagi, Ericksen, Ericks, Wood, Upthegrove, Ormsby, Roberts and O'Brien; by request of Attorney General

Protecting the news media from being compelled to testify in legal proceedings.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2452 was substituted for House Bill No. 2452 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2452 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Priest and Serben spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2452.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2452 and the bill passed the House by the following vote: Yeas - 87, Nays - 11, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cox, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 87.

Voting nay: Representatives Ahern, Buck, Condotta, Crouse, Dunn, Flannigan, McCune, Orcutt, Pearson, Schindler and Sump - 11.

SUBSTITUTE HOUSE BILL NO. 2452, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 2452.

KIRK PEARSON, 39th District

HOUSE BILL NO. 2574, By Representatives Cody, Morrell, Green and Upthegrove

Regarding hospital charity care and debt collection.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2574 was substituted for House Bill No. 2574 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2574 was read the second time.

With the consent of the House, amendment (878) was withdrawn.

Representative Cody moved the adoption of amendment (851):

On page 1, line 16, after "care or," strike "where a provision does not expressly exclude third-party coverage" and insert "except to the extent provided otherwise in RCW 70.170.060(6)"

On page 2, line 13, after "report," insert "If a recalculation of the cost-to-charge ratio occurs sooner than twelve months from the last update to the hospital's discount policy, the calculation existing prior to the recalculation may be used for purposes of updating hospital discount policies. The secretary shall develop alternate means of determining hospital costs for hospitals that do not file medicare cost reports, in consultation with such hospitals."

On page 3, line 34, after "For" strike "persons with no third-party coverage and" and insert "uninsured persons"

On page 4, line 13, after "qualify," insert "The department shall develop model language, not to exceed fifty words, and type font and style standards that hospitals must use to satisfy the requirement to provide notice in the bill sent to patients. The language may be written on the patient's actual bill if it complies with the department's type font and style requirements."

On page 4, line 15, after "English" strike all material through "area" on line 16 and insert "and in each of the five most common languages in Washington other than English that are spoken by more than five percent of residents of the county where the hospital is located. The department shall make a biennial determination of the five most common languages spoken in Washington and the languages needed for posting in each county"

On page 5, at the beginning of line 2, strike "procedures" and insert "diagnosis related groups"

On page 5, line 7, after "(1)" strike all material through "(2)" on line 14

On page 5, at the beginning of line 32, strike "(3)" and insert "(2)"

On page 6, after line 32, insert the following:
"NEW SECTION. Sec. 5. The department of financial institutions shall establish a work group to make recommendations related to hospital patient debt repayment and collection practices.

The work group shall develop standards for appropriate, predictable, and fair repayment and debt collection practices for hospitals to apply to patients who are eligible for charity care, a sliding fee schedule, or maximum charge as defined in RCW 70.170.060.

The work group shall include representatives of the department of licensing, the department of health, hospitals, debt collection agencies, consumers and patients, and other interested stakeholders. The work group shall submit its recommendations to the legislature by November 15, 2006."

Correct the title.

Representatives Cody and Hinkle spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cody spoke in favor of passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2574.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2574 and the bill passed the House by the following vote: Yeas - 60, Nays - 38, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clements, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott and Woods - 38.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2574, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2740, By Representatives Orcutt, Blake and Kretz

Concerning applications for forest practices.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2740 was substituted for House Bill No. 2740 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2740 was read the second time.

Representative Orcutt moved the adoption of amendment (862):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Local governments are the appropriate place for land use changes to be considered and for ordinances to be implemented that relate to the clearing and grading of land, local services, and critical areas;

(b) The department of natural resources implements the forest practices act and the forest practices rules;

(c) The department of ecology is responsible for protection of water quality;

(d) It is in the best interests of the state that forest landowners keep their land in forestry;

(e) Working forests are vital to the economic and environmental health of the state;

(f) Processes are in place which allow a landowner to convert forest land to another use or maintain the option to convert forest land at a later date;

(g) Laws governing conversion of forest land to other uses and regulatory jurisdiction over such forest practices have been in place for more than eight years; and

(h) It is clear that at times in some places in the state these laws, and associated administrative processes, have unnecessarily complicated landowners' ability to carry out forest practices.

(2) The department of natural resources and the department of ecology shall work with a statewide association of counties and other participants in the process leading to the forests and fish law to determine how the current laws and processes regulating forest practices and conversion of forest land to a nonforestry use could be improved by clarifying roles and responsibilities, eliminating duplicative regulation of the same activity, making any needed adjustments to regulatory requirements, and simplifying pathways leading to regulatory decisions while maintaining current standards of environmental protection.

(3) The evaluation required by this section must include specific examination of laws and administrative processes governing:

(a) Interactions among the department of natural resources, the department of ecology, and local governments in situations where both the state and local governments have regulatory responsibilities related to the same forestry-related activity;

(b) Moratoriums on the conversion of forest land;

(c) Conversion harvest option plans;

(d) Determination of lead agency status pursuant to the state environmental policy act; and

(e) Application, processing, and recording fees.

(4) The department of natural resources must provide a report to the appropriate committees of the legislature by October 31, 2006, including recommendations for changes to laws and administrative processes.

(5) This section expires on July 1, 2007."

Correct the title.

Representatives Orcutt and B. Sullivan spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2740.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2740 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2740, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2850, By Representatives Clements, Orcutt, Dunn, Armstrong and Newhouse

Eliminating tax, interest, and penalty provisions for land valued under the open space program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2850 was substituted for House Bill No. 2850 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2850 was read the second time.

Representative Clements moved the adoption of amendment (861):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.34.070 and 1992 c 69 s 10 are each amended to read as follows:

(1)(a) When land has once been classified under ~~((this chapter)) RCW 84.34.020 (1) or (3), or RCW 84.34.020(2) and does not meet the ownership requirements in (b) of this subsection,~~ it shall remain under such classification and shall not be applied to other use except as provided by subsection (2) of this section for at least ten years from the date of classification and shall continue under such classification until and unless withdrawn from classification after

notice of request for withdrawal shall be made by the owner. During any year after eight years of the initial ten-year classification period have elapsed, notice of request for withdrawal of all or a portion of the land may be given by the owner to the assessor or assessors of the county or counties in which such land is situated. In the event that a portion of a parcel is removed from classification, the remaining portion must meet the same requirements as did the entire parcel when such land was originally granted classification pursuant to this chapter unless the remaining parcel has different income criteria. Within seven days the assessor shall transmit one copy of such notice to the legislative body which originally approved the application. The assessor or assessors, as the case may be, shall, when two assessment years have elapsed following the date of receipt of such notice, withdraw such land from such classification ~~((and the land))~~.

(b)(i) Except as provided in (b)(ii) of this subsection, when land has once been classified under RCW 84.34.020(2), it shall remain under such classification and shall not be applied to other use except as provided by subsection (2) of this section for at least seven years from the date of classification and shall continue under such classification until and unless withdrawn from classification after notice of request for withdrawal shall be made by the owner. During any year after seven years have elapsed, notice of request for withdrawal of all or a portion of the land may be given by the owner to the assessor or assessors of the county or counties in which such land is situated. In the event that a portion of a parcel is removed from classification, the remaining portion must meet the same requirements as did the entire parcel when such land was originally granted classification pursuant to this chapter unless the remaining parcel has different income criteria. Within seven days the assessor shall transmit one copy of such notice to the legislative body which originally approved the application. The assessor or assessors, as the case may be, shall, when two assessment years have elapsed following the date of receipt of such notice, withdraw such land from such classification.

(ii) For land that has been classified under RCW 84.34.020(2) for twenty or more years the assessor or assessors, as the case may be, shall withdraw and revalue the affected land with reference to its true and fair value on January 1st of the year specified in the notice of request for withdrawal from classification and the assessed valuation before and after the date of withdrawal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies.

(iii) To qualify for the preferential withdrawal requirements under this subsection (1)(b), at least a fifty percent ownership interest in the land must have been maintained by the owner or the owner's spouse for the entire period the land has been classified under RCW 84.34.020(2).

(c) Land withdrawn from classification under this subsection shall be subject to the additional tax and applicable interest due under RCW 84.34.108, except land withdrawn from classification under this subsection shall not be subject to applicable interest if the land meets the requirements of RCW 84.34.108(4)(b)(ii). Agreement to tax according to use shall not be considered to be a contract and can be abrogated at any time by the legislature in which event no additional tax or penalty shall be imposed.

(2) The following reclassifications are not considered withdrawals or removals ~~((and are not subject to additional tax under RCW 84.34.108))~~:

(a) Reclassification between lands under RCW 84.34.020 (2) and (3);

(b) Reclassification of land classified under RCW 84.34.020(2) or (3) or chapter 84.33 RCW to open space land under RCW 84.34.020(1);

(c) Reclassification of land classified under RCW 84.34.020 (2) or (3) to forest land classified under chapter 84.33 RCW; and

(d) Reclassification of land classified as open space land under RCW 84.34.020(1)(c) and reclassified to farm and agricultural land under RCW 84.34.020(2) if the land had been previously classified as farm and agricultural land under RCW 84.34.020(2).

(3) Applications for reclassification shall be subject to applicable provisions of RCW 84.34.037, 84.34.035, 84.34.041, and chapter 84.33 RCW.

(4) The income criteria for land classified under RCW 84.34.020(2) (b) and (c) may be deferred for land being reclassified from land classified under RCW 84.34.020 (1)(c) or (3), or chapter 84.33 RCW into RCW 84.34.020(2) (b) or (c) for a period of up to five years from the date of reclassification.

Sec. 2. RCW 84.34.108 and 2003 c 170 s 6 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of the classification shall be made each year upon the assessment and tax rolls and the land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of the classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of the classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not, by itself, result in removal of classification. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (4) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (4) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of the land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a determination whether the land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after such removal of all or a portion of the land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(4) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to its true and fair value on January 1st of the year of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (6) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the

date on which payment is due. The amount of the additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b)(i) The amount of applicable interest shall be equal to the interest upon the amounts of the additional tax paid (~~at the same statutory rate charged on delinquent property taxes~~) from the dates on which the additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter. The interest rate shall be determined as follows:

(A) The same statutory rate charged on delinquent property taxes for land classified under RCW 84.34.020 (1) and (3) and for land classified under RCW 84.34.020(2) not meeting the requirements of (b)(i)(B) or (C) of this subsection;

(B) An annual rate of eight percent for land classified under RCW 84.34.020(2) if the land has been classified for seven years or more but less than twenty years and at least a fifty percent ownership interest in the land has been maintained by the owner or the owner's spouse for the entire period the land has been classified under RCW 84.34.020(2); and

(C) An annual rate of five percent for land classified under RCW 84.34.020(2) if the land has been classified under RCW 84.34.020(2) for twenty years or more and at least a fifty percent ownership interest in the land has been maintained by the owner or the owner's spouse for the entire period the land has been classified under RCW 84.34.020(2), except as provided in (b)(ii) of this subsection.

(ii) No interest shall be imposed for land classified under RCW 84.34.020(2) if the land has been classified under RCW 84.34.020(2) for thirty years or more and at least a fifty percent ownership interest in the land has been maintained by the owner or the owner's spouse for the entire period the land has been classified under RCW 84.34.020(2);

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(5) Additional tax, applicable interest, and penalty, shall become a lien on the land which shall attach at the time the land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which the land may become charged or liable. This lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(6) The additional tax, applicable interest, and penalty specified in subsection (4) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of the property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of the land;

(e) Transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections. At such time as these

property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (4) of this section shall be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(e);

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040;

(k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under chapter 84.33 RCW, or classified under this chapter continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (6)(k); or

(l) The sale or transfer of land after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under chapter 84.33 RCW, or classified under this chapter continuously since 1993 and the sale or transfer takes place after July 22, 2001, and on or before July 22, 2003, and the death of the owner occurred after January 1, 1991. The date of death shown on a death certificate is the date used for the purpose of this subsection (6)(l)."

Representatives Clements and Hunter spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Takko and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2850.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2850 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2850, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2946, By Representatives P. Sullivan, Roach, Simpson, Shabro and McCoy

Regarding checks for employees of bureau of Indian affairs-funded schools.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2946 was substituted for House Bill No. 2946 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2946 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives P. Sullivan and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2946.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2946 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2946, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2951, By Representatives Campbell, Morrell, McCune and Green

Creating a firearms training certificate program for retired law enforcement officers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2951 was substituted for House Bill No. 2951 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2951 was read the second time.

Representative Campbell moved the adoption of amendment (845):

On page 1, line 17, after "officer" insert "who is a resident of Washington"

On page 2, line 4, after "established" insert "by the criminal justice training commission"

On page 2, line 4, after "firearms" strike "training and"

On page 2, beginning on line 11, after "entity" strike all material through "qualifications" on line 12 and insert "certified to provide firearms training"

Representatives Campbell and Lantz spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2951.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2951 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2951, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2958, By Representatives B. Sullivan, Buck, Kessler, Orcutt, Blake, Kretz, Hunt, Chandler, Upthegrove and Dickerson

Penalizing persons who violate rules concerning the use of nontoxic shot.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2958 was substituted for House Bill No. 2958 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2958 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan and Buck spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2958.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2958 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2958, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3016, By Representatives Simpson, Schindler, Takko, Ahern, Clibborn, Woods, B. Sullivan, Upthegrove, Chase, Kessler, Kilmer and Springer

Requiring senate confirmation for members of the growth management hearings boards.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3016.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3016 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 3016, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3070, By Representatives Miloscia, Hasegawa, Chase and Santos

Increasing nonprofit housing development capacity.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 3070 was substituted for House Bill No. 3070 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 3070 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Miloscia spoke in favor of passage of the bill.

Representatives Holmquist and Jarrett spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 3070.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 3070 and the bill passed the House by the following vote: Yeas - 56, Nays - 42, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer,

Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 56.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 42.

SECOND SUBSTITUTE HOUSE BILL NO. 3070, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3089, By Representatives Murray, Clibborn, Woods, Simpson and Linville; by request of Department of Transportation

Revising commute trip reduction provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3089 was substituted for House Bill No. 3089 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3089 was read the second time.

Representative Murray moved the adoption of amendment (824):

On page 3, beginning on line 4, strike all of subsection (10) and insert the following:

"(10)(a) "Affected urban growth area" means:

(i) An urban growth area, designated pursuant to RCW 36.70A.110, whose boundaries contain a state highway segment exceeding the one hundred person hours of delay threshold calculated by the department of transportation, and any contiguous urban growth areas; and

(ii) An urban growth area, designated pursuant to RCW 36.70A.110, containing a jurisdiction with a population over seventy thousand that adopted a commute trip reduction ordinance before the year 2000, and any contiguous urban growth areas.

(b) Affected urban growth areas will be listed by the department of transportation in the rules for this act using the criteria identified in subsection (a) of this section."

Representatives Murray and Woods spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Jarrett moved the adoption of amendment (725):

On page 9, line 8, after "under chapter 41.80 RCW" insert ", or the ability of private sector employees to collectively bargain over commute trip reduction issues if previously such issues were mandatory subjects of collective bargaining"

Representatives Jarrett and Murray spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3089.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3089 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3089, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3172, By Representatives Anderson, Rodne and Morrell

Penalizing persons who transmit unsolicited facsimiles.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Anderson, Nixon and Kilmer spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3172.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3172 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa,

Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 3172, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1015, By Representatives Campbell, Morrell, Skinner, Hankins, Simpson, Schindler and Chase

Requiring reporting of infections acquired in health care facilities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1015 was substituted for House Bill No. 1015 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1015 was read the second time.

Representative Campbell moved the adoption of amendment (867):

On page 2, line 26, after "pneumonia;" strike "and"

On page 2, line 28, after "unit;" insert "and"

(v) Other categories for which there are established, evidence-based measures and the department determines are necessary to protect public health and safety as provided in subsection (3) of this section;"

On page 3, line 20, after "(3)" insert "As guidelines for preventing health care-associated infections and tracking outcomes and performance regarding health care-associated infections are adopted by the United States centers for disease control and prevention, the centers for health care research and quality, the centers for medicare and medicaid services, the joint commission on accreditation of health care organizations, the national quality forum, the institute of healthcare improvement, or other organizations with recognized expertise in infection control or quality improvement, the department shall include those other procedures or categories of health care-associated infections, such as catheter-related urinary tract infections or clostridium difficile infections, in the reporting program established in subsection (2)(a) of this section. The department shall include the other procedures or categories of infections if it determines that the guidelines are evidence-based, have been demonstrated to reduce health care-associated infections, and are feasible for hospitals to track;

(4)"

On page 3, line 22, after "identified in" strike "subsection (2)" and insert "subsections (2) and (3)"

On page 3, at the beginning of line 28, strike "(4)" and insert the following:

"(5) The department shall adopt rules as necessary to effectuate the purposes of this section.

(6)"

Representatives Campbell and Cody spoke in favor of the adoption of the amendment.

Representatives Hinkle and Nixon spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 56 - YEAS; 42 -NAYS.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Cody spoke in favor of passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1015.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1015 and the bill passed the House by the following vote: Yeas - 59, Nays - 39, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott and Tom - 39.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1226, By House Committee on State Government Operations & Accountability (originally sponsored by Representatives Schual-Berke, Tom, Haigh, Cody, Fromhold, Jarrett, Hudgins, Conway, Appleton, Flannigan, Murray, McCoy, Lantz, Hasegawa, Williams, Kagi, Ormsby, Morrell, Chase, Dickerson, Kenney and Sells)

Adjusting application of campaign contribution limits.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1226 was substituted for Substitute House Bill No. 1226 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1226 was read the second time.

With the consent of the House, amendment (849) was withdrawn.

Representative Anderson moved the adoption of amendment (850):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the purpose of this act to create a citizens' commission to establish proper campaign contribution limits, thus removing political considerations in fixing the appropriateness of the amount of such limits. The commission shall establish campaign contributions that protect citizen rights as provided for in Article I, section 5 of the state Constitution while ensuring public accountability and citizen access to elected office.

NEW SECTION. Sec. 2. The Washington citizens' commission on campaign contribution limits is created to consist of fourteen members to be selected as provided in this section.

(1) Seven of the fourteen commission members shall be selected by lot by the secretary of state from among those registered voters eligible to vote at the time persons are selected for appointment to full terms on the commission. No two members shall come from the same county. The secretary shall establish policies and procedures for conducting the selection by lot.

(2) The remaining seven of the fourteen commission members, all residents of this state, shall be selected jointly by the speaker of the house of representatives and the president of the senate. All members shall serve four-year terms and the names of the seven persons selected in this subsection for appointment to the commission shall be forwarded to the governor no later than July 1st every two years.

(3) No person may be appointed to more than two terms. No member of the commission may be removed during his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of residence. The unexcused absence of any person who is a member of the commission from two consecutive meetings of the commission shall constitute the relinquishment of that person's membership on the commission. Such a relinquishment creates a vacancy in that person's position on the commission. A member's absence may be excused by the chair of the commission upon the member's written request if the chair believes there is just cause for the absence. Such a request must be received by the chair before the meeting for which the absence is to be excused. A member's absence from a meeting of the commission may also be excused during the meeting for which the member is absent by the affirmative vote of a majority of the members of the commission present at the meeting.

(4) No state official, public employee, or lobbyist, or immediate family member of the official, employee, or lobbyist, subject to the registration requirements of chapter 42.17 RCW, is eligible for membership on the commission. As used in this subsection, the phrase "immediate family" means the parents, spouse, siblings, children, or dependent relative of the official, employee, or lobbyist whether or not living in the household of the official, employee, or lobbyist.

(5) Upon a vacancy in any position on the commission, a successor shall be selected and appointed to fill the unexpired term. The selection and appointment shall be concluded within thirty days of the date the position becomes vacant and shall be conducted in the same manner as originally provided.

NEW SECTION. Sec. 3. (1) The commission shall adopt a schedule of campaign contribution limits for:

- (a) Candidates for state legislative office;
 - (b) Candidates for state office other than state legislative office;
 - (c) Candidates for county office in a county that has over two hundred thousand registered voters;
 - (d) Candidates for special purpose district office if that district is authorized to provide freight and passenger transfer and terminal facilities and that district has over two hundred thousand registered voters;
 - (e) Persons holding an office in (a) through (d) of this subsection against whom recall charges have been filed or to a political committee having the expectation of making expenditures in support of the recall of a person holding the office;
 - (f) Caucus political committees;
 - (g) Bona fide political parties;
 - (h) Candidates for the state supreme court and court of appeals.
- (2) Members of the commission shall receive no compensation for their services, but shall be eligible to receive a subsistence allowance and travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(3) The members of the commission shall elect a chair from among their number. The commission shall set a schedule of campaign contribution limits by an affirmative vote of not less than eight members of the commission.

(4) The commission shall file its initial schedule of campaign contribution limits for individuals included in subsection (1) of this section with the secretary of state no later than October 1, 2006, and shall file a schedule biennially thereafter. Each schedule shall be filed in legislative bill form, shall be assigned a chapter number and published with the session laws of the legislature, and shall be codified by the statute law committee. The signature of the chair of the commission shall be affixed to each schedule submitted to the secretary of state. The chair shall certify that the schedule has been adopted in accordance with the provisions of state law and with the rules, if any, of the commission. The schedules shall become effective ninety days after the filing thereof.

(5) Before the filing of any campaign contribution limit schedule, the commission shall first develop a proposed schedule and then hold no fewer than four regular meetings as defined by chapter 42.30 RCW to take public testimony on the proposed schedule within the four months immediately preceding the filing. At the last public hearing that is held as a regular meeting on the proposed schedule, the commission shall adopt the schedule as originally proposed or as amended at that meeting that will be filed with the secretary of state.

(6) All meetings, actions, hearings, and business of the commission shall be subject in full to the open public meetings act under chapter 42.30 RCW.

(7) The campaign contribution limits filed by the commission shall take effect on January 1, 2007, and shall continue until modified by the commission under this section."

Correct the title.

Representative Anderson spoke in favor of the adoption of the amendment.

SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "The Speaker would asked the member to not impugn the motives of the body."

Representative Anderson (again) spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "Before we begin debate on this bill, the Speaker would remind all members to be careful in their remarks and not to impugn anyone's integrity."

Representative Schual-Berke spoke in favor of passage of the bill.

Representatives Anderson, Nixon and Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1226.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1226 and the bill passed the House by the following vote: Yeas - 58, Nays - 40, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kirby, Kretz, Kristiansen, McCune, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Walsh and Woods - 40.

THIRD SUBSTITUTE HOUSE BILL NO. 1226, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1614, By Representatives Green, Talcott, Conway and Darneille

Restricting correctional facilities on the grounds of a state hospital.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1614 was substituted for House Bill No. 1614 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1614 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Green and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1614.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1614 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

SUBSTITUTE HOUSE BILL NO. 1614, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2475, By Representatives Conway, Williams, Fromhold, Wood, B. Sullivan, Simpson, Sells, Ormsby and Green

Requiring collective bargaining regarding hours of work for individual providers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2475 was substituted for House Bill No. 2475 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2475 was read the second time.

Representative Conway moved the adoption of amendment (866):

On page 3, beginning on line 18, strike all of subsection (a) and insert the following:

" (a) The department's authority to establish a plan of care for each consumer ~~((and to determine the hours))~~ or its core responsibility to manage long-term in-home care services under this chapter, including determination of the level of care that each consumer is eligible to receive. However, at the request of the exclusive bargaining representative, the governor or the governor's designee appointed under chapter 41.80 RCW shall engage in collective bargaining, as defined in RCW 41.56.030(4), with the exclusive bargaining representative over how the department's core responsibility affects hours of work for individual providers. This subsection shall not be interpreted to require collective bargaining over an individual consumer's plan of care."

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2475.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2475 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Chandler - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2593, By Representatives Appleton, B. Sullivan, Jarrett, Morris, Hankins, Chase, McIntire, Dickerson, McCoy, Conway, Green, Darneille, Schual-Berke, Lovick, Pettigrew, Sommers, Ericks, Lantz, Hasegawa, Morrell, Kenney, Haler, Springer, Roberts, P. Sullivan, Strow, Miloscia, Wallace, Cody, Sells, Moeller, Dunshee, Williams, O'Brien, McDermott, Kessler, Woods, Kilmer, Eickmeyer, Hunt, Flannigan, Takko, Nixon, Rodne, Simpson, Linville and Kagi; by request of Department of Ecology

Changing provisions relating to oil spill prevention, preparedness, and response.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2593 was substituted for House Bill No. 2593 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2593 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Appleton spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2593.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2593 and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Armstrong, Condotta, Dunn and Walsh - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 2593, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2594, By Representatives Hasegawa, McCoy, Santos, Pettigrew, Kenney, Hudgins, Upthegrove, Hunt, O'Brien, Haigh, Kagi and Dickerson

Providing assistance to non-English speaking voters.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2594 was substituted for House Bill No. 2594 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2594 was read the second time.

Representative Hasegawa moved the adoption of amendment (836):

On page 3, after line 7, insert the following:

"Sec. 3. RCW 29A.44.240 and 2003 c 111 s 1123 are each amended to read as follows:

(1) Voting shall be secret except to the extent necessary to assist sensory or physically disabled voters, or voters who require language interpretation.

(2) If any voter declares in the presence of the election officers that because of sensory or physical disability he or she is unable to

register or record his or her vote, he or she may designate a person of his or her choice or two election officers from opposite political parties to enter the voting machine booth with him or her and record his or her vote as he or she directs.

(3) Any voter who requires interpretation assistance may designate a person of his or her choice to enter the voting machine booth with him or her to provide language interpretation and to assist the voter in recording his or her vote. A person who assists with language interpretation under this subsection may not be the voter's employer or be associated with the voter's union.

(4) A person violating this section is guilty of a misdemeanor.

Sec. 4. RCW 29A.44.410 and 2003 c 111 s 1134 are each amended to read as follows:

(1) At least ten days prior to any primary or election, general or special, the county auditor shall appoint one inspector and two judges of election for each precinct (or each combination of precincts temporarily consolidated as a single precinct for that primary or election), other than those precincts designated as vote-by-mail precincts pursuant to RCW 29A.48.010. Except as provided in subsection (3) of this section, the persons appointed shall be among those whose names are contained on the lists furnished under RCW 29A.44.430 by the chairpersons of the county central committees of the political parties entitled to representation thereon. Such precinct election officers, whenever possible, should be residents of the precinct in which they serve.

(2) The county auditor may delete from the lists of names submitted to the auditor by the chairpersons of the county central committees under RCW 29A.44.430: (a) The names of those persons who indicate to the auditor that they cannot or do not wish to serve as precinct election officers for the primary or election or who otherwise cannot so serve; and (b) the names of those persons who lack the ability to conduct properly the duties of an inspector or judge of election after training in that proper conduct has been made available to them by the auditor. The lists which are submitted to the auditor in a timely manner under RCW 29A.44.430, less the deletions authorized by this subsection, constitute the official nomination lists for inspectors and judges of election.

(3) If the number of persons whose names are on the official nomination list for a political party is not sufficient to satisfy the requirements of subsection (4) of this section as it applies to that political party or is otherwise insufficient to provide the number of precinct election officials required from that political party, the auditor shall notify the chair of the party's county central committee regarding the deficiency. The chair may, within five business days of being notified by the auditor, add to the party's nomination list the names of additional persons belonging to that political party who are qualified to serve on the election boards. To the extent that, following this procedure, the number of persons whose names appear on the official nomination lists of the political parties is insufficient to provide the number of election inspectors and judges required for a primary or election, the auditor may appoint a properly trained person whose name does not appear on such a list as an inspector or judge of election for a precinct. The auditor must make reasonable efforts to appoint staff and poll workers who are bilingual. Available bilingual poll workers must be assigned to poll sites based on the language spoken by the poll worker and the population speaking that language in the county.

(4) The county auditor shall designate the inspector and one judge in each precinct from that political party which polled the highest number of votes in the county for its candidate for president at the last preceding presidential election and one judge from that political party polling the next highest number of votes in the county for its candidate for president at the same election. The provisions of this subsection apply only if the number of names on the official nomination list for inspectors and judges of election for a political party is sufficient to satisfy the requirements imposed by this subsection.

(5) Except as provided in RCW 29A.44.440 for the filling of vacancies, this shall be the exclusive method for the appointment of inspectors and judges to serve as precinct election officers at any primary or election, general or special, and shall supersede the

provisions of any and all other statutes, whether general or special in nature, having different requirements."

Correct the title.

Representative Hasegawa spoke in favor of the adoption of the amendment.

Representative Nixon spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 53 - YEAS; 45 -NAYS.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hasegawa and Upthegrove spoke in favor of passage of the bill.

Representatives Nixon, Anderson, Sump, Ahern and Talcott spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2594.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2594 and the bill passed the House by the following vote: Yeas - 55, Nays - 43, Excused - 0.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 43.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2594, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Morris to preside.

HOUSE BILL NO. 2895, By Representatives Lovick, Curtis, Ericks, O'Brien, Dunshee, Kessler, Blake, Clibborn, McCoy, Miloscia, Ahern, Roberts, McDermott, Hunt, McDonald, Williams, Haler, McCune, Kenney,

Morrell, Wallace, Kilmer, Green, Springer, Ormsby and Woods

Protecting vulnerable adults from exposure to methamphetamine manufacturing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2895 was substituted for House Bill No. 2895 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2895 was read the second time.

Representative Wallace moved the adoption of amendment (876):

On page 3, at the beginning of line 26, strike "or"

On page 3, line 27, after "isomers" insert "; or (iv) iodine at a concentration greater than two percent by weight"

Representative Wallace spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2895.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2895 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2895, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3137, By Representatives Lovick, Curtis, Clements, Hunt, Grant, Ericks, Conway, Morrell, Simpson and Kenney; by request of Department of Retirement Systems

Determining benefits for surviving spouses of disabled Washington state patrol officers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3137 was substituted for House Bill No. 3137 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3137 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick, Woods, Clements and Murray spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3137.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3137 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 3137, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Lovick to preside.

HOUSE BILL NO. 3178, By Representatives Murray and Woods; by request of Department of Transportation

Concerning collective bargaining by state ferry employees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3178 was substituted for House Bill No. 3178 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3178 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3178.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3178 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Ericksen and Serben - 2.

SUBSTITUTE HOUSE BILL NO. 3178, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3192, By Representatives B. Sullivan, Ericks and Sells

Authorizing a contract extension for reimbursement by property owners for street, road, and water or sewer projects.

The bill was read the second time.

Representative B. Sullivan moved the adoption of amendment (781):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.72.020 and 1983 c 126 s 2 are each amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, the contract may provide for the partial reimbursement to the owner or the owner's assigns for a period not to exceed fifteen years of a portion of the costs of the project by other property owners who:
 ((+)) (a) Are determined to be within the assessment reimbursement area pursuant to RCW 35.72.040;

~~((2))~~ (b) Are determined to have a reimbursement share based upon a benefit to the property owner pursuant to RCW 35.72.030;

~~((3))~~ (c) Did not contribute to the original cost of the street project; and

~~((4))~~ (d) Subsequently develop their property within the ~~(fifteen-year)~~ period of time that the contract is effective and at the time of development were not required to install similar street projects because they were already provided for by the contract.

Street projects subject to reimbursement may include design, grading, paving, installation of curbs, gutters, storm drainage, sidewalks, street lighting, traffic controls, and other similar improvements, as required by the street standards of the city, town, or county.

(2)(a)The contract may provide for an extension of the fifteen-year reimbursement period for a time not to exceed the duration of any moratorium, phasing ordinance, concurrency designation, or other governmental action that prevents making applications for, or the approval of, any new development within the benefit area for a period of six months or more.

(b)Upon the extension of the reimbursement period pursuant to subsection (2)(a) of this section, the contract must specify the duration of the contract extension and must be filed and recorded with the county auditor. Property owners who are subject to the reimbursement obligations under subsection (1) of this section shall be notified by the appropriate county, city or town of the extension filed under this subsection.

(3) Each contract shall include a provision requiring that every two years from the date the contract is executed a property owner entitled to reimbursement under this section provide the appropriate county, city, or town with information regarding the current contract name, address, and telephone number of the person, company, or partnership that originally entered into the contract. If the property owner fails to comply with the notification requirements of this subsection within sixty days of the specified time, then the contracting county, city, or town may collect any reimbursement funds owed to the property owner under the contract. Such funds must be deposited in the capital fund of the county, city, or town.

Sec. 2. RCW 35.91.020 and 1999 c 153 s 38 are each amended to read as follows:

(1)Except as provided under subsection (2) of this section, the governing body of any city, town, county, water-sewer district, or drainage district, hereinafter referred to as a "municipality" may contract with owners of real estate for the construction of storm, sanitary, or combination sewers, pumping stations, and disposal plants, water mains, hydrants, reservoirs, or appurtenances, hereinafter called "water or sewer facilities," within their boundaries or (except for counties) within ten miles from their corporate limits connecting with the public water or sewerage system to serve the area in which the real estate of such owners is located, and to provide for a period of not to exceed fifteen years for the reimbursement of such owners and their assigns by any owner of real estate who did not contribute to the original cost of such water or sewer facilities and who subsequently tap onto or use the same of a fair pro rata share of the cost of the construction of said water or sewer facilities, including not only those directly connected thereto, but also users connected to laterals or branches connecting thereto, subject to such reasonable rules and regulations as the governing body of such municipality may provide or contract, and notwithstanding the provisions of any other law.

(2)(a)The contract may provide for an extension of the fifteen-year reimbursement period for a time not to exceed the duration of any moratorium, phasing ordinance, concurrency designation, or other governmental action that prevents making applications for, or the approval of, any new development within the benefit area for a period of six months or more.

(b)Upon the extension of the reimbursement period pursuant to subsection (2)(a) of this section, the contract must specify the duration of the contract extension and must be filed and recorded with the county auditor. Property owners who are subject to the reimbursement obligations under subsection (1) of this section shall be notified by the contracting municipality of the extension filed under this subsection.

(3)Each contract shall include a provision requiring that every two years from the date the contract is executed a property owner entitled to reimbursement under this section provide the contracting municipality with information regarding the current contract name, address, and telephone number of the person, company, or partnership that originally entered into the contract. If the property owner fails to comply with the notification requirements of this subsection within sixty days of the specified time, then the contracting municipality may collect any reimbursement funds owed to the property owner under the contract. Such funds must be deposited in the capital fund of the municipality.

(4) To the extent it may require in the performance of such contract, such municipality may install said water or sewer facilities in and along the county streets in the area to be served as hereinabove provided, subject to such reasonable requirements as to the manner of occupancy of such streets as the county may by resolution provide. The provisions of such contract shall not be effective as to any owner of real estate not a party thereto unless such contract has been recorded in the office of the county auditor of the county in which the real estate of such owner is located prior to the time such owner taps into or connects to said water or sewer facilities.

Sec. 3. RCW 57.22.020 and 1996 c 230 s 802 are each amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, the contract shall also provide, subject to the terms and conditions in this section, for the reimbursement to the owner or the owner's assigns for a period not to exceed fifteen years of a portion of the costs of the facilities constructed pursuant to such contract from connection charges received by the district from other property owners who subsequently connect to or use the facilities within the ~~(fifteen-year)~~ period of time that the contract is effective and who did not contribute to the original cost of such facilities.

(2)(a)The contract may provide for an extension of the fifteen-year reimbursement period for a time not to exceed the duration of any moratorium, phasing ordinance, concurrency designation, or other governmental action that prevents making applications for, or the approval of, any new development for a period of six months or more within the benefit area of the system extensions authorized under this chapter.

(b)Upon the extension of the reimbursement period pursuant to subsection (2)(a) of this section, the contract must specify the duration of the contract extension and must be filed and recorded with the county auditor. Property owners who are subject to the reimbursement obligations under subsection (1) of this section shall be notified by the water-sewer district of the extension filed under this subsection.

(3)Each contract shall include a provision requiring that every two years from the date the contract is executed a property owner entitled to reimbursement under this section provide the water-sewer district with information regarding the current contract name, address, and telephone number of the person, company, or partnership that originally entered into the contract. If the property owner fails to comply with the notification requirements of this subsection within sixty days of the specified time, then the water-sewer district may collect any reimbursement funds owed to the property owner under the contract. Such funds must be deposited in the capital fund of the water-sewer district."

Representative B. Sullivan spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 3192.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3192 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED HOUSE BILL NO. 3192, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3266, By Representatives Rodne, Simpson, Anderson and Hudgins

Designating state route number 169 as a highway of statewide significance.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rodne and Murray spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3266.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3266 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer,

Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Flannigan and Serben - 2.

HOUSE BILL NO. 3266, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3275, By Representative Hinkle

Regarding expedited processing for small water impoundments.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hinkle and Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3275.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3275 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 3275, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

February 13, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5236,
SECOND SUBSTITUTE SENATE BILL NO. 5333,
SECOND SUBSTITUTE SENATE BILL NO. 5717,
SECOND SUBSTITUTE SENATE BILL NO. 6195,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6255,
SUBSTITUTE SENATE BILL NO. 6330,
ENGROSSED SENATE BILL NO. 6342,
SENATE BILL NO. 6364,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6366,
SENATE BILL NO. 6373,
SENATE BILL NO. 6411,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6427,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6459,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6501,
 SENATE BILL NO. 6539,
 SENATE BILL NO. 6541,
 SUBSTITUTE SENATE BILL NO. 6555,
 SUBSTITUTE SENATE BILL NO. 6579,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6646,
 SUBSTITUTE SENATE BILL NO. 6699,
 SENATE BILL NO. 6731,
 SUBSTITUTE SENATE BILL NO. 6791,
 SENATE BILL NO. 6826,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 2780, By Representatives McDermott, Hunt, Santos, Cody, Sells, Conway, Kenney, Ormsby, Williams, Green, Dunshee, Campbell, Appleton, Chase and Hasegawa

Authorizing additional payroll deductions for state employees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2780 was substituted for House Bill No. 2780 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2780 was read the second time.

Representative Condotta moved the adoption of amendment (885):

On page 2, beginning on line 20, strike all of subsection (6) and insert the following:

"(6) Labor or employee organizations dues, and voluntary employee contributions to any funds, committees, or subsidiary organizations maintained by labor or employee organizations, may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of (~~RCW 41.06.150. PROVIDED, That~~) chapter 41.80 RCW. Each labor or employee organization may choose only one fund for voluntary employee contributions. If that fund is directed to a political committee, the state must provide written notice to employees explaining that the deduction is voluntary, is not a condition of employment, and may be cancelled at any time. Authorizations for voluntary deductions under this subsection must be renewed annually and are public records as defined in chapter 42.17 RCW. This subsection applies if twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization (~~-PROVIDED, FURTHER, That~~). Only labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs."

Representative Condotta spoke in favor of the adoption of the amendment.

Representative McDermott spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McDermott and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2780.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2780 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

SUBSTITUTE HOUSE BILL NO. 2780, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2759, By Representatives Ericks, Pearson, Dunshee, Sells, Roberts and Rodne

Authorizing the transfer of certain real property and facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2759 was substituted for House Bill No. 2759 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2759 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ericks and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2759.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2759 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell,

Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Dunn and Hasegawa - 2.

SUBSTITUTE HOUSE BILL NO. 2759, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2804, By Representatives Conway, Holmquist, Serben, McIntire, Ahern, McDermott, Rodne, Buri, McDonald, McCune and Dunn; by request of Office of the Lieutenant Governor

Modifying the property tax exemption for nonprofit schools and colleges.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2804 was substituted for House Bill No. 2804 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2804 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Holmquist spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2804.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2804 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P.,

Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2804, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2860, By Representatives Grant, Newhouse, Hankins, Haler, Walsh and McCune

Regarding water resource management in the Columbia river basin.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2860 was substituted for House Bill No. 2860 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2860 was read the second time.

With the consent of the House, amendment (919) was withdrawn.

Representative Grant moved the adoption of amendment (916):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that a key priority of water resource management in the Columbia river basin is the development of new water supplies that includes storage and conservation in order to meet the economic and community development needs of people and the instream flow needs of fish.

(2) The legislature therefore declares that a Columbia river basin water supply development program is needed, and directs the department of ecology to aggressively pursue the development of water supplies to benefit both instream and out-of-stream uses.

NEW SECTION. Sec. 2. (1) The Columbia river basin water supply development account is created in the state treasury. The account may receive direct appropriations from the legislature, receipts of any funds pursuant to sections 3 and 4 of this act, or funds from any other sources.

(2)(a) Expenditures from the Columbia river basin water supply development account may be used to assess, plan, and develop new storage, improve or alter operations of existing storage facilities, implement conservation projects, or any other actions designed to provide access to new water supplies within the Columbia river basin for both instream and out-of-stream uses. Except for the development of new storage projects, there shall be no expenditures from this account for water acquisition or transfers from one water resource inventory area to another without specific legislative authority.

(b) Two-thirds of the funds placed in the account shall be used to support the development of new storage facilities; the remaining one-third shall be used for the other purposes listed in this section.

(3)(a) Funds may not be expended from this account for the construction of a new storage facility until the department of ecology evaluates the following:

- (i) Water uses to be served by the facility;
- (ii) The quantity of water necessary to meet those uses;
- (iii) The benefits and costs to the state of meeting those uses, including short-term and long-term economic, cultural, and environmental effects; and
- (iv) Alternative means of supplying water to meet those uses, including the costs of those alternatives and an analysis of the extent

to which long-term water supply needs can be met using these alternatives.

(b) The department of ecology may rely on studies and information developed through compliance with other state and federal permit requirements and other sources. The department shall compile its findings and conclusions, and provide a summary of the information it reviewed.

(c) Before finalizing its evaluation under the provisions of this section, the department of ecology shall make the preliminary evaluation available to the public. Public comment may be made to the department within thirty days of the date the preliminary evaluation is made public.

(4) Net water savings achieved through conservation measures funded by the account shall be placed in trust in proportion to the state funding provided to implement a project.

(5) Net water savings achieved through conservation measures funded by the account developed within the boundaries of the federal Columbia river reclamation project and directed to the Odessa subarea to reduce the use of ground water for existing irrigation is exempt from the provisions of subsection (4) of this section.

(6) Moneys in the Columbia river basin water supply development account created in this section may be spent only after appropriation.

(7) Interest earned by deposits in the account will be retained in the account.

NEW SECTION. Sec. 3. (1)(a) Water supplies secured through the development of new storage facilities made possible with funding from the Columbia river basin water supply development account shall be allocated as follows:

(i) Two-thirds of active storage shall be available for appropriation for out-of-stream uses; and

(ii) One-third of active storage shall be available to augment instream flows and shall be managed by the department of ecology. The timing of releases of this water shall be determined by the department of ecology, in cooperation with the department of fish and wildlife and fisheries comanagers, to maximize benefits to salmon and steelhead populations.

(b) Water available for appropriation under (a)(i) of this subsection but not yet appropriated shall be temporarily available to augment instream flows to the extent that it does not impair existing water rights.

(2) Water developed under the provisions of this section to offset out-of-stream uses and for instream flows is deemed adequate mitigation for the issuance of new water rights provided for in subsection (1)(a) of this section and satisfies all consultation requirements under state law related to the issuance of new water rights.

(3) The department of ecology shall focus its efforts to develop water supplies for the Columbia river basin on the following needs:

(a) Alternatives to ground water for agricultural users in the Odessa subarea aquifer;

(b) Sources of water supply for pending water right applications;

(c) A new uninterrupted supply of water for the holders of interruptible water rights on the Columbia river mainstem that are subject to instream flows or other mitigation conditions to protect stream flows; and

(d) New municipal, domestic, industrial, and irrigation water needs within the Columbia river basin.

(4) The one-third/two-thirds allocation of water resources between instream and out-of-stream uses established in this section does not apply to applications for changes or transfers of existing water rights in the Columbia river basin.

NEW SECTION. Sec. 4. (1) The department of ecology may enter into voluntary regional agreements for the purpose of providing new water for out-of-stream use, streamlining the application process, and protecting instream flow.

(2) Such agreements shall ensure that:

(a) For water rights issued from the Columbia river mainstem, there is no negative impact on Columbia river mainstem instream flows in the months of July and August as a result of the new appropriations issued under the agreement;

(b) For water rights issued from the lower Snake river mainstem, there is no negative impact on Snake river mainstem instream flows from April through August as a result of the new appropriations issued under the agreement; and

(c) Efforts are made to harmonize such agreements with watershed plans adopted under the authority of chapter 90.82 RCW that are applicable to the area covered by the agreement.

(3) The protection of instream flow as set forth in subsection (2) of this section is adequate for purposes of mitigating instream flow impacts resulting from any appropriations for out-of-stream use made under a voluntary regional agreement, and the only applicable consultation provisions under state law regarding instream flow impacts shall be those set forth in subsection (4) of this section.

(4) Before executing a voluntary agreement under this section, the department of ecology shall:

(a) Provide a sixty-day period for consultation with county legislative authorities and watershed planning groups with jurisdiction over the area where the water rights included in the agreement are located, the department of fish and wildlife, and affected tribal governments, and federal agencies. The department of fish and wildlife shall provide written comments within that time period. The consultation process for voluntary regional agreements developed under the provisions of this section is deemed adequate for the issuance of new water rights provided for in this section and satisfies all consultation requirements under state law related to the issuance of new water rights; and

(b) Provide a thirty-day public review and comment period for a draft agreement, and publish a summary of any public comments received. The thirty-day review period shall not begin until after the department of ecology has concluded its consultation under (a) of this subsection and the comments that have been received by the department are made available to the public.

(5) The provisions of subsection (4) of this section satisfy all applicable consultation requirements under state law.

(6) The provisions of this section and any voluntary regional agreements developed under such provisions may not be relied upon by the department of ecology as a precedent, standard, or model that must be followed in any other voluntary regional agreements.

(7) Nothing in this section may be interpreted or administered in a manner that precludes the processing of water right applications under chapter 90.03 or 90.44 RCW that are not included in a voluntary regional agreement.

(8) Nothing in this section may be interpreted or administered in a manner that impairs or diminishes a valid water right or a habitat conservation plan approved for purposes of compliance with the federal endangered species act.

(9) The department of ecology shall monitor and evaluate the water allocated to instream and out-of-stream uses under this section, evaluate the program, and provide an interim report to the appropriate committees of the legislature by June 30, 2008. A final report shall be provided to the appropriate committees of the legislature by June 30, 2011.

(10) If the department of ecology executes a voluntary agreement under this section that includes water rights appropriated from the lower Snake river mainstem, the department shall develop aggregate data in accordance with the provisions of section 6 of this act for the lower Snake river mainstem.

(11) Any agreement entered into under this section shall remain in full force and effect through the term of the agreement regardless of the expiration of this section.

(12) The definitions in this subsection apply to this section and section 6 of this act, and may only be used for purposes of implementing these sections.

(a) "Columbia river mainstem" means all water in the Columbia river within the ordinary high water mark of the main channel of the Columbia river between the border of the United States and Canada and the Bonneville dam, and all ground water within one mile of the high water mark.

(b) "Lower Snake river mainstem" means all water in the lower Snake river within the ordinary high water mark of the main channel of the lower Snake river from the head of Ice Harbor pool to the confluence of the Snake and Columbia rivers, and all ground water within one mile of the high water mark.

(13) This section expires June 30, 2012.

NEW SECTION. Sec. 5. (1) To support the development of new water supplies in the Columbia river and to protect instream flow, the department of ecology shall work with all interested parties, including interested county legislative authorities and watershed planning groups, adjacent to the Columbia river, and affected tribal governments, to develop a Columbia river water supply inventory and a long-term water supply and demand forecast. The inventory must include:

(a) A list of conservation projects that have been implemented under this chapter and the amount of water conservation they have achieved; and

(b) A list of potential water supply and storage projects in the Columbia river basin, including estimates of:

- (i) Cost per acre-foot;
- (ii) Benefit to fish and other instream needs;
- (iii) Benefit to out-of-stream needs; and
- (iv) Environmental and cultural impacts.

(2) The department of ecology shall complete the first Columbia river water supply inventory by November 15, 2006, and shall update the inventory annually thereafter.

(3) The department of ecology shall complete the first Columbia river long-term water supply and demand forecast by November 15, 2006, and shall update the report every five years thereafter.

NEW SECTION. Sec. 6. (1) In order to better understand current water use and instream flows in the Columbia river mainstem, the department of ecology shall establish and maintain a Columbia river mainstem water resources information system that provides the information necessary for effective mainstem water resource planning and management.

(2) To accomplish the objective in subsection (1) of this section, the department of ecology shall use information compiled by existing local watershed planning groups, federal agencies, the Bonneville power administration, irrigation districts, conservation districts in the basin, and other available sources. The information shall include:

(a) The total aggregate quantity of water rights issued under state permits and certificates and filed under state claims on the Columbia river mainstem and for ground water within one mile of the mainstem; and

(b) The total aggregate volume of current water use under these rights as metered and reported by water users under current law.

(3) The department of ecology shall publish the aggregate data on the department's web site no later than June 30, 2009, and shall periodically update the data.

(4) For purposes of this section, the definition of Columbia river mainstem in section 4(12) of this act shall apply and the use of the definition is solely limited to the purpose of collecting data to meet the information requirements of this section.

Sec. 7. 2005 c 488 s 332 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY
Columbia River Initiative (06-2-010)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$6,000,000 is provided solely for feasibility studies related to off-mainstem storage projects and impacts of changing operations at the Potholes reservoir, and grant funding for the purchase and installation of water measuring devices.

(2) Of the amount appropriated in this section, \$10,000,000 ~~((may not be expended prior to enactment of state legislation that establishes the policy requirements for a new water resources and water rights management program for the Columbia river mainstem. If such legislation is not enacted prior to June 30, 2006, this amount shall lapse))~~ is provided to begin implementation of the Columbia river basin water supply development program in sections 2 through 6 of this act. Within this amount, the department shall support, to the extent that projects are ready to proceed and to the extent that resources allow, the following water supply projects, including, but not limited to: Storage development or storage enhancement projects,

projects that provide surface water supply for the Odessa subarea within the boundaries of the Columbia basin federal reclamation project, projects that enhance water supplies for the Walla Walla and Yakima rivers through exchanges and other methods, and investments resulting in water use efficiency. The department shall report progress under this section to the appropriate committees of the legislature by December 1, 2006.

Appropriation:

State Building Construction Account--State . . .	\$16,000,000
Prior Bienna (Expenditures)	\$0
Future Bienna (Projected Costs)	\$52,610,000
TOTAL	\$68,610,000

Sec. 8. RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Columbia river basin water supply development account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure

account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 9.** Sections 1 through 6 of this act constitute a new chapter in Title 90 RCW.

NEW SECTION. **Sec. 10.** This act takes effect July 1, 2006.

NEW SECTION. **Sec. 11.** If specific authority to issue general obligation bonds of at least two hundred million dollars for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2006, in a bond authorization act, this act is null and void."

Correct the title.

Representative Grant spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant, Newhouse, Chandler, Linville and Clements spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2860.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2860 and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Chase, Hasegawa, McCoy and Simpson - 4.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2860, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2848, By Representatives Lantz, Ericks, Santos, Williams, Rodne, Priest, Hudgins, Darneille, Morrell, Kessler, McDonald, Roberts, McCoy, Kenney, Campbell, P. Sullivan, Wallace, Hasegawa, Kilmer, Green, Simpson, Wood, Ormsby and Springer

Protecting confidentiality of domestic violence information.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2848 was substituted for House Bill No. 2848 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2848 was read the second time.

Representative Lantz moved the adoption of amendment (841):

On page 7, beginning on line 12, after "~~(However,)~~" strike all material through "section," on line 23

On page 8, after line 3, insert the following:

"(c) The department shall review methods to improve the protection and confidentiality of information for recipients of welfare assistance who have disclosed to the department that they are past or current victims of domestic violence or stalking."

Representatives Lantz and Priest spoke in favor of adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2848.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2848 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2848, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2912, By Representatives Green, Appleton, Woods, Cody, Moeller, Haigh, Conway, Lantz,

Hudgins, Roberts, McCoy, Kenney, Morrell, P. Sullivan, Hasegawa, Kilmer, Simpson and Ormsby

Requiring that mental health professionals do private home visits in pairs and providing for other safety and violence prevention measures.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2912 was substituted for House Bill No. 2912 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2912 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Green and Woods spoke in favor of passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2912.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2912 and the bill passed the House by the following vote: Yeas - 76, Nays - 22, Excused - 0.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Chase, Clements, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 76.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buck, Buri, Chandler, Condotta, Cox, DeBolt, Dunn, Haler, Hinkle, Holmquist, Kretz, Kristiansen, Newhouse, Orcutt, Roach, Shabro, Sump and Talcott - 22.

SECOND SUBSTITUTE HOUSE BILL NO. 2912, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SECOND SUBSTITUTE HOUSE BILL NO. 2912.

RICHARD DeBOLT, 20th District

HOUSE BILL NO. 2942, By Representatives Curtis, Morrell, Campbell, Cody, Green, Clibborn, Kessler, Serben, Rodne, Moeller, McCune and Hasegawa

Concerning contracts of health care providers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2942 was substituted for House Bill No. 2942 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2942 was read the second time.

Representative Curtis moved the adoption of amendment (819):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.30 RCW to read as follows:

(1) Whenever a health carrier's market share of persons covered by all health plans within a local market meets or exceeds forty percent as determined by the commissioner, the carrier may not directly, or indirectly through a subcontracted network, terminate a provider contract except for reasonable cause within that local market.

(2) Whenever a health carrier's market share of persons covered by all health plans within a local market meets or exceeds forty percent as determined by the commissioner, the carrier and any subcontracted network of the carrier shall offer a provider contract to any provider within the local market who meets the carrier's customary and reasonable credentialing standards and agrees to comply with the terms and conditions of the provider contract including provisions related to quality assurance and utilization review.

(3) Beginning January 1, 2007, and every two years following, after reasonable consideration of the information available from regularly filed reports by carriers doing business in this state, the commissioner shall publish a report identifying the carrier and the local market within the state where the carrier's practices must conform to the requirements of this section for the two years following such identification. In making the determination, the commissioner shall consider the carrier's local market share of persons covered under all health plans providing direct or indirect reimbursement of health care service.

(4) For the purposes of this section, "local market" means that geographic area within the state where the particular carrier controls forty percent or more of the market share of persons covered by all health plans such as a particular county or a particular metropolitan area as determined by the commissioner. In defining the local market, the commissioner may consider the network reports filed with the commissioner by carriers and standards used by the United States department of justice antitrust division.

(5) For purposes of this section, "health plan" includes a health plan as defined in RCW 48.43.005 and medical coverage programs administered by the health care authority that are underwritten by a health carrier.

(6) Nothing in this section may be deemed to require the commissioner to rely upon any particular source of information in making a finding required by this section.

(7) Nothing in this section shall diminish or impair any other statutory provision prohibiting discrimination against any class of providers.

(8) The provisions of this section do not apply to staff model health maintenance organizations.

NEW SECTION. Sec. 2. A new section is added to chapter 48.30 RCW to read as follows:

A carrier may impose a reasonable fee to the health care provider to cover the cost of the credentialing and application of a licensed, participating health care provider, and all fees must apply equally to all health professions.

NEW SECTION. Sec. 3. The insurance commissioner may adopt rules to implement this act."

Representative Serben moved the adoption of amendment (856) to amendment (819):

On page 1, line 6 of the amendment, strike "forty" and insert "fifty-one"

On page 1, line 11 of the amendment, strike "forty" and insert "fifty-one"

On page 1, line 30 of the amendment, strike "forty" and insert "fifty-one"

Representative Serben spoke in favor of the adoption of the amendment to the amendment.

Representative Cody spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Hinkle moved the adoption of amendment (877) to amendment (819):

On page 1, at the beginning of line 16, insert "reimbursement rates, termination provision,"

Representatives Hinkle and Cody spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Bailey moved the adoption of amendment (900) to amendment (819):

On page 1, line 24, after "identification" add ", except as provided for in subsection (4)"

On page 1, after line 27, insert "(4) The commissioner shall reconsider the determination made under subsection (3) at any time that a carrier requests a reconsideration."

Re-number the subsections accordingly and correct internal references.

Representative Bailey spoke in favor of the adoption of the amendment to the amendment.

Representative Cody spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Hinkle moved the adoption of amendment (878) to amendment (819):

On page 2, line 8, after "authority" strike all material through "carrier" on line 9

Representative Hinkle spoke in favor of the adoption of the amendment to the amendment.

Representative Cody spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Bailey moved the adoption of amendment (901) to amendment (819):

On page 2, line 9, after "carrier." insert "For the purposes of this section, "provider" means those persons who are credentialed by a disciplining authority listed under RCW 18.130.040."

Representatives Bailey and Cody spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Bailey moved the adoption of amendment (899) to amendment (819):

On page 2, line 20, after "may" strike all material through "provider" on line 22, and insert "impose directly or indirectly reasonable fees to the health care provider to cover the cost of the credentialing, application, and termination of a licensed, participating health care providers. "Reasonable fee" shall be not less than two hundred fifty dollars and not more than five hundred dollars."

Representative Bailey spoke in favor of the adoption of the amendment to the amendment.

Representative Cody spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Hinkle moved the adoption of amendment (879) to amendment (819):

On page 2, after line 25, insert the following:
"NEW SECTION, Sec.4. This act takes effect July 1, 2007."

Correct the title.

Representative Hinkle spoke in favor of the adoption of the amendment to the amendment.

Representative Green spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

The question before the House is the adoption of amendment (819) as amended.

Representative Curtis spoke in favor of adoption of the amendment as amended.

The amendment (819) was adopted as amended.

By the action of the House, amendment (914) was ruled out of order.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Curtis, Cody and Orcutt spoke in favor of passage of the bill.

Representatives Hinkle and Bailey spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2942.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2942 and the bill passed the House by the following vote: Yeas - 73, Nays - 25, Excused - 0.

Voting yea: Representatives Anderson, Appleton, Blake, Buck, Buri, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Morrell, Morris, Murray, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 73.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Chandler, Clements, Condotta, Cox, DeBolt, Dunn, Ericksen, Hinkle, Holmquist, Kretz, Kristiansen, Moeller, Newhouse, Nixon, Skinner, Springer, Strow, Sump, Talcott, Tom and Woods - 25.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2942, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3207, By Representative Santos

Creating the community preservation authority program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3207 was substituted for House Bill No. 3207 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3207 was read the second time.

Representative Santos moved the adoption of amendment (872):

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. Major public facilities, public works, and capital projects with significant public funding generally aim to accrue broad benefits to the people of Washington. However, frequently overlooked or inadequately addressed is the interest of the stakeholder community that bears the disproportionate cost of the broad public benefit by absorbing a deleterious impact upon itself. These impacts may include dislocation, displacement, and the overall disintegration of an identifiable existing community and its historical and cultural character. The legislature finds that the preservation and restoration of the character of such a community, and the community's historical and cultural character, are important public

policy goals that can be achieved through the creation of community preservation authorities.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Community" means a group of people who reside or work in a well-defined geographic area and who currently or historically share a distinct cultural identity or local history.

(2) "Community preservation authority" means an authority created by members of an impacted community.

(3) "Impacted community" means a community that has been or has the potential to be adversely impacted by the construction of, or ongoing operation of, multiple major public facilities, public works, and capital projects with significant public funding.

(4) "Major public facilities project, public works project, or capital project with significant public funding" means any capital project whose total cost exceeds ten million dollars.

(5) "Single point of contact" means a cabinet-level state agency directed by the legislature to work with community preservation authorities to ensure communication and consultation among state and local governments and communities that may be impacted by future major public facilities, public works, or capital projects with significant public funding.

NEW SECTION. Sec. 3. (1) Community preservation authorities are hereby created to restore or enhance the health, safety, and well-being of communities adversely impacted by the construction of, or ongoing operation of, multiple major public facilities, public works, and capital projects with significant public funding.

(2) Community preservation authorities have the following purposes:

(a) To revitalize, enhance, and preserve the unique character of impacted communities;

(b) To mitigate the adverse effects of multiple major public facilities projects, public works projects, or capital projects with significant public funding, or a secure community transition facility as defined in RCW 71.09.020(14);

(c) To restore a local area's sense of community;

(d) To reduce the displacement of community members and businesses;

(e) To stimulate the community's economic vitality;

(f) To enhance public service provisions;

(g) To improve the standard of living of community members;

(h) To preserve historic buildings or areas by returning them to economically productive uses that are compatible with or enhance their historic character; and

(i) To raise the visibility of the consequences of public policy decisions and actions.

NEW SECTION. Sec. 4. (1) Members of an impacted community may propose formation of a community preservation authority to the state legislative delegation representing the area in which the community is located.

(2) The affairs of a community preservation authority must be managed by a board of directors, including the following members:

(a) Two members who own, operate, or represent businesses within the community;

(b) Two members who are involved in providing nonprofit community or social services within the community;

(c) Two members who are involved in the arts and entertainment within the community;

(d) Two members with significant knowledge of the community's culture and history; and

(e) One member who is involved in a nonprofit or public planning organization that directly serves the impacted community.

(3) In appointing members to the board of directors, preference will be given to candidates who reside within the impacted community.

NEW SECTION. Sec. 5. Once constituted, a community preservation authority shall:

(1) Solicit input from members of its community and develop a capital projects plan to restore or enhance the health, safety, and well-being of the impacted community and to preserve and recapture its cultural and historical identity;

(2) Include within the plan a prioritized list of projects identified and supported by the community, including capital or operating components that address one or more of the purposes under section 3 of this act;

(3) Work in partnership with a designated state agency to assist organizations that serve the impacted community to identify and successfully compete for local, state, federal, and private funding to carry out projects that will benefit the impacted area; and

(4) Work with the single point of contact to ensure that state and local government officials communicate and consult fully with the impacted community and with each other prior to making siting, design, and construction decisions for future public facilities, public works projects, and capital projects with significant public funding. The single point of contact must make every effort to ensure that the cumulative effects of multiple projects upon the impacted community are considered.

NEW SECTION. Sec. 6. The community preservation authority account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for projects under this chapter.

NEW SECTION. Sec. 7. By November 15, 2006, the department of community, trade, and economic development shall develop and report to the appropriate committees of the legislature recommendations for a community preservation authorities program. The department shall develop the recommendations within existing resources and shall consult with at least one community that has an interest in forming such an authority. The recommendations must include statutory and budgetary elements needed to support the program and must address operational issues, including: (1) The appointing authority and process by which community preservation authority board members are named; (2) state agencies that should be considered for designation as the single point of contact; (3) the means for establishing the authorities' eligibility for grant and loan programs; (4) how the community preservation authorities program should address the potential impacts of major public facilities, public works, and capital projects sited within and adjacent to the community's geographic boundaries; and (5) any other issues that must be resolved in order to operate the program.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act constitute a new chapter in Title 43 RCW."

Representative Santos spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and Linville spoke in favor of passage of the bill.

Representative Kristiansen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3207.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3207 and the bill passed the House by the following vote: Yeas - 59, Nays - 39, Excused - 0.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood, and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Strow, Sump, Talcott, Tom, Walsh, and Woods - 39.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3207, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4031, By Representatives Appleton, B. Sullivan, Green, Takko, McCoy, Hunt, Darneille, Flannigan, Kessler, Chase, Eickmeyer, Morris, McIntire, Murray, Woods, O'Brien, Ericks, Pettigrew, Moeller, Dunshee, Lantz, Schual-Berke, Lovick, Morrell, Kenney, Clibborn, Sommers, Walsh, Strow, Haler, Talcott, Jarrett, Wallace, Dickerson, Conway, P. Sullivan, Hasegawa, Upthegrove, Rodne, Hankins, Williams, Springer, Cody, McDermott, Sells, Miloscia, Kagi, Campbell, Simpson, Roberts and Kilmer

Preserving section 5 of the Marine Mammal Protection Act to protect Puget Sound.

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representative Appleton spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4031.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4031 and the joint memorial passed the House by the following vote: Yeas - 86, Nays - 12, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell,

Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 86.

Voting nay: Representatives Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dunn, Hinkle, Holmquist, Kristiansen, Schindler and Sump - 12.

HOUSE JOINT MEMORIAL NO. 4031, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2325, By Representatives Simpson, Tom, B. Sullivan, Springer, Sells, Holmquist, McCune, O'Brien, Pettigrew, Ahern, DeBolt, Jarrett, Appleton, Miloscia, Ormsby, Dunn, Priest, Roach, Dunshee, Woods, Hunter and Ericks

Encouraging the development of affordable housing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2325 was substituted for House Bill No. 2325 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2325 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2325.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2325 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2325, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2345, By Representatives Simpson, Rodne, Appleton and Haler

Addressing regional fire protection service authorities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2345 was substituted for House Bill No. 2345 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2345 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2345.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2345 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Nixon, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

SUBSTITUTE HOUSE BILL NO. 2345, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2632, By Representatives Darneille, Green, Morrell, Appleton, Upthegrove, Murray, Cody, Moeller and McDermott

Modifying human immunodeficiency virus insurance program provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Darneille spoke in favor of passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2632.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2632 and the bill passed the House by the following vote: Yeas - 59, Nays - 39, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Shabro, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood, Woods and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Skinner, Strow, Sump, Talcott, Tom and Walsh - 39.

HOUSE BILL NO. 2632, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2833, By Representatives Haigh, Eickmeyer, Green, Morris, Crouse, Armstrong, Curtis, Sump, Dunshee and Clements

Adding members to the state board for volunteer fire fighters and reserve officers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2833 was substituted for House Bill No. 2833 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2833 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2833.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2833 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

SUBSTITUTE HOUSE BILL NO. 2833, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3106, By Representatives Kenney, Buri, Cox, McIntire and Ericks

Changing public works provisions for institutions of higher education.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Buri spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3106.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3106 and the bill passed the House by the following vote: Yeas - 79, Nays - 19, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cox, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 79.

Voting nay: Representatives Armstrong, Bailey, Chandler, Condotta, Crouse, Dunn, Ericksen, Hinkle, Holmquist, Kristiansen, Newhouse, Nixon, Pearson, Roach, Schindler, Shabro, Skinner, Talcott and Woods - 19.

HOUSE BILL NO. 3106, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3156, By Representatives Darneille, Haler, Dickerson, Morrell, Pettigrew and Simpson

Creating a pilot program to assist low-income families.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Darneille and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3156.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3156 and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Dunn, Ericksen, Holmquist, Nixon and Talcott - 5.

HOUSE BILL NO. 3156, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3157, By Representatives Darneille, Haler, Morrell, Dickerson, Pettigrew, Simpson, Hudgins and Santos

Requiring that TANF recipients be given information on available programs for financial literacy.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Darneille, Haler and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3157.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3157 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 3157, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2842, By Representatives B. Sullivan, Anderson, Quall, Tom, Chase and Simpson

Requiring that organ donation awareness be taught in public schools.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2842 was substituted for House Bill No. 2842 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2842 was read the second time.

Representative Bailey moved the adoption of amendment (847):

On page 2, after line 12, insert the following:

"(4) At least fourteen days before teaching organ donation awareness, each school district shall notify parents or guardians of the presentation, that the curricula materials are available for inspection, and that parents or guardians may request in writing that their students be excused from the instruction. No student may be required to participate in organ donation awareness instruction if the student's parent or guardian requests in writing that the student be excused from such instruction, and the student shall not be academically penalized due to being excused."

Representatives Bailey and B. Sullivan spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan, Anderson and Curtis spoke in favor of passage of the bill.

Representatives Talcott, Hankins, Kristiansen and Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2842.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2842 and the bill passed the House by the following vote: Yeas - 58, Nays - 40, Excused - 0.

Voting yea: Representatives Anderson, Appleton, Blake, Chase, Clements, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Condotta, Cox, Crouse, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, Lantz, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Roberts, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Walsh and Woods - 40.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2842, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

February 13, 2006

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5462,
SUBSTITUTE SENATE BILL NO. 6367,
SUBSTITUTE SENATE BILL NO. 6369,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6391,
SECOND SUBSTITUTE SENATE BILL NO. 6497,
SENATE BILL NO. 6568,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 13, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6133,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6189,
SECOND SUBSTITUTE SENATE BILL NO. 6193,
ENGROSSED SENATE BILL NO. 6194,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6232,
SUBSTITUTE SENATE BILL NO. 6234,
SUBSTITUTE SENATE BILL NO. 6308,
SUBSTITUTE SENATE BILL NO. 6362,
SENATE BILL NO. 6463,
SENATE BILL NO. 6720,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6802,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION & FIRST READING

HB 3310 by Representatives Bailey, Linville, Kessler, Morrell, Clibborn and Morris

AN ACT Relating to health care coverage statutory requirements; and creating new sections.

Held on 1st Reading.

ESSB 6106 by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Brandland)

AN ACT Relating to disclosure of health care information for law enforcement purposes; amending RCW 70.02.010, 70.02.050, and 68.50.320; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

SB 6162 by Senator Haugen; by request of Transportation Improvement Board

AN ACT Relating to the urban arterial program; and amending RCW 47.26.080, 47.26.115, 47.26.121, 47.26.140, 47.26.164, and 47.26.190.

Referred to Committee on Transportation.

SSB 6225 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Rasmussen, Honeyford, Haugen, Morton, Hewitt, Rockefeller, Pflug, Parlette, Shin and Oke)

AN ACT Relating to regulating the business of installing, repairing, and maintaining domestic water pumping systems; amending RCW 18.106.010, 18.106.040, 18.106.050, 18.106.110, 19.28.041, 19.28.161, 19.28.051, 19.28.061, 18.106.070, 18.106.020, 19.28.211, 19.28.131, and 18.27.060; reenacting and amending RCW 19.28.191; and prescribing penalties.

Referred to Committee on Commerce & Labor.

ESSB 6244 by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Rockefeller, Morton, Poulsen, Fairley, Kline, Shin, Kohl-Welles and Spanel; by request of Department of Ecology)

AN ACT Relating to oil spill prevention, preparedness, and response; and adding new sections to chapter 88.46 RCW.

Referred to Committee on Natural Resources, Ecology & Parks.

SSB 6247 by Senate Committee on Transportation (originally sponsored by Senators Haugen and Benson)

AN ACT Relating to uniform administration of locally imposed motor vehicle excise taxes; amending RCW 81.100.060, 82.44.060, 82.80.130, 82.44.065, 82.44.090, 82.44.100, and 82.44.120; adding new sections to chapter 82.44 RCW; and repealing RCW 82.44.022, 82.44.023,

82.44.025, 82.44.080, 82.44.130, 82.44.155, 82.44.157, 82.44.160, and 82.44.170.

Referred to Committee on Transportation.

SB 6248 by Senators Haugen, Benson, Shin and Sheldon

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

Referred to Committee on Transportation.

SSB 6417 by Senate Committee on Judiciary (originally sponsored by Senators Roach, Kline, Jacobsen, Esser, Weinstein, Thibaudeau, Benson, Rasmussen, Schmidt, Carrell, Morton, Deccio, Stevens, Mulliken, McCaslin, Hargrove and Delvin)

AN ACT Relating to animal cruelty; amending RCW 16.52.205; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

SSB 6528 by Senate Committee on Transportation (originally sponsored by Senators Mulliken, Kastama, Benson, Oke, Esser, Berkey and Sheldon; by request of Department of Transportation)

AN ACT Relating to authorization for the department of transportation to allow roadside tire chain installation and removal businesses on state highway rights of way; amending RCW 47.32.120; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

SB 6531 by Senators Weinstein, Fraser and Kline

AN ACT Relating to preserving remedies when limited liability companies dissolve; and adding a new section to chapter 25.15 RCW.

Referred to Committee on Judiciary.

SB 6545 by Senators Sheldon, Esser, Benson and Haugen; by request of Washington State Patrol

AN ACT Relating to the minimum height requirement for the attachment of vehicle license plates; and reenacting and amending RCW 46.16.240.

Referred to Committee on Transportation.

SB 6549 by Senators Benson, Jacobsen, Mulliken and Berkey; by request of Washington State Patrol

AN ACT Relating to commercial vehicles; and amending RCW 46.25.010, 46.32.005, 46.37.395, and 46.44.105.

Referred to Committee on Transportation.

SSB 6552 by Senate Committee on Transportation (originally sponsored by Senators Benson,

Haugen, Mulliken, Berkey and Sheldon; by request of Department of Licensing)

AN ACT Relating to commercial driver's licenses; and amending RCW 46.20.270, 46.25.010, 46.25.050, 46.25.090, 46.25.120, 46.52.101, and 46.63.070.

Referred to Committee on Transportation.

ESSB 6566 by Senate Committee on Transportation (originally sponsored by Senators Eide, Esser, Swecker, Haugen, Prentice and McAuliffe; by request of Department of Transportation)

AN ACT Relating to commute trip reduction; amending RCW 70.94.524, 70.94.527, 70.94.531, 70.94.534, 70.94.537, 70.94.541, 70.94.544, 70.94.547, and 70.94.551; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Transportation.

SB 6596 by Senators Kline, Johnson, Weinstein and Esser

AN ACT Relating to the dissolution of Washington corporations; amending RCW 7.60.025, 23B.06.400, 23B.08.310, 23B.12.010, 23B.14.010, 23B.14.020, 23B.14.030, 23B.14.050, 23B.14.060, 23B.14.210, 23B.14.220, 23B.14.300, 23B.14.310, 23B.14.320, 23B.14.340, and 23B.14.400; and adding new sections to chapter 23B.14 RCW.

Referred to Committee on Judiciary.

SSB 6670 by Senate Committee on Judiciary (originally sponsored by Senators Shin, Delvin, Fraser, Hargrove and Johnson)

AN ACT Relating to court filing fees; amending RCW 36.18.012, 60.04.081, and 60.70.060; and reenacting and amending RCW 36.18.016.

Referred to Committee on Judiciary.

SSB 6785 by Senate Committee on Transportation (originally sponsored by Senators Jacobsen, Swecker, Haugen and Benson; by request of Department of Transportation and Department of Licensing)

AN ACT Relating to the administration of fuel taxes; amending RCW 82.36.010, 82.36.020, 82.36.025, 82.36.026, 82.36.027, 82.36.029, 82.36.031, 82.36.035, 82.36.045, 82.36.060, 82.36.080, 82.36.160, 82.36.180, 82.36.275, 82.36.280, 82.36.285, 82.36.290, 82.36.320, 82.36.340, 82.36.370, 82.36.380, 82.36.450, 82.38.020, 82.38.030, 82.38.032, 82.38.035, 82.38.050, 82.38.090, 82.38.100, 82.38.110, 82.38.130, 82.38.140, 82.38.150, 82.38.160, 82.38.180, 82.38.270, 82.38.310, and 82.38.320; adding new sections to chapter 82.36 RCW; repealing RCW 82.36.042, 82.36.044, 82.36.273, 82.36.305, 82.36.360, 82.36.373, 82.36.407, 82.38.070, 82.38.071, 82.38.081, 82.38.165, 82.38.185, and 82.38.285; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

SSB 6794 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Esser, Jacobsen, Mulliken and Spanel; by request of Department of Transportation)

AN ACT Relating to collective bargaining by state ferry employees; amending RCW 47.64.011, 47.64.120, 47.64.130, 47.64.140, 47.64.170, 47.64.200, 47.64.210, 47.64.220, 47.64.220, 47.64.230, 47.64.270, and 47.64.280; adding new sections to chapter 47.64 RCW; creating a new section; repealing RCW 47.64.180, 47.64.190, and 47.64.240; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

ESSB 6800 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Jacobsen and Rockefeller; by request of Governor Gregoire)

AN ACT Relating to streamlining state transportation governance; amending RCW 47.01.051, 47.01.061, 47.01.071, 47.01.075, 47.01.091, 47.01.101, 47.01.280, 47.05.021, 36.57A.191, 36.78.121, 36.79.120, 36.79.130, 36.120.020, 43.10.101, 46.44.042, 46.44.080, 46.44.090, 46.44.092, 46.44.096, 46.61.450, 46.68.113, 47.28.010, 47.28.170, 47.38.060, 47.52.133, 47.52.145, 47.52.210, 81.112.086, 36.56.121, 36.57A.070, 47.10.861, 47.10.862, 47.10.843, 47.10.844, 47.10.834, 47.10.835, 47.10.819, 47.10.820, 47.02.120, 47.02.140, 47.17.132, and 47.24.010; reenacting and amending RCW 43.88.030; adding a new section to chapter 47.01 RCW; repealing RCW 44.75.010, 44.75.020, 44.75.030, 44.75.040, 44.75.050, 44.75.060, 44.75.070, 44.75.080, 44.75.090, 44.75.100, 44.75.110, 44.75.120, 44.75.800, 44.75.900, and 44.75.901; and providing an effective date.

Referred to Committee on Transportation.

SSB 6830 by Senate Committee on Transportation (originally sponsored by Senators Benton, Haugen, Benson, Oke, Deccio, Schmidt, Sheldon, Weinstein, Poulsen, Roach, Pridemore, Zarelli, McAuliffe, Carrell, Kohl-Welles, Rasmussen, Eide, Shin, Rockefeller, Delvin, Franklin and Johnson)

AN ACT Relating to "Support Our Troops" special license plates; amending RCW 46.16.601, 46.16.745, and 46.16.316; reenacting and amending RCW 46.16.313 and 46.16.725; adding new sections to chapter 46.16 RCW; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

ESSB 6839 by Senate Committee on Transportation (originally sponsored by Senator Haugen)

AN ACT Relating to transportation accounts and revenue distributions; amending RCW 46.68.035, 46.16.086, 46.16.162, 46.68.135, 46.68.290, and 46.17.010; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 46.68 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

SSB 6853 by Senate Committee on Transportation (originally sponsored by Senators Haugen and Benson; by request of Department of Transportation)

AN ACT Relating to vessel procurement; amending RCW 47.60.818 and 47.60.820; and adding new sections to chapter 47.60 RCW.

Referred to Committee on Transportation.

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

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

SECOND READING

HOUSE BILL NO. 3122, By Representatives Kagi, Walsh, Dickerson, Darneille, Ericks, Ormsby and Roberts

Recognizing the safety of child protective, child welfare, and adult protective services workers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3122.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3122 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 3122, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2471, By Representatives McCune, Miloscia, Dunn, Campbell, Linville, Morrell, Strow, O'Brien, Green, Sells, Chase and Holmquist

Creating a veteran homeownership program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2471 was substituted for House Bill No. 2471 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2471 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McCune, Miloscia, Armstrong and Clements spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2471.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2471 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2471, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2553, By Representatives Kirby and Morrell; by request of Insurance Commissioner

Regulating service contracts and guarantee protection products.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2553 was substituted for House Bill No. 2553 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2553 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2553.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2553 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Nixon - 1.

SUBSTITUTE HOUSE BILL NO. 2553, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2579, By Representatives Upthegrove, Lantz, Dickerson, Appleton, Morrell, Hasegawa, Quall, Hunter, Haler, O'Brien, Murray, Hunt, Schual-Berke, Ormsby, Springer and Moeller

Requiring classroom-based civics assessments.

The bill was read the second time.

Representative Talcott moved the adoption of amendment (731):

On page 2, line 9, after "civics assessment" strike "shall" and insert "may"

Representatives Talcott and Upthegrove spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Upthegrove, Talcott and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2579.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2579 and the bill passed the House by the following vote: Yeas - 83, Nays - 15, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schindler, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 83.

Voting nay: Representatives Ahern, Curtis, Jarrett, Kretz, Kristiansen, McCune, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Serben, Sump and Tom - 15.

ENGROSSED HOUSE BILL NO. 2579, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2776, By Representatives Dickerson, Kirby, Roach and McDonald

Regulating home heating fuel service contracts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2776 was substituted for House Bill No. 2776 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2776 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2776.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2776 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox,

Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Anderson, Dunn and Nixon - 3.

SUBSTITUTE HOUSE BILL NO. 2776, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2863, By Representatives Kirby, Roach, Ericks, McDonald, Simpson and Santos

Requiring lenders to consider retail installment contracts for the purchase of motor vehicles.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2863 was substituted for House Bill No. 2863 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2863 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2863.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2863 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Dunn and Nixon - 2.

SUBSTITUTE HOUSE BILL NO. 2863, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 2898, By Representatives Hunt and Williams

Regulating distribution of communications by state employees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2898 was substituted for House Bill No. 2898 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2898 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt and Nixon spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2898.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2898 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Walsh - 1.

SUBSTITUTE HOUSE BILL NO. 2898, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2914, By Representatives Roberts, Haler, Darneille, Kagi, Dickerson, Morrell, Hankins, Green and Simpson

Regarding compliance with certification standards for providers of residential services and support to persons with developmental disabilities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2914 was substituted for House Bill No. 2914 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2914 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Roberts and Haler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2914.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2914 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 2914, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2984, By Representatives Springer, Jarrett, Simpson, Clibborn, B. Sullivan, Hasegawa, Sells, P. Sullivan, Moeller, Santos and Green

Authorizing cities, towns, and counties to implement affordable housing incentive programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2984 was substituted for House Bill No. 2984 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2984 was read the second time.

Representative Springer moved the adoption of amendment (848):

On page 2, beginning on line 10, strike all material through "housing" on page 4, line 10, and insert the following:

"(1)(a) Any city or county planning under RCW 36.70A.040 may enact or expand affordable housing incentive programs providing for the development of low-income housing units through development regulations. An affordable housing incentive program may include, but is not limited to:

- (i) Density bonuses within the urban growth area;
- (ii) Height bonuses;
- (iii) Fee waivers or exemptions;
- (iv) Parking reductions; or
- (v) Expedited permitting, conditioned on provision of low-income housing units.

(b) The city or county may enact or expand such programs whether or not the programs may impose a tax, fee, or charge on the development or construction of property.

(c) A city, county, or town may not condition, deny, or delay the issuance of a permit or development approval based on the provisions in this chapter due to the absence of participation in a program adopted under this section.

(2) Affordable housing incentive programs enacted or expanded under this section or section 3 of this act shall comply with the following:

(a) The incentives or bonuses shall provide for the construction of low-income housing units;

(b) Jurisdictions shall establish standards for low-income renter or owner occupancy housing, including income guidelines consistent with local housing needs, to assist low-income households that cannot afford market-rate housing. Low-income households are defined for renter and owner occupancy program purposes as follows:

(i) Rental housing units to be developed shall be affordable to and occupied by households with an income of fifty percent or less of the county median family income, adjusted for family size; and

(ii) Owner occupancy housing units shall be affordable to and occupied by households with an income of eighty percent or less of the county median family income, adjusted for family size. The legislative authority of a jurisdiction, after holding a public hearing, may establish lower income levels. The legislative authority of a jurisdiction, after holding a public hearing, may also establish higher income levels for rental housing or for owner occupancy housing upon finding that higher income levels are needed to address local housing market conditions. The higher income level for rental housing may not exceed eighty percent of the county area median family income. The higher income level for owner occupancy housing may not exceed one hundred percent of the county area median family income. These established higher income levels must be considered "low-income" for the purposes of this section;

(c) The jurisdiction shall establish a maximum rent level or sales price for each low-income housing unit developed under the terms of a program and may adjust these levels or prices based on the average size of the household expected to occupy the unit. For renter-occupied housing units, the total housing costs, including basic utilities as determined by the jurisdiction, may not exceed thirty percent of the income limit for the low-income housing unit;

(d) Low-income housing units shall be provided in a range of sizes comparable to those units that are available to other residents. To the extent practicable, the number of bedrooms in low-income units must be in the same proportion as the number of bedrooms in units within the entire building. The low-income units shall generally be distributed throughout the building, except that units may be provided in an adjacent building. The low-income units shall have substantially the same equipment and amenities, excluding luxury amenities such as fireplaces and spa bathtubs, as the other units in the building or buildings;

(e) Low-income housing units developed under an affordable housing incentive program shall be committed to continuing affordability for at least fifty years. A local government, however, may accept payments in lieu of continuing affordability. The program shall include measures to enforce continuing affordability and income standards applicable to low-income units constructed under this section that may include, but are not limited to, covenants,

options, or other agreements to be executed and recorded by owners and developers;

(f) Programs authorized under subsection (1) of this section may apply to part or all of a jurisdiction and different standards may be applied to different areas within a jurisdiction. Programs authorized under this section may be modified to meet local needs and may include provisions not expressly provided in this section or section 3 of this act; and

(g) Required low-income housing units are encouraged to be provided within market-rate housing developments for which a bonus or incentive is provided. However, programs may allow units to be provided in an adjacent building and may allow payments of money or property in lieu of low-income housing units if the payment equals the approximate cost of developing the same number and quality of housing units that would otherwise be developed. Any city or county may use these funds or property to support the development of low-income housing, including support provided through loans or grants to public or private owners or developers of housing.

(3) Affordable housing incentive programs enacted or expanded under this section may be applied within the jurisdiction to address the need for increased residential development, consistent with local growth management and housing policies, as follows:

(a) The jurisdiction shall identify certain land use designations within a geographic area where increased residential development will assist in achieving local growth management and housing policies;

(b) The jurisdiction shall provide increased residential development capacity through zoning changes, bonus densities, height increases, parking reductions, or other regulatory changes or other incentives;

(c) The jurisdiction shall determine that increased residential development capacity or other incentives can be achieved within the identified area, subject to consideration of other regulatory controls on development; and

(d) The jurisdiction may establish a minimum amount of affordable housing that must be provided by all residential developments being built under the revised regulations, consistent with the requirements of this section"

Representatives Springer and Schindler spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Springer spoke in favor of passage of the bill.

Representative Tom spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2984.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2984 and the bill passed the House by the following vote: Yeas - 60, Nays - 38, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clements, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells,

Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Strow, Sump, Talcott, Tom, Walsh and Woods - 38.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2984, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2987, By Representatives Kagi, Clibborn and Dickerson

Increasing penalties for vehicle gross weight violations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2987 was substituted for House Bill No. 2987 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2987 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Woods spoke in favor of passage of the bill.

Representative Armstrong spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2987.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2987 and the bill passed the House by the following vote: Yeas - 72, Nays - 26, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Buck, Campbell, Chase, Clements, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood, Woods and Mr. Speaker - 72.

Voting nay: Representatives Anderson, Armstrong, Bailey, Blake, Buri, Chandler, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Grant, Hinkle, Holmquist, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Schindler, Serben, Sump, Talcott and Walsh - 26.

SUBSTITUTE HOUSE BILL NO. 2987, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3127, By Representatives Santos, Hasegawa, McCoy, P. Sullivan, McDermott, Uphegrove, Pettigrew and Morrell

Regarding the center for the improvement of student learning.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3127 was substituted for House Bill No. 3127 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3127 was read the second time.

With the consent of the House, amendments (753), (770), (780), (775), (772), (765), (782), (748), (746), (744), (767), (769), (795) and (778) were withdrawn.

Representative Santos moved the adoption of amendment (920):

Strike all language after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. The legislature further finds that students and schools benefit from increased parental, guardian, and community knowledge of and input regarding the delivery of public education. The legislature further finds that increased knowledge of and input regarding the public education system is particularly needed in low-income and ethnic minority communities.

The legislature finds that the center for the improvement of student learning, created by the legislature in 1993 under the auspices of the superintendent of public instruction, has not been allocated funding since the 2001-2003 biennium, and in effect no longer exists. It is the intent of the legislature to reactivate the center for the improvement of student learning, and to create an educational ombudsman to serve as a resource for parents and students and as an advocate for students in the public education system.

Sec. 2. RCW 28A.300.130 and 1999 c 388 s 401 are each amended to read as follows:

(1) ~~((Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible.))~~ To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall establish the center for the improvement of student learning. ~~The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW 28A.630.885).~~ The center shall work in conjunction with ~~((the academic achievement and accountability commission))~~ parents, educational service districts, institutions of higher education, and education, parent, community, and business organizations.

(2) The center, in conjunction with other staff in the office of the superintendent of public instruction, shall:

~~(a) ((Serve as a clearinghouse for the completed work and activities of the academic achievement and accountability commission;~~

~~(b))~~ Serve as a clearinghouse for information regarding successful educational improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational improvement initiatives in Washington schools and districts;

~~(c)~~ ~~(b)~~ Provide best practices research ~~((and advice))~~ that can be used to help schools develop and implement: Programs and practices to improve instruction ~~((of the essential academic learning requirements under section 701 of this act));~~ systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

~~((d) Develop ((and distribute, in conjunction with the academic achievement and accountability commission.))~~ parental involvement materials, including instructional guides developed to inform parents ~~of the essential academic learning requirements required by the superintendent of public instruction. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;~~

~~(e) Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;~~

~~(f))~~ ~~(c)~~ Develop and maintain an internet web site to increase the availability of information, research, and other materials;

~~((g) Take other actions to increase public awareness of the importance of parental and community involvement in education;~~

~~(h))~~ ~~(d)~~ Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available and the broadened school board powers under RCW 28A.320.015;

~~(i) (e) Provide training and consultation services, including conducting regional summer institutes;~~

~~(j) Address methods for improving the success rates of certain ethnic and racial student groups))~~ ~~(f) Identify strategies for improving the success rates of ethnic and racial student groups with disproportionate academic achievement; and~~

~~(k) (g) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.~~

(3) The superintendent of public instruction ~~((; after consultation with the academic achievement and accountability commission.))~~ shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The office of the superintendent of public instruction shall report to the legislature by September 1, 2007, and thereafter biennially, regarding the effectiveness of the center for improvement of student learning, how the services provided by the center for improvement of student learning have been used and by whom, and

recommendations to improve the accessibility and application of knowledge and information that leads to improved student learning and greater family and community involvement in the public education system.

NEW SECTION. Sec. 3. (1) The state board of education shall establish an education ombudsman for all common school students in this state. The purpose of the education ombudsman is to provide information to parents, students, and others regarding their rights and responsibilities with respect to the state's public elementary and secondary education system, to monitor and ensure compliance with administrative acts, statutes, and policies relating to public elementary and secondary education, and to advocate on behalf of elementary and secondary students.

(2) (a) The state board of education, in consultation with the advisory committee established in section 10 of this act, shall conduct a request for proposals process and select the entity that will operate the education ombudsman's program. Entities eligible to apply for selection include, but are not limited:

- (i) Education service districts;
- (ii) Private, non-profit educational organizations;
- (iii) Private, non-profit community-based organizations; and
- (iv) Federally recognized Indian tribes.

(b) Entities not eligible to serve as the education ombudsman are school districts, schools, or the superintendent of public instruction, or any employee of a school district, school, or the superintendent of public instruction.

(3) The state board of education shall enter into a contract with the entity selected pursuant to this section to establish and operate the education ombudsman's program. The term of any contract between the state board of education and the entity selected shall not be greater than two years and may be renewed for terms of no longer than two years. Upon receiving notification of selection, the entity selected shall promptly retain a qualified director for the education ombudsman's program.

(4) The education ombudsman shall contract with educational service districts, non-profit education or community organizations, or federally recognized tribes to provide education ombudsman services throughout the state. The education ombudsman shall delegate and certify regional education ombudsmen. The education ombudsman shall ensure that the regional ombudsmen selected are appropriate to the community in which they serve. The education ombudsman may not contract with a the superintendent of public instruction, or any school, school district, or current employee of a school, school district, or the office of the superintendent of public instruction for the provision of regional ombudsman services.

NEW SECTION. Sec. 4. The education ombudsman shall have the following powers and duties:

(1) To develop parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements required by the superintendent of public instruction. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(2) To provide information to students, parents, and interested members of the public regarding this state's public elementary and secondary education system;

(3) To identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(4) To identify and recommend strategies for improving the success rates of ethnic and racial student groups with disproportionate academic achievement;

(5) To investigate, upon the education ombudsman's initiative or upon receipt of a complaint, an administrative act alleged to be contrary to law, rule, or policy; however, the education ombudsman may decline to investigate any complaint;

(6) To refer complainants and others to appropriate resources, agencies, or departments;

(7) To assist in the resolution of complaints made by parents and students with regard to the state's public elementary and secondary education system; and

(8) To perform such other functions consistent with the purpose of the education ombudsman.

NEW SECTION. Sec. 5. (1) The education ombudsman and any regional education ombudsmen shall have training or experience or both in the following areas:

- (a) Public education law and policy in this state;
- (b) Dispute resolution or problem resolution techniques, including investigation, mediation, and negotiation; and
- (c) Community outreach.

(2) The education ombudsman may not be an employee of any school district, the office of the superintendent of public education or the state board of education while serving as an education ombudsman.

NEW SECTION. Sec. 6. (1) Neither the education ombudsman nor any regional educational ombudsmen are liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against any student or employee of any school district, the office of the superintendent of public education, or the state board of education, for any communication made, or information given or disclosed, to aid the education ombudsman in carrying out his or her duties and responsibilities, unless the same was done without good faith or maliciously. This subsection is not intended to infringe upon the rights of a school district to supervise, discipline, or terminate an employee for other reasons or to discipline a student for other reasons.

(3) All communications by the education ombudsman or the ombudsman's staff or designee, if reasonably related to the education ombudsman's duties and responsibilities and done in good faith, are privileged and that privilege shall serve as a defense to any action in libel or slander.

NEW SECTION. Sec. 7. The education ombudsman shall treat all matters under investigation, including the identities of students, complainants, and individuals from whom information is acquired, as confidential, except as necessary to enable the education ombudsman to perform the duties of the office and to support any recommendations resulting from the investigation. Upon receipt of information that by law is confidential or privileged, the ombudsman shall maintain the confidentiality of such information and shall not further disclose or disseminate the information except as provided by applicable state or federal law. Investigative records of the education ombudsman are confidential and are exempt from public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 8. When the education ombudsman or a designee of the ombudsman has reasonable cause to believe that any public official, employee, or other person has acted in a manner warranting criminal or disciplinary proceedings, he or she shall report the matter, or cause a report to be made, to the appropriate authorities. For purposes of this section, reasonable cause means the ombudsman or the ombudsman's staff member or designee has direct knowledge of the action warranting criminal or disciplinary proceedings or has determined through an investigation that the allegations or information provided by another person relating to such actions are credible. A school district's use of information gained from the education ombudsman regarding district staff misconduct shall be subject to the district's policies regarding confidentiality and discipline.

NEW SECTION. Sec. 9. (1) The education ombudsman account is hereby established in the custody of the state treasurer. The director of the state board of education shall deposit in the account all moneys received from gifts, grants, or endowments for the education ombudsman. Moneys in the account may be spent only for activities of the education ombudsman. Disbursements from the

account shall be on authorization of the director of the state board of education or the director's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

(2) The director of the state board of education may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the education ombudsman and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

NEW SECTION. Sec. 10. (1) The governor shall establish an education advisory committee consisting of at least eleven and no more than fifteen members. The superintendent of public education, or his or her designee, shall serve as a nonvoting ex officio member of the committee and shall act as secretary.

(2) At least five members of the committee shall be parents or guardians of children enrolled in the public elementary or secondary education system in this state. At least one of these members shall be a parent or guardian of a "special education student" as that term is defined by the superintendent of public instruction. In addition, at least one of these members shall be a member of the Washington Congress of Parents and Teachers.

(3) At least one member shall be a certificated employee or administrator in a public elementary or secondary school in this state.

(4) At least one member shall be a commissioner or director, or a designee selected by a commissioner or director, from each of the following:

(a) The Washington state commission on Hispanic affairs;

(b) The Washington state commission on African-American affairs;

(c) The Washington state commission on Asian Pacific American affairs; and

(d) The governor's office of Indian affairs.

(5) The members of the education advisory committee shall be representative of the geographic regions of the state, as well as representative of the ethnic diversity of the state.

(6) Members of the committee shall serve at the pleasure of the governor for three-year terms. Of the initial members appointed, two members shall serve one-year terms, three members shall serve two-year terms, and the remaining members shall serve three-year terms.

(7) The committee may establish subcommittees as it desires, and may invite nonmembers to serve on these subcommittees.

(8) Nonlegislative members of the committee shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(9) As used in this section, "parent or guardian" means (a) natural, adoptive, or foster parents, (b) guardians, (c) individuals acting in the place of a parent, with whom the child lives, and who are legally responsible for the child's welfare, and (d) surrogates acting at the request of a person named in subsections (a) through (c) of this subsection (9).

NEW SECTION. Sec. 11. The education advisory committee shall advise and make recommendations to the legislature, the governor, and the state board of education biennially. The education advisory committee shall provide a preliminary report to the legislature, the governor, and the state board of education by September 1, 2007. Thereafter, the education advisory committee shall provide biennial reports to the legislature and the state board of education regarding:

(a) How the education ombudsman's services have been used and by whom;

(b) Methods for the education ombudsman to increase and enhance family and community involvement in public education;

(c) Recommendations to eliminate barriers and obstacles to meaningful family and community involvement in public education; and

(d) Strategies to improve the educational opportunities for all students in the state.

Sec. 12. RCW 42.56.240 and 2005 c 274 s 404 are each amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies; ~~(and)~~

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator; and

(6) Investigative records of the education ombudsman, as provided in section 7 of this act.

NEW SECTION. Sec. 13. Sections 3 through 11, inclusive, of this act are each added to chapter 28A.310 RCW.

NEW SECTION. Sec. 14. Section 12 of this act takes effect July 1, 2006."

Representative Talcott moved the adoption of amendment (926) to amendment (920):

On page 2, line 22, after "districts" insert "The center's role as a clearinghouse shall include establishing and maintaining a website where parents, guardians, students, educators, and the public may access information to help them navigate the public school system in Washington. The center's website shall also include links to the digital learning commons or other providers of online courses and materials to assist students with remediation"

On page 2, beginning on line 39, strike all material through "education;" on line 8 and insert "~~((((d)))~~ (c) Develop ~~((and distribute, in conjunction with the academic achievement and accountability commission,))~~ parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements required by the superintendent of public instruction. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reading parents who have not previously been involved with their children's education;"

Re-letter remaining subsection consecutively and correct any internal references accordingly.

On page 4, on line 6, after "(5)" strike all material through "system" on line 14 and insert the following:

"The director of the center for student learning shall report to the Legislature by December 1, 2006 regarding:

(a) the steps taken to reactive the center for student learning; and

(b) the director's plan for the center for student learning to meet its statutory duties.

(6) The director of the center for student learning shall serve on the Washington Learns advisory committee and shall participate in the current study of Washington's education system being conducted by Washington Learns."

Beginning on page 4, line 15, strike all of sections 3, 4, 5, 6, 7, and 8

Renumber remaining section consecutively and correct any internal references accordingly.

On page 8, line 15, after "committee" strike all material through "secretary"

On page 9, line 14, after "board of education" strike all material through "state" on line 28

On page 10, after line 33, insert the following:
"NEW SECTION. Sec. 15. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2006, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Talcott spoke in favor of the adoption of the amendment to amendment (920).

Representative Quall spoke against the adoption of the amendment to amendment (920).

The amendment to amendment (920) was not adopted.

Representative Nixon moved the adoption of amendment (922) to amendment (920):

On page 7, beginning on line 5, strike all of section 7

Renumber remaining sections consecutively and correct any internal references accordingly

On page 9, beginning on line 29, strike all of section 12

Renumber remaining sections consecutively and correct any internal references accordingly

On page 10, beginning on line 32, strike all of section 14

Correct any internal references accordingly

Correct the title.

Representative Nixon spoke in favor of the adoption of the amendment to amendment (920).

Representative Santos spoke against the adoption of the amendment to amendment (920).

The amendment to amendment (920) was not adopted.

Representative Talcott moved the adoption of amendment (927) to amendment (920):

On page 8, line 15, after "committee" strike all material through "secretary"

Representatives Talcott and Fromhold spoke in favor of the adoption of the amendment to amendment (920).

The amendment to amendment (920) was adopted.

Representative Alexander moved the adoption of amendment (925) to amendment (920):

On page 10, after line 33, insert the following:
"NEW SECTION. Sec. 15. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2006, in the omnibus appropriations act, this act is null and void."

Representative Alexander spoke in favor of the adoption of the amendment to amendment (920).

Representative Santos spoke against the adoption of the amendment to amendment (920).

Division was demanded. The Speaker (Representative Lovick presiding) divided the House. The result was 43 - YEA; 55 - NAY.

The amendment to the amendment was not adopted.

Amendment (920) as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and P. Sullivan spoke in favor of passage of the bill.

Representative Talcott spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3127.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3127 and the bill passed the House by the following vote: Yeas - 57, Nays - 41, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clements, Clibborn, Cody, Conway, Darneille, Dunshee, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Condotta, Cox, Crouse, Curtis, DeBolt, Dickerson, Dunn, Eickmeyer, Ericksen, Haler, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom and Woods - 41.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127, having received the necessary constitutional majority, was declared passed.

There being no objection, bills on the Rules Pull List were placed on second reading:

HOUSE BILL NO. 1731,
SUBSTITUTE HOUSE BILL NO. 1834,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056,
HOUSE BILL NO. 2539,
HOUSE BILL NO. 2540,
HOUSE BILL NO. 2568,
HOUSE BILL NO. 2600,
HOUSE BILL NO. 2612,
HOUSE BILL NO. 2668,
HOUSE BILL NO. 2678,
HOUSE BILL NO. 2713,
HOUSE BILL NO. 2778,
HOUSE BILL NO. 2819,
HOUSE BILL NO. 2872,
HOUSE BILL NO. 3020,
HOUSE BILL NO. 3082,
HOUSE BILL NO. 3120,
HOUSE BILL NO. 3147,
HOUSE BILL NO. 3170,
HOUSE BILL NO. 3234,

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

There being no objection, the House adjourned until 10:00 a.m., February 14, 2006, the 37th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

THIRTY SEVENTH DAY

House Chamber, Olympia, Tuesday, February 14, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Katie Hanson and Samantha Herriot. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Sandra Kreis, St. Christopher's Episcopal Church.

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

MESSAGE FROM THE SENATE

February 13, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6885, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

SECOND READING

HOUSE BILL NO. 2673, By Representatives Linville, Erickson, P. Sullivan, Buck, Ericks, Kilmer, Kessler, Grant, Walsh, B. Sullivan, Lantz, Morris, O'Brien, Conway, Morrell and Wallace

Providing tools for local infrastructure financing.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2673 was substituted for House Bill No. 2673 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2673 was read the second time.

With the consent of the House, amendment (803) was withdrawn.

Representative McIntire moved the adoption of amendment (931):

Strike everything after the enacting clause and insert the following:

**"PART I
INTENT AND DEFINITIONS**

NEW SECTION. Sec. 101. INTENT. The legislature recognizes that the state as a whole benefits from investment in public infrastructure because it promotes community and economic

development. Public investment stimulates business activity and helps create jobs; stimulates the redevelopment of brownfields and blighted areas in the inner city; lowers the cost of housing; and promotes efficient land use. The legislature finds that these activities generate revenue for the state and that it is in the public interest to invest in these projects through a credit against the state sales and use tax and an allocation of property tax revenue to those sponsoring local governments that can demonstrate the expected returns to the state.

NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means five million dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Base year" means the first calendar year following the creation of a revenue development area.

(4) "Department" means the department of revenue.

(5) "Demonstration project" means one of the following projects:

(a) Port of Walla Walla RailEx infrastructure project;

(b) Bellingham waterfront redevelopment project;

(c) Covington elementary school redevelopment project;

(d) Grays Harbor biomass plant project;

(e) Gig Harbor St. Anthony's hospital and retail area infrastructure project;

(f) Bothell gateway project.

(6) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(7) "Local excise taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030 at the tax rate that was in effect at the time the revenue development area was created.

(8) "Local excise tax allocation revenue" means the amount of local excise taxes received by the local government during the measurement year from taxable activity within the revenue development area over and above the amount of local excise taxes received by the local government during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government creates a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred in the twelve months immediately preceding the creation of the revenue development area within the boundaries of the area that became the revenue development area, "local excise tax allocation revenue" means the entire amount of local excise taxes received by the sponsoring local government during a calendar year period beginning with the calendar year immediately following the creation of the revenue development area and continuing with each measurement year thereafter; and

(b) For revenue development areas created in calendar year 2006 that do not meet the requirements in (a) of this subsection, "local excise tax allocation revenue" means the amount of local excise taxes received by the sponsoring local government during the measurement year from taxable activity within the revenue development area over and above an amount of local excise taxes received by the sponsoring local government during the 2007 base year adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective July 1, 2007. The amount of base year adjustment determined by the department is final.

(9) "Local government" means any city, town, county, port district, and for the purpose of this chapter any federally recognized Indian tribe.

(10) "Local infrastructure financing" means the use of revenues received from local excise tax allocation revenues, local property tax allocation revenues, dedicated revenues from local public sources, and revenues received from the local option sales and use tax authorized in section 202 of this act to pay the principal and interest on bonds authorized under section 501 of this act.

(11) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local infrastructure financing.

(12) "Local public sources" means federal and private monetary contributions, and amounts of local excise tax allocation revenues dedicated by participating local governments and local property tax allocation revenues dedicated by participating taxing districts.

(13) "Low-income housing" means residential housing for persons or families who lack the amount of income which is necessary to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding.

(14) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure state and local excise tax allocation revenues.

(15) "Ordinance" means any appropriate method of taking legislative action by a local government.

(16) "Participating local government" means a local government with the revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government to allow the use of all or some of its local excise tax allocation revenues or dedicated revenues from local public sources for local infrastructure financing.

(17) "Participating taxing district" means any taxing district levying regular property taxes on real property within a revenue development area, where a sponsoring local government has obtained written agreement for the use of local infrastructure financing to finance all or a portion of the costs of designated public improvements as provided in section 205 of this act.

(18) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revenue development area due to the placement of new construction and improvements to property on the assessment rolls after the revenue development area is created, where the new construction or improvements occur entirely after the revenue development area is created. "Property tax allocation revenue value" does not include any increase in the assessed value of real property representing new construction and improvements to property occurring after their initial placement on the assessment rolls, except that for new construction which represents entire buildings, allocation revenue value includes seventy-five percent of any increase in the assessed value of such new construction in the years following its initial placement on the assessment rolls. There is no property tax allocation revenue value if the assessed value of real property in a revenue development area has not increased due to new construction and improvements to property occurring after the revenue development area is created.

(19) "Property taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revenue development area.

(20) "Public improvements" means:

(a) Infrastructure improvements within the revenue development area that include:

- (i) Street, bridge, and road construction and maintenance;
- (ii) Water and sewer system construction and improvements;
- (iii) Sidewalks, traffic controls, and streetlights;
- (iv) Parking, terminal, and dock facilities;
- (v) Park and ride facilities of a transit authority;
- (vi) Park facilities and recreational areas; and
- (vii) Storm water and drainage management systems;

(b) Expenditures for facilities and improvements that support affordable housing as defined in RCW 43.63A.510.

(21) "Public improvement costs" means the cost of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) the local government's portion of relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the property tax allocation revenue base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; and (f) administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local infrastructure financing to fund the costs of the public improvements.

(22) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(23) "Property tax allocation revenue base value" means the assessed value of real property located within a revenue development area for taxes levied in the year in which the revenue development area is created for collection in the following year, plus one hundred percent of any increase in the assessed value of real property located within a revenue development area that is placed on the assessment rolls after the revenue development area is created, less the property tax allocation revenue value.

(24) "Relocating a business" means the closing of a business and the reopening of that business, or the opening of a new business that engages in the same activities as the previous business, in a different location within a one-year period, when an individual or entity has an ownership interest in the business at the time of closure and at the time of opening or reopening. "Relocating a business" does not include the closing and reopening of a business in a new location where the business has been acquired and is under entirely new ownership at the new location, or the closing and reopening of a business in a new location as a result of the exercise of the power of eminent domain.

(25) "Revenue development area" means the geographic area created by a sponsoring local government from which local tax allocation revenues are derived for local infrastructure financing.

(26) "Small business" has the same meaning as provided in RCW 19.85.020.

(27) "Sponsoring local government" means a city, town, or county, and for the purpose of this chapter a federally recognized Indian tribe or any combination thereof, that creates a revenue development area and applies to the department to use local infrastructure financing.

(28) "State contribution" means the lesser of one million dollars or an amount equal to:

(a) The state excise tax allocation revenue and state property tax allocation revenue received by the state during the preceding calendar year;

(b) The amount of local excise tax allocation revenues, local property tax allocation revenues, and revenues from local public sources that are dedicated by a sponsoring local government in the preceding calendar year to the payment of principal and interest on bonds issued under section 501 of this act; or

(c) The amount of project award granted by the department in the notice of approval to use local infrastructure financing under section 202 of this act.

(29) "State excise taxes" means revenues derived from state retail sales and use taxes under chapters 82.08 and 82.12 RCW, less the amount of tax distributions from all taxes imposed on the same taxable events that are credited against the state taxes under chapters 82.08 and 82.12 RCW.

(30) "State excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above the amount of state excise taxes received by the state during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government creates a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred in the twelve months immediately preceding the creation of the revenue development area within the boundaries of the area that became the revenue development area, "state excise tax allocation revenue" means the entire amount of state excise taxes received by the state during a calendar year period beginning with the calendar year immediately following the creation of the revenue development area and continuing with each measurement year thereafter; and

(b) For revenue development areas created in calendar year 2006 that do not meet the requirements in (a) of this subsection, "local excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above an amount of state excise taxes received by the state during the 2007 base year adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective July 1, 2007. The amount of base year adjustment determined by the department is final.

(31) "State property tax allocation revenue" means those tax revenues derived from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value.

(32) "Taxing authority" means a governmental entity that imposes a sales or use tax under chapter 82.14 RCW upon the occurrence of any taxable event within a proposed or approved revenue development area.

(33) "Urban growth area" has the same meaning as provided in chapter 36.70A RCW.

PART II LOCAL INFRASTRUCTURE FINANCING TOOL

NEW SECTION. Sec. 201. CREATION OF THE LOCAL INFRASTRUCTURE FINANCING TOOL PROGRAM. The local infrastructure financing tool program is created to assist local governments in financing authorized public infrastructure projects designed to promote economic development in the jurisdiction. The local infrastructure financing tool program is not created to enable existing Washington-based businesses from outside a revenue development area to relocate into a revenue development area.

NEW SECTION. Sec. 202. LOCAL INFRASTRUCTURE FINANCING TOOL PROGRAM APPLICATION. (1) Prior to applying to the department to use local infrastructure financing, a sponsoring local government shall:

(a) Designate a revenue development area within the limitations in section 203 of this act;

(b) Certify that the conditions in section 204 of this act are met;

(c) Complete the process in section 205 of this act;

(d) Provide public notice as required in section 207 of this act; and

(e) Pass an ordinance adopting the revenue development area as required in section 206 of this act.

(2) The department shall approve applications on a first-in-time basis. The application shall be in a form and manner prescribed by the department and include but not be limited to information supporting that the applicant is an eligible candidate to impose the

local sales and use tax under section 401 of this act, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. The department shall make available forms to be used for this purpose. As part of the application, each sponsoring local government must provide to the department a copy of the ordinance or ordinances creating the revenue development area as required in section 206 of this act. The department shall rule on completed applications within sixty days of receipt. A notice of approval to use local infrastructure financing shall contain a maximum amount of project award that represents the amount of state contribution that the applicant can earn each year that local infrastructure financing is used. The total of all project awards shall not exceed the annual state contribution limit. The determination of a project award shall be made based on information contained in the application and the remaining amount of annual state contribution limit to be awarded. Determination of a project award by the department is final.

(3) Beginning August 1, 2006, the department may begin accepting applications from sponsoring local governments that have a demonstration project within the boundaries of the revenue development area. No new applications shall be considered by the department after the earlier of September 30, 2008, or the date the entire annual state contribution limit is awarded.

(4) A revenue development area is considered created when the sponsoring local government, including any cosponsoring local government, has adopted an ordinance creating the revenue development area and the department has approved the sponsoring local government to use local infrastructure financing. If a sponsoring local government receives approval from the department after the fifteenth day of October to use local infrastructure financing, the revenue development area is considered created in the calendar year following the approval. Once the department has approved the sponsoring local government to use local infrastructure financing, notification shall be sent to the sponsoring local government authorizing the sponsoring local government to impose the local sales and use tax, subject to the conditions in section 401 of this act.

(5) The department may adopt any rules under chapter 34.05 RCW it considers necessary for the administration of this chapter.

NEW SECTION. Sec. 203. LIMITATIONS ON REVENUE DEVELOPMENT AREAS. The designation of a revenue development area is subject to the following limitations:

(1) The taxable real property within the revenue development area boundaries may not exceed one billion dollars in assessed value at the time the revenue development area is designated;

(2) The average assessed value per square foot of taxable land within the revenue development area boundaries may not exceed seventy dollars at the time the revenue development area is designated;

(3) No more than one revenue development area may be created in a county;

(4) A revenue development area is limited to contiguous tracts, lots, pieces, or parcels of land without the creation of islands of property not included in the revenue development area;

(5) The boundaries may not be drawn to purposely exclude parcels where economic growth is unlikely to occur;

(6) The public improvements financed through local infrastructure financing must be located in the revenue development area;

(7) A revenue development area cannot comprise an area containing more than twenty-five percent of the total assessed value of the taxable real property within the boundaries of the sponsoring local government, including any cosponsoring local government, at the time the revenue development area is designated; and

(8) The boundaries of the revenue development area shall not be changed for the time period that local infrastructure financing is used.

NEW SECTION. Sec. 204. CONDITIONS. The use of local infrastructure financing under this chapter is subject to the following conditions:

(1) No funds may be used to finance, design, acquire, construct, equip, operate, maintain, remodel, repair, or reequip public facilities funded with taxes collected under RCW 82.14.048;

(2)(a) Except as provided in (b) of this subsection no funds may be used for public improvements other than projects identified within the capital facilities, utilities, housing, or transportation element of a comprehensive plan required under chapter 36.70A RCW;

(b) Funds may be used for public improvements that are historical preservation activities as defined in RCW 39.89.020;

(3) The public improvements proposed to be financed in whole or in part using local infrastructure financing are expected to encourage private development within the revenue development area and to increase the fair market value of real property within the revenue development area;

(4) A sponsoring local government or participating local government has entered or expects to enter into a contract with a private developer relating to the development of private improvements within the revenue development area or has received a letter of intent from a private developer relating to the developer's plans for the development of private improvements within the revenue development area;

(5) Private development that is anticipated to occur within the revenue development area, as a result of the public improvements, will be consistent with the countywide planning policy adopted by the county under RCW 36.70A.210 and the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW;

(6) The governing body of the sponsoring local government must make a finding that local infrastructure financing:

(a) Is not expected to be used for the purpose of relocating a business from outside the revenue development area, but within this state, into the revenue development area; and

(b) Will improve the viability of existing business entities within the revenue development area;

(7) The governing body of the sponsoring local government finds that the public improvements proposed to be financed in whole or in part using local infrastructure financing are reasonably likely to:

(a) Increase private residential and commercial investment within the revenue development area;

(b) Increase employment within the revenue development area;

(c) Improve the viability of existing communities that are based on mixed-use development within the revenue development area; and

(d) Generate, over the period of time that the local option sales and use tax will be imposed under section 401 of this act, state excise tax allocation revenues and state property tax allocation revenues derived from the revenue development area that are equal to or greater than the respective state contributions made under this chapter;

(8) The sponsoring local government may only use local infrastructure financing in areas deemed in need of economic development or redevelopment within boundaries of the sponsoring local government.

NEW SECTION. Sec. 205. PROCESS. Before adopting an ordinance creating the revenue development area, a sponsoring local government must:

(1) Obtain written agreement from any participating local government and participating taxing district to use dedicated amounts of revenues from local public sources, local excise tax allocation revenues, and local property tax allocation revenues, in whole or in part, for local infrastructure financing authorized under this chapter. The agreement to opt into the local infrastructure financing public improvement project must be authorized by the governing body of such participating local government and participating taxing district;

(2) Estimate the impact of the revenue development area on small business and low-income housing and develop a mitigation plan for the impacted businesses and housing. In analyzing the impact of the revenue development area, the sponsoring local government must develop:

(a) An inventory of existing low-income housing units, and businesses and retail activity within the revenue development area;

(b) A reasonable estimate of the number of low-income housing units, small businesses, and other commercial activity that may be vulnerable to displacement within the revenue development area;

(c) A reasonable estimate of projected net job growth and net housing growth caused by creation of the revenue development area when compared to the existing jobs or housing balance for the area; and

(d) A reasonable estimate of the impact of net housing growth on the current housing price mix.

NEW SECTION. Sec. 206. ORDINANCE. (1) To create a revenue development area, a sponsoring local government must adopt an ordinance establishing the revenue development area that:

(a) Describes the public improvements proposed to be made in the revenue development area;

(b) Describes the boundaries of the revenue development area, subject to the limitations in section 203 of this act;

(c) Estimates the cost of the proposed public improvements and the portion of these costs to be financed by local infrastructure financing;

(d) Estimates the time during which local excise tax allocation revenues, local property tax allocation revenues, and revenues from local public sources are to be used for local infrastructure financing;

(e) Provides the date when the use of local excise tax allocation revenues and local property tax allocation revenues will commence; and

(f) Finds that the conditions in section 204 of this act are met and the findings in section 205 of this act are complete.

(2) The sponsoring local government must hold a public hearing on the proposed financing of the public improvements in whole or in part with local infrastructure financing at least thirty days before passage of the ordinance establishing the revenue development area. The public hearing may be held by either the governing body of the sponsoring local government, or by a committee of that governing body that includes at least a majority of the whole governing body. The public hearing is subject to the notice requirements in section 207 of this act.

(3) The sponsoring local government shall deliver a certified copy of the adopted ordinance to the county treasurer, the governing body of each participating local government within which the revenue development area is located, and the department.

NEW SECTION. Sec. 207. NOTICE REQUIREMENTS. Prior to adopting the ordinance creating the revenue development area and to meet the requirements of section 501(1)(b) of this act, a sponsoring local government must provide public notice.

(1) Notice of the public hearing must be published in a legal newspaper of general circulation within the proposed revenue development area at least ten days before the public hearing and posted in at least six conspicuous public places located in the proposed revenue development area.

(2) Notice must also be sent by United States mail to the property owners, all identifiable community-based organizations with involvement in the proposed revenue development area, and the business enterprises located within the proposed revenue development area at least thirty days prior to the hearing. In implementing provisions under this chapter, the local governing body may also consult with community-based groups, business organizations, including the local chamber of commerce, and the office of minority and women's business enterprises to assist with providing appropriate notice to business enterprises and property owners for whom English is a second language.

(3) Notices must describe the contemplated public improvements, estimate the public improvement costs, describe the portion of the public improvement costs to be borne by local infrastructure financing, describe any other sources of revenue to finance the public improvements, describe the boundaries of the proposed revenue development area, estimate the impact that the public improvements will have on small businesses and low-income housing, and estimate the period during which local infrastructure financing is contemplated to be used.

(4) Notices must inform the public where to obtain the information that shows how the limitations, conditions, and findings required in sections 203 through 205 of this act are met.

(5) The sponsoring local government shall deliver a certified copy of the proposed ordinance to the county treasurer, the governing body of each participating local government within which the revenue development area is located, and the department.

PART III TAX ALLOCATION REVENUES

NEW SECTION. Sec. 301. LOCAL EXCISE TAX ALLOCATION REVENUES. (1) A sponsoring local government or participating local government may use annually its local excise tax allocation revenues to finance public improvements in the revenue development area financed in whole or in part by local infrastructure financing. The use of local excise tax allocation revenues dedicated by participating local governments must cease when such allocation revenues are no longer necessary or obligated to pay bonds issued to finance the public improvements in the revenue development area. Any participating taxing authority is authorized to dedicate local excise tax allocation revenues to the sponsoring local government as authorized in section 205(1) of this act.

(2) A sponsoring local government shall provide the department accurate information describing the geographical boundaries of the revenue development area at the time of application. The information shall be provided in an electronic format or manner as prescribed by the department. The sponsoring local government shall ensure that the boundary information provided to the department is kept current.

(3) In the event a city annexes a county area located within a county-sponsored revenue development area, the city shall remit to the county the portion of the local excise tax allocation revenue that the county would have received had the area not been annexed to the county. The city shall remit such revenues until such time as the bonds issued under section 501 of this act are retired.

NEW SECTION. Sec. 302. LOCAL PROPERTY TAX ALLOCATION REVENUES. (1) Commencing in the second calendar year following the passage of the ordinance creating a revenue development area and authorizing the use of local infrastructure financing, the county treasurer shall distribute receipts from regular taxes imposed on real property located in the revenue development area as follows:

(a) Each participating taxing district and the sponsoring local government shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the property tax allocation revenue base value for that local infrastructure financing project in the taxing district, or upon the total assessed value of real property in the taxing district, whichever is smaller; and

(b) The sponsoring local government shall receive an additional portion of the regular property taxes levied by it and by or for each participating taxing district upon the property tax allocation revenue value within the revenue development area. However, if there is no property tax allocation revenue value, the sponsoring local government shall not receive any additional regular property taxes under this subsection (1)(b). The sponsoring local government may agree to receive less than the full amount of the additional portion of regular property taxes under this subsection (1)(b) as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the participating taxing districts that levied regular property taxes, or have regular property taxes levied for them, in the revenue development area for collection that year in proportion to their regular tax levy rates for collection that year. The sponsoring local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the sponsoring local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by local infrastructure financing.

(2) The county assessor shall allocate any increase in the assessed value of real property occurring in the revenue development

area to the property tax allocation revenue value and property tax allocation revenue base value as appropriate. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The apportionment of increases in assessed valuation in a revenue development area, and the associated distribution to the sponsoring local government of receipts from regular property taxes that are imposed on the property tax allocation revenue value, must cease when property tax allocation revenues are no longer necessary or obligated to pay the costs of the public improvements. Any excess local property tax allocation revenues derived from regular property taxes and earnings on these tax allocation revenues, remaining at the time the apportionment of tax receipts terminates, must be returned to the county treasurer and distributed to the participating taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the revenue development area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

PART IV STATE CONTRIBUTIONS

NEW SECTION. Sec. 401. A new section is added to chapter 82.14 RCW to read as follows:

SALES AND USE TAX. (1) A sponsoring local government that has been approved by the department to use local infrastructure financing may impose a sales and use tax in accordance with the terms of this chapter and subject to the criteria set forth in this section. Except as provided in this section, the tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the sponsoring local government. The rate of tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The rate of tax may be changed only on the first day of a fiscal year as needed. Notice of rate changes must be provided to the department on the first day of March to be effective on July 1st of the next fiscal year.

(2) The tax authorized under subsection (1) of this section shall be credited against the state taxes imposed under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the sponsoring local government at no cost to the sponsoring local government and shall remit the taxes as provided in RCW 82.14.060.

(3) No tax may be imposed under this section before July 1, 2008, and before approval by the department under section 202 of this act. Before imposing a tax under this section, the sponsoring local government shall first have received both local excise tax allocation revenues and local property tax allocation revenues during the preceding calendar year. The tax imposed under this section shall expire when the bonds issued under the authority of section 501 of this act are retired, but not more than twenty-five years after the tax is first imposed.

(4) An ordinance adopted by the legislative authority of a sponsoring local government imposing a tax under this section shall provide that:

- (a) The tax shall first be imposed on the first day of a fiscal year;
- (b) The amount of tax received by the sponsoring local government in any fiscal year shall not exceed the amount of the state contribution;
- (c) The tax shall cease to be distributed for the remainder of any fiscal year in which either:
 - (i) The amount of tax received by the sponsoring local government equals the amount of the state contribution;
 - (ii) The amount of revenue from taxes imposed under this section by all cities and counties equals the annual state contribution limit; or

(iii) The amount of tax received by the sponsoring local government equals the amount of project award granted in the approval notice described in section 202 of this act;

(d) Neither the local excise tax allocation revenues nor the local property tax allocation revenues can be more than eighty percent of the total local funds used to earn the state contribution;

(e) The tax shall be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(f) Any revenue generated by the tax in excess of the amounts specified in (c) of this subsection shall belong to the state of Washington.

(5) If a county and city cosponsor a revenue development area, the combined rates of tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW.

(6) The department shall determine the amount of tax receipts distributed to each sponsoring local government imposing sales and use tax under this section and shall advise a sponsoring local government when tax distributions for the fiscal year equal the amount of state contribution for that fiscal year as provided in subsection (8) of this section. Determinations by the department of the amount of tax distributions attributable to each sponsoring local government are final and shall not be used to challenge the validity of any tax imposed under this section. The department shall remit any tax receipts in excess of the amounts specified in subsection (4)(c) of this section to the state treasurer who shall deposit the money in the general fund.

(7) If a sponsoring local government fails to comply with section 403 of this act, no tax may be distributed in the subsequent fiscal year until such time as the sponsoring local government complies and the department calculates the state contribution amount for such fiscal year.

(8) Each year, the amount of taxes approved by the department for distribution to a sponsoring local government in the next fiscal year shall be the lesser of the amount of the project award in the approval notice described in section 202 of this act or the amount equal to the state contribution. The department shall consider information from reports described in section 403 of this act when determining the amount of state contributions for each fiscal year. A sponsoring local government shall not receive, in any fiscal year, more revenues from taxes imposed under the authority of this section than the amount approved annually by the department. The department shall not approve the receipt of more distributions of sales and use tax under this section to a sponsoring local government than is authorized under subsection (3) of this section.

(9) The amount of tax distributions received from taxes imposed under the authority of this section by all sponsoring local governments is limited annually to not more than five million dollars. The tax distributions shall be available to the sponsoring local government imposing a tax under this section only as long as the sponsoring local government has outstanding indebtedness under section 501 of this act.

(10) The definitions in section 102 of this act apply to this section unless the context clearly requires otherwise.

NEW SECTION. Sec. 402. USE OF FUNDS. Money collected from the taxes imposed under section 401 of this act shall be used only for the purpose of principal and interest payments on bonds issued under the authority of section 501 of this act.

NEW SECTION. Sec. 403. REPORTING REQUIREMENTS. (1) A sponsoring local government shall provide a report to the department by March 1st of each year. The report shall contain the following information:

(a) The amount of local excise tax allocation revenues, and local property tax allocation revenues, taxes under section 401 of this act, and revenues from local public sources received by the sponsoring local government during the preceding calendar year that were dedicated to pay the public improvements financed in whole or in

part with local infrastructure financing, and a summary of how these revenues were expended;

(b) The names of any businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(c) The total number of permanent jobs created in the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(d) The average wages and benefits received by all employees of businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing; and

(e) That the sponsoring local government is in compliance with section 204 of this act.

(2) The department shall make a report available to the public and the legislature by June 1st of each year. The report shall include a list of public improvements undertaken by sponsoring local governments and financed in whole or in part with local infrastructure financing and it shall also include a summary of the information provided to the department by sponsoring local governments under subsection (1) of this section.

PART V BOND AUTHORIZATION

NEW SECTION. Sec. 501. BOND ISSUANCE. (1) A sponsoring local government that has designated a revenue development area and been authorized the use of local infrastructure financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from tax allocation revenues it receives, subject to the following requirements:

(a) The ordinance adopted by the sponsoring local government and authorizing the use of local infrastructure financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The local government includes this statement of the intent in all notices required by section 206 of this act.

(2)(a) Except as provided in (b) of this subsection, the general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(b) A local government that issues bonds under this section shall not pledge any money received from the state of Washington for the payment of such bonds, other than the local sales and use taxes imposed under the authority of section 401 of this act and collected by the department.

(3) In addition to the requirements in subsection (1) of this section, a local government designating a revenue development area and authorizing the use of local infrastructure financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the revenue development area.

(4) Bonds issued under this section shall be authorized by ordinance of the local governing body and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered as provided in RCW 39.46.030, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption with or without premium, be secured in such manner, and have such other characteristics, as may be provided by such ordinance or trust indenture or mortgage issued pursuant thereto.

(5) The local government may annually pay into a fund to be established for the benefit of bonds issued under this section a fixed proportion or a fixed amount of any local excise tax allocation revenues and local property tax allocation revenues derived from property or business activity within the revenue development area containing the public improvements funded by the bonds, such payment to continue until all bonds payable from the fund are paid in full. The local government may also annually pay into the fund established in this section a fixed proportion or a fixed amount of any revenues derived from taxes imposed under section 401 of this act, such payment to continue until all bonds payable from the fund are paid in full. Revenues derived from taxes imposed under section 401 of this act are subject to the use restriction in section 402 of this act.

(6) In case any of the public officials of the local government whose signatures appear on any bonds or any coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued under this chapter are fully negotiable.

(7) Notwithstanding subsections (4) through (6) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

NEW SECTION. Sec. 502. USE OF TAX REVENUE FOR BOND REPAYMENT. A sponsoring local government that issues bonds under section 501 of this act to finance public improvements may pledge for the payment of such bonds all or part of any local excise tax allocation revenues and all or part of any local property tax allocation revenues dedicated by the sponsoring local government, any participating taxing authority, or participating taxing district. The local government may also pledge all or part of any revenues derived from taxes imposed under section 401 of this act and held in connection with the public improvements. All of such tax revenues are subject to the use restrictions in sections 202 through 204 of this act, and the process requirements in section 205(1) of this act.

NEW SECTION. Sec. 503. BONDS ISSUED NOT AN OBLIGATION OF THE STATE OF WASHINGTON. The bonds issued by a sponsoring local government under section 501 of this act to finance public improvements shall not constitute an obligation of the state of Washington, either general or special.

NEW SECTION. Sec. 504. GENERAL INDEBTEDNESS--SECURITY. (1) A sponsoring local government designating a revenue development area and authorizing the use of local infrastructure financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from local excise tax allocation revenues and local property tax allocation revenues it receives, subject to the following requirements:

(a) The ordinance adopted by the sponsoring local government creating the revenue development area and authorizing the use of local infrastructure financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The sponsoring local government includes this statement of the intent in all notices required by sections 204 and 205 of this act.

(2) The general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the sponsoring local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the sponsoring local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(3) In addition to the requirements in subsection (1) of this section, a sponsoring local government designating a revenue development area and authorizing the use of local infrastructure financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the revenue development area.

NEW SECTION. Sec. 505. REVENUE BONDS. (1) A sponsoring local government may issue revenue bonds to fund revenue-generating public improvements, or portions of public improvements, that are located within a revenue development area. Whenever revenue bonds are to be issued, the legislative authority of the sponsoring local government shall create or have created a special fund or funds from which, along with any reserves created pursuant to RCW 39.44.140, the principal and interest on these revenue bonds shall exclusively be payable. The legislative authority of the sponsoring local government may obligate the sponsoring local government to set aside and pay into the special fund or funds a fixed proportion or a fixed amount of the revenues from the public improvements that are funded by the revenue bonds. This amount or proportion is a lien and charge against these revenues, subject only to operating and maintenance expenses. The sponsoring local government shall have due regard for the cost of operation and maintenance of the public improvements that are funded by the revenue bonds, and shall not set aside into the special fund or funds a greater amount or proportion of the revenues than in its judgment will be available over and above the cost of maintenance and operation and the amount or proportion, if any, of the revenue previously pledged. The sponsoring local government may also provide that revenue bonds payable out of the same source or sources of revenue may later be issued on a parity with any revenue bonds being issued and sold.

(2) Revenue bonds issued pursuant to this section are not an indebtedness of the sponsoring local government issuing the bonds, and the interest and principal on the bonds shall only be payable from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The owner or bearer of a revenue bond or any interest coupon issued pursuant to this section shall not have any claim against the sponsoring local government arising from the bond or coupon except for payment from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The substance of the limitations included in this subsection shall be plainly printed, written, or engraved on each bond issued pursuant to this section.

(3) Revenue bonds with a maturity in excess of twenty-five years shall not be issued. The legislative authority of the sponsoring local government shall by resolution determine for each revenue bond issue the amount, date, form, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, and covenants including the refunding of existing revenue bonds. Facsimile signatures may be used on the bonds and any coupons. Refunding revenue bonds may be issued in the same manner as revenue bonds are issued.

PART VI JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE REPORTS

NEW SECTION. Sec. 601. JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE REPORTS. Beginning September 1, 2013, and continuing every five years thereafter, the joint legislative audit and review committee shall submit a report to the appropriate committees of the legislature. The report shall, at a minimum, evaluate the effectiveness of the local infrastructure financing tool program, including a project by project review. The report shall include a comparison of the local infrastructure financing revenues received to the incremental improvements in assessed value of the real property located within the revenue development area. The report that is due September 1, 2028, should also include any recommendations regarding whether or not the program should be expanded statewide and what impact the expansion would have on economic development in Washington.

PART VII MISCELLANEOUS

NEW SECTION. Sec. 701. DEPARTMENT OF REVENUE EVALUATION. The department of revenue shall evaluate and periodically report on the implementation of the local infrastructure financing program to the governor and legislature as the department deems appropriate and recommend such amendments, changes in, and modifications of this act as seem proper.

NEW SECTION. Sec. 702. CAPTIONS. Captions and part headings used in this act are not any part of the law.

NEW SECTION. Sec. 703. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 704. PORT DISTRICTS. Nothing in this act shall be construed to give port districts the authority to impose a sales or use tax under chapter 82.14 RCW.

NEW SECTION. Sec. 705. EFFECTIVE DATE. This act takes effect July 1, 2006.

NEW SECTION. Sec. 706. EXPIRATION DATE. This act expires June 30, 2039.

NEW SECTION. Sec. 707. NEW CHAPTER. Sections 101 through 302 and 402 through 601 of this act constitute a new chapter in Title 39 RCW."

Representative Orcutt moved amendment (932) to amendment (931):

On page 1 of the amendment, line 26, strike all of subsection (5) and insert the following:

"(5) "Board" means the community economic revitalization board under chapter 43.160 RCW."

On page 6 of the amendment, line 16, after "the" strike "department" and insert "board"

On page 6 of the amendment, line 27, after "by the" strike "department" and insert "board"

On page 8 of the amendment, line 7, after "the" strike "department" and insert "board"

On page 8 of the amendment, line 17, strike the remainder of the section and insert the following:

(2) As a condition to imposing a sales and use tax under section 301 of this act, a city, town, or county must apply to the board at least one hundred fifty days before the effective date of any such tax. The application shall be in a form and manner prescribed by the board and shall include but is not limited to information establishing that the applicant is eligible to impose such a tax, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. For purposes of this section, "fiscal year" means the year beginning July 1st and ending the following June 30th. The board shall make available forms to be used for this purpose. As part of the application, a city, town, or county must provide to the board a copy of the ordinance creating the revenue development area as required in section 206 of this act. The board shall rule on completed applications within sixty days of receipt. The board may begin accepting and approving applications August 1, 2006. No new applications shall be considered by the board after the thirtieth day of September of the third year following the year in which the first application was received by the board.

(3) The board shall establish a competitive process to prioritize applications and shall approve any tax that may be imposed under section 401 of this act. The board shall consult with the department of revenue in approving a proposed tax.

(4) The board shall apply the following criteria for evaluation and ranking of applications:

(a) The relative benefits provided to the community by the proposed economic or community development, including employment;

(b) The present level of economic activity in the community and the existing local financial capacity to increase economic activity in the community;

(c) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project;

(d) The lack of another timely source of funding available to finance the project which would likely prevent the proposed community or economic development, absent the financing available under this act;

(e) The ability of the project to improve the viability of existing business entities in the project area;

(f) Whether or not the project is a partnership of multiple jurisdictions;

(g) Demonstration that the requested assistance will directly stimulate community and economic development by facilitating the creation of new jobs or the retention of existing jobs; and

(h) The availability of existing assets that applicants may apply to projects.

(5)(a) A proposed tax may not be approved unless the applicant has entered into or expects to enter into a contract with a private developer relating to private investment that will result in the creation or retention of jobs upon completion of the project; and

(b) A proposed tax may not be approved if the expected development will result in the relocation of jobs from another part of the state into the revenue development area, as defined in section 102 of this act.

(6) As a part of the approval of applications under this section, the board shall approve the project award, the amount of tax under section 401 of this act, that an applicant may impose. The board shall consult with the department of revenue in determining the amount. The amount of tax approved by the board shall not exceed the lesser of one million dollars or the average amount of tax revenue that the applicant estimates that it will receive in all fiscal years through the imposition of a sales and use tax under section 401 of this act. A city, town, or county shall not receive, in any fiscal year, more revenues from taxes imposed under section 401 of this act than the amount approved by the board. The board shall not approve the receipt of more credit against the state sales and use tax than is authorized under subsection (7) of this section.

(7) No more than five million dollars of credit against the state sales and use tax may be received by all cities, towns, and counties in any fiscal year.

(8) The credit against the state sales and use tax shall be available to any city, town, or county imposing a tax under section 401 of this act only as long as the city, town, or county has outstanding indebtedness under section 501 of this act."

Correct internal references accordingly

On page 13 of the amendment, line 9, after "located," insert "the board,"

On page 14 of the amendment, line 7, after "located," insert "the board,"

On page 14 of the amendment, line 22, strike all of subsection (2) and insert the following:

"(2) A sponsoring local government shall provide the board and the department accurate information describing the geographical boundaries of the revenue development area at the time of application. The information shall be provided in an electronic format or manner as prescribed by the department. The sponsoring local government shall ensure that the boundary information provided to the board and the department is kept current."

On p. 16 of the amendment, line 23, after "the" strike "department" and insert "board"

On p. 17 of the amendment, line 10, after "the" strike "department" and insert "board"

On p. 18 of the amendment, line 30, strike all of subsection (8) and insert the following:

"(8) Each year, the amount of taxes approved by the board for distribution to a sponsoring local government in the next fiscal year shall be the lesser of the amount of the project award in the approval notice described in section 202 of this act or the amount equal to the state contribution. The board shall consider information from reports described in section 403 of this act when determining the amount of state contributions for each fiscal year. A sponsoring local government shall not receive, in any fiscal year, more revenues from taxes imposed under the authority of this section than the amount approved annually by the board. The board shall not approve the receipt of more distributions of sales and use tax under this section to a sponsoring local government than is authorized under subsection (3) of this section."

On p. 19 of the amendment, line 11, after "(10)" insert "(a) For the purposes of this section, "Board" means the community economic revitalization board under chapter 43.160 RCW.

(b)"

On p. 19 of the amendment, line 18, after "the" strike "department" and insert "board"

On p. 20 of the amendment, line 6, after "The" strike "department" and insert "board"

On p. 20 of the amendment, line 10, after "to the" strike "department" and insert "board"

Representatives Orcutt and McIntire spoke in favor of the adoption of the amendment to the amendment

The amendment to the amendment was adopted.

The amendment as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, Orcutt, Santos, Alexander and Dunn spoke in favor of passage of the bill.

Representative Kristiansen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2673.

MOTIONS

On motion of Representative Santos, Representative Simpson was excused. On motion of Representative Clements, Representative Anderson was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2673 and the bill passed the House by the following vote: Yeas - 89, Nays - 7, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler,

Clements, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Lantz, Linville, Lovick, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Chase, Condotta, Cox, Holmquist, Kristiansen, McCoy and Pearson - 7.

Excused: Representatives Anderson and Simpson - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2673, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative DeBolt: "Thank you very much. I just want to say that a lot of us were here late last night and can't be with our spouses today. I am very fortunate that my spouse is up in the gallery with her class and they will be introduced in a minute. It looks like we all got new ties because I got a new tie today too. I really want to thank our spouses for all that they do for us because without them we could not be here today. We do not have the opportunity always to thank them on Valentine's Day because we are working. So on behalf of my caucus and the floor, I would like to thank everyone's significant others who make it possible for us to be here and support us.

Thank you."

HOUSE BILL NO. 2446, By Representatives Buri, Sump and Haler

Permitting certain school district substitute employee contracts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2446 was substituted for House Bill No. 2446 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2446 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Buri spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2446.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2446 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Talcott - 1.

Excused: Representatives Anderson and Simpson - 2.

SUBSTITUTE HOUSE BILL NO. 2446, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2479, By Representatives Haigh, Nixon, Green, Hunt, Haler, Morrell and Upthegrove; by request of Secretary of State

Ensuring equipment accessibility for voters with visual impairments.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2479 was substituted for House Bill No. 2479 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2479 was read the second time.

With the consent of the House, amendment (696) was withdrawn.

Representative Nixon moved the adoption of amendment (740):

On page 7, line 21, after "access" strike ", consistent with the requirements of RCW 29A.12.160"

On page 8, line 5, after "includes" insert "persons with diverse disabilities and"

Representatives Nixon and Haigh spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Nixon and Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2479.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2479 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Anderson and Simpson - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2479, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2606, By Representatives Curtis, Takko, Orcutt, McDonald, Grant, Hinkle, Clements, Moeller, Chandler, Wallace, Tom, Kretz, Nixon, Blake, Kessler, Rodne, Haigh, B. Sullivan and Morrell

Allowing volunteer fire fighter personnel to hold elective or appointed office.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Curtis and Takko spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2606.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2606 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia,

Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Anderson and Simpson - 2.

HOUSE BILL NO. 2606, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2622, By Representatives Blake, Buck, Williams, Chase, Morrell, Buri, Linville, McCoy, Roach, Morris, Flannigan, Newhouse, Eickmeyer, Wallace, B. Sullivan, Dunshee, Nixon, Upthegrove, Conway, Hinkle, Moeller, Condotta and Kretz

Modifying concealed pistol license provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Buck spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2622.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2622 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Dunn - 1.

Excused: Representatives Anderson and Simpson - 2.

HOUSE BILL NO. 2622, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2643, By Representatives Clements, Kenney, Upthegrove and Strow

Allowing vehicles with aftermarket hydraulic systems to operate on public roadways.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Kenney spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2643.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2643 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Anderson and Simpson - 2.

HOUSE BILL NO. 2643, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2678, By Representatives Kagi, Kretz, B. Sullivan and Ericks; by request of Pollution Liability Insurance Agency

Reauthorizing the pollution liability insurance agency.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2678 was substituted for House Bill No. 2678 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2678 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kagi spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2678.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2678 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Dunn - 1.

Excused: Representatives Anderson and Simpson - 2.

SUBSTITUTE HOUSE BILL NO. 2678, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2713, By Representatives Simpson, Woods and Hunt

Clarifying that state and local governing bodies may support or oppose ballot propositions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2713 was substituted for House Bill No. 2713 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2713 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh, Nixon and Armstrong spoke in favor of passage of the bill.

Representatives Cox and Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2713.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2713 and the bill passed the House by the following vote: Yeas - 66, Nays - 30, Excused - 2.

Voting yea: Representatives Alexander, Appleton, Armstrong, Blake, Buck, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris,

Murray, Nixon, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Bailey, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, Dunn, Hinkle, Holmquist, Kretz, Kristiansen, Lantz, McCune, McDonald, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Roach, Schindler, Serben, Shabro, Strow, Sump and Talcott - 30.

Excused: Representatives Anderson and Simpson - 2.

SUBSTITUTE HOUSE BILL NO. 2713, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2778, By Representatives Murray, Kristiansen, Dickerson, Clements, Chase, McDonald and Dunn

Allowing tax deductions for nonprofit convention and tourism promotion corporations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2778 was substituted for House Bill No. 2778 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2778 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Kristiansen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2778.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2778 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Anderson and Simpson - 2.

SUBSTITUTE HOUSE BILL NO. 2778, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3082, By Representatives Rodne, Springer, Priest, Wood, Lantz and Nixon

Changing provisions that govern municipal courts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3082 was substituted for House Bill No. 3082 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3082 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Rodne spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3082.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3082 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Anderson and Simpson - 2.

SUBSTITUTE HOUSE BILL NO. 3082, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Morris to preside.

HOUSE BILL NO. 1849, By Representatives Lovick, Campbell, Simpson, DeBolt, Hinkle and O'Brien

Modifying requirements for security guard training.

The bill was read the second time.

With the consent of the House, amendments (643) and (663) were withdrawn.

Representative Clibborn moved the adoption of amendment (646):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION, Sec. 1.** (1) The legislature finds that the functions served by private security companies and their employees provide important safety for the public and that changes in regulating this profession should be undertaken with a goal of promoting public safety. Therefore, the department of licensing shall undertake a review, using as a guide the requirements of chapter 18.118 RCW to the extent appropriate, of the following:

(a) The need for annual postassignment training of private security guards that covers review and practice of security guard skills taught by department-certified trainers;

(b) Whether various levels of postassignment training may be appropriate for private security guards employed in various types of work, as listed in RCW 18.170.010(18), depending on their assigned duties;

(c) The need for private security companies to maintain records of postassignment training of private security guards and, if so, for what period of time; and

(d) The need for civil penalties to enforce compliance with the training requirements for private security guards.

(2) The department must report the results of the study and its recommendations to the appropriate committees of the legislature by January 1, 2007."

Correct the title.

Representatives Clibborn and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lovick and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1849.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1849 and the bill passed the House by the following vote: Yeas - 87, Nays - 9, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 87.

Voting nay: Representatives Armstrong, Chandler, Cox, Crouse, Dunn, Holmquist, Kretz, Newhouse and Sump - 9.

Excused: Representatives Anderson and Simpson - 2.

ENGROSSED HOUSE BILL NO. 1849, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Lovick to preside.

There being no objection, the Rules Committee was relieved of HOUSE BILL NO. 2350, and the bill was placed on the Second Reading calendar.

SECOND READING

HOUSE BILL NO. 2693, By Representatives Buri, Grant, Holmquist, Haler, Linville, Kretz, McCune and Dunn

Exempting out-of-state persons from having to obtain commercial driver's licenses.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Buri spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2693.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2693 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Anderson and Simpson - 2.

HOUSE BILL NO. 2693, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2710, By Representatives Buck and B. Sullivan

Clarifying the process for hydraulic permit appeals.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck and B. Sullivan spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2710.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2710 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Anderson and Simpson - 2.

HOUSE BILL NO. 2710, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3099, By Representatives Hudgins, Crouse and Morris

Modifying membership of the information services board.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hudgins spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3099.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3099 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant,

Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representative Hunter - 1.

Excused: Representatives Anderson and Simpson - 2.

HOUSE BILL NO. 3099, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3134, By Representatives Conway, Wood, Chase and Kenney

Determining the amount of compensation for temporary or permanent total disability.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3134.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3134 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Anderson and Simpson - 2.

HOUSE BILL NO. 3134, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2680, By Representatives Conway, Fromhold, Lovick, Kenney, Quall, Simpson and Moeller; by request of Select Committee on Pension Policy

Purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2680 was substituted for House Bill No. 2680 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2680 was read the second time.

Representative Fromhold moved the adoption of amendment (934):

Beginning on page 3, line 33, after "member shall pay" strike all material through "method" on page 4, line 12, and insert the following:

"the actuarial value of the resulting increase in the member's benefit calculated in a manner consistent with the department's method for calculating payments for reestablishing service credit under RCW 41.50.165"

On page 4, beginning on line 24, after "(5)" strike all material through "section." on line 27

Representatives Fromhold and Bailey spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2680.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2680 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Anderson and Simpson - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2431, By Representatives Campbell, Morrell, Ericks, Moeller, Springer, B. Sullivan, Simpson, Green, Sells, O'Brien and Lantz

Requiring background checks on persons licensed as health care professionals.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2431 was substituted for House Bill No. 2431 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2431 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Campbell spoke in favor of passage of the bill.

Representative Curtis spoke against the passage of the bill.

COLLOQUY

Representative Cody: "Will an FBI background check be required for all Health professions applying for an initial license who have resided in Washington state for several years?"

Representative Campbell: "No, an FBI background check will only be required for individuals whose State Patrol background check indicates they have a criminal record, or individuals who have recently moved to Washington from another state."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2431.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2431 and the bill passed the House by the following vote: Yeas - 83, Nays - 13, Excused - 2.

Voting yea: Representatives Ahern, Appleton, Bailey, Blake, Buck, Campbell, Chase, Clements, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 83.

Voting nay: Representatives Alexander, Armstrong, Buri, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Newhouse, Orcutt, Serben and Shabro - 13.

Excused: Representatives Anderson and Simpson - 2.

SUBSTITUTE HOUSE BILL NO. 2431, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2749, By Representatives B. Sullivan, McCoy, Upthegrove, Chase, P. Sullivan, Appleton, Eickmeyer, Newhouse, Miloscia, Dunshee, Conway and Buck

Concerning specialized forest products.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2749 was substituted for House Bill No. 2749 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2749 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan and Buck spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2749.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2749 and the bill passed the House by the following vote: Yeas - 85, Nays - 11, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 85.

Voting nay: Representatives Armstrong, Condotta, Cox, Crouse, Curtis, Ericksen, Holmquist, Kretz, Orcutt, Schindler and Sump - 11.

Excused: Representatives Anderson and Simpson - 2.

SUBSTITUTE HOUSE BILL NO. 2749, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2884, By Representatives Linville and McCoy

Concerning the use of reclaimed water.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2884 was substituted for House Bill No. 2884 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2884 was read the second time.

Representative Buri moved the adoption of amendment (915):

On page 2, line 3, after "possible." insert "The final rule package must be presented to the appropriate committees of the legislature by no later than January 1, 2011, and may not take effect unless the legislature passes specific legislation authorizing an effective date for the rules."

On page 2, line 4, after "may" strike ", after the rules are adopted, revise and update the rules on reclaimed water use when deemed necessary by the director of the department" and insert "not update the rules adopted under this section unless specific legislative authority is provided to update the standards"

Representatives Buri and Holmquist spoke in favor of the adoption of the amendment.

Representative Linville spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Buri moved the adoption of amendment (894):

On page 2, line 4, after "may" strike ", after the rules are adopted, revise and update the rules on reclaimed water use when deemed necessary by the director of the department" and insert "not update the rules adopted under this section unless specific legislative authority is provided to update the standards"

Representatives Buri and Linville spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Buri spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2884.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2884 and the bill passed the House by the following vote: Yeas - 78, Nays - 19, Excused - 1.

Voting yea: Representatives Appleton, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt,

Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 78.

Voting nay: Representatives Ahern, Alexander, Armstrong, Clements, Condotta, Cox, Crouse, DeBolt, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Newhouse, Pearson, Schindler, Serben, Skinner and Sump - 19.

Excused: Representative Anderson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2765, By Representatives Buri, Clibborn, Nixon, Cox, Serben, Kristiansen, Jarrett, Kilmer, Wallace, Woods, Moeller and Kretz

Limiting the posting of hazards to motorcycles to paved roadways.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buri and Murray spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2765.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2765 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

HOUSE BILL NO. 2765, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3285, By Representatives Conway, Chase, Morrell and Wood

Raising the exemption for charitable or nonprofit bingo organizations from the gambling tax on bingo and amusement games.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Orcutt and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 3285.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3285 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

HOUSE BILL NO. 3285, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3102, By Representatives B. Sullivan, Buck, Appleton, Eickmeyer, Pearson, Campbell and Hasegawa

Providing guidelines for the issuance and renewal of a geoduck diver license and requiring harvesters to help reseed state commercial beds.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3102 was substituted for House Bill No. 3102 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3102 was read the second time.

Representative Orcutt moved the adoption of amendment (940):

On page 2, after line 2, insert the following:

"(7) Licensed geoduck harvesters bear the responsibility for providing the labor and equipment to plant geoduck seed provided by a state or private hatchery onto state commercial beds."

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Eickmeyer spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan and Buck spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3102.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3102 and the bill passed the House by the following vote: Yeas - 79, Nays - 18, Excused - 1.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roberts, Santos, Schindler, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 79.

Voting nay: Representatives Ahern, Chandler, Clements, Cox, Curtis, DeBolt, Dunn, Ericksen, Hinkle, Holmquist, McCune, Newhouse, Nixon, Orcutt, Roach, Rodne, Serben and Talcott - 18.

Excused: Representative Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 3102, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 14, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2860, and the same is herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 3278, By Representatives Conway and Dickerson

Making adjustments to the unemployment insurance system.

The bill was read the second time.

Representative Conway moved the adoption of amendment (939):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 12. The legislature hereby recognizes that the joint legislative task force on unemployment insurance benefit equity has undertaken a comprehensive review of the unemployment insurance system, but has not yet reached agreement on its findings and recommendations. The legislature therefore intends to extend the deadline by which the task force must report to the legislature.

Sec. 13. 2005 c 133 s 9 (uncodified) is amended to read as follows:

(1)(a) The joint legislative task force on unemployment insurance benefit equity is established. The joint legislative task force shall consist of the following members:

(i) The chair and ranking minority member of the senate labor, commerce, research and development committee;

(ii) The chair and ranking minority member of the house commerce and labor committee;

(iii) Four members representing business, selected from nominations submitted by statewide business organizations representing a cross-section of industries and appointed jointly by the president of the senate and the speaker of the house of representatives; and

(iv) Four members representing labor, selected from nominations submitted by statewide labor organizations representing a cross-section of industries and appointed jointly by the president of the senate and the speaker of the house of representatives.

(b) In addition, the employment security department shall cooperate with the task force and maintain a liaison representative, who shall be a nonvoting member. The department shall cooperate with the task force and provide information as the task force may reasonably request.

(2) The task force shall review the unemployment insurance system, including, but not limited to, whether the benefit structure provides for equitable benefits, whether the structure fairly accounts for changes in the work force and industry work patterns, including seasonality, and for claimants' annual work patterns, whether the tax structure provides for an equitable distribution of taxes, and whether the trust fund is adequate in the long term.

(3)(a) The task force shall use legislative facilities, and staff support shall be provided by senate committee services and the house of representatives office of program research. The task force may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study.

(b) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(c) The expenses of the task force shall be paid jointly by the senate and the house of representatives.

(5) The task force shall report its findings and recommendations to the legislature by ~~((January))~~ **March 1, 2006.**

(6) This section expires July 1, 2006."

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 3278.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3278 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 94.

Voting nay: Representatives Chandler, Dunn and Woods - 3.

Excused: Representative Anderson - 1.

ENGROSSED HOUSE BILL NO. 3278, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1488, By Representatives Hunter, Priest, Dickerson, Tom, Upthegrove, Jarrett, Springer, McCoy, B. Sullivan, Conway, Simpson, Flannigan, McIntire, Moeller, Chase, Williams, Kenney, Sells, Murray, Fromhold, Pettigrew, Darneille, Lantz, Clibborn, Kagi, Hasegawa, Morrell, McDermott, Hunt, Blake, Campbell, Cody, Hudgins, Ericks, O'Brien and Nixon

Prohibiting the sale of products that contain polybrominated diphenyl ethers.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1488 was substituted for House Bill No. 1488 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1488 was read the second time.

With the consent of the House, amendments (902), (908), (903), (897), (906), (905), (904) and (907) were withdrawn.

Representative Hunter moved the adoption of amendment (832):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial decabromodiphenylether" means the chemical mixture of decabromodiphenylether, including associated polybrominated diphenyl ether impurities not intentionally added. No single polybrominated diphenyl ether impurity shall exceed one percent by mass of the mixture and the combination of all polybrominated diphenyl ether impurities shall not exceed four percent by mass of the mixture.

(2) "Department" means the department of ecology.

(3) "Electronic enclosure" means the plastic housing that encloses the components of electronic products, including but not limited to televisions and computers.

(4) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product containing polybrominated diphenyl ethers or an importer or domestic distributor of a noncombustible product containing polybrominated diphenyl ethers. A manufacturer does not include a retailer:

(a) Of a private label brand or cobranding; or

(b) Who assembles components to create a single electronic product based on an individual consumer preference.

(5) "Polybrominated diphenyl ethers" means chemical forms that consist of diphenyl ethers bound with bromine atoms. Polybrominated diphenyl ethers include, but are not limited to, the three primary forms of the commercial mixtures known as pentabromodiphenylether (penta-bde), octabromodiphenylether (octa-bde), and decabromodiphenylether (deca-bde).

(6) "Retailer" means a person who offers a product for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer. A retailer does not include a person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that both manufactures and sells a product at retail.

(7) "Technically feasible alternative that is available at a reasonable cost" means an alternative that is available at a cost and in sufficient quantity to permit the manufacturer or user to maintain an economically viable product.

(8) "Transportation vehicle" means any mechanized vehicle that is used to transport goods or people including, but not limited to, airplanes, automobiles, motorcycles, trucks, buses, trains, boats, ships, streetcars, or monorail cars.

(9) "Used product" means any product that has been previously owned, purchased, or sold in commerce. "Used product" does not include any product manufactured after January 1, 2007.

NEW SECTION. Sec. 2. (1) Except as provided in subsection (2) of this section and sections 3 and 4 of this act, after January 1, 2007, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state noncombustible products containing polybrominated diphenyl ethers.

(2) Subsection (1) of this section does not apply to:

(a) Products containing decabromodiphenylether except as provided in section 4 of this act;

(b) The sale or distribution of any used transportation vehicle with component parts containing polybrominated diphenyl ethers;

(c) The sale of any used transportation vehicle parts, or new transportation vehicle parts manufactured before January 1, 2007, that contain polybrominated diphenyl ethers;

(d) The manufacture, sale, repair, distribution, maintenance, refurbishment, or modification of equipment containing polybrominated diphenyl ethers and used primarily for military or federally funded space program applications. This exemption does not cover consumer-based goods with broad applicability;

(e) The sale or distribution by a business, charity, or private party of any used product containing polybrominated diphenyl ethers; or

(f) Medical devices.

(3) In-state retailers in possession of products on January 1, 2007, that are banned for sale under subsection (1) of this section may exhaust their stock through sales to the public.

NEW SECTION. Sec. 3. A manufacturer or user of safety systems required by the federal aviation administration may apply for an exemption for a specific use of penta-bde or octa-bde by filing a written petition with the department. Such uses may include the repair or replacement by a manufacturer or user of safety systems required by the federal aviation administration. The exemption may be granted for a term not to exceed eighteen months and may be renewed upon written application if the department finds that the specific use of penta-bde or octa-bde continues to meet the criteria of this section and the manufacturer or other persons comply with the conditions of its original approval. The department may grant an exemption for a specified use of penta-bde or octa-bde with or without conditions upon finding that the petitioner has demonstrated that:

(1) A technically feasible alternative to the use of penta-bde or octa-bde is not available at reasonable cost; or

(2) The potential harm to public health and the environment directly posed by a technically feasible and available alternative is greater than the potential harm posed by penta-bde or octa-bde.

NEW SECTION. Sec. 4. (1) Except as provided in subsection (3) of this section and section 5 of this act, after July 1, 2010, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state any television or computer that has an electronic enclosure that contains commercial decabromodiphenylether.

(2) Except as provided in subsection (3) of this section and section 5 of this act, after July 1, 2012, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state any of the following products:

(a) Upholstered furniture intended for indoor use in a home or other residential occupancy that contains commercial decabromodiphenylether; or

(b) Mattresses and mattress pads that contain commercial decabromodiphenylether.

(3) The following are exempt from subsections (1) and (2) of this section:

(a) The manufacture, sale, repair, distribution, maintenance, refurbishment, or modification of any raw material or component part used in a transportation vehicle or any new transportation vehicle with component parts, including original parts and spare parts, containing commercial decabromodiphenylether;

(b) The use of commercial decabromodiphenylether in the maintenance, refurbishment, or modification of transportation equipment; or

(c) The manufacture, sale, or distribution of any new product or product component consisting of recycled or used materials containing commercial decabromodiphenylether.

NEW SECTION. Sec. 5. If the department and the department of health, in consultation with the director of fire protection, find that a safer technically feasible alternative to the use of commercial decabromodiphenylether is not available at reasonable cost, the department and the department of health may jointly by rule grant an exemption to allow for the manufacture, sale, or distribution of products prohibited from manufacture, sale, or distribution under section 4 of this act between July 1, 2010, and July 1, 2012. The department and the department of health may jointly by rule renew the exemption for an additional period of two years if the department and the department of health find that a safer technically feasible alternative to the use of commercial decabromodiphenylether is not available at reasonable cost.

NEW SECTION. Sec. 6. Before adoption of a final rule by the department and the department of health in section 5 of this act, the governor shall review the proposed rule to ensure that a safer technically feasible alternative to the use of commercial decabromodiphenylether is not available at reasonable cost. In reviewing the proposed rule, the governor shall consider the

important balance between the needs for continuing the use of commercial decabromodiphenylether and protecting public health. Any final rule adopted under section 5 of this act by the departments requires the signature of the governor.

NEW SECTION. Sec. 7. By December 15, 2008, the department, the director of fire protection, and the department of health must report to the appropriate committees of the legislature on the availability of safer, technically feasible alternatives for those products prohibited from the manufacture, sale, or distribution under section 4 of this act and any additional evidence of the potential harm posed by commercial decabromodiphenylether.

NEW SECTION. Sec. 8. Nothing in this chapter restricts the ability of a manufacturer, importer, or distributor from transporting products containing polybrominated diphenyl ethers through the state, or storing such products in the state for later distribution outside the state.

NEW SECTION. Sec. 9. After January 1, 2007, a manufacturer of products containing a polybrominated diphenyl ether that has been restricted under this chapter must notify persons that sell the manufacturer's products about this chapter.

NEW SECTION. Sec. 10. (1) The department and the department of health must review additional uses of commercial decabromodiphenylether.

(2) The department and the department of health must report their findings and recommendations to the appropriate committees of the legislature by December 15, 2007.

NEW SECTION. Sec. 11. (1) By January 1, 2007, the department of general administration shall:

(a) Give priority and preference to the purchase of equipment, supplies, and other products that do not contain polybrominated diphenyl ethers; and

(b) Make available for purchase and use by all state agencies only equipment, supplies, and other products that do not contain polybrominated diphenyl ethers.

(2) The department of general administration shall, by January 1, 2007, revise its rules, policies, and guidelines to implement this chapter.

NEW SECTION. Sec. 12. (1) Retailers who unknowingly sell products banned under sections 2 and 4 of this act are not liable under this chapter.

(2) In-state retailers in possession of products on January 1, 2010, that are banned for sale under section 4(1) of this act or are in possession of products on January 1, 2012, that are banned for sale under section 4(2) of this act may exhaust their stock through sales to the public.

(3) The department must develop a program to assist in-state retailers in identifying potential products containing polybrominated diphenyl ethers in their inventory before the effective date of product bans under sections 2 and 4 of this act.

(4) If a retailer unknowingly possesses products that are banned for sale under sections 2 and 4 of this act and the manufacturer does not recall the products, the retailer may exhaust its existing stock through sales to the public; however, no additional banned stock may be sold or offered for sale.

NEW SECTION. Sec. 13. (1) Enforcement of this chapter shall rely heavily on notification and information exchange between the department and manufacturers. The department shall achieve compliance with this chapter using the following enforcement sequence:

(a) Before the effective date of the product bans in sections 2 and 4 of this act, the department must prepare and distribute information to in-state manufacturers and out-of-state manufacturers, to the maximum extent practicable, to assist them in identifying products prohibited for manufacture, sale, or distribution under this chapter;

(b) The department may request a certificate of compliance from a manufacturer. A certificate of compliance attests that a manufacturer's product or products meets the requirements of this chapter;

(c) The department must issue a warning letter to a manufacturer that produces, sells, or distributes banned products in violation of this chapter. The department shall offer information or other appropriate assistance to the manufacturer in complying with this chapter. If after one year, compliance is not achieved, penalties must be assessed under subsection (3) of this section.

(2) A manufacturer that produces, sells, or distributes a product prohibited from manufacture, sale, or distribution under this chapter shall recall such products and reimburse the retailer or any other purchaser for the product and any applicable postage and handling for returning the products.

(3) A manufacturer of products containing polybrominated diphenyl ethers in violation of this chapter is punishable by a civil penalty not to exceed one thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are liable for a civil penalty not to exceed five thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

Representative Armstrong moved the adoption of amendment (863) to amendment (832):

On page 1, after line 2 of the amendment, strike all material through page 7, line 20 and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Electronic enclosure" means the plastic housing that encloses the components of electronic products, including but not limited to televisions and computers.

(3) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product containing polybrominated diphenyl ethers or an importer or domestic distributor of a noncomestible product containing polybrominated diphenyl ethers. A manufacturer does not include a retailer:

(a) Of a private label brand or cobranding; or

(b) Who assembles components to create a single electronic product based on an individual consumer preference.

(4) "Polybrominated diphenyl ethers" means chemical forms that consist of diphenyl ethers bound with bromine atoms. Polybrominated diphenyl ethers include, but are not limited to, the three primary forms of the commercial mixtures known as pentabromodiphenylether (penta-bde), octabromodiphenylether (octa-bde), and decabromodiphenylether (deca-bde).

(5) "Retailer" means a person who offers a product for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer. A retailer does not include a person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that both manufactures and sells a product at retail.

(6) "Safer alternative" means an alternative that has undergone the same level of study as the product it is meant to replace and has been found to have a better toxicity profile and less impact for human health or the environment.

(7) "Technically feasible alternative that is available at a reasonable cost" means an alternative that is available at a cost and in sufficient quantity to permit the manufacturer or user to maintain an economically viable product.

(8) "Transportation vehicle" means any mechanized vehicle that is used to transport goods or people including, but not limited to,

airplanes, automobiles, motorcycles, trucks, buses, trains, boats, ships, streetcars, or monorail cars.

(9) "Used product" means any product that has been previously owned, purchased, or sold in commerce. "Used product" does not include any product manufactured after January 1, 2007.

NEW SECTION. Sec. 2. (1) Except as provided in subsection (2) of this section and section 3 of this act, after January 1, 2007, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state noncombustible products containing more than one percent of pentabromodiphenylether or octabromodiphenylether.

(2) Subsection (1) of this section does not apply to:

(a) Products containing decabromodiphenylether;
 (b) Original equipment manufacturer replacement parts;
 (c) The processing and disposal of recyclables containing penta-bde or octa-bde in compliance with applicable federal, state, and local laws;

(d) A manufacturer or user of safety systems required by the federal aviation administration;

(e) The manufacture, sale, repair, distribution, maintenance, refurbishment, or modification of any raw material or component part used in a transportation vehicle or any new or used transportation vehicle with component parts, including original parts and spare parts;

(f) The manufacture, sale, repair, distribution, maintenance, refurbishment, or modification of equipment used primarily for military or federally funded space program applications. This exemption does not cover consumer-based goods with broad applicability;

(g) The sale or distribution by a business, charity, or private party of any used product containing polybrominated diphenyl ethers; or

(h) Medical monitoring and control instruments and systems, medical devices, and products as defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.).

(3) In-state retailers in possession of products on January 1, 2007, that are banned for sale under subsection (1) of this section may exhaust their stock through sales to the public.

NEW SECTION. Sec. 3. A manufacturer or user of safety systems required by the federal aviation administration may apply for an exemption for a specific use of penta-bde or octa-bde by filing a written petition with the department. The exemption may be granted for a term not to exceed eighteen months and may be renewed upon written application if the department finds that the specific use of penta-bde or octa-bde continues to meet the criteria of this section and the manufacturer or other persons comply with the conditions of its original approval. The department may grant an exemption for a specified use of penta-bde or octa-bde with or without conditions upon finding that the petitioner has demonstrated that:

(1) A technically feasible alternative to the use of penta-bde or octa-bde is not available at reasonable cost; or

(2) The potential harm to public health and the environment directly posed by a technically feasible and available alternative is greater than the potential harm posed by penta-bde or octa-bde.

NEW SECTION. Sec. 4. On or about December 15, 2007, the department and the department of health shall submit to the appropriate committees of the legislature a report that reviews and updates the available scientific research on deca-bde, including relevant risk assessments and relevant findings and rulings by the United States environmental protection agency and the European commission, to address the following issues:

(1) The use of deca-bde in products sold in the state;

(2) What human health effects could result from exposure to deca-bde, and are current levels of exposure at levels that could produce these effects;

(3) Any data available on the human body burden or environmental occurrence of deca-bde;

(4) Whether deca-bde breaks down into other chemicals that could pose public health concerns;

(5) The availability of safer, technically feasible alternatives for deca-bde.

NEW SECTION. Sec. 5. Nothing in this chapter restricts the ability of a manufacturer, importer, or distributor from transporting products containing polybrominated diphenyl ethers through the state, or storing such products in the state for later distribution outside the state.

NEW SECTION. Sec. 6. The department shall develop a program to assist retailers in identifying potential products containing penta-bde and octa-bde in their inventory.

NEW SECTION. Sec. 7. A manufacturer of products containing penta-bde and octa-bde in violation of this chapter is punishable by a civil penalty not to exceed one thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are liable for a civil penalty not to exceed five thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

Representatives Armstrong and Hunter spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Amendment (832) as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Armstrong and Hunter spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1488.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1488 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1488, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2843, By Representatives Holmquist, Haigh, Nixon, Green, Schindler, Clements, Sump, Ahern, McDermott, Haler, Chase, Sells, McDonald, Hasegawa, Kenney, Kristiansen, Bailey and McCune

Modifying absentee ballot envelope content.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2843 was substituted for House Bill No. 2843 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2843 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Holmquist, Haigh, Nixon and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2843.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2843 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2843, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2876, By Representatives Ericksen, Wood, Dunn, Armstrong and Ericks; by request of Washington State Patrol

Clarifying procedures for sound and video recordings by law enforcement officers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2876 was substituted for House Bill No. 2876 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2876 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ericksen and Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2876.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2876 and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Hasegawa, Hudgins, Pettigrew and Upthegrove - 4.

Excused: Representative Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2876, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2957, By Representatives Blake, Orcutt, Kessler, Kristiansen and Dunn

Extending the expiration date for reporting requirements on timber purchases.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2957.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2957 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

HOUSE BILL NO. 2957, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2879, By Representative McIntire; by request of Department of Revenue

Modifying the electronic administration of the real estate excise tax.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2879.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2879 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

HOUSE BILL NO. 2879, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1834, By House Committee on Appropriations (originally sponsored by Representatives McIntire, Anderson, Kessler, Conway, Fromhold, Clements, Kagi, Linville, Jarrett, Hunter, Tom, Hinkle, Upthegrove, Kilmer, Wood and Santos)

Using performance measures for budgeting decisions.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1834 was substituted for Substitute House Bill No. 1834 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1834 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and Serben spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1834.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1834 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1834, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2539, By Representatives Schual-Berke, Morrell, Simpson, Roberts, Moeller and Hudgins

Concerning disaster medical assistance teams.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2539 was substituted for House Bill No. 2539 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2539 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke, Hinkle, Curtis, Ahern, Ericksen and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2539.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2539 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2539, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2540, By Representatives Schual-Berke and Morrell

Revising provisions addressing access to individual health insurance coverage.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2540 was substituted for House Bill No. 2540 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2540 was read the second time.

Representative Cody moved the adoption of amendment (935):

On page 2, line 2, after "select" strike "~~((two))~~ three" and insert "two"

On page 2, line 7, after "remaining" strike "~~((four))~~ three" and insert "four"

Representatives Cody and Hinkle spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Cody moved the adoption of amendment (936):

On page 3, beginning on line 5, strike all of section 2

Renumber the remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Cody and Hinkle spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Cody moved the adoption of amendment (937):

On page 18, beginning on line 1, strike all of section 8

Renumber the remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Cody and Hinkle spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke, Hinkle and Armstrong spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2540.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2540 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow,

Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Anderson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2540, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2612, By Representatives Kagi, O'Brien, Darneille, Rodne, Kenney, Schual-Berke, Morrell and Springer; by request of Department of Labor & Industries

Including failure to secure a load in the first degree as a compensable crime under the crime victims' compensation program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi, Pearson, Strow and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2612.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2612 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

HOUSE BILL NO. 2612, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3120, By Representatives Lantz, Priest, Kirby and Williams

Concerning notice requirements for tort claims against state and local governments and their officers, employees, or volunteers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3120 was substituted for House Bill No. 3120 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3120 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3120.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3120 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 3120, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2322, By Representative Ormsby

Limiting the phosphorus content in dishwashing detergent.

The bill was read the second time.

Representative Ericksen moved the adoption of amendment (829):

On page 2, line 12, after "~~(1994)~~" strike "2007" and insert "2008"

Representatives Ericksen and B. Sullivan spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ormsby and Serben spoke in favor of passage of the bill.

Representatives Buck and Sump spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2322.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2322 and the bill passed the House by the following vote: Yeas - 71, Nays - 26, Excused - 1.

Voting yea: Representatives Ahern, Appleton, Buri, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kilmer, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 71.

Voting nay: Representatives Alexander, Armstrong, Bailey, Blake, Buck, Chandler, Clements, Condotta, Cox, Curtis, DeBolt, Dunn, Grant, Hinkle, Holmquist, Kessler, Kristiansen, McDonald, Newhouse, Orcutt, Pearson, Skinner, Sump, Talcott, Walsh and Woods - 26.

Excused: Representative Anderson - 1.

ENGROSSED HOUSE BILL NO. 2322, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION OF VOTE

The House immediately reconsidered the vote by which ENGROSSED HOUSE BILL NO. 2322 passed the House.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2322 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2322 on reconsideration and the bill passed the House by the following vote: Yeas - 78, Nays - 19, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Bailey, Buri, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kilmer, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood, Woods and Mr. Speaker - 78.

Voting nay: Representatives Armstrong, Blake, Buck, Chandler, Clements, Condotta, Cox, Curtis, Dunn, Eickmeyer, Grant, Kessler, Kristiansen, Newhouse, Orcutt, Pearson, Sump, Talcott and Walsh - 19.

Excused: Representative Anderson - 1.

ENGROSSED HOUSE BILL NO. 2322, on reconsideration, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2695, By Representatives Haigh, Sump and McDermott

Modifying absentee or provisional ballot notice requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2695 was substituted for House Bill No. 2695 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2695 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2695.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2695 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2695, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2426, By Representative Morris; by request of Utilities & Transportation Commission

Modifying utilities and transportation commission provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2426 was substituted for House Bill No. 2426 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2426 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2426.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2426 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2426, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2893, By Representatives Simpson, P. Sullivan, Darneille, Williams, McDonald, McCoy, Morrell, Ericks and Green

Concerning restrictions on granting a sex offender visitation under a parenting plan.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2893 was substituted for House Bill No. 2893 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2893 was read the second time.

With the consent of the House, amendment (933) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson, McDonald, Alexander, Strow and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2893.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2893 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2893, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056, By House Committee on Commerce & Labor (originally sponsored by Representatives Conway and Wood)

Regulating recreational vehicle shows.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Condotta, Woods and Kristiansen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2056.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2056 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives DeBolt, Flannigan and Nixon - 3.

Excused: Representative Anderson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056.

RICHARD DEBOLT, 20th District

HOUSE BILL NO. 2668, By Representatives Hudgins, Lovick, Crouse, Upthegrove, B. Sullivan and Sump

Modifying provisions regulating certain professional athletic events.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2668 was substituted for House Bill No. 2668 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2668 was read the second time.

Representative Hudgins moved the adoption of amendment (942):

On page 8, beginning on line 3, strike all of section 7

Correct the title.

Representatives Hudgins and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins, Condotta, O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2668.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2668 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Anderson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2668, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2801, By Representatives Chase, Morrell, Hasegawa, McCoy, Sump, Hunt, Hunter, Upthegrove, Pettigrew, Kenney, Roberts, Moeller, Santos, Schual-Berke, Simpson, Kagi and Darneille

Authorizing removal of discriminatory provisions in the governing documents of homeowners' associations.

The bill was read the second time.

Representative Chase moved the adoption of amendment (865):

On page 2, line 15, after "(2)" insert "Upon the board's receipt of a written request by a member of the association that the board exercise its amending authority granted under subsection (1) of this section, the board must, within a reasonable time, amend the governing documents, as provided under this section.

(3)"

Renumber the remaining subsections consecutively.

On page 3, after line 16, insert the following:

"(7) Except as otherwise provided in subsection (2) of this section: (a) Nothing in this section creates a duty on the part of owners, occupants, tenants, associations, or boards to amend the governing documents as provided in this section, or to bring an action as authorized under this section and RCW 49.60.227; and (b) An owner, occupant, tenant, association, or board is not liable for failing to amend the governing documents or to pursue an action in court as authorized under this section and RCW 49.61.227."

Representatives Chase and Tom spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chase and Tom spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2801.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2801 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

ENGROSSED HOUSE BILL NO. 2801, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3234, By Representatives Miloscia, Hunt, Darneille, Chase, Holmquist, Santos and Hasegawa

Authorizing faith communities to host temporary homeless encampments subject to restrictions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3234 was substituted for House Bill No. 3234 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3234 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia and Holmquist spoke in favor of passage of the bill.

Representatives Nixon and Sump spoke against the passage of the bill.

There being no objection, the House deferred action on SUBSTITUTE HOUSE BILL NO. 3234, and the bill held its place on Third Reading.

HOUSE BILL NO. 2889, By Representatives Woods, Hankins, Murray, Upthegrove, Wallace and Simpson; by request of Freight Mobility Strategic Investment Board

Creating the freight mobility multimodal account.

The bill was read the second time.

Representative Hankins moved the adoption of amendment (709):

On page 9, after line 27, insert the following:

"NEW SECTION. Sec. 7. Except for section 4 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect March 24, 2006."

Correct the title.

Representatives Hankins and Murray spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Woods and Murray spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2889.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2889 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Anderson - 1.

ENGROSSED HOUSE BILL NO. 2889, having received the necessary constitutional majority, was declared passed.

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

INTRODUCTION & FIRST READING

HB 3310 by Representatives Bailey, Linville, Kessler, Morrell, Clibborn and Morris

AN ACT Relating to health care coverage statutory requirements; and creating new sections.

ESB 5330 by Senators Shin, Rasmussen, Berkey, McAuliffe and Kohl-Welles

AN ACT Relating to economic development grants and assistance; adding a new section to chapter 43.330 RCW; and creating new sections.

Referred to Committee on Economic Development, Agriculture & Trade.

SSB 6133 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen, Schoesler, Swecker and Pridemore)

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

Referred to Committee on Economic Development, Agriculture & Trade.

SSB 6168 by Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Fairley, Benton, Keiser, Benson, Prentice, Franklin, Brandland, Berkey and Schmidt; by request of Department of Financial Institutions)

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

Referred to Committee on Financial Institutions & Insurance.

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

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

Referred to Committee on Judiciary.

ESSB 6189 by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Keiser)

AN ACT Relating to requiring hospitals to provide information to help patients better understand their hospital bills; adding a new section to chapter 70.41 RCW; and creating a new section.

Referred to Committee on Health Care.

2SSB 6193 by Senate Committee on Ways & Means (originally sponsored by Senators Franklin, Regala, Keiser, Eide, Prentice, Rasmussen, Jacobsen, Fairley, McAuliffe, Fraser, Brown, Kline, Kohl-Welles, Parlette and Shin)

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

Referred to Committee on Health Care.

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

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

Referred to Committee on Health Care.

2SSB 6197 by Senate Committee on Ways & Means (originally sponsored by Senators Franklin, Regala, Eide, Prentice, Fraser, Brown, Kline, Kohl-Welles and Shin)

AN ACT Relating to the creation of the governor's interagency coordinating council on health disparities; amending RCW 43.20.025; adding new sections to chapter 43.20 RCW; and adding a new section to chapter 44.28 RCW.

Referred to Committee on Health Care.

SSB 6223 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Rockefeller, Regala, Oke, Berkey and Spanel)

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

Referred to Committee on Natural Resources, Ecology & Parks.

ESSB 6232 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser and Thibaudeau; by request of Insurance Commissioner)

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

Referred to Committee on Health Care.

SSB 6234 by Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Fairley, Keiser, Spanel and Esser; by request of Insurance Commissioner)

AN ACT Relating to insurance fraud; amending RCW 48.50.070, 48.50.075, 10.93.020, and 42.56.400; adding a new section to chapter 42.17 RCW; adding a new chapter to Title 48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SSB 6287 by Senate Committee on Transportation (originally sponsored by Senators Fairley, Thibaudeau and Shin)

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

Referred to Committee on Transportation.

SSB 6308 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Stevens, Regala, Schoesler, Schmidt, Oke and Rasmussen)

AN ACT Relating to creating a joint select committee on offenders programs, sentencing, and supervision; creating new sections; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

SSB 6362 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kohl-Welles, Keiser, Jacobsen and Kline)

AN ACT Relating to modifying processes for challenging voter registration; amending RCW 29A.08.010, 29A.08.112, 29A.08.810, 29A.08.820, 29A.08.840, 29A.08.850, and 29A.40.140; adding a new section to chapter 29A.08 RCW; and repealing RCW 29A.08.830.

Referred to Committee on State Government Operations & Accountability.

SSB 6365 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen, Schoesler, Jacobsen, Fraser and Shin; by request of Department of Agriculture)

AN ACT Relating to fees for the weights and measures program; amending RCW 19.94.175, 15.80.450, 15.80.490, and 19.94.2582; creating a new section; and providing an effective date.

Referred to Committee on Economic Development, Agriculture & Trade.

SB 6463 by Senators Fairley and Benton

AN ACT Relating to banks and savings banks; amending RCW 25.15.030 and 25.15.270; adding a new section to

chapter 30.08 RCW; and adding a new section to chapter 32.08 RCW.

Referred to Committee on Financial Institutions & Insurance.

E2SSB 6480 by Senate Committee on Transportation (originally sponsored by Senators Kohl-Welles, Haugen, Brown and Keiser; by request of Department of Transportation)

AN ACT Relating to apprenticeship utilization requirements for department of transportation public works projects; amending RCW 39.04.300 and 39.04.320; and adding a new section to chapter 39.04 RCW.

Referred to Committee on Commerce & Labor.

SB 6493 by Senators Kline, Weinstein, Brandland, Hargrove, Oke and Rasmussen

AN ACT Relating to drug courts; and amending RCW 2.28.170.

Referred to Committee on Judiciary.

E2SSB 6508 by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Rasmussen, Poulsen, Kline, McCaslin, Brown, Oke, Schmidt, Swecker, Finkbeiner and Kohl-Welles; by request of Governor Gregoire)

AN ACT Relating to developing minimum renewable fuel content requirements and fuel quality standards; amending RCW 19.112.020 and 43.19.642; adding new sections to chapter 19.112 RCW; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

E2SSB 6630 by Senate Committee on Ways & Means (originally sponsored by Senators Kline, Prentice, Keiser, Fairley, Regala, McAuliffe and Kohl-Welles)

AN ACT Relating to establishing the community protection program for persons with developmental disabilities; adding new sections to chapter 71A.12 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Children & Family Services.

SB 6720 by Senators Brandland, Kohl-Welles, McAuliffe, Hargrove, Rockefeller, Schmidt, Rasmussen, Stevens, Delvin and Roach

AN ACT Relating to reporting requirements for criminal history record information; and amending RCW 43.43.700, 43.43.705, 43.43.715, 43.43.725, 43.43.730, 43.43.735, 43.43.740, and 43.43.810.

Referred to Committee on Criminal Justice & Corrections.

ESSB 6802 by Senate Committee on Water, Energy & Environment (originally sponsored by Senator Brown)

AN ACT Relating to the board of directors of single county air pollution control authorities; and amending RCW 70.94.100 and 70.94.110.

Referred to Committee on Local Government.

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

There being no objection, HOUSE BILL NO. 3310 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

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

SECOND READING

HOUSE BILL NO. 3310, By Representatives Bailey, Linville, Kessler, Morrell, Clibborn and Morris

Reviewing existing health care coverage statutory requirements.

The bill was read the second time.

Representative Linville moved the adoption of amendment (950):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that there has been an ongoing controversy over the costs and benefits of existing health care coverage statutory requirements and their effect on health care insurance costs. It is for this reason that an unbiased, independent analysis of existing health care coverage statutory requirements needs to be conducted. It is not the intent of the legislature to take any actions in relation to the findings of the study until they can be reviewed and analyzed by the legislature, in consultation with the office of the insurance commissioner, health care providers, health carriers, health care purchasers, and health care consumers.

NEW SECTION. Sec. 2. The office of the insurance commissioner shall contract for an analysis of existing health care coverage statutory requirements. The office of the insurance commissioner shall:

(1)(a) Contract with a qualified independent and impartial entity that has not taken a public position in the past on the merits or consequences of the adoption of health care coverage statutory requirements; and

(b) Conduct the analysis in two phases:

(i) The first phase of the analysis shall review statutes that mandate that health carriers provide benefits for certain conditions or services, and that require health carriers to offer certain services as an option for individuals or groups purchasing a health benefit plan. For each mandate or requirement, the analysis must address:

(A) The cost of including the mandate or requirement in health benefit plans, and the impact that covering the mandate or requirement has on the utilization of other health services, expressed as a net premium cost or savings per member per month;

(B) A review of available evidence related to the clinical and cost-effectiveness of the mandate or requirement; and

(C) An assessment of whether market demand has already resulted in inclusion of the mandate or requirement in a significant number of health benefit plans in states that do not have such a mandate or requirement; and

(ii) The second phase of the analysis must analyze a sample of at least ten health conditions or chronic illnesses that are prevalent among residents of Washington state. For each health condition or chronic illness, the analysis must include an assessment of the comparative cost and treatment outcomes of treatment provided by health care providers for whom primary treatment of the condition or illness is within their scope of practice.

(2) Submit an interim report on the first phase of the analysis to the governor and appropriate committees of the legislature by December 1, 2006, and a final report by December 1, 2007. The report may include recommendations related to additional issues that should be addressed in the second phase of the analysis.

(3) Submit an interim report on the second phase of the analysis to the governor and appropriate committees of the legislature by December 1, 2007, and a final report by December 1, 2008."

Correct the title.

Representatives Linville and Bailey spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hinkle, Hasegawa and Clibborn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 3310.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3310 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Chandler, and Dunn - 2.

Excused: Representative Anderson - 1.

ENGROSSED HOUSE BILL NO. 3310, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3079, By Representatives Conway, Cody, Sells, Dickerson, Morrell, Simpson, Schual-Berke, Hasegawa, Chase and Santos

Reporting on the employment status of recipients of medicaid and the basic health plan.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3079 was substituted for House Bill No. 3079 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3079 was read the second time.

Representative Conway moved the adoption of amendment (951):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION, Sec. 1.** A new section is added to chapter 70.47 RCW to read as follows:

(1) The health care authority, in coordination with the department of social and health services, shall prepare a report on basic health plan enrollees under this chapter who are employed by any employer with thirty or more employees who are either basic health plan enrollees or medical assistance recipients. The report shall include the following composite information:

- (a) The number of employees by employer;
- (b) The employee size of the employer;
- (c) The number of employees by industry type;
- (d) The number of hours worked by employees;
- (e) The number of employees with multiple employers;
- (f) The number of employees who were receiving any government assistance prior to being employed;
- (g) The length of time the employee has been employed;
- (h) The number of employees who chose the basic health plan instead of insurance coverage offered by their employer, and why they did so; and

(i) The number of employees referred to the basic health plan by their employer and the number referred by others, including public agencies, relatives, or friends.

(2) The report must be structured so as to identify seasonal variations that may impact the composite information in the report.

(3) The report must include recommendations from the department of social and health services for strategies to reduce state costs associated with providing medical assistance coverage to individuals who are employed on a full-time and year-round basis. The report shall be prepared in consultation with the health care authority and other interested organizations. The following principles shall guide development of the recommendations:

(a) Employers who have the financial ability to contribute to the cost of health care coverage for their employees should provide such coverage; and

(b) Reduction of state costs should not come at the expense of depriving low-wage employees of health care coverage.

(4) The report must be delivered electronically to appropriate committees of the senate and house of representatives annually, commencing no later than November 15, 2006.

NEW SECTION, Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services, in coordination with the health care authority, shall prepare a report on recipients of medical assistance under this chapter who are employed by any employer with thirty or more employees who are either basic health plan enrollees or medical assistance recipients. The report shall include the following composite information:

- (a) The number of employees by employer;

- (b) The employee size of the employer;
- (c) The number of employees by industry type;
- (d) The number of hours worked by employees;
- (e) The number of employees with multiple employers;
- (f) The number of employees who were receiving any government assistance prior to being employed;
- (g) The length of time the employee has been employed;
- (h) The number of employees who chose receipt of medical assistance instead of insurance coverage offered by their employer, and why they did so; and

(i) The number of employees referred to medical assistance by their employer and the number referred by others, including public agencies, relatives, or friends.

(2) The report must be structured so as to identify seasonal variations that may impact the composite information in the report.

(3) The report must include recommendations from the department of social and health services for strategies to reduce state costs associated with providing medical assistance coverage to individuals who are employed on a full-time and year-round basis. The report shall be prepared in consultation with the health care authority and other interested organizations. The following principles shall guide development of the recommendations:

(a) Employers who have the financial ability to contribute to the cost of health care coverage for their employees should provide such coverage; and

(b) Reduction of state costs should not come at the expense of depriving low-wage employees of health care coverage.

(4) The report must be delivered electronically to appropriate committees of the senate and house of representatives annually, commencing no later than November 15, 2006.

NEW SECTION, Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2006, in the omnibus appropriations act, this act is null and void."

Representative Conway spoke in favor of the adoption of the amendment.

Representative Hinkle spoke against the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Hinkle, Ericksen, Clements, Green, Upthegrove, Simpson, Bailey, Williams, Armstrong, Springer, Campbell, Kenney, Hasegawa, Cox, Miloscia and Sells spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3079.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3079 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby,

Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Chandler, Holmquist and Roberts - 3.

Excused: Representative Anderson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on Criminal Justice & Correction was relieved of further consideration of HOUSE BILL NO. 3293, and the bill was referred to the Committee on Judiciary.

There being no objection, all the bills remaining on the day's Second and Third Reading calendars were returned to the Rules Committee with the exception of HOUSE BILL NO. 2871.

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

There being no objection, the House adjourned until 10:00 a.m., February 15, 2006, the 38th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

THIRTY EIGHTH DAY

House Chamber, Olympia, Wednesday, February 15, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Umelo Ugwoaba and Martha Lee. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Sandra Kreis, St. Christopher's Episcopal Church.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2006-4694, By Representatives Quall, P. Sullivan, Talcott, Hunter and Tom

WHEREAS, Providing all Washington state children a public education is the paramount duty of the state; and

WHEREAS, It is impossible to provide our children a quality public education if they cannot get to school, if they are hungry during the school day, or if the schools they attend are neglected, cold, and unsafe; and

WHEREAS, Classified employees are the bus drivers who are safely transporting, in sometimes dangerous road conditions, over 474,514 students each day in 9,035 buses over 500,000 miles; the child nutrition employees providing breakfast for 113,518 students and lunches for over 440,000 students each day; the custodian, maintenance, and security employees ensuring that the 2,174 school buildings where our children are receiving their education are functional, warm, clean, and safe; and

WHEREAS, Classified employees are the secretaries who make sure that all parents, staff, and, most importantly, all children receive the necessary support and services while at the same time providing love and attention to each student's special needs, even if all that is needed is a Band-Aid, a friendly ear, or a reminder; and

WHEREAS, Classified employees are the instructional assistants who are increasingly depended upon to provide individualized attention to students in the classroom to ensure they meet the higher academic standards, as well as provide such specialized services as nursing and interpreting for deaf and disabled children and students who speak other languages; and

WHEREAS, Classified employees are normally the first employees called upon when there is a threat to our children's safety and security; and

WHEREAS, It is necessary to employ over 50,000 classified employees to provide these essential support services to the nearly one million students receiving public education; and

WHEREAS, Washington state students have had their education significantly enhanced by the services of classified school employees; and

WHEREAS, Washington state citizens seldom reflect on the critical role classified employees play in providing our children a quality education; and

WHEREAS, Classified school employees across the state are celebrating March 13 through 17, 2006, as Classified School Employee Week;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor classified school employees during Classified School Employee Week, March 13 through 17, 2006, and urge all citizens to join in honoring and recognizing the dedication and hard work of all classified school employees; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Public School Employees of Washington.

Representative Quall moved the adoption of the resolution.

Representatives Quall, Buri, Eickmeyer spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4694 was adopted.

HOUSE RESOLUTION NO. 2006-4702, By Representatives Linville and Ericksen

WHEREAS, Jack B. and Ramona S. Cole led the state's oldest grocery company, Brown & Cole Stores, for over 30 years; and

WHEREAS, Both contributed to their community in many ways and were so honored, in part, by having been named Living Treasures by the city of Bellingham; and

WHEREAS, Jack and Ramona served their country during World War II: Jack in active duty in the European theatre, and Ramona in the war efforts at home; and

WHEREAS, They raised a family that carries on their legacy of service; and

WHEREAS, Their business, Brown & Cole Stores, now in its 97th year, is an outstanding example of corporate citizenship; and

WHEREAS, They lived their values of integrity, hard work, customer satisfaction, equality for all, and the importance of education; and

WHEREAS, Jack became an English-as-a-second-language tutor following his retirement, continuing to serve his community; and

WHEREAS, Both Jack and Ramona were much beloved by all who knew them for their warmth and humor; and

WHEREAS, After 65 years of marriage, Jack B. Cole passed away on November 4, 2005, and Ramona S. Cole passed away on January 22, 2006;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend the life, work, and dedication of Jack and Ramona Cole and their commitment

and service to Whatcom County, Washington State, and the United States of America; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Jack and Ramona Cole.

Representative Linville moved the adoption of the resolution.

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

HOUSE RESOLUTION NO. 4702 was adopted.

MESSAGES FROM THE SENATE

February 14, 2006

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5048,
SENATE BILL NO. 5439,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6151,
SUBSTITUTE SENATE BILL NO. 6171,
SENATE BILL NO. 6415,
SENATE BILL NO. 6454,
SUBSTITUTE SENATE BILL NO. 6473,
SENATE BILL NO. 6504,
ENGROSSED SENATE BILL NO. 6606,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6660,
SUBSTITUTE SENATE BILL NO. 6676,
SUBSTITUTE SENATE BILL NO. 6697,
SUBSTITUTE SENATE BILL NO. 6717,
SENATE BILL NO. 6723,
SUBSTITUTE SENATE BILL NO. 6840,
SUBSTITUTE SENATE BILL NO. 6851,
SENATE BILL NO. 6861,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 14, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5141,
SUBSTITUTE SENATE BILL NO. 5654,
SUBSTITUTE SENATE BILL NO. 6141,
SUBSTITUTE SENATE BILL NO. 6201,
SENATE BILL NO. 6208,
ENGROSSED SENATE BILL NO. 6376,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6396,
SUBSTITUTE SENATE BILL NO. 6401,
SENATE BILL NO. 6412,
SENATE BILL NO. 6418,
SUBSTITUTE SENATE BILL NO. 6464,
ENGROSSED SENATE BILL NO. 6522,
SUBSTITUTE SENATE BILL NO. 6527,
SUBSTITUTE SENATE BILL NO. 6570,
SUBSTITUTE SENATE BILL NO. 6613,
SUBSTITUTE SENATE BILL NO. 6625,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6635,
SENATE BILL NO. 6637,
SENATE BILL NO. 6656,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6679,
SENATE BILL NO. 6766,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6821,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION & FIRST READING

ESB 5048 by Senators Oke, Brown, Keiser, Swecker, Kline, Morton, Rockefeller, Deccio, Thibaudeau, Finkbeiner, McAuliffe, Sheldon,

Rasmussen, Spanel, Berkey, Eide, Doumit, Regala, Kohl-Welles, Jacobsen, Franklin, Haugen, Fraser, Kastama and Weinstein

AN ACT Relating to protecting the health of minors by prohibiting tobacco product sampling; amending RCW 70.155.010, 70.155.050, 70.155.090, 70.155.100, 82.24.120, and 82.24.230; creating a new section; repealing RCW 70.155.060 and 82.24.270; and prescribing penalties.

Referred to Committee on Health Care.

SSB 5236 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Parlette, Keiser, Fraser, Honeyford and Kline; by request of Department of Labor & Industries)

AN ACT Relating to providing additional funding to the prevailing wage program of the department of labor and industries by discontinuing the transfer of moneys from the public works administration account to the general fund-state account; amending RCW 39.12.070 and 39.12.080; and providing an effective date.

Referred to Committee on Commerce & Labor.

2SSB 5333 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Regala, Esser, Prentice, Hewitt, Pridemore and McCaslin)

AN ACT Relating to voter-approved regular property tax levies; and amending RCW 84.55.050.

Referred to Committee on Finance.

SB 5439 by Senators Roach, Swecker, Delvin, Sheldon, Parlette, Kohl-Welles and McCaslin; by request of Washington State Patrol

AN ACT Relating to background checks on gubernatorial appointees; and adding a new section to chapter 43.06 RCW.

Referred to Committee on State Government Operations & Accountability.

ESB 5462 by Senators McCaslin and Kastama

AN ACT Relating to terms of members of ethics boards; and amending RCW 42.52.350 and 42.52.310.

Referred to Committee on State Government Operations & Accountability.

ESB 5609 by Senators Shin, Mulliken, Keiser, Carrell, Kohl-Welles and Benson

AN ACT Relating to increasing the operating fee waiver authority for Central Washington University; amending RCW 28B.15.910; and providing an effective date.

Referred to Committee on Higher Education & Workforce Education.

2SSB 5717 by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by

Senators Rockefeller, Benton, Fairley, Oke, Keiser, Zarelli, Shin, Rasmussen and Kohl-Welles)

AN ACT Relating to K-12 skill centers; and creating new sections.

Referred to Committee on Education.

ESSB 6151 by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Schoesler, Poulsen, Mulliken, Rasmussen, Jacobsen, Morton and Delvin)

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

Referred to Committee on Economic Development, Agriculture & Trade.

SSB 6171 by Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, Schmidt, Rasmussen and Kohl-Welles)

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

Referred to Committee on Higher Education & Workforce Education.

2SSB 6172 by Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, Hargrove, Thibaudeau, Shin, Weinstein, Rockefeller, Keiser, Regala, Eide, Rasmussen and Benton)

AN ACT Relating to increasing penalties for the crimes of possession of depictions of a minor engaged in sexually explicit conduct; voyeurism; and communication with a minor for an immoral purpose; amending RCW 9.68A.070, 9.94A.030, and 9.94A.030; reenacting and amending RCW 9.68A.090, 9.94A.515, and 9.94A.670; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

2SSB 6195 by Senate Committee on Ways & Means (originally sponsored by Senators Franklin, Regala, Keiser, Eide, Prentice, Jacobsen, McAuliffe, Fraser, Kline and Shin)

AN ACT Relating to health impact assessments; amending RCW 43.20.025; adding a new section to chapter 43.20 RCW; and creating a new section.

Referred to Committee on Health Care.

ESSB 6255 by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Eide and McAuliffe)

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

Referred to Committee on Education.

SSB 6330 by Senate Committee on International Trade & Economic Development (originally sponsored by Senators Shin, Kastama, Sheldon, Rasmussen, Doumit, Weinstein, Fraser, Swecker, McAuliffe, Oke, Eide, Honeyford, Franklin, Mulliken, Prentice, Pflug, Kohl-Welles, Jacobsen and Roach)

AN ACT Relating to the establishment of the Washington trade corps fellowship program; adding new sections to chapter 43.31 RCW; and creating new sections.

Referred to Committee on Economic Development, Agriculture & Trade.

ESB 6342 by Senators Kline, Esser and Pflug; by request of Board For Judicial Administration

AN ACT Relating to municipal court judges and commissioners; amending RCW 3.50.040, 3.50.050, 3.50.057, and 3.50.075; and repealing RCW 3.50.055 and 3.50.070.

Referred to Committee on Judiciary.

SB 6364 by Senators Roach, Rasmussen, Kastama, Haugen and Kline

AN ACT Relating to the regulation of recreational vessels; adding a new section to chapter 79A.60 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ecology & Parks.

ESSB 6366 by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Thibaudeau and Kline)

AN ACT Relating to preparation and response to pandemic influenza; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care.

SSB 6367 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Haugen, Jacobsen and Berkey)

AN ACT Relating to voluntary measures to protect critical areas; amending RCW 36.70A.070; and creating a new section.

Referred to Committee on Local Government.

SSB 6369 by Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Mulliken and Rasmussen)

AN ACT Relating to excise tax exemptions for water services provided by small water systems; adding a new

section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.32 RCW; and declaring an emergency.

Referred to Committee on Finance.

SB 6373 by Senators Keiser, Deccio, Zarelli and Spanel

AN ACT Relating to reporting to the legislature of holding a boarding home medicaid eligible resident's room or unit; and amending RCW 18.20.290.

Referred to Committee on Health Care.

ESSB 6391 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Deccio, Thibaudeau and Fairley)

AN ACT Relating to the provision of services for nonresident individuals residing in long-term care settings; amending RCW 18.20.020 and 18.135.040; and adding a new section to chapter 18.135 RCW.

Referred to Committee on Health Care.

SB 6411 by Senators Doumit, Parlette, Pridemore, Delvin, Fraser, McAuliffe, Shin and Kohl-Welles

AN ACT Relating to collective bargaining agreements; and amending RCW 41.56.070.

Referred to Committee on Commerce & Labor.

SB 6415 by Senators Pridemore, McAuliffe, Mulliken and Kohl-Welles

AN ACT Relating to the appointment of interpreters for driver's license examinations; and amending RCW 46.20.130.

Referred to Committee on Transportation.

SB 6416 by Senators Keiser, Hewitt, Rockefeller, Kohl-Welles, Prentice, Finkbeiner, Parlette, Sheldon, Deccio, Shin, Esser and Rasmussen

AN ACT Relating to prohibiting pyramid promotional schemes; adding a new chapter to Title 19 RCW; and repealing RCW 19.102.010 and 19.102.020.

Referred to Committee on Commerce & Labor.

ESSB 6427 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Mulliken, Morton and Rasmussen; by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to schedules for the review of comprehensive plans and development regulations for certain cities and counties; reenacting and amending RCW 36.70A.130; and creating a new section.

Referred to Committee on Local Government.

ESB 6433 by Senators Kastama, Jacobsen, Poulsen, Pridemore, Rockefeller, Shin, Haugen,

Rasmussen, Keiser, Regala, Thibaudeau, Franklin, McAuliffe and Kohl-Welles

AN ACT Relating to establishing the emergency management, preparedness, and assistance account; adding new sections to chapter 38.52 RCW; creating new sections; and providing an expiration date.

Referred to Committee on State Government Operations & Accountability.

SB 6454 by Senators Mulliken, Pridemore, Fraser, Rockefeller, Franklin, Spanel, Shin and Roach; by request of Select Committee on Pension Policy

AN ACT Relating to public employees' retirement system, plan 1 and teachers' retirement system, plan 1 age and retirement requirements for receipt of the annual increase amount; amending RCW 41.40.197 and 41.32.489; and providing an effective date.

Referred to Committee on Appropriations.

E2SSB 6459 by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Brandland, Thibaudeau, Spanel, Rasmussen, Kline, Parlette and Kohl-Welles)

AN ACT Relating to community-based health care solutions; creating new sections; and providing an expiration date.

Referred to Committee on Health Care.

SSB 6473 by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Poulsen, Morton and Rockefeller)

AN ACT Relating to eliminating the requirement that telecommunications companies file price lists; amending RCW 80.36.100, 80.36.110, 80.36.320, and 80.36.330; and adding new sections to chapter 80.36 RCW.

Referred to Committee on Technology, Energy & Communications.

2SSB 6497 by Senate Committee on Ways & Means (originally sponsored by Senators Kline, Franklin and Hargrove)

AN ACT Relating to felony sentences; amending RCW 9.94A.510, 9.94A.535, 9.94A.537, 9.94A.190, and 9.94A.850; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

ESSB 6501 by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Rockefeller, Poulsen, Morton, Honeyford, Fraser, Regala, Kohl-Welles, Rasmussen, Kline and Keiser; by request of Governor Gregoire)

AN ACT Relating to the creation of the Washington bioenergy assistance program; amending RCW 42.56.270;

reenacting and amending RCW 43.84.092; adding a new chapter to Title 15 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

SB 6504 by Senators Berkey and Mulliken

AN ACT Relating to prohibiting employees of public hospital districts from serving as commissioners; and amending RCW 70.44.040.

Referred to Committee on Local Government.

SB 6539 by Senators Kohl-Welles, Parlette and Keiser; by request of Liquor Control Board

AN ACT Relating to the limit on spirits, beer, and wine restaurant licenses; and amending RCW 66.24.420.

Referred to Committee on Commerce & Labor.

SB 6541 by Senators Prentice and Zarelli

AN ACT Relating to appeal bond requirements involving judgments against signatories of the tobacco master settlement agreement; adding a new section to chapter 43.340 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 6555 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Haugen, Mulliken, Berkey, Kastama and Rasmussen)

AN ACT Relating to research and services for special purpose districts; amending RCW 66.08.190; and adding new sections to chapter 43.110 RCW.

Referred to Committee on Local Government.

SB 6568 by Senators Regala, Carrell and Oke

AN ACT Relating to animal fighting; amending RCW 16.52.117; and prescribing penalties.

Referred to Committee on Judiciary.

SSB 6579 by Senate Committee on Human Services & Corrections (originally sponsored by Senators McAuliffe, Eide, Weinstein, Schmidt, Berkey, Rasmussen, Franklin, Keiser and Shin)

AN ACT Relating to juvenile interrogation; adding a new section to chapter 13.40 RCW; and creating a new section.

Referred to Committee on Juvenile Justice & Family Law.

SSB 6597 by Senate Committee on Judiciary (originally sponsored by Senators Johnson, Kline, Weinstein and Esser)

AN ACT Relating to trusts and estates; amending RCW 11.104A.040, 11.104A.050, 11.108.010, 11.108.025,

11.108.060, 11.108.900, 11.95.070, 11.24.020, 11.96A.030, 6.32.250, 19.36.020, 11.62.005, and 11.62.010; adding a new section to chapter 11.108 RCW; adding a new section to chapter 11.96A RCW; adding a new section to chapter 11.95 RCW; and creating a new section.

Referred to Committee on Judiciary.

ESB 6606 by Senators Fraser, Oke, Fairley, Deccio, Berkey, McAuliffe, Keiser, Kline, Regala, Honeyford, Thibaudeau, Mulliken, Pridemore, Rockefeller, Delvin, Rasmussen and Kohl-Welles

AN ACT Relating to standards for educational interpreters for students who are deaf or hard of hearing; adding a new section to chapter 28A.155 RCW; and creating a new section.

Referred to Committee on Education.

ESSB 6660 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senator Spanel)

AN ACT Relating to implementing the compensation and fringe benefit provisions in the master collective bargaining agreement; and amending RCW 41.80.010.

Referred to Committee on Appropriations.

SSB 6676 by Senate Committee on Judiciary (originally sponsored by Senators Roach, Kline, Mulliken, Fairley and Rasmussen)

AN ACT Relating to fraudulent filing of vehicle report of sale; amending RCW 46.12.102; reenacting and amending RCW 46.12.101; adding a new section to chapter 9.45 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

SSB 6697 by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Berkey, Schmidt, Shin, Haugen, McAuliffe, Kohl-Welles and Rasmussen)

AN ACT Relating to establishing a state priority and state objectives for access, enrollment, delivery, and degree achievements in the fields of engineering, technology, biotechnology, science, computer science, and mathematics in higher education; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Higher Education & Workforce Education.

SSB 6699 by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Pridemore, Schmidt, Zarelli, McAuliffe, Spanel and Delvin)

AN ACT Relating to cost savings on course materials for students at state universities, regional universities, and The Evergreen State College; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Education.

SSB 6717 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Brandland, McAuliffe, Hargrove, Rockefeller, Shin, Rasmussen, Schmidt and Stevens)

AN ACT Relating to the joint task force on criminal background check processes; reenacting and amending 2005 c 452 s 1 (uncodified); and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

SB 6723 by Senators Eide, Delvin, Keiser, Kohl-Welles and Rasmussen; by request of LEOFF Plan 2 Retirement Board

AN ACT Relating to the retirement allowance of a member who is killed in the course of employment; amending RCW 41.26.510; amending 2001 c 165 s 6 (uncodified); and creating a new section.

Referred to Committee on Appropriations.

SB 6731 by Senators Fraser, Kohl-Welles, Deccio, Fairley, Mulliken, Prentice, Roach, Honeyford, McAuliffe, Keiser, Regala, Delvin, Franklin, Shin, Sheldon, Berkey, Rasmussen, Haugen, Thibaudeau, Kline and Parlette

AN ACT Relating to prohibiting sellers of travel from promoting travel for sex tourism; adding a new section to chapter 9A.88 RCW; adding a new section to chapter 19.138 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SSB 6791 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Poulsen, Kohl-Welles and Rockefeller)

AN ACT Relating to liquor licenses issued to entities providing concession services on vessels owned by the Washington state ferries; and amending RCW 66.24.320.

Referred to Committee on Commerce & Labor.

SB 6826 by Senator Benton

AN ACT Relating to public utility taxes imposed on fees and charges for public transit services; and amending RCW 82.16.050.

Referred to Committee on Finance.

SSB 6840 by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Morton and Poulsen)

AN ACT Relating to energy efficiency; and amending RCW 19.260.020, 19.260.030, 19.260.040, and 19.260.050.

Referred to Committee on Technology, Energy & Communications.

SSB 6851 by Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Prentice and Fairley)

AN ACT Relating to closure of mobile home parks and manufactured housing communities; and amending RCW 59.21.030 and 59.20.060.

Referred to Committee on Housing.

SB 6861 by Senators Delvin, Poulsen, Mulliken, Morton and Honeyford

AN ACT Relating to studying the competing interests of domestic water users and other water users in regards to limited water supplies where a curtailment of domestic water right use has been enacted; and creating a new section.

Referred to Committee on Economic Development, Agriculture & Trade.

ESSB 6885 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, McAuliffe, Thibaudeau, Keiser and Fairley)

AN ACT Relating to unemployment insurance; amending RCW 50.20.120, 50.24.010, 50.29.025, 50.29.041, 50.16.030, 50.29.021, and 50.20.050; creating new sections; repealing 2005 c 133 s 10 (uncodified); and declaring an emergency.

Referred to Committee on Commerce & Labor.

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

SIGNED BY THE SPEAKER

The Speaker signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2860,

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

There being no objection, the Committee on Local Government was relieved of further consideration of SENATE BILL NO. 6221 and the bill was referred to the Committee on State Government Operations and Accountability.

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

There being no objection, the House adjourned until 9:55 a.m., February 16, 2006, the 39th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

THIRTY NINTH DAY

House Chamber, Olympia, Thursday, February 16, 2006

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

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

MESSAGE FROM THE SENATE

February 15, 2006

Mr. Speaker:

The President has signed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2860, and the same is herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION & FIRST READING

SSB 5141 by Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen, Schmidt, McAuliffe, Delvin, Rockefeller, Shin, Weinstein, Berkey, Pflug, Kohl-Welles, Hargrove, Kline, Regala, Thibaudeau and Spanel)

AN ACT Relating to early intervention services for children with disabilities; amending RCW 28A.155.070; adding new sections to chapter 28A.155 RCW; and providing an effective date.

Referred to Committee on Children & Family Services.

SSB 5654 by Senate Committee on Judiciary (originally sponsored by Senators Prentice, Esser, Oke and Kohl-Welles)

AN ACT Relating to the privacy of personal information of criminal justice officials; amending RCW 4.24.680 and 4.24.700; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SSB 6141 by Senate Committee on Water, Energy & Environment (originally sponsored by Senator Honeyford)

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

Referred to Committee on Technology, Energy & Communications.

SSB 6201 by Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senator Fairley)

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

Referred to Committee on Judiciary.

SB 6208 by Senators Rockefeller and Johnson; by request of Statute Law Committee

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

Referred to Committee on Judiciary.

SSB 6292 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Parlette, Keiser, Thibaudeau, Kline, McAuliffe and Mulliken)

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

Referred to Committee on Commerce & Labor.

ESB 6376 by Senators Rasmussen, Honeyford, Jacobsen, Shin, Morton and Delvin

AN ACT Relating to livestock inspection fees; amending RCW 16.57.220, 16.58.130, and 16.57.160; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Agriculture & Trade.

ESSB 6396 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Schmidt, Pridemore, Keiser, Franklin, Thibaudeau, Spanel and Jacobsen)

AN ACT Relating to the accumulation and use of sick leave accrued by part-time faculty; amending RCW 28B.50.551; and creating a new section.

Referred to Committee on Higher Education & Workforce Education.

SSB 6401 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Doumit, Jacobsen, Schoesler, Regala, Morton and Honeyford)

AN ACT Relating to charter licenses; and amending RCW 77.65.150.

Referred to Committee on Natural Resources, Ecology & Parks.

SB 6412 by Senators Doumit, Zarelli and Hargrove

AN ACT Relating to superior court judges; amending RCW 2.08.064; and creating a new section.

Referred to Committee on Appropriations.

SB 6418 by Senators Keiser and Deccio

AN ACT Relating to initial limited licenses for dental hygienists; amending RCW 18.29.190; and repealing RCW 18.29.200.

Referred to Committee on Health Care.

SSB 6464 by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Delvin, McAuliffe, Hewitt, Pridemore and Rasmussen)

AN ACT Relating to expanding access to baccalaureate degree programs at Washington State University, Tri-Cities; and amending RCW 28B.45.030.

Referred to Committee on Higher Education & Workforce Education.

SSB 6465 by Senate Committee on Human Services & Corrections (originally sponsored by Senators McAuliffe, Berkey, Haugen, Fairley, Shin, Rockefeller, Hargrove, Rasmussen, Franklin, Thibaudeau and Regala)

AN ACT Relating to creating the crime of failure to cooperate with law enforcement regarding another's failure to register; adding a new section to chapter 9A.76 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

ESB 6522 by Senators Benton, Kastama, Roach, Berkey, Benson, Zarelli, Stevens, Delvin, Honeyford and Schmidt

AN ACT Relating to out-of-state political committees; and amending RCW 42.17.093.

Referred to Committee on State Government Operations & Accountability.

SSB 6570 by Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Fairley, Benton, Berkey and Honeyford)

AN ACT Relating to retail installment contracts for motor vehicles; and adding a new section to chapter 63.14 RCW.

Referred to Committee on Financial Institutions & Insurance.

SSB 6613 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Prentice, Keiser, Kline, Rasmussen and Shin)

AN ACT Relating to reaffirming and clarifying the prohibition against internet and certain other interactive electronic or mechanical devices to engage in gambling; amending RCW 9.46.240 and 67.70.040; and creating a new section.

Referred to Committee on Commerce & Labor.

SSB 6625 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Parlette and Fraser)

AN ACT Relating to public lands management; and adding a new section to chapter 79A.25 RCW.

Referred to Committee on Natural Resources, Ecology & Parks.

ESSB 6635 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Franklin, Benton, Zarelli, Stevens, Honeyford and Rasmussen)

AN ACT Relating to adoption; amending RCW 26.33.045, 26.33.190, 26.33.240, and 26.33.400; adding new sections to chapter 26.33 RCW; creating a new section; and providing an effective date.

Referred to Committee on Children & Family Services.

SB 6637 by Senators Keiser and Deccio

AN ACT Relating to qualifications for adult family home providers; and amending RCW 70.128.120.

Referred to Committee on Health Care.

SB 6656 by Senators Kastama, Mulliken and Rasmussen

AN ACT Relating to operating unregistered snowmobiles; and amending RCW 46.10.020.

Referred to Committee on Transportation.

ESSB 6679 by Senate Committee on Transportation (originally sponsored by Senator Haugen)

AN ACT Relating to the jurisdiction of regulating train speeds; and amending RCW 81.48.030 and 81.48.040.

Referred to Committee on Transportation.

SB 6766 by Senators Schmidt, McAuliffe and Rasmussen

AN ACT Relating to the national guard conditional scholarship; and amending RCW 28B.103.010 and 28B.103.020.

Referred to Committee on Higher Education & Workforce Education.

ESSB 6821 by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators McAuliffe, Schmidt, Weinstein, Kohl-Welles, Pridemore, Benton, Delvin, Rasmussen and Franklin)

AN ACT Relating to college and career readiness centers; and creating new sections.

Referred to Committee on Education.

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

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

There being no objection, the House adjourned until 10:00 a.m., February 17, 2006, the 40th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FORTIETH DAY

House Chamber, Olympia, Friday, February 17, 2006

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

The flags was escorted to the rostrum by the Seattle Nisei Veterans Committee Color Guard. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Karry Kaino, Japanese Presbyterian Church, Seattle and Chaplain for the Nisei Veterans Organization.

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

RESOLUTION

HOUSE RESOLUTION NO. 2006-4701, By Representatives Santos and Hasegawa

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the forced assembly, evacuation, and internment of approximately 12,000 Japanese-Americans residing in the state of Washington; and

WHEREAS, The order for assembly and detention at Camp Harmony in Puyallup, Washington, prior to evacuation and subsequent internment, caused Japanese-Americans from the state of Washington to lose millions of dollars in property and assets, to suffer immeasurable physical and psychological damage, and to be deprived of their constitutional liberties without due process of law; and

WHEREAS, The alleged purpose of this drastic course of action was to prevent Japanese-Americans, all of whom were deemed disloyal and untrustworthy, from committing acts of espionage and sabotage against the United States during its involvement in World War II; and

WHEREAS, An overwhelming number of Japanese-Americans from the state of Washington responded to questions of their loyalty and patriotism by volunteering from within barbed wire camps to serve in the United States Military Intelligence Service and the United States Army's 442nd Regimental Combat Team, the latter of which became the most decorated unit of its size in American history with seven Presidential Unit Citations, 21 Congressional Medals of Honor, 52 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, 4,000 Bronze Stars, 9,486 Purple Hearts, and a total of 18 decorations from France and Italy; and

WHEREAS, A few equally patriotic Japanese-Americans, such as Gordon Hirabayashi, then a student at the University of Washington, were willing to face imprisonment to seek justice by challenging the constitutionality of the evacuation and internment orders; and

WHEREAS, Through the fact-finding work of the Commission on Wartime Relocation and Internment of Civilians, the United States Congress later found that "there was no military or security reason for the internment" of

individuals of Japanese ancestry and that the internment "was caused by racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Japanese-American internees from the state of Washington endured economic, physical, and psychological hardship and suffered in silence for more than forty years before the state of Washington provided monetary redress and reparations to municipal and state employees;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, along with the people of Washington, pause to acknowledge the sixty-fourth anniversary of the signing of Executive Order 9066, to recognize the Japanese-American internees and WWII veterans from the state of Washington, to honor their patience, heroism, sacrifice, and patriotic loyalty, and to remember the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Nisei Veterans Committee, the Military Intelligence Service - Northwest Association, the Japanese-American Citizens League, and the Japanese-American Cultural & Community Center.

Representative Santos moved the adoption of the resolution.

Representatives Santos, Hasegawa, Strow and Sump spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4701 was adopted.

The Speaker (Representative Lovick presiding) recognized members of the Nisei Veterans Committee who were present. The Speaker (Representative Lovick presiding) introduced First Gentleman Mike Gregoire and Director of Veterans Affairs John Lee.

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

REPORTS OF STANDING COMMITTEES

February 15, 2006
SSB 6441 Prime Sponsor, Senate Committee On Judiciary: Changing the law related to judicial orders concerning distraint of personal property. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 15, 2006

SSB 6572 Prime Sponsor, Senate Committee On Judiciary:
Revising the unlawful detainer process under the
residential landlord-tenant act. Reported by
Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by
Representatives Lantz, Chairman; Flannigan, Vice
Chairman; Priest, Ranking Minority Member; Rodne,
Assistant Ranking Minority Member; Kirby; Serben;
Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 15, 2006

SSB 6597 Prime Sponsor, Senate Committee On Judiciary:
Modifying trusts and estates, generally. Reported
by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 9, line 27 strike "terminal"

Signed by Representatives Lantz, Chairman; Flannigan,
Vice Chairman; Priest, Ranking Minority Member;
Rodne, Assistant Ranking Minority Member; Kirby;
Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 10:00
a.m., February 20, 2006, the 43rd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FORTY THIRD DAY

House Chamber, Olympia, Monday, February 20, 2006

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

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

The Speaker (Representative Lovick presiding) welcomed all the children present for Children's Day. In honor of Children's Day, Jasmine Coates, granddaughter of Lemoyne Coates, House Photographer, sang "The Greatest Love of All".

RESOLUTIONS

HOUSE RESOLUTION NO. 2006-4705, By Representative Kilmer

WHEREAS, The people of the State of Washington celebrate children for the happiness they bring to our lives and the hopes and dreams they have for our nation; and

WHEREAS, Children are the citizens of tomorrow and it is our solemn obligation to instill in them the values, conviction, goodwill, and fortitude they need to continue the wonderful legacy of freedom, peace, and prosperity we have inherited from those who came before us; and

WHEREAS, The children of Washington State should be cherished and are deserving of a nurturing and protective environment where they may develop their potential and flourish into whatever they aspire to be; and

WHEREAS, The children of Washington State should always know that they are valued members of our society, and that their opinions and ideas are welcome and respected; and

WHEREAS, Children should be loved and treasured by their parents, and all people of the State of Washington should help them by setting examples of what it means to be an ethical, hardworking, healthy, and productive citizen; and

WHEREAS, The children of the State of Washington should have access to quality education, wholesome recreation, and a safe community; and

WHEREAS, The House of Representatives welcome children into the House Chamber every Presidents' Day so they may witness the legislative process;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives encourage all citizens of Washington to celebrate children on Children's Day and throughout the year by spending more quality time with children and reminding children of their special place in our lives.

Representative Kilmer moved the adoption of the resolution.

Representatives Kilmer, DeBolt, Flannigan and Rodne spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4705 was adopted.

HOUSE RESOLUTION NO. 2006-4704, By Representative Roberts

WHEREAS, Washington is the only state named for an American president, George Washington, the father of our country, and as such, we Washingtonians hold the presidency and presidents in especially high regard; and

WHEREAS, For many years our state and nation have set aside the third Monday in February to celebrate Presidents' Day, which honors former presidents of the United States of America; and

WHEREAS, Both February 12th, the actual birthday of President Abraham Lincoln, and February 22nd, the actual birthday of President George Washington, were kept and observed, until 1971, as the anniversaries of the births of these two great American presidents; and

WHEREAS, Presidents' Day, for many citizens, remains as a time for specifically honoring the accomplishments of Washington, the first American president, and Lincoln, the sixteenth American president; and

WHEREAS, It was in 1968 when federal legislation, the "Monday Holidays Act," was passed to install the Presidents' Day celebration that we have come to know and respect; and

WHEREAS, Although traditionalists cling to the notion that Presidents' Day remains a time for celebrating the specific legacies of Presidents Washington and Lincoln, nontraditionalists are very welcome to embrace the fact that former Presidents John Adams, Thomas Jefferson, John Quincy Adams, Martin Van Buren, Andrew Johnson, Ulysses Grant, James Garfield, and Teddy Roosevelt, as well as the presidents of later decades, are honored in numerous commemorations across the country; and

WHEREAS, In 1985, the Washington state legislature singled out the third Monday in February as a day for commemorating the births of Presidents Washington and Lincoln; and

WHEREAS, It is recognized that this diverse, wonderful land of ours has been fashioned into a priceless, multicultural quilt, thanks to the tireless efforts of our forefathers, especially George Washington and Abraham Lincoln; and

WHEREAS, The first eight American presidents, comprising almost a fifth of our forty-three presidents to date, did not begin their lives as Americans because there was no America when they were born, thus instilling a valuing and honoring of cooperation through diversity; and

WHEREAS, No Presidents' Day celebration would be complete without appropriate recognition for the invaluable service of the first ladies in our American presidential history; and

WHEREAS, The first ladies of our nation have not only provided citizens with role models who exemplify what it means to be an American, such as icons Dolly Madison, Eleanor Roosevelt, and Jacqueline Kennedy, but have served as an infallible backbone to a nation of strong-minded, ambitious, and driven individuals who value freedom and independence;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington salute and celebrate Presidents' Day 2006, a time for recognizing and paying tribute to the tireless dedication of our former presidents and first ladies; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Office of the Superintendent of Public Instruction for effective distribution among the schools of the state of Washington to help our young people, any one of whom, male or female, could grow up to be President of the United States of America, strengthen their knowledge of our presidents and first ladies.

Representative Roberts moved the adoption of the resolution.

Representatives Roberts, Buri and Nixon spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4704 was adopted.

MESSAGES FROM THE SENATE

February 17, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6241,
SENATE BILL NO. 6368,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6386,
SECOND SUBSTITUTE SENATE BILL NO. 6604,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 17, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6385,
SENATE BILL NO. 6704,
SUBSTITUTE SENATE BILL NO. 6874,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION & FIRST READING

HCR 4418 by Representative B. Sullivan

Creating an aerospace task force.

Referred to Committee on Economic Development, Agriculture & Trade.

SSB 6241 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Benson and Jacobsen; by request of Governor Gregoire)

AN ACT Relating to transportation funding and appropriations; amending RCW 47.29.170; amending 2005 c 313 ss 1, 102, 104, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 302, 303, 304, 305, 306, 308, 309, 310, 401, 402, 403, 404, 405, 406, 501, and 603 (uncodified); adding new sections to 2005 c 313 (uncodified); making appropriations and authorizing expenditures for capital improvements; repealing 2005 c 313 s 602 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

SB 6368 by Senators Haugen, Benson, Kline, Kohl-Welles, Keiser, Carrell and Fairley

AN ACT Relating to the discontinuation of the nursing facility bed tax; creating a new section; repealing RCW 74.46.091, 74.46.535, 82.71.010, 82.71.020, and 82.71.030; and providing an effective date.

Referred to Committee on Appropriations.

SSB 6385 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Doumit, Rasmussen, Fairley, Zarelli, Rockefeller, Brandland, Fraser, Pflug and Sheldon; by request of Governor Gregoire)

AN ACT Relating to providing excise tax relief by modifying due dates and eliminating an assessment penalty; amending RCW 82.32.045, 82.23B.020, 82.27.060, 82.32.085, and 82.32.105; creating new sections; and providing effective dates.

Referred to Committee on Finance.

ESSB 6386 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Zarelli, Fairley, Fraser, Rockefeller, Shin and Brandland; by request of Governor Gregoire)

AN ACT Relating to fiscal matters; amending RCW 28A.500.030, 90.56.120, and 73.04.135; amending 2005 c 518 ss 101, 102, 103, 104, 106, 107, 105, 109, 112, 110, 111, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 513, 514, 515, 516, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 701, 702, 703, 704, 705, 710, 713, 716, 720, 801, 802, 803, 804, 805, 806, 948, and 963 (uncodified); adding new sections to 2005 c 518 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

2SSB 6604 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Rasmussen and McAuliffe; by request of Governor Gregoire)

AN ACT Relating to providing excise tax relief for aerospace businesses; amending RCW 82.04.250, 82.32.590, 82.32.600, and 82.04.4463; reenacting and amending RCW 82.32.330; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.32 RCW; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on Finance.

SB 6704 by Senators Rasmussen, Prentice, Doumit, Schoesler, Honeyford, Brandland, Sheldon, Morton and Mulliken

AN ACT Relating to the excise taxation of the manufacturing, selling, and processing of certain food products; amending RCW 82.04.4266, 82.32.610, 82.74.010, 82.74.030, 82.74.040, 82.74.050, 82.08.820, 82.08.820, 82.08.820, 82.12.820, 82.32.600, and 82.32.590; reenacting and amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; providing effective dates; and providing expiration dates.

Referred to Committee on Finance.

SSB 6874 by Senate Committee on Ways & Means (originally sponsored by Senators Doumit, Zarelli, Hargrove, Morton, Sheldon and Rasmussen)

AN ACT Relating to tax incentives for persons who extract, manufacture, or process timber and timber products; amending RCW 82.04.230, 82.04.280, 82.04.280, and 82.04.440; amending 2003 c 149 s 12 (uncodified); reenacting and amending RCW 82.04.260; and providing an effective date.

Referred to Committee on Finance.

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

REPORTS OF STANDING COMMITTEES

February 17, 2006

ESB 5179 Prime Sponsor, Senator Morton: Studying forest health issues. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Referred to Committee on Appropriations.

February 17, 2006

ESB 5232 Prime Sponsor, Senator Oke: Requiring a turkey tag to hunt for turkey. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt and Kagi.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt.

Referred to Committee on Appropriations.

February 16, 2006

SSB 5236 Prime Sponsor, Senate Committee On Ways & Means: Providing additional funding to the prevailing wage program of the department of labor and industries by discontinuing the transfer of moneys from the public works administration account to the general fund-state account. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist; Hudgins; Kenney and McCoy.

Referred to Committee on Appropriations.

February 16, 2006

ESSB 6166 Prime Sponsor, Senate Committee On Financial Institutions, Housing & Consumer Protection: Regulating mortgage brokers and loan originators. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson and Strow.

Referred to Committee on Appropriations.

February 16, 2006

SSB 6168 Prime Sponsor, Senate Committee On Financial Institutions, Housing & Consumer Protection: Regulating business development companies and the participation of financial institutions and nondepository lenders in economic development within the state. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson and Strow.

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6231 Prime Sponsor, Senator Spanel: Exempting certain private air ambulance services from licensing under the insurance code. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson and Strow.

Passed to Committee on Rules for second reading.

February 16, 2006

ESB 6236 Prime Sponsor, Senator Schmidt: Changing election dates and deadlines. Reported by

Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

February 15, 2006

SSB 6246 Prime Sponsor, Senate Committee On Government Operations & Elections: Outlining the duties of the lieutenant governor. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Miloscia; Schindler and Sump.

MINORITY recommendation: Without recommendation. Signed by Representatives Hunt and McDermott.

Passed to Committee on Rules for second reading.

February 16, 2006

SSB 6382 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Authorizing the Washington horse racing commission to expend a statutorily limited amount of its operating funds for the development of the equine industry, improvement of racing facilities, and equine health research. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representative Hudgins.

Passed to Committee on Rules for second reading.

February 16, 2006

SB 6416 Prime Sponsor, Senator Keiser: Prohibiting pyramid promotional schemes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 16, 2006

ESB 6537 Prime Sponsor, Senator Kohl-Welles: Modifying requirements for the direct sale of wine to

Washington state consumers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist; Hudgins; Kenney and McCoy.

Referred to Committee on Appropriations.

February 16, 2006

SB 6539 Prime Sponsor, Senator Kohl-Welles: Changing the formula cap on spirits, beer, and wine restaurant licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 16, 2006

SSB 6571 Prime Sponsor, Senate Committee On Financial Institutions, Housing & Consumer Protection: Refining the definition of "bushing." Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

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

The Senate appeared at the Chamber doors and requested admission. The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Brad Owen. The Senators were invited to sit within the Chamber.

JOINT SESSION

The Speaker (Representative Lovick presiding) called upon President Owen to preside.

The President called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

Chief Justice Gerry Alexander arrived and was escorted to the Rostrum.

The Statewide elected officials arrived and were escorted to the Rostrum. The President introduced Secretary of State Sam Reed; Superintendent of Public Instruction Terry Bergeson; Insurance Commissioner Mike Kreidler; and Commissioner of Public Lands Doug Sutherland.

Her Excellency Governor Christine Gregoire arrived and was escorted to the Rostrum.

The Medal of Valor honorees arrived and were escorted to the Rostrum. The President introduced Greg Meinhold, Jim Swett, Dennis Kinsey and Travis Jackson.

The Flags were escorted to the Rostrum by the Washington State Patrol Honor Guard, composed of Troopers Chad Hoff, Brian Dorsey, Peterson Stock, Jon Ladines and Melissa Braaten, and Sergeants Zach Elmore and Albert Escalera. The President led the Chamber in the Pledge of Allegiance. The National Anthem was sung by Jasmine Coates. The prayer was offered by Chaplain George Albertson, chaplain for the Washington State Patrol and the Thurston County Sheriff's Office.

President Owen: "The purpose of the joint session is to present Medal of Valor Awards, honoring four deserving citizens. It is now my pleasure to present Governor Christine Gregoire."

Governor Gregoire: "Thank you, Mr. President, Mr. Speaker, Secretary Reed, Chief Justice Alexander, members of the Washington State Legislature.

We gather this morning to award our state's Medal of Valor to four of our citizens who risked series injury or death to save or attempt to save the life of another. These four citizens – emblematic of "do unto others" – have set the bar for citizen heroism. They have blessed us with their courage and their example. They have renewed our faith that, in the heat of the moment, citizens will step up and act with astonishing courage regardless of the sacrifice.

A real hero understands that there are forces greater than self: Courage is grace under pressure, President Kennedy said, quoting Ernest Hemmingway. These citizens we honor today not only illustrate grace under pressure, they went above and beyond to demonstrate a willingness to pay the ultimate price to save a fellow citizen.

There is a common thread that binds each of our awardees: they were the faces in the crowd that did more than stare. They stepped up and helped when others would not. Thank God for them, and for those rare among us like them.

Our Washington State Medal of Valor was created in 1990, but today marks the first time it has been awarded. The medal reads, "For exceptionally valorous service, given in the act of saving the life of another."

Thank you for humbling us, thank you for making us proud to be Washingtonians."

Secretary of State Sam Reed: "The decoration of the state medal of valor is .999 pure silver and consists of the seal of the state of Washington, surrounded by a raised laurel wreath and suspended from a silver bar device inscribed "For Valor" which is suspended from a ring attached by a dark green ribbon, bordered by silver. The reverse of the decoration within the raised laurel wreath is inscribed with the recipient's name and the words: "For exceptionally valorous service, given in the act of saving the life of another."

The certificate accompanying the medal will prominently display the title, "Washington State Medal of Valor", the recipient's name, and the phrase, "For exceptionally valorous service, given in the act of saving the life of another." A seven-line citation will also be included on the certificate."

TRAVIS JACKSON

DENNIS KINSEY

President Owen: "Madame Governor, it is my pleasure to introduce Travis Jackson and Dennis Kinsey.

These two Clark County men were driving home from work the night of January 18, 2005, when they came upon a fiery car crash. Both of them stopped to assist. Both of them saved a life. Travis Jackson actually witnessed the horrible accident: a Jeep careened over a curb on State Highway 500 at 112th Avenue in Orchards, crashed into a guardrail, slammed into a concrete signpost and burst into flames.

After calling 9-1-1, Jackson emptied the entire contents of a fire extinguisher to diminish the flames. The driver's door jammed into the rear door, Jackson used his bare hands to pry apart the metal and open the door, out of which black smoke poured. With the assistance of Dennis Kinsey, Jackson grabbed the driver under his arms and hauled him out of the vehicle – just in time. Fire swallowed up the Jeep just as Kinsey and Jackson placed the driver on the road.

Kinsey, a former volunteer emergency management technician, used his expertise on the scene. He knew to carefully cradle the driver's neck and keep him perfectly still until emergency crews arrived. The driver suffered a broken nose, internal injuries and cuts to his face – but thanks to the bravery and swift response of Jackson and Kinsey, he survived.

A firefighter spokesperson on the scene said that once notified, it took crews less than five minutes to get to the scene, but that they could not have saved the driver if he had still been in the Jeep.

Madame Governor – Travis Jackson and Dennis Kinsey."

The Governor awarded Travis Jackson and Dennis Kinsey the Medal of Valor.

GREG MEINHOLD

Chief Justice Gerry Alexander: "On November 23, 2001, Greg Meinhold was on his way to pick up his dry cleaning, when he found himself distracted. As he drove along Everett's 19th Street, he noticed a canoe – whose only passenger was a dog – floating in the middle of Silver Lake. Suspicious, he got out of his car and walked to the fishing dock along the shore. That's when he saw a man thrashing in the water.

Finding nothing buoyant near the dock, Meinhold drove to a nearby restaurant, where he remembered seeing canoes. He found one – a display model – but no paddles or oars. So, the former Boy Scout who once had taught canoeing improvised: He grabbed an 18-by-24-inch cookie sheet from the restaurant's kitchen.

Meinhold used it to row out one-quarter of a mile to the man who'd been in the frigid water for 20 minutes. Employing a wrestling move he learned in high school, Meinhold was able to get not only the drowning man into the canoe, but his 60-pound Labrador, Sara, too – without capsizing. Medics arrived, and the man survived.

Concerned that the city wouldn't be prepared to deal with similar situations in the future, Meinhold developed a plan for quick water rescue response on Silver Lake – so that other citizens wouldn't have to risk their own lives to rescue someone.

Asked why he felt compelled to rescue the man while others merely watched: "It's a human life. You just pray to God somebody would do it for you or someone you cared about," Meinhold said.

The Governor awarded Greg Meinhold the Medal of Valor.

JIM SWETT

Representative Lovick: "On December 15, 2004, after delivering flowers and plants to a local nursery, trucker Jim Swett found himself in the middle of a scene described by one onlooker as "a house fire in the middle of the freeway." A southbound truck crossed a freeway median and slammed into two other vehicles as they traveled northbound on Interstate 5 near Smokey Point.

Without regard for his own safety, Swett saved three lives that day. A window and the taillights of one of the cars, a Suburban, had already melted from the intense heat created by nearby vehicles when Swett smashed one of its windows and helped a woman escape. Fearing that flames would ignite the Suburban, he attached a tow strap to his semitruck, pulled the melting vehicle to safety, pried open a door with a crowbar, and rescued two terrified children who sat in the back seat crying.

Even after emergency officials arrived on the scene, Swett, then 68 years old, wouldn't rest. He was so focused on helping the survivors of the accident that he didn't realize his arms had been burned by the heat until he returned home.

His selfless decision to risk his own life saved the lives of others. Swett attributes his heroism to his 15-year-old grandson, Brandon, who died in a rollover accident four years earlier. He said the two children in the back of the SUV reminded him of his grandson—all three had red hair."

The Governor awarded Jim Swett the Medal of Valor.

The Sergeant at Arms escorted the Medal of Valor recipients from the Chambers.

The Sergeant at Arms escorted the Governor from the Chambers.

The Sergeant at Arms escorted the elected statewide officials from the Chambers.

The Sergeant at Arms escorted Chief Justice Gerry Alexander from the Chambers.

MOTION

On motion of Representative Kessler, the joint session was dissolved.

President Owen returned the gavel to the Speaker (Representative Lovick presiding). The Speaker (Representative Lovick presiding) thanked the President and asked the Sergeant at Arms to escort the President and members of the Senate from the Chambers.

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

There being no objection, the House adjourned until 10:00 a.m., February 21, 2006, the 43rd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FORTY FOURTH DAY

House Chamber, Olympia, Tuesday, February 21, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jack Hunter and Morgan McBride. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Paul Lundborg, Lutheran Church of the Good Shepherd.

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

The Speaker assumed the chair.

MESSAGE FROM THE SENATE

February 20, 2006

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 6326,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6384,
 SUBSTITUTE SENATE BILL NO. 6512,
 SUBSTITUTE SENATE BILL NO. 6533,
 SECOND SUBSTITUTE SENATE BILL NO. 6542,
 SECOND SUBSTITUTE SENATE BILL NO. 6557,
 SECOND SUBSTITUTE SENATE BILL NO. 6558,
 SUBSTITUTE SENATE BILL NO. 6671,
 SUBSTITUTE SENATE BILL NO. 6781,
 SUBSTITUTE SENATE BILL NO. 6898,

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8417,
 and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION & FIRST READINGHB 3313 by Representatives Wallace and Morrell

AN ACT Relating to a business and occupation tax deduction for reimbursements for immunizing agents; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 3314 by Representative Dunshee

AN ACT Relating to authorizing state general obligation bonds for correctional facilities, Hood Canal rehabilitation, and the Columbia river basin water supply development program; adding new chapters to Title 43 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

2SSB 6326 by Senate Committee on Ways & Means (originally sponsored by Senators Shin, Rasmussen, Pflug, Doumit, Rockefeller, Weinstein, Pridemore, Hewitt, Jacobsen,

Thibaudeau, Swecker, Sheldon, Oke, Keiser, Kohl-Welles, Franklin, Kline and Berkey)

AN ACT Relating to providing a source of funding for customized work force training; adding a new section to chapter 82.04 RCW; adding a new section to chapter 28B.50 RCW; adding a new chapter to Title 28B RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Higher Education & Workforce Education.

ESSB 6384 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Prentice, Doumit, Zarelli and Brandland; by request of Governor Gregoire)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending 2005 c 488 ss 109, 131, 138, 140, 142, 143, 152, 161, 201, 206, 212, 252, 255, 264, 323, 324, 325, 327, 329, 330, 340, 341, 342, 346, 360, 365, 368, 369, 370, 372, 376, 382, 385, 386, 387, 390, 391, 392, 395, 427, 443, 451, 453, 601, 605, 608, 612, 614, 632, 696, 714, 777, 795, 733, 905, and 909 (uncodified); adding new sections to 2005 c 488 (uncodified); creating new sections; and declaring an emergency.

Referred to Committee on Capital Budget.

SSB 6512 by Senate Committee on Water, Energy & Environment (originally sponsored by Senators Fraser, Pridemore, Honeyford, Poulsen, Mulliken, Regala, Rockefeller, Delvin and Kline)

AN ACT Relating to enhancing air quality at truck stops; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

SSB 6533 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Zarelli, Schoesler, Benton and McCaslin)

AN ACT Relating to syrup taxes; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

2SSB 6542 by Senate Committee on Ways & Means (originally sponsored by Senators Mulliken, Rasmussen, Schoesler, Sheldon, Morton, Shin, Delvin and Honeyford)

AN ACT Relating to the excise taxation of persons engaged in farming and farming services; amending RCW 82.04.330; adding a new section to chapter 82.16 RCW; and providing an effective date.

Referred to Committee on Finance.

2SSB 6557 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles and Keiser)

AN ACT Relating to the taxation of motion picture and video production services; amending RCW 82.04.460 and 82.08.0315; adding a new section to chapter 82.04 RCW; and providing an expiration date.

Referred to Committee on Finance.

2SSB 6558 by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Hewitt, Eide, Kohl-Welles, Benson, McAuliffe, Benton, Kline and Keiser)

AN ACT Relating to the state of Washington's economic, cultural, and educational standing in the motion picture industry; adding a new section to chapter 82.04 RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on Finance.

SSB 6671 by Senate Committee on Ways & Means (originally sponsored by Senators Doumit, Delvin, Rasmussen and Parlette)

AN ACT Relating to clarifying the application of taxes to the financial activities of professional employer organizations; amending RCW 82.08.010, 82.12.010, 82.80.050, and 35.102.040; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 35.102 RCW; adding a new section to chapter 82.02 RCW; and providing an effective date.

Referred to Committee on Finance.

SSB 6781 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Pflug, Fraser, Parlette, Shin and Schoesler)

AN ACT Relating to environmental remediation; amending RCW 82.04.190; reenacting and amending RCW 82.04.050; adding a new section to chapter 82.04 RCW; and providing an expiration date.

Referred to Committee on Finance.

SSB 6898 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Brandland, Prentice and Zarelli)

AN ACT Relating to authorizing state general obligation bonds for correctional facilities and the Columbia river basin water supply development program; adding new chapters to Title 43 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Capital Budget.

SSCR 8417 by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Prentice, Parlette, Kline and Rasmussen)

Establishing a committee on gambling policy setting.

Referred to Committee on Commerce & Labor.

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

REPORTS OF STANDING COMMITTEES

February 17, 2006

SSB 5126 Prime Sponsor, Senate Committee On Ways & Means: Developing policies, procedures, and mandatory training programs on sexual harassment for all state employees. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass as amended:

On page 1, at the beginning of line 12, strike all of section 2

Correct the title.

Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia and Sump.

Referred to Committee on Appropriations.

February 17, 2006

ESSB 5305 Prime Sponsor, Senate Committee On Health & Long-Term Care: Prohibiting vaccinating pregnant women and children with mercury-containing vaccines. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that vaccinations and immunizations are among the most important public health innovations of the last one hundred years. The centers for disease control and prevention placed vaccinations at the top of its list of the ten greatest public health achievements of the twentieth century. In its efforts to improve public health in the world's poorest countries, the Bill and Melinda Gates foundation has identified childhood immunization as a cost-effective method of improving public health and saving the lives of millions of children around the world.

Fortunately, in Washington, safe and cost-effective vaccinations against childhood diseases are widely available through both public and private resources. The vaccines that the Washington state department of health provides to meet the requirements for the recommended childhood vaccination schedule through its universal childhood vaccine program are screened for thimerosal and preference is given toward the purchase of thimerosal-free products. The department of health currently provides thimerosal-free products for all routinely recommended childhood vaccines. Regardless of the absence of thimerosal in childhood vaccines in Washington, scientifically reputable organizations such as the centers for disease

control and prevention, the national institute of medicine, the American academy of pediatrics, the food and drug administration, and the world health organization have all determined that there is no credible evidence that the use of thimerosal in vaccines poses a threat to the health and safety of children.

Notwithstanding these assurances of the safety of the vaccine supply, the legislature finds that where there is public concern over the safety of vaccines, vaccination rates may be reduced to the point that deadly, vaccine-preventable, childhood diseases return. This measure is being enacted to maintain public confidence in vaccine programs, so that the public will continue to seek vaccinations and their health benefits may continue to protect the people of Washington.

NEW SECTION. Sec. 2. A new section is added to chapter 70.95M RCW to read as follows:

(1) Beginning July 1, 2007, a person who is known to be pregnant or who is under three years of age shall not be vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than 0.5 micrograms of mercury per 0.5 milliliter dose.

(2) Notwithstanding subsection (1) of this section, an influenza vaccine may contain up to 1.0 micrograms of mercury per 0.5 milliliter dose.

(3) The secretary of the department of health may, upon declaration of a public health emergency, suspend the requirements of this section for the duration of the emergency."

Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 17, 2006

SSB 5318 Prime Sponsor, Senate Committee On Health & Long-Term Care: Improving patient safety practices. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Thousands of patients are injured each year in the United States as a result of medical errors, and that a comprehensive approach is needed to effectively reduce the incidence of medical errors in our health care system. Implementation of proven patient safety strategies can reduce medical errors, and thereby potentially reduce the need for disciplinary actions against licensed health care professionals and facilities, and the frequency and severity of medical malpractice claims; and

(b) Health care providers, health care facilities, and health carriers can and should be supported in their efforts to improve patient safety and reduce medical errors by encouraging health care facilities and providers to communicate openly with patients regarding medical errors that have occurred and steps that can be taken to prevent errors from occurring in the future, encouraging health care facilities and providers to work cooperatively in their patient safety efforts, and increasing funding available to implement proven patient safety strategies.

(2) Through the adoption of this act, the legislature intends to positively influence the safety and quality of care provided in Washington state's health care system.

Sec. 2. RCW 43.70.110 and 2005 c 268 s 2 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in RCW 18.79.202(c) until June 30, 2013, and except as provided in section 4 of this act, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

Sec. 3. RCW 43.70.250 and 2005 c 268 s 3 are each amended to read as follows:

It shall be the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. The secretary shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses administered by the department. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program and the patient safety fee established in section 4 of this act, except as provided in RCW 18.79.202 until June 30, 2013. All such fees shall be fixed by rule adopted by the secretary in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 43.70 RCW to read as follows:

(1) The secretary shall increase the licensing fee established under RCW 43.70.110 by two dollars for the health care professionals designated in subsection (2) of this section and by two dollars per licensed bed for the health care facilities designated in subsection (2) of this section. Proceeds of the patient safety fee must be deposited into the patient safety account in section 8 of this act and dedicated to patient safety and medical error reduction efforts that have been proven to improve, or have a substantial likelihood of improving the quality of care provided by health care professionals and facilities.

(2) The health care professionals and facilities subject to the patient safety fee are:

(a) The following health care professionals licensed under Title 18 RCW:

(i) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW;

(ii) Chiropractors licensed under chapter 18.25 RCW;

(iii) Dentists licensed under chapter 18.32 RCW;

(iv) Midwives licensed under chapter 18.50 RCW;

(v) Naturopaths licensed under chapter 18.36A RCW;

(vi) Optometrists licensed under chapter 18.53 RCW;

(vii) Osteopathic physicians licensed under chapter 18.57 RCW;

(viii) Osteopathic physicians' assistants licensed under chapter 18.57A RCW;

(ix) Pharmacists and pharmacies licensed under chapter 18.64 RCW;

(x) Physicians licensed under chapter 18.71 RCW;

(xi) Physician assistants licensed under chapter 18.71A RCW;

(xii) Podiatrists licensed under chapter 18.22 RCW; and

(xiii) Psychologists licensed under chapter 18.83 RCW; and

(b) Hospitals licensed under chapter 70.41 RCW and psychiatric hospitals licensed under chapter 71.12 RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 7.70 RCW to read as follows:

(1) One percent of all attorneys' fees received for representation of claimants or defendants in actions brought under this chapter that result in payment to a claimant shall be paid as a patient safety set aside. Proceeds of the patient safety set aside will be distributed by the department of health in the form of grants, loans, or other appropriate arrangements to support strategies that have been proven to reduce medical errors and enhance patient safety, or have a substantial likelihood of reducing medical errors and enhancing patient safety, as provided in section 4 of this act.

(2) A patient safety set aside shall be transmitted to the secretary of the department of health by the attorney who receives fees under subsection (1) of this section for deposit into the patient safety account established in section 8 of this act.

(3) The Washington state supreme court shall by rule adopt procedures to implement this section.

NEW SECTION. Sec. 6. A new section is added to chapter 43.70 RCW to read as follows:

(1)(a) Patient safety fee and set aside proceeds shall be administered by the department, after seeking input from health care providers engaged in direct patient care activities, health care facilities, health care provider organizations, and other interested parties. In developing criteria for the award of grants, loans, or other appropriate arrangements under this section, the department shall rely primarily upon evidence-based practices to improve patient safety that have been identified and recommended by governmental and private organizations, including, but not limited to:

(i) The federal agency for health care quality and research;

(ii) The institute of medicine of the national academy of sciences;

(iii) The joint commission on accreditation of health care organizations; and

(iv) The national quality forum.

(b) The department shall award grants, loans, or other appropriate arrangements for at least two strategies that are designed to meet the goals and recommendations of the federal institute of medicine's report, "Keeping Patients Safe: Transforming the Work Environment of Nurses."

(2) Projects that have been proven to reduce medical errors and enhance patient safety shall receive priority for funding over those that are not proven, but have a substantial likelihood of reducing medical errors and enhancing patient safety. All project proposals must include specific performance and outcome measures by which to evaluate the effectiveness of the project. Project proposals that do not propose to use a proven patient safety strategy must include, in addition to performance and outcome measures, a detailed description of the anticipated outcomes of the project based upon any available related research and the steps for achieving those outcomes.

(3) The department may use a portion of the patient safety fee proceeds for the costs of administering the program.

NEW SECTION. Sec. 7. A new section is added to chapter 43.70 RCW to read as follows:

The secretary may solicit and accept grants or other funds from public and private sources to support patient safety and medical error reduction efforts under this act. Any grants or funds received may be used to enhance these activities as long as program standards established by the secretary are followed.

NEW SECTION. Sec. 8. A new section is added to chapter 43.70 RCW to read as follows:

The patient safety account is created in the state treasury. All receipts from the fees and set asides created in sections 4 and 5 of this act must be deposited into the account. Expenditures from the account may be used only for the purposes of this act. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 9. A new section is added to chapter 43.70 RCW to read as follows:

By December 1, 2009, the department shall report the following information to the governor and the health policy and fiscal committees of the legislature:

(1) The amount of patient safety fees and set asides deposited to date in the patient safety account;

(2) The criteria for distribution of grants, loans, or other appropriate arrangements under this act; and

(3) A description of the medical error reduction and patient safety grants and loans distributed to date, including the stated performance measures, activities, timelines, and detailed information regarding outcomes for each project.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Section 4 of this act takes effect January 1, 2007."

Correct the title.

Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Alexander; Appleton; Bailey; Clibborn; Green; Moeller; Morrell; Schual-Berke and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Condotta.

Referred to Committee on Appropriations.

February 17, 2006

ESSB 5535 Prime Sponsor, Senate Committee On Health & Long-Term Care: Modifying optometry licensing requirements. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.53.010 and 2003 c 142 s 1 are each amended to read as follows:

(1) The practice of optometry is defined as the examination of the human eye, the examination and ascertaining any defects of the human vision system and the analysis of the process of vision. The practice of optometry may include, but not necessarily be limited to, the following:

(a) The employment of any objective or subjective means or method, including the use of drugs, for diagnostic and therapeutic purposes by those licensed under this chapter and who meet the requirements of subsections (2) and (3) of this section, and the use of any diagnostic instruments or devices for the examination or analysis of the human vision system, the measurement of the powers or range of human vision, or the determination of the refractive powers of the human eye or its functions in general; and

(b) The prescription and fitting of lenses, prisms, therapeutic or refractive contact lenses and the adaption or adjustment of frames and lenses used in connection therewith; and

(c) The prescription and provision of visual therapy, therapeutic aids, and other optical devices; and

(d) The ascertainment of the perceptive, neural, muscular, or pathological condition of the visual system; and

(e) The adaptation of prosthetic eyes.

(2)(a) Those persons using topical drugs for diagnostic purposes in the practice of optometry shall have a minimum of sixty hours of didactic and clinical instruction in general and ocular pharmacology as applied to optometry, as established by the board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to use drugs for diagnostic purposes.

(b) Those persons using or prescribing topical drugs for therapeutic purposes in the practice of optometry must be certified under (a) of this subsection, and must have an additional minimum of seventy-five hours of didactic and clinical instruction as established by the board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to use drugs for therapeutic purposes.

(c) Those persons using or prescribing drugs administered orally for diagnostic or therapeutic purposes in the practice of optometry shall be certified under (b) of this subsection, and shall have an additional minimum of sixteen hours of didactic and eight hours of supervised clinical instruction as established by the board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to administer, dispense, or prescribe oral drugs for diagnostic or therapeutic purposes.

(d) Those persons administering epinephrine by injection for treatment of anaphylactic shock in the practice of optometry must be certified under (b) of this subsection and must have an additional minimum of four hours of didactic and supervised clinical instruction, as established by the board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board to administer epinephrine by injection.

(e) Such course or courses shall be the fiscal responsibility of the participating and attending optometrist.

(f)(i) All persons receiving their initial license under this chapter on or after January 1, 2007, must be certified under (a), (b), (c), and (d) of this subsection.

(ii) All persons licensed under this chapter on or after January 1, 2009, must be certified under (a) and (b) of this subsection.

(iii) All persons licensed under this chapter on or after January 1, 2011, must be certified under (a), (b), (c), and (d) of this subsection.

(3) The board shall establish a list of topical drugs for diagnostic and treatment purposes limited to the practice of optometry, and no person licensed pursuant to this chapter shall prescribe, dispense, purchase, possess, or administer drugs except as authorized and to the extent permitted by the board.

(4) The board must establish a list of oral Schedule III through V controlled substances and any oral legend drugs, with the approval of and after consultation with the board of pharmacy. No person licensed under this chapter may use, prescribe, dispense, purchase, possess, or administer these drugs except as authorized and to the extent permitted by the board. No optometrist may use, prescribe, dispense, or administer oral corticosteroids.

(a) The board, with the approval of and in consultation with the board of pharmacy, must establish, by rule, specific guidelines for the prescription and administration of drugs by optometrists, so that licensed optometrists and persons filling their prescriptions have a clear understanding of which drugs and which dosages or forms are included in the authority granted by this section.

(b) An optometrist may not:

(i) Prescribe, dispense, or administer a controlled substance for more than seven days in treating a particular patient for a single trauma, episode, or condition or for pain associated with or related to the trauma, episode, or condition; or

(ii) Prescribe an oral drug within ninety days following ophthalmic surgery unless the optometrist consults with the treating ophthalmologist.

(c) If treatment exceeding the limitation in (b)(i) of this subsection is indicated, the patient must be referred to a physician licensed under chapter 18.71 RCW.

(d) The prescription or administration of drugs as authorized in this section is specifically limited to those drugs appropriate to treatment of diseases or conditions of the human eye and the adnexa that are within the scope of practice of optometry. The prescription or administration of drugs for any other purpose is not authorized by this section.

(5) The board shall develop a means of identification and verification of optometrists certified to use therapeutic drugs for the purpose of issuing prescriptions as authorized by this section.

(6) Nothing in this chapter may be construed to authorize the use, prescription, dispensing, purchase, possession, or administration of any Schedule I or II controlled substance. The provisions of this subsection must be strictly construed.

(7) With the exception of the administration of epinephrine by injection for the treatment of anaphylactic shock, no injections or infusions may be administered by an optometrist.

(8) Nothing in this chapter may be construed to authorize optometrists to perform ophthalmic surgery. Ophthalmic surgery is defined as any invasive procedure in which human tissue is cut, ablated, or otherwise penetrated by incision, injection, laser, ultrasound, or other means, in order to: Treat human eye diseases; alter or correct refractive error; or alter or enhance cosmetic appearance. Nothing in this chapter limits an optometrist's ability to use diagnostic instruments utilizing laser or ultrasound technology. Ophthalmic surgery, as defined in this subsection, does not include removal of superficial ocular foreign bodies, epilation of misaligned eyelashes, placement of punctal or lacrimal plugs, diagnostic dilation and irrigation of the lacrimal system, orthokeratology, prescription and fitting of contact lenses with the purpose of altering refractive error, or other similar procedures within the scope of practice of optometry.

NEW SECTION. Sec. 2. A new section is added to chapter 18.53 RCW to read as follows:

The optometry board may adopt rules under this section authorizing an inactive license status.

(1) An individual licensed under this chapter may place his or her license on inactive status. The holder of an inactive license must not practice optometry in this state without first activating the license.

(2) The inactive renewal fee must be established by the secretary under RCW 43.70.250. Failure to renew an inactive license shall result in cancellation of the inactive license in the same manner as an active license.

(3) An inactive license may be placed in an active status upon compliance with rules established by the optometry board.

(4) Provisions relating to disciplinary action against a person with a license are applicable to a person with an inactive license, except that when disciplinary proceedings against a person with an inactive license have been initiated, the license will remain inactive until the proceedings have been completed."

Correct the title.

Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 17, 2006

SB 5636 Prime Sponsor, Senator Keiser: Revising provision for imposition of sanctions on health professionals. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 17, 2006

2ESB 5714 Prime Sponsor, Senator Keiser: Establishing an early detection breast and cervical cancer screening program. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.70 RCW to read as follows:

(1) The legislature finds that Washington state has the highest incidence of breast cancer in the nation. Despite this, mortality rates from breast cancer have declined due largely to early screening and detection. Invasive cervical cancer is the most preventable type of cancer. The Pap test, used to detect early signs of this disease, has been called "medicine's most successful screening test." Applied consistently, invasive cervical cancer could nearly be eliminated. The legislature further finds that increasing access to breast and cervical cancer screening is critical to reducing incidence and mortality rates, and eliminating the disparities of this disease in women in Washington state. Furthermore, the legislature finds there is a need for a permanent program providing early detection and screening to the women and families of Washington state.

It is the intent of the legislature to establish an early detection breast and cervical cancer screening program as a voluntary screening program directed at reducing mortalities through early detection to be offered to eligible women only as funds are available.

(2) As used in this section:

(a) "Eligible woman" means a woman who is age forty to sixty-four, and whose income is at or below two hundred fifty percent of the federal poverty level, as published annually by the federal department of health and human services. Priority enrollment shall be given to women as defined by the federal national breast and cervical cancer early detection program, under P.L. 101-354.

(b) "Approved providers" means those state-supported health providers, radiology facilities, and cytological laboratories that are recognized by the department as meeting the minimum program policies and procedures adopted by the department to qualify under the federal national breast and cervical cancer early detection program, and are designated as eligible for funding by the department.

(c) "Comprehensive" means a screening program that focuses on breast and cervical cancer screening as a preventive health measure, and includes diagnostic and case management services.

(3) The department of health is authorized to administer a state-supported early detection breast and cervical cancer screening program to assist eligible women with preventive health services. To the extent of available funding, eligible women may be enrolled in the early detection breast and cervical cancer screening program and additional eligible women may be enrolled to the extent that grants and contributions from community sources provide sufficient funds for expanding the program.

(4) Funds appropriated for the state program shall be used only to operate early detection breast and cervical cancer screening programs that have been approved by the department, or to increase access to existing state-approved programs, and shall not supplant federally supported breast and cervical cancer early detection programs.

(5) Enrollment in the early detection breast and cervical cancer screening program shall not result in expenditures that exceed the amount that has been appropriated for the program in the operating budget. If it appears that continued enrollment will result in expenditures exceeding the appropriated level for a particular fiscal year, the department may freeze new enrollment in the program. Nothing in this section prevents the department from continuing enrollment in the program if there are adequate private or public funds in addition to those appropriated in the biennial budget to support the cost of such enrollment.

(6) The department shall establish a medical advisory committee composed of interested medical professionals and consumer liaisons with expertise in a variety of areas relevant to breast and cervical

health to provide expert medical advice and guidance. The medical advisory committee shall address national, state, and local concerns regarding best practices in the field of early prevention and detection for breast and cervical cancer and assist the early detection breast and cervical cancer screening program in implementing program policy that follows the best practices of high quality health care for clinical, diagnostic, pathologic, radiological, and oncology services."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and adding a new section to chapter 43.70 RCW."

Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 17, 2006

ESB 6152 Prime Sponsor, Senator Kastama: Regarding penalties for violations of the public disclosure act. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia and Sump.

Passed to Committee on Rules for second reading.

February 17, 2006

SB 6159 Prime Sponsor, Senator Jacobsen: Concerning recreational fishing for albacore tuna. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

February 17, 2006

SSB 6161 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Concerning group fishing permits. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Eickmeyer; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

February 17, 2006

SSB 6323 Prime Sponsor, Senate Committee On Government Operations & Elections: Concerning campaign finance disclosure.

Reported by Committee on State Government
Operations & Accountability

(7) The reporting provisions of this chapter apply to a candidate in any political subdivision if the candidate receives or expects to receive five thousand dollars or more in contributions."

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.17.030 and 1987 c 295 s 18 are each amended to read as follows:

The provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than (1) for precinct committee officer; (2) for a federal elective office; and (3) for an office of a political subdivision of the state that does not encompass a whole county and that contains fewer than five thousand registered voters as of the date of the most recent general election in the subdivision, unless required by RCW 42.17.405 (2) through (5) and (7).

Sec. 2. RCW 42.17.405 and 1986 c 12 s 3 are each amended to read as follows:

(1) Except as provided in subsections (2) (~~and~~), (3), and (7) of this section, the reporting provisions of this chapter do not apply to candidates, elected officials, and agencies in political subdivisions with less than one thousand registered voters as of the date of the most recent general election in the jurisdiction, to political committees formed to support or oppose candidates or ballot propositions in such political subdivisions, or to persons making independent expenditures in support of or opposition to such ballot propositions.

(2) The reporting provisions of this chapter apply in any exempt political subdivision from which a "petition for disclosure" containing the valid signatures of fifteen percent of the number of registered voters, as of the date of the most recent general election in the political subdivision, is filed with the commission. The commission shall by rule prescribe the form of the petition. After the signatures are gathered, the petition shall be presented to the auditor or elections officer of the county, or counties, in which the political subdivision is located. The auditor or elections officer shall verify the signatures and certify to the commission that the petition contains no less than the required number of valid signatures. The commission, upon receipt of a valid petition, shall order every known affected person in the political subdivision to file the initially required statement and reports within fourteen days of the date of the order.

(3) The reporting provisions of this chapter apply in any exempt political subdivision that by ordinance, resolution, or other official action has petitioned the commission to make the provisions applicable to elected officials and candidates of the exempt political subdivision. A copy of the action shall be sent to the commission. If the commission finds the petition to be a valid action of the appropriate governing body or authority, the commission shall order every known affected person in the political subdivision to file the initially required statement and reports within fourteen days of the date of the order.

(4) The commission shall void any order issued by it pursuant to subsection (2) or (3) of this section when, at least four years after issuing the order, the commission is presented a petition or official action so requesting from the affected political subdivision. Such petition or official action shall meet the respective requirements of subsection (2) or (3) of this section.

(5) Any petition for disclosure, ordinance, resolution, or official action of an agency petitioning the commission to void the exemption in RCW 42.17.030(3) shall not be considered unless it has been filed with the commission:

(a) In the case of a ballot measure, at least sixty days before the date of any election in which campaign finance reporting is to be required;

(b) In the case of a candidate, at least sixty days before the first day on which a person may file a declaration of candidacy for any election in which campaign finance reporting is to be required.

(6) Any person exempted from reporting under this chapter may at his or her option file the statement and reports.

Correct the title.

Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia and Sump.

Passed to Committee on Rules for second reading.

February 17, 2006

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

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 17, 2006

SB 6429 Prime Sponsor, Senator Jacobsen: Exempting certain Native American cultural resources information from public disclosure. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass as amended:

On page 1, beginning on line 10, strike all material through "chapter." on line 14, and insert the following:
"(2) Records, maps, and other information, acquired during watershed analysis pursuant to the forests and fish report under RCW 76.09.370, that identify the location of archaeological sites, historic sites, artifacts, or the sites of traditional religious, ceremonial, or social uses and activities of affected Indian tribes, are exempt from disclosure under this chapter in order to prevent the looting or depredation of such sites."

Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia and Sump.

Passed to Committee on Rules for second reading.

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

SECOND READING

HOUSE BILL NO. 2871, By Representatives Murray, Dickerson, Appleton and Simpson

Creating a regional transportation commission.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2871 was substituted for House Bill No. 2871 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2871 was read the second time.

Representative Murray moved the adoption of amendment (860):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that effective transportation planning in urbanized regions requires stronger and clearer lines of responsibility and accountability.

The legislature further finds that integrated, multimodal transportation planning will help reduce transportation congestion and improve safety, and that streamlined decision making will help reduce political congestion.

The legislature further finds that coordinated planning of, investment in, and operation of transportation systems will have significant benefit to the citizens of Washington, and that it is the will of the people to fund regional transportation solutions, including improving transit service in urbanized areas and among existing, fragmented transit agencies in the region. Although equity considerations must be respected, transportation problems are broader and deeper than the sum of geographic subareas.

It is therefore the policy of the state of Washington to create a regional transportation commission to develop a proposal for a regional transportation governing entity more directly accountable to the public, and to develop a comprehensive regional transportation finance plan for the citizens of the Puget Sound metropolitan region.

NEW SECTION. Sec. 2. (1) The regional transportation commission is established.

(2) The commission shall consist of nine commissioners. Three of the nine commissioners shall comprise the county executives of each of those contiguous counties of the Puget Sound metropolitan region comprising a county with a population over one million five hundred thousand persons and the immediately adjacent counties each with a population over five hundred thousand persons. The remaining six commissioners shall be appointed by the governor by June 1, 2006. Appointments of commissioners shall reflect geographical balance and diversity of populations within the Puget Sound region and, to the extent possible, include commissioners with special expertise in relevant fields such as funding, planning, and construction of transportation improvement projects and operation of transportation systems. Vacancies for any appointed commission seat shall be filled in the same manner as the original appointments were made.

(3) Each person appointed by the governor shall hold office until the commission dissolves under section 6 of this act or until a successor is appointed and qualified as set forth in subsection (4) of this section, whichever is earlier.

(4) The term of office for a commissioner begins seven days following appointment by the governor. A commissioner must be a qualified elector under the state Constitution when his or her term of office begins.

(5) The commission chair presides over the commission and sets the commission agenda subject to general rules established by the commission. Except as provided otherwise in this chapter, the commission chair appoints all members of the committees, councils, and boards created by the rules of the commission. The commission chair shall be designated by the governor from among the six commissioners appointed under subsection (2) of this section.

(6) Each member of the commission is eligible to receive compensation in an amount not to exceed two hundred fifty dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chair. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position normally

regarded as full time in nature, in any agency of the federal government, Washington state government, or Washington state local government, and (b) receives any compensation from such government for working that day. A commissioner may be compensated under this subsection only if the compensation is necessarily incurred in the course of authorized business, consistent with the responsibilities of the commission established by this chapter.

(7) The commission may be entitled to state funding, as appropriated by the legislature, to pay for expenses incurred by the commission and the department of transportation and through contracts in carrying out the duties authorized in this chapter.

NEW SECTION. Sec. 3. The commission has the following duties:

(1) Evaluate transportation governance in the central Puget Sound area within the jurisdiction of the Puget Sound regional council. This evaluation must include an assessment of the current roles of regional transportation agencies, including regional transportation and metropolitan planning organizations, the regional transit authority, regional transportation investment districts, county and municipal agencies operating transit services, and cities, counties, and other public agencies providing transportation services or facilities. The commission shall assess and develop recommendations for what steps should be taken to:

(a) Consolidate governance among agencies, including changes in institutional powers, structures, and relationships and governance needed to improve accountability for transportation decisions, while enhancing the regional focus for transportation decisions and maintaining equity among citizens in the region;

(b) Improve coordination in the planning of transportation investments and services;

(c) Improve investment strategies;

(d) Coordinate transportation planning and investments with adopted land use policies within the region;

(e) Enhance efficiency and coordination in the delivery of services provided;

(f) Adjust boundaries for agencies or functions within the region to address existing and future transportation and land use issues; and

(g) Improve coordination between regional investments and federal funds, and state funding, including those administered by the transportation improvement board, the county road administration board, and the freight mobility strategic investment board;

(2) Develop a regional transportation governance proposal that includes, at a minimum, the formation of a regional transportation governing entity, of which all or a majority of its members must be directly elected, the revenue sources that will be available to such entity, and the scope of planning authority of such entity;

(3) Publicize the commission's proposal referenced in subsection (2) of this section by November 15, 2006, and provide at least fifteen days for public comment;

(4) Adopt the proposal referenced in subsection (2) of this section and submit it to the legislature by January 1, 2007;

(5) Develop a comprehensive, integrated transportation finance plan for the metropolitan Puget Sound region to be submitted to the affected voters by the regional transportation governing entity;

(6) Conduct public meetings to assure active public participation in the development of the recommendations, proposal, and finance plan under this section.

NEW SECTION. Sec. 4. The department of transportation shall provide staff support to the commission and, upon request of the commission, contract with other parties for staff support to the commission.

NEW SECTION. Sec. 5. (1) The governing body of a city with a population of five hundred sixty thousand or more, in which a city transportation authority has been formed under chapter 35.95A RCW, may set and impose any tax authorized under chapter 35.95A RCW, but only (a) for funding nonmonorail transit within the city; (b) after the debt and obligations, including judgments, of the city transportation authority have been satisfied; and (c) if the grant of such taxing authority is contained in the integrated regional

transportation finance plan developed by the regional transportation commission and approved by the voters as part of an integrated regional transportation ballot measure.

(2) The transit projects and services funded under subsection (1) of this section must be consistent with the metropolitan transportation plan adopted under RCW 35.58.240 and any integrated transportation finance plan developed by the commission under section 3 of this act.

(3) For purposes of subsection (1)(b) of this section, the debt and obligations of the city transportation authority are satisfied upon receipt, by the governing body of the city, of a letter from the governing body of the authority certifying that: (a) The debt is retired; and (b) a contingency account has been funded in an amount determined by the governing body of the authority to be sufficient to resolve any existing and reasonably foreseeable legal claims against the authority.

NEW SECTION. Sec. 6. Upon such time as the regional transportation governing entity established by the legislature pursuant to the commission's recommendations becomes fully operational: (1) All of the powers, functions, and duties of the commission shall be transferred to the regional transportation governing entity; (2) the commission shall take such additional actions as needed to wind up its affairs; and (3) the commission shall dissolve.

Sec. 7. RCW 35.58.250 and 1965 c 7 s 35.58.250 are each amended to read as follows:

Except for a regional transit authority constructing or operating a high capacity transportation service by contract under RCW 35.58.260(2) or in accordance with an agreement made as provided herein, upon the effective date on which the metropolitan municipal corporation commences to perform the metropolitan transportation function, no person or private corporation shall operate a local public passenger transportation service within the metropolitan area with the exception of taxis, busses owned or operated by a school district or private school, and busses owned or operated by any corporation or organization solely for the purposes of the corporation or organization and for the use of which no fee or fare is charged.

An agreement may be entered into between the metropolitan municipal corporation and any person or corporation legally operating a local public passenger transportation service wholly within or partly within and partly without the metropolitan area and on said effective date under which such person or corporation may continue to operate such service or any part thereof for such time and upon such terms and conditions as provided in such agreement. Where any such local public passenger transportation service will be required to cease to operate within the metropolitan area, the commission may agree with the owner of such service to purchase the assets used in providing such service, or if no agreement can be reached, the commission shall condemn such assets in the manner provided herein for the condemnation of other properties.

Wherever a privately owned public carrier operates wholly or partly within a metropolitan municipal corporation, the Washington utilities and transportation commission shall continue to exercise jurisdiction over such operation as provided by law.

Sec. 8. RCW 35.58.260 and 1965 c 7 s 35.58.260 are each amended to read as follows:

(1) Subject to subsection (2) of this section, if a metropolitan municipal corporation shall be authorized to perform the metropolitan transportation function, it shall, upon the effective date of the assumption of such power, have and exercise all rights with respect to the construction, acquisition, maintenance, operation, extension, alteration, repair, control, and management of passenger transportation which any component city shall have been previously empowered to exercise and such powers shall not thereafter be exercised by such component cities without the consent of the metropolitan municipal corporation: PROVIDED, That any city owning and operating a public transportation system on such effective date may continue to operate such system within such city until such system shall have been acquired by the metropolitan municipal corporation and a metropolitan municipal corporation may not acquire such system without the consent of the city council of such city.

(2) The governing body of a city with a population of five hundred sixty thousand or more that sets and imposes any tax under section 5 of this act may plan and direct the expenditure of revenues from such tax through contracting with a metropolitan municipal corporation or a regional transit authority for the construction, acquisition, maintenance, operation, extension, alteration, repair, control, and management of those transit projects and services for which tax revenues may be spent under section 5 of this act. If the city exercises such authority under this subsection, neither the metropolitan municipal corporation nor the regional transit authority shall, as a result, reduce the hours of transit service it provides within the corporate limits of the city.

Sec. 9. RCW 36.120.020 and 2002 c 56 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional transportation investment district.

(2) "Department" means the Washington state department of transportation.

(3) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, its successor entity, or the legislature.

(4) "Lead agency" means a public agency that by law can plan, design, and build a transportation project and has been so designated by the district.

(5) "Regional transportation investment district" or "district" means a municipal corporation (~~whose boundaries are coterminous with two or more contiguous counties and~~) that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.

(6) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created under RCW 36.120.030 to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.

(7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.

(8) "Transportation project" means:

(a) A capital improvement or improvements to a highway that has been designated, in whole or in part, as a highway of statewide significance, including an extension, that:

(i) Adds a lane or new lanes to an existing state or federal highway; or

(ii) Repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.

(b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, and may include the following associated multimodal capital improvements:

(i) Approaches to highways of statewide significance;

(ii) High-occupancy vehicle lanes;

(iii) Flyover ramps;

(iv) Park and ride lots;

(v) Bus pullouts;

(vi) Vans for vanpools;

(vii) Buses; and

(viii) Signalization, ramp metering, and other transportation system management improvements.

(c) A capital improvement or improvements to all or a portion of a city street, county road, or existing highway or the creation of a new highway that intersects with a highway of statewide significance, if all of the following conditions are met:

(i) The project is included in a plan that makes highway improvement projects that add capacity to a highway or highways of statewide significance;

(ii) The secretary of transportation determines that the project would better relieve traffic congestion than investing that same money in adding capacity to a highway of statewide significance;

(iii) Matching money equal to ~~((one-third))~~ fifteen percent of the total cost of the project is provided by local entities, including but not limited to a metropolitan planning organization, county, city, port, or private entity in which a county participating in a plan is located. Local entities may use federal grants to meet this matching requirement;

(iv) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed ten percent of the revenues generated by the district;

(v) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed one billion dollars; and

(vi) The specific projects are included within the plan and submitted as part of the plan to a vote of the people.

(d) Any project contained in the state transportation plan or a regional transportation planning organization that is of statewide or regional significance, including, without limitation, investment in new or existing highways of statewide significance, principal arterials of regional significance, high-capacity transportation, public transportation, and other transportation projects of regional or statewide significance, including transportation demand management.

(e) Operations, preservation, and maintenance ~~((are excluded from this definition and))~~ of any facility or program authorized by this section may ~~((not))~~ be included in a regional transportation investment plan.

(9) "Weighted vote" means a vote that reflects the population each board or planning committee member represents relative to the population represented by the total membership of the board or planning committee. Population will be determined using the federal 2000 census or subsequent federal census data.

Sec. 10. RCW 36.120.030 and 2002 c 56 s 103 are each amended to read as follows:

Regional transportation investment district planning committees are advisory entities that are created, convened, and empowered as follows:

(1) A county with a population over one million five hundred thousand persons and any adjoining counties with a population over five hundred thousand persons may create a regional transportation investment district and shall convene a regional transportation investment district planning committee.

(a) The boundaries of the district should include at least the contiguous areas within the regional transit authority serving the counties. A city must be entirely within or entirely outside district boundaries. The boundaries must be proposed by the district and approved by the county legislative authorities by ordinance before or in conjunction with approval of a regional transportation investment plan. Boundaries must follow contiguous parcels of land. However, any portion of a county that is located on a peninsula may be exempt from a regional transportation investment district in which more than one county is included if (i) the portion of the county located on the peninsula is connected to the other portion of the county by a bridge improved under chapter 47.46 RCW, and (ii) the county has a national park and a population of more than five hundred thousand persons, but less than one million five hundred thousand persons.

(b) After voters within the district boundaries have approved a plan under RCW 36.120.070, elections to add areas to the district boundaries may be called by a resolution of the board, after consultation with the regional transportation planning organization and affected transit agencies and with the concurrence of the legislative authority of the city or town if the area is incorporated or with the concurrence of the county legislative authority if the area is unincorporated. The election may include a single ballot measure providing annexation to the district, approval of the plan, and approval of revenue sources necessary to finance the plan. The electorate are the voters voting within the proposed area to be annexed. A simple majority of the persons voting on the single ballot measure is required for approval of the measure. This option for annexation applies to areas within the counties initially establishing a district and also to areas within a county having a population over two hundred thirty thousand persons and whose boundaries abut three counties eligible to form a district under this subsection.

(2) The members of the legislative authorities participating in planning under this chapter shall serve as the district planning committee. Members of the planning committee receive no compensation, but may be reimbursed for travel and incidental expenses as the planning committee deems appropriate.

The secretary of transportation, or the appropriate regional administrator of the department, as named by the secretary, shall serve on the committee as a nonvoting member.

(3) A regional transportation investment district planning committee may be entitled to state funding, as appropriated by the legislature, for start-up funding to pay for salaries, expenses, overhead, supplies, and similar expenses ordinarily and necessarily incurred in selecting transportation projects and funding for those transportation projects under this chapter. Upon creation of a regional transportation investment district, the district shall within one year reimburse the state for any sums advanced for these start-up costs from the state.

(4) The planning committee shall conduct its affairs and formulate a regional transportation investment plan as provided under RCW 36.120.040, except that it shall elect an executive board of seven members to discharge the duties of the planning committee and formulate a regional transportation investment plan, subject to the approval of the full committee.

(5) At its first meeting, a regional transportation investment district planning committee may elect officers and provide for the adoption of rules and other operating procedures.

(6) Governance of and decisions by a regional transportation investment district planning committee must be by a sixty-percent weighted majority vote of the total membership.

(7) The planning committee may dissolve itself at any time by a two-thirds weighted majority vote of the total membership of the planning committee.

Sec. 11. RCW 36.120.040 and 2003 c 194 s 1 are each amended to read as follows:

(1) A regional transportation investment district planning committee shall adopt a regional transportation investment plan providing for the development, construction, and financing of transportation projects. The planning committee may consider the following factors in formulating its plan:

(a) Land use planning criteria;

(b) The input of cities located within a participating county; and

(c) The input of regional transportation planning organizations ~~((of))~~ of which a participating county is ~~((located))~~ a member. A regional transportation planning organization in which a participating county is located shall review its adopted regional transportation plan and submit, for the planning committee's consideration, its list of transportation improvement priorities.

(2) The planning committee may coordinate its activities with the department, which shall provide services, data, and personnel to assist in this planning as desired by the planning committee. In addition, the planning committee may coordinate its activities with affected cities, towns, and other local governments, including any regional transit authority existing within the participating counties' boundaries, that engage in transportation planning.

(3) The planning committee shall:

(a) Conduct public meetings that are needed to assure active public participation in the development of the plan;

(b) Adopt a plan proposing the:

(i) Creation of a regional transportation investment district, including district boundaries; and

(ii) Construction of transportation projects to improve mobility within each county and within the region. Operations, maintenance, and preservation of facilities or systems may ~~((not))~~ be part of the plan;

(c) Recommend sources of revenue authorized by RCW 36.120.050 and a financing plan to fund selected transportation projects. The overall plan of the district must leverage the district's financial contributions so that the federal, state, local, and other revenue sources continue to fund major congestion relief and transportation capacity improvement projects in each county and the district. A combination of local, state, and federal revenues may be necessary to pay for transportation projects, and the planning

committee shall consider all of these revenue sources in developing a plan.

(4) The plan must use tax revenues and related debt for projects that generally benefit a participating county in proportion to the general level of tax revenues generated within that participating county. This equity principle applies to all modifications to the plan, appropriation of contingency funds not identified within the project estimate, and future phases of the plan. During implementation of the plan, the board shall retain the flexibility to manage distribution of revenues, debt, and project schedules so that the district may effectively implement the plan. Nothing in this section should be interpreted to prevent the district from pledging district-wide tax revenues for payment of any contract or debt entered into under RCW 36.120.130.

(5) Before adopting the plan, the planning committee, with assistance from the department, shall work with the lead agency to develop accurate cost forecasts for transportation projects. This project costing methodology must be integrated with revenue forecasts in developing the plan and must at a minimum include estimated project costs in constant dollars as well as year of expenditure dollars, the range of project costs reflected by the level of project design, project contingencies, identification of mitigation costs, the range of revenue forecasts, and project and plan cash flow and bond analysis. The plan submitted to the voters must provide cost estimates for each project, including reasonable contingency costs. Plans submitted to the voters must provide that the maximum amount possible of the funds raised will be used to fund projects in the plan, including environmental improvements and mitigation, and that administrative costs be minimized. If actual revenue exceeds actual plan costs, the excess revenues must be used to retire any outstanding debt associated with the plan.

(6) If a county opts not to adopt the plan or participate in the regional transportation investment district, but two or more contiguous counties do choose to continue to participate, then the planning committee may, within ninety days, redefine the regional transportation investment plan and the ballot measure to be submitted to the people to reflect elimination of the county, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to adopt the redefined plan and participate. This action must be completed within sixty days after receipt of the redefined plan.

(7) Once adopted by the planning committee, the plan must be forwarded to the participating county legislative authorities to initiate the election process under RCW 36.120.070. The planning committee shall at the same time provide notice to each city and town within the district, the governor, the chairs of the transportation committees of the legislature, the secretary of transportation, and each legislator whose legislative district is partially or wholly within the boundaries of the district.

(8) If the ballot measure is not approved, the planning committee may redefine the selected transportation projects, financing plan, and the ballot measure. The county legislative authorities may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at the next election or a special election. If no ballot measure is approved by the voters by the third vote, the planning committee is dissolved.

Sec. 12. RCW 36.120.070 and 2002 c 56 s 107 are each amended to read as follows:

Beginning no sooner than the 2007 general election, and subject to the approval of the regional transportation commission established in section 2 of this act, or its successor entity, two or more contiguous county legislative authorities, upon receipt of the regional transportation investment plan under RCW 36.120.040, may (certify the plan to the ballot, including identification of the tax options) submit to the voters of the proposed district a single ballot measure that approves formation of the district, approves the regional transportation investment plan, and approves the revenue sources necessary to (fund) finance the plan. ((County legislative authorities)) For a county to participate in the plan, the county legislative authorities shall, within ninety days after receiving the plan, adopt an ordinance indicating the county's participation. The planning committee may draft ((a ballot title:)) the ballot measure on

behalf of the county legislative authorities, and the county legislative authorities may give notice as required by law for ballot measures, and perform other duties as required to ((put the plan before)) submit the measure to the voters of the proposed district for their approval or rejection ((as a single ballot measure that both approves formation of the district and approves the plan)). Counties may negotiate interlocal agreements necessary to implement the plan. The electorate will be the voters voting within the boundaries of the ((participating counties)) proposed district. A simple majority of the total persons voting on the single ballot measure ((to approve the plan, establish the district, and approve the taxes and fees)) is required for approval.

Sec. 13. RCW 29A.36.071 and 2004 c 271 s 169 are each amended to read as follows:

(1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and (c) a question. The ballot title must conform with the requirements and be displayed substantially as provided under RCW 29A.72.050, except that the concise description must not exceed seventy-five words; however, a concise description submitted on behalf of a regional transportation investment district may exceed seventy-five words. If the local governmental unit is a city or a town, the concise statement shall be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement shall be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement shall be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

(2) A referendum measure on the enactment of a unit of local government shall be advertised in the manner provided for nominees for elective office.

(3) Subsection (1) of this section does not apply if another provision of law specifies the ballot title for a specific type of ballot question or proposition.

Sec. 14. RCW 36.120.080 and 2002 c 56 s 108 are each amended to read as follows:

If the voters approve the plan, including creation of a regional transportation investment district and imposition of taxes and fees, the district will be declared formed. The county election officials of participating counties shall, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general circulation in the district declaring the district formed, and mail copies of the notice to the governor, the secretary of transportation, the executive director of the regional transit authority in which any part of the district is located, and the executive director of the regional transportation planning organization in which any part of the district is located. A party challenging the procedure or the formation of a voter-approved district must file the challenge in writing by serving the prosecuting attorney of the participating counties and the attorney general within thirty days after the final certification of the election. Failure to challenge within that time forever bars further challenge of the district's valid formation.

Sec. 15. RCW 36.120.110 and 2002 c 56 s 111 are each amended to read as follows:

(1) The governing board of the district is responsible for the execution of the voter-approved plan. The board shall:

- (a) Impose taxes and fees authorized by district voters;
- (b) Enter into agreements with state, local, and regional agencies and departments as necessary to accomplish district purposes and protect the district's investment in transportation projects;
- (c) Accept gifts, grants, or other contributions of funds that will support the purposes and programs of the district;
- (d) Monitor and audit the progress and execution of transportation projects to protect the investment of the public and annually make public its findings;

(e) Pay for services and enter into leases and contracts, including professional service contracts;

(f) Hire no more than ten employees, including a director or executive officer, a treasurer or financial officer, a project manager or engineer, a project permit coordinator, and clerical staff; and

(g) Coordinate its activities with affected cities, towns, and other local governments, including any regional transit authority existing either partially or entirely within the district area, that engage in transportation planning; and

(h) Exercise other powers and duties as may be reasonable to carry out the purposes of the district.

(2) It is the intent of the legislature that existing staff resources of lead agencies be used in implementing this chapter. A district may coordinate its activities with the department, which shall provide services, data, and personnel to assist as desired by the regional transportation investment district. Lead agencies for transportation projects that are not state facilities shall also provide staff support for the board.

(3) A district may not acquire, hold, or dispose of real property.

(4) Except as provided in section 9(8)(e) of this act, a district may not own, operate, or maintain an ongoing facility, road, or transportation system.

(5) A district may accept and expend or use gifts, grants, or donations.

(6) It is the intent of the legislature that administrative and overhead costs of a regional transportation investment district be minimized. For transportation projects costing up to fifty million dollars, administrative and overhead costs may not exceed three percent of the total construction and design project costs per year. For transportation projects costing more than fifty million dollars, administrative and overhead costs may not exceed three percent of the first fifty million dollars in costs, plus an additional one-tenth of one percent of each additional dollar above fifty million. These limitations apply only to the district, and do not limit the administration or expenditures of the department.

(7) A district may use the design-build procedure for transportation projects developed by it. As used in this section "design-build procedure" means a method of contracting under which the district contracts with another party for that party to both design and build the structures, facilities, and other items specified in the contract. The requirements and limitations of RCW 47.20.780 and 47.20.785 do not apply to the transportation projects under this chapter.

Sec. 16. RCW 81.112.030 and 1994 c 44 s 1 are each amended to read as follows:

Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.

The authority shall be formed in the following manner:

(1) The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. The final system plan shall be adopted no later than June 30, 1993. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the plan to the county legislative authorities within the adopted service area.

(2) The legislative authorities of the counties within the service area shall decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan or by August 13, 1993, whichever comes first.

(3) Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed

within thirty days following each county's decision to participate in the authority.

(4) The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the appointments. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

(5) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.

(6) If the authority determines that major modifications to the plan are necessary before the initial ballot proposition is submitted to the voters, the authority may make those modifications with a favorable vote of two-thirds of the entire membership. Any such modification shall be subject to the review process set forth in RCW 81.104.110. The modified plan shall be transmitted to the legislative authorities of the participating counties. The legislative authorities shall have forty-five days following receipt to act by motion or ordinance to confirm or rescind their continued participation in the authority.

(7) If any county opts to not participate in the authority, but two or more contiguous counties do choose to continue to participate, the authority's board shall be revised accordingly. The authority shall, within forty-five days, redefine the system and financing plan to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

(8) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to authorize the imposition of taxes to support the implementation of an appropriate phase of the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan approved by the authority's board before the submittal of a proposition to the voters shall contain an equity element which:

(a) Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;

(b) Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor. Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and

(c) Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.

A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the projects identified in the proposition. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993; nor may the authority issue bonds or form any local improvement district prior to July 1, 1993.

(9) If the vote on a proposition fails, the board may redefine the proposition, make changes to the authority boundaries, and make corresponding changes to the composition of the board. If the composition of the board is changed, the participating counties shall revise the membership of the board accordingly. The board may then submit the revised proposition or a different proposition to the voters. No single proposition may be submitted to the voters more than twice.

(10) Beginning no sooner than the 2007 general election, and subject to the approval of the regional transportation commission established in section 2 of this act, or its successor entity, the authority may place

additional propositions on the ballot to impose taxes to support additional phases of plan implementation. In conjunction with RCW 36.120.070, the proposition may be submitted to the voters as a common ballot measure along with a proposed regional transportation investment plan.

(1) If the authority is unable to achieve a positive vote on a proposition within two years from the date of the first election on a proposition, the board may, by resolution, reconstitute the authority as a single-county body. With a two-thirds vote of the entire membership of the voting members, the board may also dissolve the authority.

Sec. 17. RCW 35.95A.080 and 2002 c 248 s 9 are each amended to read as follows:

(1) Every authority has the power to levy and collect a special excise tax not exceeding two and one-half percent on the value of every motor vehicle owned by a resident of the authority area for the privilege of using a motor vehicle. ~~((Before utilization of any excise tax money collected under this section for acquisition of right of way or construction of a public monorail transportation facility on a separate right of way, the authority must adopt rules affording the public an opportunity for corridor public hearings and design public hearings, which provide in detail the procedures necessary for public participation in the following instances: (a) Prior to adoption of location and design plans having a substantial social, economic, or environmental effect upon the locality upon which they are to be constructed; or (b) on the public transportation facilities operating on a separate right of way whenever a substantial change is proposed relating to location or design in the adopted plan. In adopting rules the authority must adhere to the provisions of the administrative procedure act.~~

~~(2) A "corridor public hearing" is a public hearing that: (a) Is held before the authority is committed to a specific route proposal for the public transportation facility, and before a route location is established; (b) is held to afford an opportunity for participation by those interested in the determination of the need for, and the location of, the public transportation facility; and (c) provides a public forum that affords a full opportunity for presenting views on the public transportation facility route location, and the social, economic, and environmental effects on that location and alternate locations. However, the hearing is not deemed to be necessary before adoption of a transportation plan as provided in section 7 of this act or a vote of the qualified electors under subsection (5) of this section.~~

~~(3) A "design public hearing" is a public hearing that: (a) Is held after the location is established but before the design is adopted; (b) is held to afford an opportunity for participation by those interested in the determination of major design features of the public monorail transportation facility; and (c) provides a public forum to afford a full opportunity for presenting views on the public transportation system design, and the social, economic, and environmental effects of that design and alternate designs, including people-mover technology.~~

~~(4) An authority imposing a tax under subsection (1) of this section may also impose a sales and use tax, in addition to any tax authorized by RCW 82.14.030, upon retail car rentals within the city that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax must not exceed 1.944 percent of the base of the tax. The base of the tax will be the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax. The revenue collected under this subsection will be distributed in the same manner as sales and use taxes under chapter 82.14 RCW.~~

~~(5) Before any authority may impose any of the taxes authorized under this section, the authorization for imposition of the taxes must be approved by the qualified electors of the authority area.) An authority shall not decrease the tax rate levied as of January 1, 2006, and shall not levy or collect the special excise tax under this section once the debt and obligations, including judgments, of the authority have been satisfied.~~

(2) After the debt and obligations, including judgments, of the city transportation authority have been satisfied as determined under section 5 of this act: (a) The governing body of the authority shall send to the governing body of the city with a population of five hundred sixty thousand or more in which the authority is wholly

located a letter certifying that the debt is retired and a contingency account has been funded in an amount determined by the governing body of the authority to be sufficient to resolve any existing and reasonably foreseeable legal claims against the authority; and (b) the governing body of a city with a population of five hundred sixty thousand or more may, upon approval by the voters as part of an integrated regional transportation ballot measure, levy and collect a special excise tax not exceeding two and one-half percent on the value of every motor vehicle owned by a resident of the authority area for the privilege of using a motor vehicle.

Sec. 18. RCW 35.95A.110 and 2002 c 248 s 12 are each amended to read as follows:

(1) All taxes and fees levied and collected by an authority must be used solely for the purpose of paying all or any part of ((the cost of acquiring, designing, constructing, equipping, maintaining, or operating public monorail transportation facilities or contracting for the services thereof, or to pay or secure the payment of all or part of)) the principal of or interest on any general obligation bonds or revenue bonds issued for authority purposes. ((Until expended, money accumulated in the funds and accounts of an authority may be invested in the manner authorized by the governing body of the authority, consistent with state law.))

If any of the revenue from any tax or fee authorized to be levied by an authority has been pledged by the authority to secure the payment of any bonds as herein authorized, then as long as that pledge is in effect the legislature will not withdraw from the authority the authorization to levy and collect the tax or fee.

(2) All taxes and fees levied and collected by a city under section 5 of this act must be used for funding nonmonorail transit within the city.

Sec. 19. RCW 36.120.050 and 2003 c 350 s 4 are each amended to read as follows:

(1) A regional transportation investment district planning committee may, as part of a regional transportation investment plan, recommend the imposition of some or all of the following revenue sources, which a regional transportation investment district may impose upon approval of the voters as provided in this chapter:

(a) A regional sales and use tax, as specified in RCW 82.14.430, of up to ~~((0.5))~~ 0.1 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district;

(b) A local option vehicle license fee, as specified under RCW 82.80.100, of up to one hundred dollars per vehicle registered in the district. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;

(c) A parking tax under RCW 82.80.030;

(d) A local motor vehicle excise tax under RCW 81.100.060 and chapter 81.104 RCW;

(e) A local option fuel tax under RCW 82.80.120;

(f) An employer excise tax under RCW 81.100.030; and

(g) Vehicle tolls on new or reconstructed ~~((facilities.))~~ local or regional arterials or state or federal highways within the boundaries of the district, if the following conditions are met:

(i) Any such toll must be approved by the transportation commission or its successor;

(ii) The regional transportation investment plan must identify the facilities that may be tolled; and

(iii) Unless otherwise specified by law, the department shall administer the collection of vehicle tolls on designated facilities, and the state transportation commission, or its successor, shall be the tolling authority.

(2) Taxes, fees, and tolls may not be imposed without an affirmative vote of the majority of the voters within the boundaries of the district voting on a ballot proposition as set forth in RCW 36.120.070. Revenues from these taxes and fees may be used only to implement the plan as set forth in this chapter. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section.

(3) Existing statewide motor vehicle fuel and special fuel taxes, at the distribution rates in effect on January 1, 2001, are not intended to be altered by this chapter.

Sec. 20. RCW 81.100.080 and 1990 c 43 s 19 are each amended to read as follows:

Funds collected under RCW 81.100.030 or 81.100.060 and any investment earnings accruing thereon shall be used by the county or the regional transportation investment district in a manner consistent with the regional transportation plan only for costs of collection, costs of preparing, adopting, and enforcing agreements under RCW 81.100.030(3), for construction of high occupancy vehicle lanes and related facilities, mitigation of environmental concerns that result from construction or use of high occupancy vehicle lanes and related facilities, by an investment district for projects contained in a plan developed under chapter 36.120 RCW, payment of principal and interest on bonds issued for the purposes of this section, for high occupancy vehicle programs as defined in RCW 81.100.020(5), and for commuter rail projects in accordance with RCW 81.104.120. Except for funds raised by an investment district, no funds collected under RCW 81.100.030 or 81.100.060 after June 30, 2000, may be pledged for the payment or security of the principal or interest on any bonds issued for the purposes of this section. Not more than ten percent of the funds may be used for transit agency high occupancy vehicle programs.

Priorities for construction of high occupancy vehicle lanes and related facilities shall be as follows:

(1)(a) To accelerate construction of high occupancy vehicle lanes on the interstate highway system, as well as related facilities;

(b) To finance or accelerate construction of high occupancy vehicle lanes on the noninterstate state highway system, as well as related facilities.

(2) To finance construction of high occupancy vehicle lanes on local arterials, as well as related facilities.

Moneys received by ~~((an agency))~~ a county under this chapter shall be used in addition to, and not as a substitute for, moneys currently used by the ~~((agency))~~ county for the purposes specified in this section.

Counties and investment districts may contract with cities or the state department of transportation for construction of high occupancy vehicle lanes and related facilities, and may issue general obligation bonds to fund such construction and use funds received under this chapter to pay the principal and interest on such bonds.

Sec. 21. RCW 81.100.060 and 2002 c 56 s 411 are each amended to read as follows:

A county with a population of one million or more and a county with a population of from two hundred ten thousand to less than one million that is adjoining a county with a population of one million or more, having within their boundaries existing or planned high-occupancy vehicle lanes on the state highway system, or a regional transportation investment district ~~((for capital improvements))~~, but only to the extent that the surcharge has not already been imposed by the county, may, with voter approval, impose a local surcharge of not more than three-tenths of one percent in the case of a county, or six-tenths of one percent in the case of a regional transportation investment district, of the value on vehicles registered to a person residing within the county or investment district and not more than 13.64 percent on the state sales and use taxes paid under the rate in RCW 82.08.020(2) on retail car rentals within the county or investment district. A county may impose the surcharge only to the extent that it has not been imposed by the district. No surcharge may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.085, or 46.16.090.

Counties or investment districts imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, and department of revenue, as appropriate, which shall deduct ~~((am))~~ a percentage amount, as provided by contract, not to exceed two percent of the taxes, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44

RCW shall, insofar as they are applicable to motor vehicle excise taxes, be applicable to surcharges imposed under this section. A local sales and use tax change shall take effect no sooner than seventy-five days after the department of revenue receives notice of the change and only on the first day of January, April, July, or October. Notice includes providing the department of revenue with the digital mapping and legal descriptions of areas in which the tax will be collected. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW shall, insofar as they are applicable to state sales and use taxes, be applicable to surcharges imposed under this section.

If the tax authorized in RCW 81.100.030 is also imposed, the total proceeds from tax sources imposed under this section and RCW 81.100.030 each year shall not exceed the maximum amount which could be collected under this section.

Sec. 22. RCW 82.14.430 and 2002 c 56 s 405 are each amended to read as follows:

(1) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a sales and use tax of up to ~~((0.5))~~ 0.1 percent of the selling price or value of the article used in the case of a use tax. The tax authorized by this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. Motor vehicles are exempt from the sales and use tax imposed under this subsection.

(2) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a tax on the use of a motor vehicle within a regional transportation investment district. The tax applies to those persons who reside within the regional transportation investment district. The rate of the tax may not exceed ~~((0.5))~~ 0.1 percent of the value of the motor vehicle. The tax authorized by this subsection is in addition to the tax authorized under RCW 82.14.030 and must be imposed and collected at the time a taxable event under RCW 82.08.020(1) or 82.12.020 takes place. All revenue received under this subsection must be deposited in the local sales and use tax account and distributed to the regional transportation investment district according to RCW 82.14.050. The following provisions apply to the use tax in this subsection:

(a) Where persons are taxable under chapter 82.08 RCW, the seller shall collect the use tax from the buyer using the collection provisions of RCW 82.08.050.

(b) Where persons are taxable under chapter 82.12 RCW, the use tax must be collected using the provisions of RCW 82.12.045.

(c) "Motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(d) "Person" has the meaning given in RCW 82.04.030.

(e) The value of a motor vehicle must be determined under RCW 82.12.010.

(f) Except as specifically stated in this subsection (2), chapters 82.12 and 82.32 RCW apply to the use tax. The use tax is a local tax imposed under the authority of chapter 82.14 RCW, and chapter 82.14 RCW applies fully to the use tax.

NEW SECTION. Sec. 23. A new section is added to chapter 36.120 RCW to read as follows:

A regional transportation investment district may adopt system-wide pricing policies and an implementation plan for the regional transportation system within its boundaries. "System-wide pricing" includes the tolling authority provided in RCW 36.120.050, network value-pricing authority provided in section 24 of this act, the authority to set regional transit fares as provided in RCW 81.112.080(4), and other system pricing tools as determined by the district governing board. System-wide pricing charges authorized by this act may be imposed to improve performance of the regional transportation system, improve integration of transportation modes, finance transportation improvements, and measure needed

investments. Pricing charges may vary for type of vehicle, time of day, traffic conditions, and other factors.

NEW SECTION. Sec. 24. A new section is added to chapter 82.80 RCW to read as follows:

(1) A regional transportation investment district may impose a network value-pricing charge based upon vehicle travel. This charge may be, but is not limited to, a charge upon the vehicle miles traveled within the district by a vehicle, or upon vehicle miles traveled within certain corridors in the district, or upon total vehicle miles traveled by a vehicle registered to a person whose legal residence is within the district. Network value-pricing charges imposed may vary by type of vehicle, time of day, traffic conditions, and other factors.

(2) Charges imposed may be collected either periodically in a manner prescribed by the district governing board or annually by the department of licensing upon renewal of the vehicle license. The district governing board may identify categories of miles driven that are subject to or exempt from the charge including, but not limited to, travel outside the district, travel in specified corridors, time of travel, or exempt or maximum mileage charges.

(3) The mileage charge under this section is subject to the approval of the transportation commission or its statutory successor.

(4) A district governing board imposing a mileage charge collected annually by the department of licensing upon renewal of the vehicle license shall enter into a contract with the department of licensing. The contract must contain provisions that fully recover the costs to the department of licensing for collection and administration of the charge. The district governing board imposing this charge or initiating an exemption process shall provide at least six months' notice to the department of licensing before the implementation of any changes in registration amounts or exemptions.

Sec. 25. RCW 47.56.076 and 2005 c 335 s 3 are each amended to read as follows:

Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, and ~~((only for the purposes authorized in RCW 36.120.050(1)(g)))~~ with the approval of the state transportation commission or its successor, a regional transportation investment district may authorize and set vehicle tolls on a state ((routes where improvements financed in whole or in part by a regional transportation investment district add additional lanes to, or reconstruct lanes on, a highway of statewide significance)) or federal highway within the boundaries of the district. The department shall administer the collection of vehicle tolls authorized on designated facilities unless otherwise specified in law or by contract, and the ~~((state transportation))~~ commission((;)) or its successor((;)) shall ((be the tolling authority)) set and impose the tolls in amounts sufficient to implement the regional transportation investment plan under RCW 36.120.020.

NEW SECTION. Sec. 26. A new section is added to chapter 47.56 RCW to read as follows:

Notwithstanding any provision to the contrary in this chapter, a regional transportation investment district may impose vehicle tolls on either Lake Washington bridge within its boundaries and to implement a regional transportation investment plan as authorized in chapter 36.120 RCW and RCW 47.56.076.

Sec. 27. RCW 43.79A.040 and 2005 c 424 s 18, 2005 c 402 s 8, 2005 c 215 s 10, and 2005 c 16 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to

chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), and the life sciences discovery fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 28. RCW 43.84.092 and 2005 c 514 s 1105, 2005 c 353 s 3, 2005 c 339 s 22, 2005 c 314 s 109, 2005 c 312 s 7, and 2005 c 94 s 1 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the real estate appraiser commission account, ~~(the regional transportation investment district account,))~~ the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington

state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 29. RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and

operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, ~~((the regional transportation investment district account, the resource management cost account,))~~ the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the

county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 30. A new section is added to chapter 47.01 RCW to read as follows:

The department shall not commence construction on any part of the state route number 520 bridge project until agreements have been reached with the incorporated towns or cities that represent the communities affected by the state route number 520 project. The agreements must provide reasonable assurance that no further degradation will occur to the citizens' current use and enjoyment of their properties as a result of repairs and improvements made to the state route number 520 bridge and its connecting roadways. Such assurances may be achieved through engineering design choices, mitigation measures, or a combination of both.

Sec. 31. RCW 36.73.015 and 2005 c 336 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "District" means a transportation benefit district created under this chapter.

(2) "City" means a city or town.

(3) "Transportation improvement" means a project contained in the transportation plan of the state or a regional transportation planning organization ~~((that is of statewide or regional significance))~~. A project may include investment in new or existing highways of statewide significance, principal arterials of regional significance, high-capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance including transportation demand management. Projects may also include the operation, preservation, and maintenance of these facilities or programs. ~~((Not more than forty percent of the revenues generated by a district may be expended on city streets, county roads, existing highways other than highways of statewide significance, and the creation of a new highway that intersects with a highway of statewide significance.))~~

Sec. 32. RCW 36.73.020 and 2005 c 336 s 3 are each amended to read as follows:

(1) The legislative authority of a county or city may establish a transportation benefit district within the county or city area or within the area specified in subsection (2) of this section, for the purpose of acquiring, constructing, improving, providing, and funding a transportation improvement within the district that is consistent with any existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels. The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway. However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, highways, and transportation improvements. To the extent practicable, the

district shall consider the following criteria when selecting transportation improvements:

(a) Reduced risk of transportation facility failure and improved safety;

(b) Improved travel time;

(c) Improved air quality;

(d) Increases in daily and peak period trip capacity;

(e) Improved modal connectivity;

(f) Improved freight mobility;

(g) Cost-effectiveness of the investment;

(h) Optimal performance of the system through time; and

(i) Other criteria, as adopted by the governing body.

(2) ~~((Subject to subsection (6) of this section,))~~ The district may include area within more than one county, city, port district, county transportation authority, or public transportation benefit area, if the legislative authority of each participating jurisdiction has agreed to the inclusion as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the boundaries of the district shall include all territory within the boundaries of the participating jurisdictions comprising the district.

(3) The members of the legislative authority proposing to establish the district, acting ex officio and independently, shall constitute the governing body of the district: PROVIDED, That where a district includes area within more than one jurisdiction under subsection (2) of this section, the district shall be governed under an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the governing body shall be composed of at least five members including at least one elected official from the legislative authority of each participating jurisdiction.

(4) The treasurer of the jurisdiction proposing to establish the district shall act as the ex officio treasurer of the district, unless an interlocal agreement states otherwise.

(5) The electors of the district shall all be registered voters residing within the district.

~~(((6) The authority under this section, regarding the establishment of or the participation in a district, shall not apply to:~~

~~(a) Counties with a population greater than one million five hundred thousand persons and any adjoining counties with a population greater than five hundred thousand persons;~~

~~(b) Cities with any area within the counties under (a) of this subsection; and~~

~~(c) Other jurisdictions with any area within the counties under (a) of this subsection.))~~

NEW SECTION. Sec. 33. Sections 1 through 6 of this act constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 34. Section 28 of this act expires July 1, 2006.

NEW SECTION. Sec. 35. Section 29 of this act takes effect July 1, 2006."

Correct the title.

Representative Cody moved the adoption of amendment (956) to amendment (860):

On page 4, line 27, after "approved by the voters", insert ", within the city and region wide,"

Representatives Cody and Woods spoke in favor of the adoption of the amendment to amendment (860).

The amendment to amendment was adopted.

Representative Hunter moved the adoption of amendment (957) to amendment (860):

On page 40, after line 7, insert:

"NEW SECTION. Sec. 33. (1) Prior to a regional transportation public vote, the department of transportation must

complete all of the following requirements for both the Alaskan Way Viaduct and Seattle Seawall Replacement Project, and the SR 520 Bridge Replacement and HOV Project: (a) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

(2) For purposes of this section, "regional transportation public vote" means a public vote on: (a) any integrated regional transportation finance plan developed by the regional transportation commission or its successor entity under section 3 of this act; (b) any regional transportation investment plan developed by a regional transportation investment district under RCW 36.120.070."

Renumber the sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Hunter, Woods and Tom spoke in favor of the adoption of the amendment to amendment (860).

The amendment to amendment was adopted.

The question before the House was amendment (860) as amended.

Representative Murray spoke in favor of the adoption of the amendment as amended.

The amendment (860) as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray, Jarrett, Upthegrove, Woods and Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2871.

MOTION

On motion of Representative Santos, Representative Eickmeyer was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2871 and the bill passed the House by the following vote: Yeas - 71, Nays - 26, Excused - 1.

Voting yea: Representatives Ahern, Anderson, Appleton, Blake, Buck, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Haigh, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Sullivan, B.,

Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Woods and Mr. Speaker - 71.

Voting nay: Representatives Alexander, Armstrong, Bailey, Buri, Condotta, Cox, Curtis, DeBolt, Dunn, Green, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Orcutt, Ormsby, Pearson, Roach, Strow, Sullivan, P., Sump and Wood - 26.

Excused: Representative Eickmeyer - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., February 22, 2006, the 45th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FORTY FIFTH DAY

House Chamber, Olympia, Wednesday, February 22, 2006

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

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

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

REPORTS OF STANDING COMMITTEES

February 20, 2006

ESSB 5204 Prime Sponsor, Senate Committee On Judiciary: Modifying the chattel lien process. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 20, 2006

SB 6208 Prime Sponsor, Senator Rockefeller: Simplifying session law publication. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 20, 2006

SB 6264 Prime Sponsor, Senator Kohl-Welles: Allowing an injured worker to change total permanent disability pension options under certain circumstances. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 20, 2006

SB 6453 Prime Sponsor, Senator Mulliken: Establishing a one thousand dollar minimum monthly benefit for certain plan 1 members of the public employees' retirement system and certain plan 1

members of the teachers' retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 20, 2006

SB 6504 Prime Sponsor, Senator Berkey: Prohibiting public hospital district employees from serving as commissioners. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Takko and Woods.

Passed to Committee on Rules for second reading.

February 20, 2006

SB 6531 Prime Sponsor, Senator Weinstein: Preserving remedies when limited liability companies dissolve. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 20, 2006

SB 6541 Prime Sponsor, Senator Prentice: Regarding appeal bond requirements against signatories of the tobacco master settlement agreement. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION, **Sec. 1.** (1) The legislature finds that:

(a) Over the past five years, Washington has received more than seven hundred million dollars from the tobacco master settlement agreement;

(b) While the state has securitized a portion of the moneys it was promised under the master settlement agreement, the remainder of the master settlement agreement payments is used to fund important

health programs such as the state's basic health plan, children's health insurance, childhood vaccines, and public health;

(c) Litigation now pending in the state or filed in the future could result in damage awards against master settlement agreement signatories or their successors or affiliates that are so large that the defendants could obtain a stay of the execution of the judgment while they appeal only by declaring bankruptcy, rather than posting an appeal bond under state law;

(d) Should a master settlement agreement signatory declare bankruptcy, issues might be raised about whether that disrupts or jeopardizes the payments that fund important state programs;

(e) The legislature has the substantive obligation to raise revenue and to protect the financial well-being of the state and its citizens. Pursuant to that obligation, it is the legislature's responsibility to ensure the continued receipt of master settlement agreement funds to the maximum extent possible.

(2) Therefore, the legislature intends to place a maximum limit on the appeal bond a master settlement agreement signatory or a successor or affiliate of a master settlement agreement signatory can be required to post in litigation in order to stay execution of the judgment without being forced into bankruptcy while it exercises its right to appeal an adverse judgment.

NEW SECTION. Sec. 2. A new section is added to chapter 43.340 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, in order to secure and protect the moneys to be received as a result of the master settlement agreement in civil litigation under any legal theory involving a signatory, a successor of a signatory, or any affiliate of a signatory to the master settlement agreement, the supersedeas bond to be furnished in order to stay the execution of the judgment during the entire course of appellate review shall be set in accordance with applicable laws or court rules, except that the total bond that is required of all appellants collectively shall not exceed one hundred million dollars, regardless of the value of the judgment.

(2) If an appellee proves by a preponderance of the evidence that an appellant is dissipating assets outside the ordinary course of business to avoid the payment of a judgment, a court may require the appellant to post a bond in an amount up to the amount of the judgment.

NEW SECTION. Sec. 3. This act applies to all actions pending on or filed on or after the effective date of this section."

Correct the title.

Signed by Representatives Sommers, Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Dunshee; Grant; Haigh; Hinkle; Hunter; Kenney; Kessler; McDonald; McIntire; Miloscia; Pearson; Priest; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Darneille; Kagi; Linville; McDermott and Schual-Berke.

Passed to Committee on Rules for second reading.

February 20, 2006
SB 6596 Prime Sponsor, Senator Kline: Revising the dissolution of Washington corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 20, 2006
SSB 6670 Prime Sponsor, Senate Committee On Judiciary: Changing court filing fee provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 20, 2006
SB 6723 Prime Sponsor, Senator Eide: Determining the retirement allowance of a member who is killed in the course of employment. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 20, 2006
SB 6816 Prime Sponsor, Senator Zarelli: Allowing county cemetery districts to include areas within cities and towns. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Takko and Woods.

Passed to Committee on Rules for second reading.

February 21, 2006
SSB 6851 Prime Sponsor, Senate Committee On Financial Institutions, Housing & Consumer Protection: Revising provisions concerning closure of mobile home parks and manufactured housing communities. Reported by Committee on Housing

MAJORITY recommendation: Do pass as amended.

On page 1, line 19, after "days" insert "of the date notice was given to all tenants as required by RCW 59.20.080"

Signed by Representatives Miloscia, Chairman; Springer, Vice Chairman; Dunn, Assistant Ranking Minority Member; McCune; Ormsby; Schindler and Sells.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 10:00 a.m., February 23, 2006, the 46th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FORTY SIXTH DAY

House Chamber, Olympia, Thursday, February 23, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Matt McIntire and Matt Kristiansen. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Paul Lundborg, Lutheran Church of the Good Shepherd.

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

MESSAGE FROM THE SENATE

February 22, 2006

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5319,
SENATE BILL NO. 6379,
SENATE BILL NO. 6680,
SUBSTITUTE SENATE BILL NO. 6686,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6787,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2006-4706, By Representative Schual-Berke and Talcott

WHEREAS, Congress has recognized the third week in April as National Shaken Baby Awareness Week; and

WHEREAS, Shaken Baby Syndrome is known as the leading cause of death among physically abused children; and

WHEREAS, Shaken Baby Syndrome is a totally preventable form of child abuse, caused by a caregiver losing control and shaking a baby who is usually under the age of two years; and

WHEREAS, Characteristics of Shaken Baby Syndrome are subdural hemorrhages, damage to the spinal cord and neck, and fractures of the ribs and bones; these injuries may not be immediately noticeable; and

WHEREAS, Symptoms of Shaken Baby Syndrome are extreme irritability, lethargy, poor feeding or sucking, breathing problems, convulsions, vomiting, pale or bluish skin, and a coma; and

WHEREAS, Medical professionals believe that thousands of cases of Shaken Baby Syndrome are being misdiagnosed or not detected; and

WHEREAS, Shaken Baby Syndrome results in permanent and irreversible brain damage or death to an infant and may result in more than \$1,000,000 in medical costs to care for a single, disabled child in just the first year of life; and

WHEREAS, Prevention of Shaken Baby Syndrome includes early recognition of child abuse, parenting support through classes, education of health care personnel and family

members, stress reduction for parents, and careful evaluation of those outside the family who take care of children; and

WHEREAS, Efforts to prevent Shaken Baby Syndrome are supported by advocacy groups across the United States that were formed by parents and relatives of children who have been killed or injured by shaking, such as The National Shaken Baby Coalition, The Shaken Baby Association, The Skipper (Shaking Kills: Instead Parents Please Educate and Remember) Initiative, Shaken Baby Alliance, Shaken Baby Prevention, Inc., A voice for Gabbie, Don't Shake Jake, and the Kierra Harrison Foundation, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and victims' families in the health care and criminal justice system;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor the efforts of those who advocate on behalf of victims of Shaken Baby Syndrome during National Shaken Baby Awareness Week, the third week in April, by encouraging the people of Washington State to remember the victims of Shaken Baby Syndrome and to participate in educational programs to help prevent Shaken Baby Syndrome.

Representative Schual-Berke moved the adoption of the resolution.

Representatives Schual-Berke spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4706 was adopted.

INTRODUCTION & FIRST READING

HB 3315 by Representatives Murray and Woods

AN ACT Relating to the issuance of general obligation bonds for state highway improvement projects; and adding new sections to chapter 47.10 RCW.

Referred to Committee on Transportation.

HB 3316 by Representatives Dunshee, Linville, Grant and Kessler

AN ACT Relating to authorizing state general obligation bonds for correctional facilities, Hood Canal and Puget Sound rehabilitation, and the Columbia river basin water supply development program; adding new chapters to Title 43 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

ESB 5319 by Senators Oke, Doumit, Roach, Hargrove, Honeyford, Swecker, Schoesler, Rasmussen, Berkey, Delvin, Morton, Regala, Sheldon, Stevens, Johnson and Mulliken

AN ACT Relating to trapping; amending RCW 77.08.010, 77.15.194, 77.65.450, 77.65.460, 77.32.545, and 77.15.198; adding new sections to chapter 77.12 RCW; repealing RCW 77.15.192; and declaring an emergency.

Referred to Committee on Natural Resources, Ecology & Parks.

SB 6379 by Senators Poulsen, Morton, Fraser, Finkbeiner, Rockefeller and Rasmussen; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to temporarily increasing the statewide cap for the public utility tax credit provided by RCW 82.16.0497; amending RCW 82.16.0497; and providing an effective date.

Referred to Committee on Finance.

SB 6680 by Senators Brandland, Haugen and Rasmussen

AN ACT Relating to a biometric matching system for driver's licenses and identicards; and amending RCW 46.20.037.

Referred to Committee on Transportation.

SSB 6686 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Esser, Kastama, Johnson, Kline, Finkbeiner, Weinstein, Keiser, Berkey and McAuliffe)

AN ACT Relating to authorizing a local sales and use tax that is credited against the state sales and use tax; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Finance.

ESSB 6787 by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller, Poulsen, Haugen and Oke)

AN ACT Relating to local government passenger ferry service funding; amending RCW 47.60.645, 36.54.110, and 36.54.130; adding new sections to chapter 47.60 RCW; adding a new section to chapter 36.78 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

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

REPORTS OF STANDING COMMITTEES

February 21, 2006

ESB 5048 Prime Sponsor, Senator Oke: Prohibiting tobacco product sampling. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander;

Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 22, 2006

ESSB 5385 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Creating the Washington invasive species council. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) The land, water, and other resources of Washington are being severely impacted by the invasion of an increasing number of harmful invasive plant and animal species.

(2) These impacts are resulting in damage to Washington's environment and causing economic hardships.

(3) The multitude of public and private organizations with an interest in controlling and preventing the spread of harmful invasive species in Washington need a mechanism for cooperation, communication, collaboration, and developing a statewide plan of action to meet these threats.

NEW SECTION. **Sec. 2.** (1) There is created the Washington invasive species council to exist until December 31, 2011. Staff support to the council shall be provided by the committee and from the agencies represented on the council. For administrative purposes, the council shall be located within the committee.

(2) The purpose of the council is to provide policy level direction, planning, and coordination for combating harmful invasive species throughout the state and preventing the introduction of others that may be potentially harmful.

(3) The council is a joint effort between local, tribal, state, and federal governments, as well as the private sector and nongovernmental interests. The purpose of the council is to foster cooperation, communication, and coordinated approaches that support local, state, and regional initiatives for the prevention and control of invasive species.

(4) For the purposes of this chapter, "invasive species" include nonnative organisms that cause economic or environmental harm and are capable of spreading to new areas of the state. "Invasive species" does not include domestic livestock, intentionally planted agronomic crops, or nonharmful exotic organisms.

NEW SECTION. **Sec. 3.** (1) Membership in the council includes a representative from the following entities:

(a) The department of agriculture, represented by the director or the director's designee;

(b) The department of fish and wildlife, represented by the director or the director's designee;

(c) The department of ecology, represented by the director or the director's designee;

(d) The department of natural resources, represented by the commissioner or the commissioner's designee;

(e) The department of transportation, represented by the secretary or the secretary's designee;

(f) The Washington state noxious weed control board, appointed by the board;

(g) A county located east of the crest of the Cascade mountains, appointed by the other members of the council; and

(h) A county located west of the crest of the Cascade mountains, appointed by the other members of the council.

(2) The councilmembers may add members to the council as the councilmembers deem appropriate to accomplish its goals.

(3) The council must invite one representative each from the United States department of agriculture, the United States fish and

wildlife service, the United States environmental protection agency, and the United States coast guard to participate on the council in a nonvoting, ex officio capacity.

(4) A representative of the office of the governor must convene the first meeting of the council and serve as chair until the council selects a chair. At the first meeting of the council, the council shall address issues including, but not limited to, voting methods, meeting schedules, and the need for and use of advisory and technical committees.

NEW SECTION. Sec. 4. The council's goals are to:

(1) Minimize the effects of harmful invasive species on Washington's citizens and ensure the economic and environmental well-being of the state;

(2) Serve as a forum for identifying and understanding invasive species issues from all perspectives;

(3) Serve as a forum to facilitate the communication, cooperation, and coordination of local, tribal, state, federal, private, and nongovernmental entities for the prevention, control, and management of nonnative invasive species;

(4) Serve as an avenue for public outreach and for raising public awareness of invasive species issues;

(5) Develop and implement a statewide invasive species strategic plan as described in this chapter;

(6) Review the current funding mechanisms and levels for state agencies to manage noxious weeds on the lands under their authority;

(7) Make recommendations for legislation necessary to carry out the purposes of this chapter;

(8) Establish criteria for the prioritization of invasive species response actions and projects; and

(9) Utilizing the process described in subsection (8) of this section, select at least one project per year from the strategic plan for coordinated action by the Washington invasive species councilmember entities.

NEW SECTION. Sec. 5. (1) The council shall develop and periodically update a statewide strategic plan for addressing invasive species. The strategic plan should incorporate the reports and activities of the aquatic nuisance species committee, the state noxious weed control board, and other appropriate reports and activities. In addition, the council must coordinate with the biodiversity council created in Executive Order 04-02 to ensure that a statewide strategy for the control of invasive species is integrated into the thirty-year strategy for biodiversity conservation that the biodiversity council must submit to the legislature in 2007.

(2) The strategic plan must, at a minimum, address:

(a) Statewide coordination and intergovernmental cooperation;

(b) Prevention of new biological invasions through deliberate or unintentional introduction;

(c) Inventory and monitoring of invasive species;

(d) Early detection of and rapid response to new invasions;

(e) Control, management, and eradication of established populations of invasive species;

(f) Projects that can be implemented during the period covered by the strategic plan for the control, management, and eradication of new or established populations of invasive species;

(g) Revegetation, reclamation, or restoration of native species following control or eradication of invasive species;

(h) Tools that can be made available to assist state agencies that are responsible for managing public land to control invasive noxious weeds and recommendations as to how the agencies should be held responsible for the failure to control invasive noxious weeds;

(i) Research and public education;

(j) Funding and resources available for invasive species prevention, control, and management; and

(k) Recommendations for legislation necessary to carry out the purposes of this chapter.

(3) The strategic plan must be updated at least once every three years following its initial development. The strategic plan must be submitted to the governor and appropriate committees of the legislature by September 15th of each applicable year. The council shall complete the initial strategic plan within two years of the effective date of this section.

(4) Each state department and agency named to the council shall, consistent with state law, make best efforts to implement elements of the completed plan that are applicable to the department or agency.

NEW SECTION. Sec. 6. (1) The council shall submit an annual report of its activities to the governor and the relevant policy committees of the senate and house of representatives by December 15th of each year. The annual report must include an evaluation of progress made in the preceding year to implement or carry out the strategic plan and an identification of projects from the strategic plan that will be a focus for the following year.

(2) Prior to the start of the 2011 legislative session, the council must prepare a report to the appropriate committees of the legislature that makes recommendations as to the extension or modification of the council.

NEW SECTION. Sec. 7. The council may establish advisory and technical committees that it considers necessary to aid and advise the council in the performance of its functions. The committees may be continuing or temporary committees. The council shall determine the representation, membership, terms, and organization of the committees and appoint their members.

NEW SECTION. Sec. 8. The invasive species council account is created in the custody of the state treasurer. All receipts from appropriations, gifts, grants, and donations must be deposited into the account. Expenditures from the account may be used only to carry out the purposes of the council. The account is subject to allotment procedures under chapter 43.88 RCW and the approval of the director of the committee is required for expenditures. All expenditures must be directed by the council.

Sec. 9. RCW 79A.25.010 and 1989 c 237 s 2 are each amended to read as follows:

Definitions: As used in this chapter:

(1) "Marine recreation land" means any land with or without improvements which (a) provides access to, or in whole or in part borders on, fresh or salt water suitable for recreational use by watercraft, or (b) may be used to create, add to, or make more usable, bodies of water, waterways, or land, for recreational use by watercraft.

(2) "Public body" means any county, city, town, port district, park and recreation district, metropolitan park district, or other municipal corporation which is authorized to acquire or improve public outdoor recreation land, and shall also mean Indian tribes now or hereafter recognized as such by the federal government for participation in the land and water conservation program.

(3) "Tax on marine fuel" means motor vehicle fuel tax which is (a) tax on fuel used in, or sold or distributed for use in, any watercraft, (b) refundable pursuant to chapter 82.36 RCW, and (c) paid to the director of licensing with respect to taxable sales, distributions, or uses occurring on or after December 3, 1964.

(4) "Watercraft" means any boat, vessel, or other craft used for navigation on or through water.

(5) "Committee" means the interagency committee for outdoor recreation.

(6) "Director" means the director of the interagency committee for outdoor recreation.

(7) "Council" means the Washington invasive species council created in section 2 of this act.

NEW SECTION. Sec. 10. Section 8 of this act expires December 31, 2011.

NEW SECTION. Sec. 11. Sections 1 through 8 of this act are each added to chapter 79A.25 RCW."

Signed by Representatives B. Sullivan, Chairman; Uptegrove, Vice Chairman; Buck, Ranking Minority Member; Blake; Chandler; Dickerson; Hunt and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz, Assistant Ranking Minority Member; Orcutt.

Referred to Committee on Appropriations.

February 21, 2006

SB 6187 Prime Sponsor, Senator Keiser: Removing tricare supplemental insurance policies from the definition of health plan or health benefit plan. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 21, 2006

SSB 6188 Prime Sponsor, Senate Committee On Health & Long-Term Care: Providing health benefit plans offering coverage for prostate cancer screening. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Clibborn; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey and Condotta.

Referred to Committee on Appropriations.

February 21, 2006

SSB 6234 Prime Sponsor, Senate Committee On Financial Institutions, Housing & Consumer Protection: Creating the insurance fraud program. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The purpose of this act is to confront the problem of insurance fraud in this state by making a concerted effort to detect insurance fraud, reduce the occurrence of fraud through criminal enforcement and deterrence, require restitution of fraudulently obtained insurance benefits and expenses incurred by an insurer in investigating fraudulent claims, and reduce the amount of premium dollars used to pay fraudulent claims. The primary focus of the insurance fraud program is on organized fraudulent activities committed against insurance companies.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Insurance fraud" means an act or omission committed by a person who, knowingly, and with intent to defraud, commits, or conceals any material information concerning, one or more of the following:

(a) Presenting, causing to be presented, or preparing with knowledge or belief that it will be presented to or by an insurer, broker, or its agent, false information as part of, in support of, or concerning a fact material to one or more of the following:

(i) An application for the issuance or renewal of an insurance policy;

(ii) The rating of an insurance policy or contract;

(iii) A claim for payment or benefit pursuant to an insurance policy;

(iv) Premiums paid on an insurance policy;

(v) Payments made in accordance with the terms of an insurance policy; or

(vi) The reinstatement of an insurance policy;

(b) Willful embezzlement, abstracting, purloining, or conversion of moneys, funds, premiums, credits, or other property of an insurer or person engaged in the business of insurance; or

(c) Attempting to commit, aiding or abetting in the commission of, or conspiracy to commit the acts or omissions specified in this subsection.

The definition of insurance fraud is for illustrative purposes only under this chapter to describe the nature of the behavior to be reported and investigated, and is not intended in any manner to create or modify the definition of any existing criminal acts nor to create or modify the burdens of proof in any criminal prosecution brought as a result of an investigation under this chapter.

(2) "Insurer" means an insurance company authorized under chapter 48.05 RCW, a health care service contractor registered under chapter 48.44 RCW, and a health care maintenance organization registered under chapter 48.46 RCW.

NEW SECTION. Sec. 3. (1) There is established an insurance fraud program within the office of the insurance commissioner. The commissioner may employ supervisory, legal, and investigative personnel for the program, who must be qualified by training and experience in the areas of detection, investigation, or prosecution of fraud in which the insurance industry is a victim. The chief of the fraud program is a full-time position that is appointed by the commissioner. The chief serves at the pleasure of the commissioner. The commissioner shall provide office space, equipment, supplies, investigators, clerical staff, and other staff that are necessary for the program to carry out its duties and responsibilities under this chapter.

(2) The commissioner may fund one or more state patrol officers to work with the insurance fraud program and the funding for the officers must be paid out of the budget of the insurance fraud program.

(3) The commissioner may fund one or more assistant attorney generals and support staff to work with the insurance fraud program and the funding for the assistant attorney generals and support staff must be paid out of the budget of the insurance fraud program.

(4) The commissioner may make grants to or reimburse local prosecuting attorneys to assist in the prosecution of insurance fraud. The grants must be paid out of the budget of the insurance fraud program. The commissioner may investigate and seek prosecution of crimes involving insurance fraud upon the request of or with the concurrence of the county prosecuting attorney of the jurisdiction in which the offense has occurred. Before such a prosecution, the commissioner and the county in which the offense occurred shall reach an agreement regarding the payment of all costs, including expert witness fees, and defense attorneys' fees associated with any such prosecution.

(5) Staff levels for this program, until June 30, 2010, shall not exceed 8.0 full-time equivalents.

NEW SECTION. Sec. 4. The annual cost of operating the fraud program is funded from the insurance commissioner's regulatory account under RCW 48.02.190 subject to appropriation by the legislature.

NEW SECTION. Sec. 5. (1) The commissioner may:

(a) Employ and train personnel to achieve the purposes of this chapter and to employ legal counsel, investigators, auditors, and clerical support personnel and other personnel as the commissioner

determines necessary from time to time to accomplish the purposes of this chapter;

(b) Initiate inquiries and conduct investigations when the commissioner has cause to believe that insurance fraud has been, is being, or is about to be committed;

(c) Conduct independent examinations of alleged insurance fraud;

(d) Review notices, reports, or complaints of suspected insurance fraud activities from federal, state, and local law enforcement and regulatory agencies, persons engaged in the business of insurance, and any other person to determine whether the reports require further investigation;

(e) Share records and evidence with federal, state, or local law enforcement or regulatory agencies, and enter into interagency agreements;

(f) Conduct investigations outside this state. If the information the commissioner seeks to obtain is located outside this state, the person from whom the information is sought may make the information available to the commissioner to examine at the place where the information is located. The commissioner may designate representatives, including officials of the state in which the matter is located, to inspect the information on behalf of the commissioner, and the commissioner may respond to similar requests from officials of other states;

(g) Administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records that the commissioner deems relevant or material to an inquiry concerning insurance fraud;

(h) Report incidents of alleged insurance fraud disclosed by its investigations to the appropriate prosecutorial authority, including but not limited to the attorney general and to any other appropriate law enforcement, administrative, regulatory, or licensing agency;

(i) Assemble evidence, prepare charges, and work closely with any prosecutorial authority having jurisdiction to pursue prosecution of insurance fraud; and

(j) Undertake independent studies to determine the extent of fraudulent insurance acts.

(2) The fraud program investigators who have obtained certification as a peace officer under RCW 43.101.095 have the powers and status of a limited authority Washington peace officer.

NEW SECTION. Sec. 6. (1) Any insurer or licensee of the commissioner that has reasonable belief that an act of insurance fraud which is or may be a crime under Washington law has been, is being, or is about to be committed shall furnish and disclose the knowledge and information to the commissioner or the national insurance crime bureau, the national association of insurance commissioners, or similar organization, who shall disclose the information to the commissioner, and cooperate fully with any investigation conducted by the commissioner.

(2) Any person that has a reasonable belief that an act of insurance fraud which is or may be a crime under Washington law has been, is being, or is about to be committed; or any person who collects, reviews, or analyzes information concerning insurance fraud which is or may be a crime under Washington law may furnish and disclose any information in its possession concerning such an act to the commissioner or to an authorized representative of an insurer that requests the information for the purpose of detecting, prosecuting, or preventing insurance fraud.

NEW SECTION. Sec. 7. (1) Documents, materials, or other information as described in subsection (3), (4), or both of this section are exempt from public inspection and copying under chapters 42.17 and 42.56 RCW. The commissioner is authorized to use such documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties.

(2) The commissioner:

(a) May share documents, materials, or other information, including the documents, materials, or information subject to subsection (1) of this section, with (i) the national association of insurance commissioners and its affiliates and subsidiaries, (ii)

regulatory and law enforcement officials of other states and nations, the federal government, and international authorities, (iii) the national insurance crime bureau, and (iv) an insurer with respect to whom the suspected fraudulent claim may be perpetrated;

(b) May receive documents, materials, or information from (i) the national association of insurance commissioners and its affiliates and subsidiaries, (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities, (iii) the national insurance crime bureau, and (iv) an insurer with respect to whom the suspected fraudulent claim may be perpetrated and any such documents, materials, or information as described in subsection (3), (4), or both of this section are exempt from public inspection and copying; and

(c) May enter into agreements governing the sharing and use of information consistent with this subsection.

(3) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the fraud program of the office of the insurance commissioner, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy, are exempt under subsection (1) of this section.

(4) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, and penology agencies, or the fraud program of the office of the insurance commissioner, if disclosure would endanger any person's life, physical safety, or property, is exempt under subsection (1) of this section. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern.

(5) No waiver of an existing privilege or claim of confidentiality in the documents, materials, or information may occur as a result of disclosure to the commissioner under this section or as a result of sharing documents, materials, or information as authorized in subsection (2) of this section.

(6) Documents, materials, or other information that is in the possession of persons other than the commissioner that would otherwise not be confidential by law or privileged do not become confidential by law or privileged by providing the documents, materials, or other information to the commissioner.

NEW SECTION. Sec. 8. In a criminal prosecution for any crime under Washington law in which the insurance company is a victim, the insurance company is entitled to be considered as a victim in any restitution ordered by the court under RCW 9.94A.753, as part of the criminal penalty imposed against the defendant convicted for such a violation.

NEW SECTION. Sec. 9. This chapter does not:

(1) Preempt the authority or relieve the duty of any other general authority law enforcement agencies to investigate, examine, and prosecute suspected violations of law;

(2) Prevent or prohibit a person from voluntarily disclosing any information concerning insurance fraud to any law enforcement agency other than the commissioner; or

(3) Limit any of the powers granted elsewhere in this title to the commissioner to investigate and examine possible violations of the law and to take appropriate action.

NEW SECTION. Sec. 10. No later than six months after the effective date of this section, or when the insurer has used all its existing paper application and claim forms which were in its possession on the effective date of this section, whichever is later, all applications for insurance, and all claim forms regardless of the form of transmission provided and required by an insurer or required by law as condition of payment of a claim, must contain a statement, permanently affixed to the application or claim form, that clearly states in substance the following:

"It is a crime to knowingly provide false, incomplete, or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines, and denial of insurance benefits."

The lack of a statement required in this section does not constitute a defense in any criminal prosecution nor any civil action.

NEW SECTION. Sec. 11. The commissioner shall appoint an insurance fraud advisory board. The board shall consist of ten members. Five members shall be representatives from the insurance industry doing business in this state, at least one of which shall be from a Washington domestic insurer, two members shall represent consumers, one member shall represent the national insurance crime bureau or successor organization, one member shall represent prosecutors, and one member shall represent other law enforcement agencies. The members of the board serve four-year terms and until their successors are appointed and qualified. Three of the original members must be appointed to serve an initial term of four years, three must be appointed to serve an initial term of three years, two must be appointed to serve an initial term of two years, and two must be appointed to serve an initial term of one year. The members of the board receive no compensation. The board shall advise the commissioner and the legislature with respect to the effectiveness, resources allocated to the fraud program, the source of the funding for the program, and before June 30, 2010, if the staffing level restriction in section 3(5) of this act should be renewed.

NEW SECTION. Sec. 12. The commissioner shall prepare an annual report of the activities of the fraud program. The report shall be submitted to the legislature no later than March 1st for the prior calendar year. The report shall, at a minimum, include information as to the number of cases reported to the commissioner, the number of cases referred for prosecution, the number of convictions obtained, the amount of money recovered, and any recommendations of the insurance advisory board.

NEW SECTION. Sec. 13. The commissioner may adopt rules to implement and administer this chapter.

Sec. 14. RCW 48.50.070 and 2000 c 254 s 5 are each amended to read as follows:

Any licensed insurance agent, any licensed insurance broker, or any insurer or person acting in the insurer's behalf, health maintenance organization or person acting in behalf of the health maintenance organization, health care service contractor or person acting in behalf of the health care service contractor, or any authorized agency which releases information, whether oral or written, to the commissioner, the national insurance crime bureau, the national association of insurance commissioners, other law enforcement agent or agency, or another insurer under RCW 48.50.030, 48.50.040, 48.50.050, ((or)) 48.50.055, or section 6 of this act is immune from liability in any civil or criminal action, suit, or prosecution arising from the release of the information, unless actual malice on the part of the agent, broker, insurer, health care maintenance organization, health care service contractor, or authorized agency against the insured is shown.

Sec. 15. RCW 48.50.075 and 1995 c 285 s 24 are each amended to read as follows:

In denying a claim, an insurer, health maintenance organization, or health care service contractor who relies upon a written opinion from an authorized agency specifically enumerated in RCW 48.50.020(1) (a) through (g) that criminal activity that is related to that claim is being investigated, or a crime has been charged, and that the claimant is a target of the investigation or has been charged with a crime, is not liable for bad faith or other noncontractual theory of damages as a result of this reliance.

Immunity under this section shall exist only so long as the incident for which the claimant may be responsible is under active investigation or prosecution, or the authorized agency states its position that the claim includes or is a result of criminal activity in which the claimant was a participant.

Sec. 16. RCW 10.93.020 and 2002 c 128 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(2) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor control board, the office of the insurance commissioner, and the state department of corrections.

(3) "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(4) "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(5) "Specially commissioned Washington peace officer", for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

(6) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(7) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority

Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

Sec. 17. RCW 42.56.400 and 2005 c 274 s 420 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of all viators regulated by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(7) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(8) Information provided to the insurance commissioner under RCW 48.110.040(3);

(9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged; ~~(and)~~

(10) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070; and

(11) Documents, materials, or information obtained by the insurance commissioner under section 7 of this act.

NEW SECTION. Sec. 18. A new section is added to chapter 42.17 RCW to read as follows:

Documents, materials, or information obtained by the insurance commissioner under section 7 of this act are exempt from disclosure under this chapter.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. Sections 1 through 13 and 19 of this act constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 21. This act takes effect July 1, 2006."

Correct the title.

Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom,

Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Referred to Committee on Appropriations.

February 22, 2006

ESSB 6244 Prime Sponsor, Senate Committee On Water, Energy & Environment: Changing provisions relating to oil spill prevention, preparedness, and response. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 88.46 RCW to read as follows:

(1) The department's rules authorized under RCW 88.46.160 and this section shall be scaled to the risk posed to people and to the environment, and be categorized by type of transfer, volume of oil, frequency of transfers, and such other risk factors as identified by the department.

(2) The rules may require prior notice be provided before an oil transfer, regulated under this chapter, occurs in situations defined by the department as posing a higher risk. The notice may include the time, location, and volume of the oil transfer. The rules may not require prior notice when marine fuel outlets are transferring less than three thousand gallons of oil in a single transaction to a ship that is not a covered vessel and the transfers are scheduled less than four hours in advance.

(3) The department may require semiannual reporting of volumes of oil transferred to ships by a marine fuel outlet.

(4) The rules may require additional measures to be taken in conjunction with the deployment of containment equipment or with the alternatives to deploying containment equipment. However, these measures must be scaled appropriately to the risks posed by the oil transfer.

(5) The rules shall include regulations to enhance the safety of oil transfers over water originating from vehicles transporting oil over private roads or highways of the state.

NEW SECTION. Sec. 2. A new section is added to chapter 88.46 RCW to read as follows:

In addition to other inspection authority provided for in this chapter and chapter 90.56 RCW, the department may conduct inspections of oil transfer operations regulated under RCW 88.46.160 or section 1 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 88.46 RCW to read as follows:

If the director believes a person has violated or is violating or creates a substantial potential to violate the provisions of any rules adopted under this chapter, the director may institute such actions as authorized under RCW 88.46.070 (2) and (3).

NEW SECTION. Sec. 4. A new section is added to chapter 88.46 RCW to read as follows:

The department shall by rule adopt procedures to determine the adequacy of contingency plans approved under RCW 88.46.060. The rules shall require random practice drills without prior notice that will test the adequacy of the responding entities. The rules may provide for unannounced practice drills of individual contingency plans. The department shall review and publish a report on the drills, including an assessment of response time and available equipment and personnel compared to those listed in the contingency plans relying on the responding entities, and requirements, if any, for changes in the plans or their implementation. The department may require additional drills and changes in arrangements for implementing approved plans which are necessary to ensure their effective implementation.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Hunt; Kagi and Orcutt.

Referred to Committee on Appropriations.

February 22, 2006

ESSB 6255 Prime Sponsor, Senate Committee On Early Learning, K-12 & Higher Education: Improving student performance through student-centered planning. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that there are specific skills and a body of knowledge that each student needs to chart a course through middle school, high school, and post-high school options. Each student needs active involvement from parents and at least one supportive adult in the school who knows the student well and cares about the student's progress and future. Students, parents, and teachers also need the benefit of immediate feedback and accurate diagnosis of students' academic strengths and weaknesses to inform the students' short-term and long-term plans. To empower and motivate all students and parents to take a greater role in charting the students' own educational experiences, the legislature intends to strengthen schools' guidance and planning programs.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.600 RCW to read as follows:

(1) The legislature encourages each middle school, junior high school, and high school to implement a comprehensive guidance and planning program for all students. The purpose of the program is to support students as they navigate their education and plan their future; encourage an ongoing and personal relationship between each student and an adult in the school; and involve parents in students' educational decisions and plans.

(2) A comprehensive guidance and planning program is a program that contains at least the following components:

(a) A curriculum intended to provide the skills and knowledge students need to select courses, explore options, plan for their future, and take steps to implement their plans. The curriculum may include such topics as analysis of students' test results; diagnostic assessments of students' academic strengths and weaknesses; use of assessment results in developing students' short-term and long-term plans; assessments of student interests and aptitude; goal-setting skills; planning for high school course selection; independent living skills; and postsecondary options and how to access them;

(b) Regular meetings between each student and a teacher who serves as an advisor throughout the student's enrollment at the school;

(c) Student-led conferences with the student's parents, guardians, or family members and the student's advisor for the purpose of demonstrating the student's accomplishments; identifying weaknesses; planning and selecting courses; and setting long-term goals; and

(d) Data collection that allows schools to monitor students' progress.

NEW SECTION. Sec. 3. (1) Subject to the availability of funds appropriated for this purpose, the superintendent of public instruction shall:

(a) Develop and disseminate the curriculum for the comprehensive guidance and planning program under section 2 of

this act to all school districts no later than the beginning of the 2006-07 school year;

(b) Develop and disseminate electronic student planning tools and a software package to analyze the impact of the implementation of the program on student performance;

(c) Develop and disseminate information about options for diagnostic assessments to improve student learning and student planning as provided under RCW 28A.655.200;

(d) Develop and conduct regional training seminars for teachers on the curriculum and on guidance and mentoring skills;

(e) Monitor and evaluate implementation of the program during the fall of 2006 in order to revise and improve the curriculum by the spring of 2007; and

(f) Allocate grants to selected schools for the purpose of implementing the program. The superintendent shall develop and publish the grant selection criteria, number of awards, and award amounts. The first round of at least twenty-five grant recipients shall be selected and notified by September 2006. The second round of at least seventy-five grant recipients shall be selected and notified by January 2007. The purpose of the grants is to provide time for school staff to plan and integrate the comprehensive program into their schools. To the extent possible, the superintendent shall include representation from school districts of varying sizes and from different geographic regions of the state in the grant allocation.

(2) By January 1, 2009, the superintendent of public instruction shall report to the education committees of the legislature regarding the impact of comprehensive guidance and planning programs on student performance.

Sec. 4. RCW 28A.655.200 and 2005 c 217 s 2 are each amended to read as follows:

(1) ~~((The legislature finds that the mandatory norm-referenced student assessments eliminated under chapter 217, Laws of 2005 provide information that teachers and parents use to improve student learning.))~~ In the absence of mandatory, statewide, norm-referenced assessments, the legislature intends to permit school districts to offer norm-referenced assessments ((at the districts' own expense and)), make diagnostic tools available ((that provide information that is at least as valuable as the information eliminated under chapter 217, Laws of 2005)), and provide funding for diagnostic assessments to enhance guidance and planning for students and to provide early intervention before the high school Washington assessment of student learning.

(2) In addition to the diagnostic assessments provided under subsection (5) of this section, school districts may, at their own expense, administer norm-referenced assessments to students.

(3) By September 1, 2005, subject to available funds, the office of the superintendent of public instruction shall post on its web site for voluntary use by school districts, a guide of diagnostic assessments. The assessments in the guide, to the extent possible, shall include the characteristics listed in subsection (4)~~((a) through (e)))~~ of this section.

(4) ~~((By September 1, 2006, subject to the availability of amounts appropriated for this specific purpose))~~ Beginning September 1, 2007, the office of the superintendent of public instruction shall make available to school districts diagnostic assessments that help improve student learning. To the greatest extent possible, the assessments shall be:

(a) Aligned to the state's grade level expectations;

(b) Individualized to each student's performance level;

(c) Administered efficiently to provide results either immediately or within two weeks;

(d) Capable of measuring individual student growth over time and allowing student progress to be compared to other students across the country; ((and))

(e) Readily available to parents; and

(f) Cost-effective.

(5) Beginning with the 2006-07 school year, the superintendent of public instruction shall reimburse school districts for administration of diagnostic assessments in grade nine for the purpose of identifying academic weaknesses, enhancing student planning and guidance, and developing targeted instructional

strategies to assist students before the high school Washington assessment of student learning.

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(6) The office of the superintendent of public instruction is encouraged to offer at ~~((their))~~ statewide and regional staff development activities training opportunities that would assist practitioners in:

- (a) The interpretation of diagnostic assessments; and
- (b) Application of instructional strategies that will increase student learning based on diagnostic assessment data.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act and section 4 of this act, referencing this act and section 4 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 4 of this act is null and void."

Correct the title.

Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

Referred to Committee on Appropriations.

February 22, 2006

ESSB 6384 Prime Sponsor, Senate Committee On Ways & Means: Adopting the 2006 supplemental capital budget. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2007, out of the several funds specified in this act.

SUPPLEMENTAL APPROPRIATIONS

NEW SECTION. Sec. 101. A new section is added to 2005 c 488 (uncodified) to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT
 Infrastructure Study (06-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature finds that the December 16, 2005, inventory and evaluation of the state's public infrastructure programs and funds report completed pursuant to section 129(1), chapter 518, Laws of 2005 identified the need for systematic improvements to infrastructure grant, loan, and technical assistance programs. The report identified needed improvements, including (a) the development of common infrastructure program processes, procedures, and financing mechanisms; and (b) the consolidation of programs to improve coordination and efficiency of the state's investments and to minimize duplication.

(2) The appropriation in this section is provided solely for the office of financial management, in consultation with staff from appropriate fiscal committees of the legislature and affected state agencies, to:

(a) Identify and prioritize processes, procedures, financing mechanisms, and programs for integration, standardization, or consolidation;

(b) Identify program overlaps and gaps between the state's infrastructure programs;

(c) Identify local projects funded by the legislature but not included in existing grant, loan, or technical assistance programs and analyze whether the projects meet the programs' criteria;

(d) Identify a strategy to include projects such as those identified in (c) of this subsection within existing or potential consolidated programs. Consider program processes, procedures, criteria, policies, and rules related but not limited to project review and selection, funding limits, and participation requirements;

(e) Identify or develop a comprehensive funding structure to support the integration and standardization of processes, procedures, and consolidated programs; and

(f) Report recommendations to the appropriate fiscal committees of the legislature by December 15, 2006.

Appropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION. Sec. 102. A new section is added to 2005 c 488 (uncodified) to read as follows:
FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE
 Life-cycle Cost Model Update (06-2-851)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely to update the life-cycle cost model developed by the joint legislative audit and review committee. The joint legislative audit and review committee shall:

(1) Update the model's assumptions;

(2) Enhance the model's ability to inform decision-makers about the current and long-term capital and operating impacts of facility leasing options compared to state ownership; and

(3) Revise the model to allow for comparisons of alternate financing approaches, including but not limited to the use of certificates of participation, 63-20 financing, and state general obligation bond funding.

Appropriation:

State Building Construction Account--State	\$50,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000

Sec. 103. 2005 c 488 s 109 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Drinking Water Assistance Program (06-4-003)

Appropriation:

Drinking Water Assistance Account--State	\$8,100,000
Drinking Water Assistance Repayment Account--State	(\$11,500,000)
	\$21,780,000
Subtotal Appropriation	(\$19,600,000)
	\$29,880,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$78,400,000
TOTAL	(\$98,000,000)
	\$108,280,000

Sec. 104. 2005 c 488 s 112 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Building for the Arts (06-4-005)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 43.63A.750.
- (2) The appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
((African-American museum	Seattle	(\$700,000))
McIntyre hall	Mount Vernon	\$350,000
Northwest film forum	Seattle	\$100,000
Historic Cooper school	Seattle	\$500,000
Merc playhouse	Twisp	\$6,000
Masquers theatre	Soap Lake	\$145,000
Cornish College of the Arts	Seattle	\$700,000
Dahmen barn workshop	Uniontown	\$79,000
Roxy theatre	Morton	\$75,000
Duwamish longhouse	Seattle	\$65,000
Everett symphony	Everett	\$215,000
Admiral theatre	Bremerton	\$180,000
Pratt fine arts center	Seattle	\$300,000
Arlington performing arts	Arlington	\$375,000
Seattle Academy of Fine Art	Seattle	\$35,000
Academy of children's theatre	Richland	\$150,000
Empire theatre	Tekoa	\$25,000
Children's museum	Spokane	\$75,000
World kite museum	Long Beach	\$115,000
McCaw hall	Seattle	\$1,000,000
KidsQuest children's museum	Bellevue	\$200,000
Total		(\$5,390,000) \$4,690,000

Appropriation:

State Building Construction Account--State	(((\$5,390,000)) \$4,690,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	(\$21,390,000) \$20,690,000

Sec. 105. 2005 c 488 s 125 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

The reappropriations in this section ((~~ts~~) are) are subject to the following conditions and limitations:

(1) \$1,700,000 of the reappropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(2) \$700,000 of the reappropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(3) \$84,500 of the reappropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(4) \$600,000 of the reappropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

(5) \$1,400,000 of the reappropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children.

(6) ~~((Up to \$1,000,000 of the reappropriation is provided to help capitalize a self-insurance risk pool for nonprofit corporations in Washington that develop housing units for low-income persons and families. The self-insurance risk pool shall be approved by the state risk manager. The self-insurance risk pool shall repay to the state the amount of the reappropriation provided to the risk pool under this section whenever the capitalization exceeds the minimum requirements established by the office of the risk manager. Any reappropriation authority not expended by June 30, 2007, shall lapse.))~~ \$960,000 of the Washington housing trust account appropriation is provided solely for implementation of the multiunit residential building liability revolving fund program authorized in chapter ... (Second Substitute House Bill No. 3070), Laws of 2006. If the bill is not enacted by June 30, 2006, the amounts in this subsection shall lapse.

Reappropriation:

State Taxable Building Construction Account--State	(((\$25,780,000)) \$24,820,000
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Appropriation:

<u>Washington Housing Trust Account--State</u>	<u>\$960,000</u>
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Prior Biennia (Expenditures)	\$55,220,000
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Future Biennia (Projected Costs) \$0
TOTAL \$81,000,000

Sec. 106. 2005 c 488 s 131 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects (06-4-008)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.
- (2) Funding for the Inland Northwest Science and Technology Center shall be held in reserve until the balance of phase I funding has been secured or committed from local government and community sources.
- (3) The Washington state arts commission shall design a plaque that shall be affixed to buildings or displayed as part of a project receiving any appropriation from this section. The plaque shall provide information to the public that the building or project has been made possible by the tax dollars of Washington citizens. The commission may contact the secretary of state to obtain approval for use of the Washington seal in the design of the plaque. The final design shall be approved by the chairs and ranking members of the house of representatives capital budget committee and the senate ways and means committee.
- (4) The appropriation is provided solely for the following list of projects:

Projects	Recommendation
7th street theatre	\$600,000
Alder creek pioneer association carousel museum	\$450,000
Asian counseling and referral service	\$2,000,000
Bailey Gatzert children's play area	\$75,000
Bridge for kids	\$850,000
Brookside school ADA playground equipment	\$25,000
Buena library	\$50,000
Cannon house	\$250,000
Central area motivation program (CAMP)	\$250,000
Cesar Chavez park	\$150,000
<u>Chambers creek footbridge</u>	<u>\$177,000</u>
Childhaven	\$150,000
Clark Lake park and retreat center	\$500,000
Colman school <u>preconstruction activities</u>	<u>(\$500,000)</u>
	<u>\$1,200,000</u>
Columbia breaks fire interpretive center	\$150,000
Covington aquatics center phase 1	\$350,000
Crossroads community center and park	\$250,000
Cutter theater	\$71,000
Des Moines beach park historic buildings	\$300,000
Discovery park	\$1,000,000
East Whatcom regional resource center	\$1,750,000
Eatonville family park	\$50,000
El Centro de la Raza	\$900,000
Filipino community center	\$200,000
Foster creek	\$150,000
Fox theater	\$2,398,000
GC health clinic	\$12,000
Grand Army of the Republic cemetery	\$5,000
Granite Falls museum expansion	\$50,000
Greenbridge plaza in White Center	\$200,000
Habitat park south hill	\$400,000
<u>Hanford reach interpretive center</u>	<u>\$2,000,000</u>
Hidden river environmental education center	\$50,000
ICL education center	\$200,000
Japanese cultural and community center	\$200,000
Joel Pritchard park	\$2,500,000
Joe's creek project	\$856,000
Juanita creek channel and riparian restoration	\$500,000
Julia Butler Hansen home restoration	\$10,000
LeRoi smelter smokestack monument	\$3,000
Lewis and Clark confluence project	\$1,500,000
McCaw hall	\$2,000,000
<u>Meridian habitat park</u>	<u>\$400,000</u>
<u>Miners' memorial</u>	<u>\$36,500</u>
<u>Miracle league handicapped baseball</u>	<u>\$57,000</u>
MOBIUS/Inland Northwest science and technology center	\$1,500,000
Mt. Baker theater	\$200,000
Mt. Vernon Jasper Gates statue	\$12,000
Multicultural center of Kitsap county	\$250,000
Nathaniel Orr home site museum interpretive center	\$29,000
<u>Neighborhood house rainier vista</u>	<u>\$213,000</u>
New Lakewood clinic	\$350,000

Northeast community center expansion	\$250,000
Northshore performing arts center	\$1,000,000
Northwest communities education center	\$1,000,000
Oak Harbor multi-purpose community and sports facility	\$50,000
Omak grandstand	\$250,000
Pacific Northwest salmon center	\$1,000,000
Pacific science center	\$900,000
Performing arts center (PACE)	\$500,000
Puget Sound freight building warehouse--Thea Foss waterway	\$2,000,000
Relocation of Sieke Japanese gardens	\$250,000
River walk and Sammamish river restoration	\$200,000
Roslyn city hall	\$150,000
Ruth Dykeman children's center	\$27,000
Sandman historical tug restoration	\$10,000
<u>Seattle Aquarium</u>	<u>\$1,500,000</u>
Seattle community center (1115 E. Pike street)	\$13,000
Seward park environmental and audubon center	\$400,000
Snohomish senior center	\$150,000
Sno-Valley senior activity center kitchen	\$50,000
Sound way property preservation	\$500,000
Spokane river whitewater course	\$400,000
Sumas ballpark	\$250,000
Synthetic sportsfield partnership at Robinswood park	\$400,000
Tall ships moorage	\$300,000
Tukwila kayak and canoe launching facility	\$20,000
Undeveloped woodlands linked to interurban nature trail	\$150,000
Vancouver museum	\$125,000
Vancouver national historical reserve west barracks	\$1,000,000
Veterans memorial museum	\$100,000
West Seattle community resource center	\$500,000
West central community center	\$500,000
West Hylebos wetlands boardwalk	\$100,000
Wilson playfield land acquisition	\$200,000
Wing Luke Asian art museum	\$2,000,000
Youth housing/drop-in center	\$400,000
Total	<u>(\$39,391,000)</u>
	<u>\$44,474,500</u>

Appropriation:

State Building Construction Account--State	<u>(\$39,391,000)</u>
	<u>\$44,474,500</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$39,391,000)</u>
	<u>\$44,474,500</u>

Sec. 107. 2005 c 488 s 138 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Job/Economic Development Grants (06-4-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the following list of projects:

Projects	Recommendation
Belfair sewer improvements	\$8,000,000
Bellingham waterfront restoration	\$2,000,000
Bremerton Harborside	\$4,000,000
Burien town square	\$2,000,000
Carnation sewer	\$2,000,000
City of Covington	<u>(\$1,000,000)</u>
	<u>\$3,000,000</u>
Infrastructure for Renton Boeing property	\$5,000,000
Military communities infrastructure projects	\$5,000,000
Pacific Northwest national labs campus infrastructure project	\$6,000,000
Rainier court	\$1,500,000
Redevelop Snohomish riverfront	\$1,500,000
Ridgefield employment center project	\$2,000,000
Tukwila Southcenter parkway infrastructure	\$6,000,000

Yakima town center restoration	\$4,000,000
Total	(\$50,000,000)
	\$52,000,000

(2) \$1,000,000 of the appropriation for the Pacific Northwest national labs campus infrastructure project is provided solely for giga-pop infrastructure.

(3) \$1,000,000 of the public works assistance account--state appropriation and \$2,000,000 of the state building construction account--state appropriation are provided solely for the city of Covington.

(4) \$5,000,000 of the appropriation is provided solely for military communities infrastructure projects (is provided solely for grants to support projects in Island county, Kitsap county, Pierce county, Snohomish county, and Spokane county when a military base in that county is identified for potential closure in the federal base realignment and closure process. The grants will be used to address infrastructure improvements that will aid in the removal of the base from the closure list. The office of financial management shall establish a process for selecting projects for funding based on criteria used to determine the federal base realignment and closure list and recommendations by the department of community, trade, and economic development and the military department. Final allocation of the grants shall be at the discretion and with the approval of the director of the office of financial management)). Military communities infrastructure projects shall include:

(a) Grants to counties and cities for the purchase of development easements to restrict the use of accident potential zones and clear zones. The office of financial management shall establish a competitive process for selecting projects to receive the grants. Final allocation of these grants shall be at the discretion and with the approval of the director of the office of financial management.

The grants are subject to the following conditions:

(i) The county or city must be subject to and in compliance with RCW 36.70A.530;

(ii) The grants may not be used to remove encroachments into these zones allowed by county or city zoning or permitting actions;

(iii) The county or city must have an encroachment prevention plan preventing future encroachment into these zones; and

(iv) The grant provided by the state must not exceed one-third of the project cost with funds from local and federal sources providing the balance of the funds.

(b) \$481,000 of the appropriation is provided solely for improvements to a military department site on Fairchild air force base.

Appropriation:

Public Works Assistance Account--State	\$50,000,000
State Building Construction Account--State	\$2,000,000
<u>Subtotal Appropriation</u>	<u>\$52,000,000</u>

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL **~~(\$50,000,000)~~**

\$52,000,000

NEW SECTION. Sec. 108. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Energy Freedom Program (E3SHB No. 2939) (06-2-854)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to implement the energy freedom program created in chapter . . . (Engrossed Third Substitute House Bill No. 2939), Laws of 2006. If the bill is not enacted by June 30, 2006, the appropriation shall lapse.

(2) The department shall not expend more than \$466,000 of the appropriation on administrative costs.

Appropriation:

Energy Freedom Account--State \$10,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL **\$10,000,000**

Sec. 109. 2006 c . . . s 2 (E2SHB No. 2393) (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Energy Freedom Program (06-2-852)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The appropriation is provided solely for low-interest loans to political subdivisions for renewable energy projects including the development of biofuel oilseed crushers, supporting infrastructure, and facilities. The political subdivision may negotiate an appropriate agreement with the bioenergy industry for the use of the oilseed crushers, supporting infrastructure, and facilities.

(b) For purposes of this section, political subdivision means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state.

(2) The appropriation is provided solely for the following list of projects:

Project	Recommendation
Spokane conservation district	\$2,750,000
Odessa public development authority	\$2,750,000
Port of Columbia county	\$2,750,000
Port of Sunnyside	\$750,000
Total	\$9,000,000

(3) All agreements negotiated between the political subdivision and the bioenergy industry for use of the oilseed crushers, supporting infrastructure, or facilities funded in this section must provide for at least a fifty percent match by the industry partner. The industry match may include, but is not limited to, investments in rail, buildings, refining capacity, or seed stock.

(4) All other project funds must be disbursed prior to energy freedom loans, except where required on a matching basis by other federal or state programs.

(5) The department shall disburse loans to the political subdivision on a reimbursement basis only.

(6) The department may defer loan repayment for up to twenty-four months or until the projects start to receive revenue from operations, whichever is sooner.

(7) Upon written notice to the political subdivision, the department may suspend or cancel its loans if any of the following occur:

(a) The political subdivision fails to make satisfactory and reasonable progress to complete the project, or the department concludes the political subdivision will be unable to complete the project or any portion of it; or

(b) The political subdivision or bioenergy industry partners have made misrepresentations in any information furnished to the department or the legislature in connection with the project.

(8) In the event that any portion of the loan has been paid to the political subdivision under this section at the time of breach, or failure of the political subdivision to satisfactorily perform, the department may require that the full amount of the loan, or a portion thereof, be repaid within a period specified by the department.

(9) Future loan repayments shall be deposited into the energy freedom account created in section 3 of this act.

(10) Chapter 39.12 RCW applies to the renewable energy projects funded in whole or in part by the appropriation in this section.

(11) It is the intent of the legislature to provide loans for the development of a Washington state biodiesel industry based on Washington grown oilseed. The legislature is aware that in the development of this industry, the start-up process may necessitate the use of other oilseeds until Washington state growers plant sufficient crops to support this industry. The legislature also understands the realities of weather and market conditions in this process. The conversion to maximum Washington grown oilseed must be accomplished as quickly as possible. The political subdivision shall: (a) Develop a plan for outreach to local growers and an estimate of when maximum Washington state oilseed-based production will be reached; (b) develop a goal for the political subdivision to return a portion of the biofuel to local oilseed producers; and (c) report this information to the department of community, trade, and economic development by December 1, 2006. The department shall report on the implementation of this section by January 1, 2007, to the appropriate committees of the legislature.

Appropriation:

((State Taxable Building Construction)) <u>Energy Freedom</u> Account--State	\$9,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,000,000

NEW SECTION. Sec. 110. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Grays Harbor PUD Bioenergy Project (06-04-852)

Appropriation:

State Building Construction Account--State	\$1,500,000
Energy Freedom Account--State	\$6,000,000
Subtotal Appropriation	\$7,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,500,000

Sec. 111. 2005 c 488 s 142 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building: Rehabilitation and Capital Addition (01-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State	((\$100,000))
	\$214,063
Prior Biennia (Expenditures)	\$106,280,442
Future Biennia (Projected Costs)	\$0
TOTAL	((\$106,380,442))
	\$106,494,505

NEW SECTION. Sec. 112. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Pritchard-Legislative Support Building Predesign (06-2-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for predesign of the Joel M. Pritchard building as a legislative support facility and public cafeteria. The predesign shall include, but not be limited to, the following: (1) A rehabilitation plan addressing electrical and mechanical systems, plumbing, seismic safety, fire protection, accessibility, energy consumption, and space use including the conversion of the upper floor stack space into usable office space or alternative uses; (2) an assessment of the facility requirements of legislative support agencies including the code reviser, the joint legislative audit and review committee, the legislative service center, and the legislative evaluation and accountability program as potential building tenants; and (3) a financing strategy for the facility that may consider a combination of funding sources including state general obligation bonds and the use of alternative financing mechanisms that utilize dedicated revenue streams through the conversion of existing lease payments into debt service payments.

Appropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

Sec. 113. 2005 c 488 s 143 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Cherberg Building: Rehabilitation (02-1-005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is for the purpose of furthering the John A. Cherberg building rehabilitation project, including but not limited to the following: Project final design and initial phase of reconstruction; purchase and remodel of the two modular buildings currently owned by the Legislative building rehabilitation project; and remodel of a portion of the Joel M. Pritchard building for use as swing space during reconstruction.

(2) The appropriations in this section are subject to the following conditions and limitations:

(a) Funding is provided solely for design, construction, and other costs related to the relocation efforts associated with this project.

~~((+))~~ (b) The department may negotiate agreements with the senate for additional fees to manage the John A. Cherberg building rehabilitation project.

~~((+))~~ (c) Upon completion of the project, the temporary modular buildings shall be sold and removed, and the parking lot shall be restored and landscaped.

(d) \$5,000 of the appropriation in this section is provided solely for a competitive grant for the redesign and repair of the gnomon on the capitol campus sundial adjacent to the Cherberg building. All Washington public community and technical colleges are encouraged to submit design proposals to the Washington state arts commission by December 31, 2006. Final selection shall be made by the commission.

Reappropriation:

State Building Construction Account--State	\$2,500,000
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Appropriation:

State Building Construction Account--State	\$12,253,000
Thurston County Capital Facilities Account--State	\$1,439,000
Subtotal Appropriation	\$13,692,000
Prior Biennia (Expenditures)	\$3,100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,292,000

Sec. 114. 2005 c 488 s 152 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

~~((General Administration Building Rehabilitation))~~ North Capital Campus Executive Office Building(s) (06-1-002)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for predesign for replacement or renovation of the general administration building combined with the development of an office building on the block adjoining Capital Way and 11th avenue. The combined development is intended to provide: (1) Executive office space for statewide elected officials; (2) public access space for the state library collection and historically significant documents from the state archives and the state historical museum; and (3) high density general office space that can adapt to changing state needs. The project will maximize interagency sharing of support services such as information technology, printing and mailing, management and storage of supplies, reception areas, and other common functions. The project will also include sufficient parking to provide a significant net increase in parking spaces beyond what is required for the new office space. The project shall also include leasable ground floor retail space on Capital Way. The department shall consult with statewide elected officials and the city of Olympia in developing the predesign. ~~((The predesign shall evaluate the use of the Pritchard building as one of the options for use by the state library and historically significant documents from the state archives and state historical museum.))~~ Due to the intended replacement of the building adjoining Capital Way and 11th avenue, the department shall not charge the facility depreciation component of lease charges for nonprofit tenants in that facility during the 2005-2007 biennium.

Appropriation:

Thurston County Capital Facilities Account--State	(\$750,000)
	\$1,650,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$65,500,000)
	\$312,017,000
TOTAL	(\$66,250,000)
	\$313,667,000

Sec. 115. 2005 c 488 s 156 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Statewide Office Facilities: Preservation Minor Works (06-1-003)

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for electrical and elevator upgrades in the insurance building.

Appropriation:

Thurston County Capital Facilities Account--State	\$2,965,000
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General Administration Service Account--State	\$1,850,000
Subtotal Appropriation	\$4,815,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,239,000
TOTAL	\$21,054,000

NEW SECTION. Sec. 116. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Capital Campus Master Plan (06-2-001)

Appropriation:

General Administration Services Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 117. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Senate Electronic Voting Machine (06-2-852)

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

Sec. 118. 2005 c 488 s 201 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION
School Mapping (06-1-100)

The appropriations in this section ((~~rs~~)) are subject to the following conditions and limitations: ((~~The appropriation is provided solely for the initial mapping of schools and production of software and may not be used to supplant any local government's existing school or other building mapping program that can transfer data to a statewide first responder building mapping information system.~~)) Mapping of ((~~public buildings, including~~)) school buildings((~~;~~)) shall be undertaken under standards adopted by the Washington association of sheriffs and police chiefs mapping software standards as required by RCW 36.28A.070. The ((~~criminal justice training commission~~)) Washington association of sheriffs and police chiefs shall work with the office of the superintendent of public instruction to ensure school mapping is part of newly constructed or renovated construction projects ((~~and shall develop policies and procedures to ensure efficient use and implementation of such procedures~~)). For school construction projects funded through the state board of education's state school construction assistance program during the 2005-2007 biennium, the Washington association of sheriffs and police chiefs shall prioritize the initial mapping or remapping of the state board of education's state school construction assistance program projects that are colocated with schools funded by the appropriation in this section. Additionally, the Washington association of sheriffs and police chiefs shall develop policies and procedures to ensure efficient use and implementation of such procedures.

It is the intention of the legislature that the design of new and remodeled facilities incorporate mapping and remapping as needed.

The Washington association of sheriffs and police chiefs will consult with the office of the superintendent of public instruction and report to the fiscal committees of the legislature on efficient and low-cost ways to maintain up-to-date maps.

Appropriation:

Education Construction Account--State	\$4,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,500,000

Sec. 119. 2005 c 488 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Echo Glen Children's Center - Housing Units (00-1-041)

Reappropriation:

State Building Construction Account--State	\$500,000
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Appropriation:

State Building Construction Account--State	\$5,800,000
Prior Biennia (Expenditures)	\$5,605,495
Future Biennia (Projected Costs)	(\$16,100,000)
TOTAL	\$10,300,000
	\$22,205,495

NEW SECTION. Sec. 120. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School: New Intensive Management Unit Building, and Health Center and Administration Building (06-2-202)

Appropriation:

State Building Construction Account--State	\$1,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,500,000
TOTAL	\$13,750,000

Sec. 121. 2005 c 488 s 238 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Washington Information Network 2-1-1 (06-2-850)

The appropriation in this section is subject to the following conditions and limitations: The department shall require the organizations to prepare a financing plan that specifies the full cost of implementing the system statewide including capital costs and operating costs by September 1, 2006. The financing plan shall identify appropriate sources of revenue to support full implementation and ongoing operational costs. Allowable uses of appropriated funds include the purchase of software, equipment, programming, and improvements located in states adjacent to Washington and that support the 2-1-1 information network in Washington.

Appropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 122. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Building 9 Renovation - Transient Program (06-1-008)

Appropriation:

General Fund--Federal	\$318,000
State Building Construction Account--State	\$171,000
Subtotal Appropriation	\$489,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$489,000

Sec. 123. 2005 c 488 s 252 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Coyote Ridge Corrections Center: Expansion (98-2-011)

The appropriations in this section are subject to the following conditions and limitations:

- (1) ~~(\$179,000,000)~~ The appropriation in this section is provided solely to design and construct a ~~((1,280)) 2,048~~ bed medium-security prison at Coyote Ridge corrections center in Connell.
- (2) The facility shall be a publicly-owned and operated facility.
- (3) The new facility shall include at least 512 hybrid-security beds that have a lower cost to construct than conventional medium security beds but still maintain a medium security perimeter.
- (4) Design of the facility shall incorporate efficiencies in administrative space and support services realized by sharing services within the region. The department shall examine other states' and private industry standard designs, and report on how efficiencies will be incorporated into the design of the facility to the office of financial management and to legislative fiscal staff not later than September 1, 2005. Nothing in this subsection requires the department to adopt design parameters that would endanger public safety or generate increased operating costs.
- (5) Once opened, a portion of the new facility shall be used to alleviate the crowded conditions in reception at the Washington corrections center in Shelton.

Reappropriation:

State Building Construction Account--State	\$921,140
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Appropriation:

State Building Construction Account--State	(\$179,000,000)
	<u>\$253,400,000</u>
Prior Biennia (Expenditures)	\$986,347
Future Biennia (Projected Costs)	\$0
TOTAL	(\$180,907,487)
	<u>\$255,307,487</u>

Sec. 124. 2005 c 488 s 255 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: 100-Bed Management and Segregation Unit (00-2-008)

Reappropriation:

General Fund--Federal	\$819,229
State Building Construction Account--State	(\$18,674,000)

Subtotal Reappropriation	\$17,747,000
	(\$19,493,229)
	<u>\$18,566,229</u>
Appropriation:	
<u>General Fund--Federal</u>	<u>\$927,000</u>
Prior Biennia (Expenditures)	\$19,944,803
Future Biennia (Projected Costs)	\$0
TOTAL	\$39,438,032

Sec. 125. 2005 c 488 s 264 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: North Close Security Compound (04-2-005)

Reappropriation:	
State Building Construction Account--State	\$124,000,000
Appropriation:	
(General Fund--Federal	\$927,000)
State Building Construction Account--State	(\$5,891,000)
	<u>\$6,818,000</u>
((Subtotal Appropriation	\$6,818,000)
Prior Biennia (Expenditures)	\$9,940,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$140,758,000

NEW SECTION. Sec. 126. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Replace Correctional Industry Roof (06-1-023)

Appropriation:	
State Building Construction Account--State	\$1,453,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$1,998,000
Subtotal Appropriation	\$3,451,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,451,000

Sec. 127. 2005 c 488 s 287 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

Employment Resource Center (05-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely ~~((to))~~ for services and activities including the purchase and ((install)) installation of state of the art equipment for a 40,000 square foot facility supporting work force development programs using funds available to the state in section 903(d) of the Social Security Act (Reed act).

Reappropriation:	
Unemployment Compensation Administration Account--Federal	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

Sec. 128. 2005 c 488 s 323 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (06-4-007)

The appropriations in this section are subject to the following conditions and limitations:

- (1) Up to \$10,000,000 of the state building construction account--state appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.
- (2) \$5,000,000 of the state building construction account--state appropriation is provided solely for water quality grants for hardship communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality rules; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.
- (3) \$1,000,000 of the state building construction account--state appropriation is provided solely to design appropriate wastewater treatment facilities to serve the Hoodspout to Skokomish reservation areas of Hood Canal. The exact facilities will be based upon the recommendations from an analysis of wastewater management options for the Hoodspout to Skokomish river currently being undertaken by Mason county.
- (4) \$750,000 of the state building construction account--state appropriation is provided solely for assistance in management and clean up activities at Long Lake in Kitsap county and \$50,000 of the state building construction account--state appropriation is provided solely for assistance in cleaning up Wapato Lake in Pierce county. The assistance is contingent on the lake communities adopting a lake management plan that meets the department's requirement.

(5) \$320,000 of the water quality account--state appropriation is provided solely to Mason county to develop a septic system data base and identify failing septic systems in Hood Canal.

(6) \$70,000 of the water quality account--state appropriation is provided solely to Kitsap county for surveys of septic systems in Hood Canal.

(7) \$70,000 of the water quality account--state appropriation is provided solely to Jefferson county for surveys of septic systems in Hood Canal.

(8) Up to \$1,500,000 of the water quality account--state appropriation is provided solely for grants for on-site sewage replacement. This appropriation may be used to: (a) Establish new or expand existing on-site sewage repair and replacement loan or grant programs by county governments or tribes; or (b) develop a pilot program to administer an on-site sewage repair and replacement loan program through a qualified private or nonprofit lending institution. This appropriation must be used in conjunction with the water pollution control revolving account--state appropriation in section 132 of this act provided for this purpose. Of this amount, up to \$1,000,000 may be used to help financially distressed homeowners repair and replace failing on-site sewage systems, and up to \$500,000 may be used to help local governments plan, implement, and administer the local loan fund assistance programs. The total overall local government and tribal administration costs may not exceed seven percent of the total statewide grant and loan on-site program. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

(9) \$3,500,000 of the state toxics control account--state appropriation is provided solely for wastewater treatment upgrades at Twanoh, Dosewallips, Fort Casey, Fort Ebey, Birch Bay, and Sequim Bay state parks.

(10) \$1,000,000 of the state toxics control account--state appropriation is provided solely for the city of Carnation wastewater treatment facility.

(11) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans.

Appropriation:

State Building Construction Account--State	\$20,000,000
Water Quality Account--State	((\$7,500,000))
	<u>\$9,000,000</u>
State Toxics Control Account--State	((\$10,500,000))
	<u>\$15,000,000</u>
Subtotal Appropriation	((\$38,000,000))
	<u>\$44,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$211,808,000
TOTAL	((\$249,808,000))
	<u>\$255,808,000</u>

Sec. 129. 2005 c 488 s 324 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

State Drought Preparedness (05-4-009)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for response to the statewide drought that was declared pursuant to chapter 43.83B RCW. The department of ecology may provide funding or compensation for purchase or lease of water rights and to public bodies as defined in RCW 43.83B.050 in connection with projects and measures designed to alleviate drought conditions which may affect: Public health and safety; drinking water supplies; agricultural activities; or fish and wildlife survival.

(2) Projects or measures for which funding or compensation will be provided must be connected with a water system, water source, or water body which is receiving, or has been projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions. This reduction in water supply must be such that it is causing, or will cause, undue hardship for the entities or fish or wildlife depending on the water supply. General criteria for guidelines to be established by the department of ecology for distribution of funds must include: A balanced and equitable distribution of the funds among the different sectors affected by drought; a funding process that ensures funds are available for drought impacts that arise both early and later during the course of the drought; and preference for projects that leverage other federal and local funds.

(3) Up to \$1,500,000 of the reappropriation in this section is provided to the Roza irrigation district for the purchase or lease of water rights.

(4) Of the funds provided in this section, \$150,000 is provided solely to support the development and demonstration of water management measures in the Walla Walla Basin that improve and protect instream flow and water quality, and which also help sustain agricultural and economic vitality. The director of the department shall report to the legislature by December 31, 2006, with any findings, conclusions, and recommendations regarding such water management measures.

(5) \$50,000 of the reappropriation in this section is provided solely to Chelan county to assess the feasibility of storing water in Campbell creek canyon to supplement instream flows in Peshastin creek, as part of the Peshastin irrigation district.

Reappropriation:

State Drought Preparedness Account--State	((\$8,200,000))
	<u>\$7,230,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	((\$8,200,000))
	<u>\$7,230,000</u>

Sec. 130. 2005 c 488 s 325 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants for Clean up and Prevention (06-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,000,000 of the appropriation is provided solely for grants to local governments for local projects that implement the state "never waste" plan. Grant funds will emphasize additional organics composting and conversion, green building, and moderate risk waste projects described in the plan. Of this amount, up to \$1,600,000 may be used for one-time funding for auto switch recycling consistent with the memorandum of agreement being finalized with the auto recyclers association.

(2) \$2,000,000 of the appropriation is provided for emission reduction projects for local governments to retrofit public sector diesel engines with exhaust emission control devices or to make other modifications or operational changes, including cleaner fuels, to allow public sector fleets to reduce their emissions.

(3) \$3,000,000 of the appropriation is provided solely for grants to local governments needing assistance in complying with the new phase II storm water permit requirements. Of this amount, \$300,000 is provided solely for Mason county to prepare storm water management plans for Belfair and Hoodport consistent with the storm water program in the Puget Sound conservation and recovery plan.

(4) ~~(\$60,000,000)~~ \$70,900,000 of the appropriation is provided solely for remedial action grants. Of this amount, \$1,000,000 is provided to the town of Warden to respond to contamination of their existing water system.

(5) From within this appropriation, the department shall prepare an online guide to help small businesses and homeowners learn what to do if they discover toxic wastes on their property. The guide shall provide information about local resources for clean up and disposal of toxic wastes.

(6) \$8,000,000 of the appropriation is provided solely for coordinated prevention grants provided to local governments for local government solid and hazardous waste planning, household and small business hazardous waste collection and disposal, recycling capital purchases and program development, and local solid waste enforcement.

Appropriation:

Local Toxics Control Account--State	((\$80,000,000))
	<u>\$98,900,000</u>
Prior Biennia (Expenditures)	\$45,000,000
Future Biennia (Projected Costs)	\$180,000,000
TOTAL	((\$315,000,000))
	<u>\$323,900,000</u>

Sec. 131. 2005 c 488 s 327 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Safe Soil Remediation and Awareness Projects (06-2-001)

Appropriation:

State Toxics Control Account--State	((\$2,000,000))
	<u>\$5,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	((\$2,000,000))
	<u>\$5,000,000</u>

Sec. 132. 2005 c 488 s 329 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (06-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall give priority loan funding consideration to on-site septic system rehabilitation and replacement programs in Mason, Kitsap, and Jefferson counties for at least \$1,000,000 from the water pollution control revolving account--state in the second year of the funding cycle.

(2) Up to \$5,000,000 of the water pollution control revolving account--state appropriation is provided solely for loans for on-site sewage replacement. This appropriation may be used to: (a) Establish new or expand existing on-site sewage repair and replacement loan programs by county governments or tribes; or (b) develop a pilot program to administer an on-site sewage repair and replacement loan program through a qualified private or nonprofit lending institution. This appropriation must be used in conjunction with water quality account--state appropriation in section 128 of this act provided for this purpose. The department must work with the department of health, the Puget Sound water quality action team, local governments, and the lending industry in developing and piloting this program. The department shall provide a status report on the loan program to the governor and the appropriate legislative fiscal committees by June 30, 2007, including any recommendations for improving the program. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

Water Pollution Control Revolving Account--State	\$162,839,146
Water Pollution Control Revolving Account--Federal	\$76,777,140
Subtotal Appropriation	\$239,616,286
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$912,000,000
TOTAL	\$1,151,616,286

NEW SECTION. Sec. 133. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Motor Vehicle Mercury Removal Program (06-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is for one-time funding to implement the memorandum of agreement establishing the Washington motor vehicle mercury switch removal program. If chapter ... (Second Substitute House Bill No. 1731), Laws of 2006 is enacted by June 30, 2006, then the amount in this section shall be appropriated to the Hood Canal aquatic rehabilitation program under the interagency committee for outdoor recreation in section 148 of this act.

Appropriation:

State Toxics Control Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 134. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY
 Early Spill Response Equipment Caching (06-1-003)

The appropriation in this section is subject to the following conditions and limitations: \$1,450,000 of the appropriation is provided solely for grants to local governments to secure and place hazardous material spill response equipment at critical locations around the state. Grant funds will emphasize strategic placement of equipment that will allow for quick access and deployment by state, local, or tribal responders in the event of a spill.

Appropriation:

Local Toxics Control Account--State	\$1,450,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,450,000

NEW SECTION. Sec. 135. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY
 Local Innovative Storm Water Grants (06-2-006)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for grants to local governments in Puget Sound to fund innovative, low-impact development storm water management projects to meet critical storm water management needs and protect or restore water quality. Projects may include use of bioretention, rainwater harvest, permeable pavement, vegetated roofs, and other low-impact development techniques. Projects funded in Puget Sound must meet the design guidelines contained in the low impact development technical guidance manual for Puget Sound, unless the municipality can demonstrate that site conditions warrant a deviation from the design guidelines and the deviations in design shall provide similar performance. All projects must include performance monitoring. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

State Building Construction Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION. Sec. 136. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY
 Waste Tire Clean Up (06-1-002)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department to initiate clean up of waste tires at the highest risk sites statewide. This clean up work must include major progress at the Goldendale site in Klickitat county.

Appropriation:

Waste Tire Removal Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 137. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY
 Clean Up Toxics Sites - Puget Sound (06-4-001)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided for the clean up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean ups must include orphan and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

State Toxics Control Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 138. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxic Sites - Upland and Aquatics (06-1-005)

The appropriation in this section is subject to the following conditions and limitations: The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

State Toxics Control Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 139. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Columbia River Basin Water Supply Development Program (06-2-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for implementation of the Columbia river basin water supply development program in chapter ... (Engrossed Second Substitute House Bill No. 2860), Laws of 2006.

Appropriation:

Columbia River Basin Water Supply Development Account--State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

Sec. 140. 2005 c 488 s 340 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works: Facility Preservation (04-1-001)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely to continue minor works projects that reduce the deferred maintenance backlog.

Reappropriation:

State Building Construction Account--State	\$147,269
Parks Renewal and Stewardship Account--State	<u>(\$2,600,000)</u>
	\$679,079
Subtotal Reappropriation	<u>(\$2,747,269)</u>
	\$826,348
Prior Biennia (Expenditures)	\$4,990,231
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$7,737,500)</u>
	\$5,816,579

Sec. 141. 2005 c 488 s 341 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition (04-2-013)

Reappropriation:

Parkland Acquisition Account--State	<u>(\$412,690)</u>
	\$191,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$412,690)</u>
	\$191,000

Sec. 142. 2005 c 488 s 342 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Recreation Development (04-2-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Up to \$100,000 of the reappropriation shall be used to retain a consultant to conduct a predesign study for a headquarters building located in Thurston county. The predesign shall compare a new leased facility against options to build and evaluate appropriate funding strategies.

(2) ~~(\$900,000)~~ Up to \$700,000 of the reappropriation is provided ~~((solely))~~ to install fee collection stations at selected parks statewide. Any unused funding of this reappropriation may be expended on other recreation development projects.

(3) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.

Reappropriation:

State Building Construction Account--State	\$700,000
Prior Biennia (Expenditures)	\$2,200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,900,000

Sec. 143. 2005 c 488 s 346 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Beacon Rock - Pierce Trust (06-1-030)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for improvements to ~~((the group camp at))~~ Beacon Rock state park.
- (2) The funding has been provided solely and directly for this project.

Appropriation:

Parks Renewal and Stewardship Account--Private/Local	\$350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$350,000

NEW SECTION. Sec. 144. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Sustainable Development and Restoration (06-1-011)

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

Sec. 145. 2005 c 488 s 360 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition Account (06-2-020)

The appropriation in this section is subject to the following conditions and limitations: The state parks and recreation commission shall provide lists of potential purchases and sales to the office of financial management and the legislature prior to committing the state parks and recreation commission to any sale or purchase of land or buildings and prior to any allotments made for those purchases. Included in the lists will be any potential operating or capital cost impacts known to the state parks and recreation commission.

Appropriation:

Parkland Acquisition Account--State	(\$4,000,000) \$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	(\$20,000,000) \$22,000,000

Sec. 146. 2005 c 488 s 365 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Park Development (06-1-950)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$250,000 is provided solely to construct a pedestrian/emergency vehicle access bridge across Connor creek to allow for beach access.
- (2) \$500,000 is provided solely to determine long-term park zoning, design park amenities and services, and provide site permit and initial construction development at Nisqually-Mashel. The state parks and recreation commission shall provide a predesign in accordance with the office of financial management's predesign instructions.
- (3) \$150,000 is provided solely for initial park development at Sequim Bay-Miller Peninsula. The state parks and recreation commission shall provide a predesign in accordance with the office of financial management's predesign instructions.

Appropriation:

State Building Construction Account--State	\$900,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$900,000

NEW SECTION. Sec. 147. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
 Hood Canal Wastewater and Improvement Projects (06-1-850)

Appropriation:

Hood Canal Aquatic Rehabilitation Bond Account--State	\$6,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,400,000

NEW SECTION. Sec. 148. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Hood Canal Aquatic Rehabilitation Program (06-4-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The Puget Sound action team and the local management board shall develop a list of projects, studies, and activities relating to the recovery of Hood Canal in accordance with RCW 90.88.030. The list developed shall be based upon the project's likely value in addressing and resolving Hood Canal's low-dissolved oxygen concentrations.

(2) The Puget Sound action team and the local management board shall recommend to the interagency committee for outdoor recreation and the governor a prioritized list of projects to be funded under subsection (1) of this section. The governor may remove projects from the list recommended by the Puget Sound action team and the local management board and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and the amount of recommended state funding.

(3) The interagency committee for outdoor recreation shall not sign contracts or otherwise financially obligate funds from the Hood Canal aquatic rehabilitation bond account before the legislature has appropriated funds for a specific list of projects. The legislature may remove projects from the list recommended by the Puget Sound action team and the local management board.

Appropriation:

Hood Canal Aquatic Rehabilitation Bond Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$42,600,000
TOTAL	\$43,600,000

Sec. 149. 2005 c 488 s 368 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Firearms and Archery Range Program (FARP) (98-2-004)

Reappropriation:

Firearms Range Account--State	(\$31,478)
	<u>\$61,478</u>
Prior Biennia (Expenditures)	\$542,191
Future Biennia (Projected Costs)	\$0
TOTAL	(\$573,669)
	<u>\$603,669</u>

Sec. 150. 2005 c 488 s 369 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Nonhighway Off-road Vehicle Program (NOVA) (98-2-002)

Reappropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State	(\$1,243,986)
	<u>\$1,322,986</u>
Prior Biennia (Expenditures)	\$9,851,937
Future Biennia (Projected Costs)	\$0
TOTAL	(\$11,095,923)
	<u>\$11,174,923</u>

Sec. 151. 2005 c 488 s 370 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Washington Wildlife and Recreation Program (WWRP) (98-2-003)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State	\$4,547,515
Habitat Conservation Account--State	<u>(\$1,170,894)</u>
	\$4,382,894
Subtotal Reappropriation	<u>(\$5,718,409)</u>
	\$8,930,409
Prior Biennia (Expenditures)	\$71,883,173
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$77,601,582)</u>
	\$80,813,582

Sec. 152. 2005 c 488 s 372 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Salmon Recovery Funding Board Programs (SRFB) (00-2-001)

Reappropriation:

General Fund--Federal	<u>(\$11,227,424)</u>
	\$13,320,424
Salmon Recovery Account--State	<u>(\$2,366,010)</u>
	\$3,597,010
Subtotal Reappropriation	<u>(\$13,593,434)</u>
	\$16,917,434
Prior Biennia (Expenditures)	\$88,031,707
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$101,625,141)</u>
	\$104,949,141

Sec. 153. 2005 c 488 s 376 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Firearms and Archery Range Program (02-0-001)

Reappropriation:

Firearms Range Account--State	<u>(\$44,677)</u>
	\$120,677
Prior Biennia (Expenditures)	\$355,323
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$400,000)</u>
	\$476,000

Sec. 154. 2005 c 488 s 382 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Wildlife and Recreation Program (WWRP) (02-4-003)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund projects in the following order: (1) The department of natural resources Cypress Island project; and (2) alternate projects approved by the legislature from the same account in biennia succeeding that in which the funds were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State	<u>(\$2,041,864)</u>
	\$3,525,864
Habitat Conservation Account--State	\$6,928,926
Subtotal Reappropriation	<u>(\$8,970,790)</u>
	\$10,454,790
Prior Biennia (Expenditures)	\$36,029,210
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$45,000,000)</u>
	\$46,484,000

Sec. 155. 2005 c 488 s 385 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Boating Facilities Program (BFP) (04-4-003)

Reappropriation:

Recreation Resources Account--State	<u>(\$3,753,480)</u>
	\$4,484,480
Prior Biennia (Expenditures)	\$3,753,479
Future Biennia (Projected Costs)	\$0

TOTAL ((\$7,506,959))
\$8,237,959

Sec. 156. 2005 c 488 s 386 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Firearms and Archery Range Program (04-4-006)

Reappropriation:
 Firearms Range Account--State ((\$144,997))
\$154,997

Prior Biennia (Expenditures) \$105,003
 Future Biennia (Projected Costs) \$0
 TOTAL ((\$250,000))
\$260,000

Sec. 157. 2005 c 488 s 387 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Family Forest Fish Blockages Program (04-4-011)

Reappropriation:
 State Building Construction Account--State ((\$780,379))
\$1,191,379

Prior Biennia (Expenditures) \$1,219,621
 Future Biennia (Projected Costs) \$0
 TOTAL ((\$2,000,000))
\$2,411,000

Sec. 158. 2005 c 488 s 390 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 National Recreation Trails Program (NRTP) (04-4-008)

Reappropriation:
 General Fund--Federal ((\$1,130,000))
\$1,447,000

Prior Biennia (Expenditures) \$1,130,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((\$2,260,000))
\$2,577,000

Sec. 159. 2005 c 488 s 391 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)

Reappropriation:
 NOVA Program Account--State ((\$5,492,729))
\$5,620,729

Prior Biennia (Expenditures) \$1,433,581
 Future Biennia (Projected Costs) \$0
 TOTAL ((\$6,926,310))
\$7,054,310

Sec. 160. 2005 c 488 s 392 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Salmon Recovery Funding Board Programs (SRFB) (04-4-001)

Reappropriation:
 General Fund--Federal ((\$32,832,305))
\$35,876,305
 State Building Construction Account--State ((\$11,500,000))
\$13,885,000
 Subtotal Reappropriation ((\$44,332,305))
\$49,761,305

Prior Biennia (Expenditures) \$1,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((\$45,332,305))
\$50,761,305

Sec. 161. 2005 c 488 s 398 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Family Forest Fish Passage Program (06-4-011)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 403 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State	\$4,150,000
General Fund--Federal	\$217,000
<u>Subtotal Appropriation</u>	<u>\$4,367,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$4,150,000)
	\$4,367,000

Sec. 162. 2005 c 488 s 401 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway and Off-Road Vehicle Program (NOVA) (06-4-004)

The appropriation in this section is subject to the following conditions and limitations: \$345,000 of the appropriation is for implementation of the off-road vehicle data base authorized in chapter ... (Substitute House Bill No. 2658), Laws of 2006. If the bill is not enacted by June 30, 2006, the amount in this section shall be used for the nonhighway and off-road vehicle program.

Appropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State	\$7,579,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$39,946,858
TOTAL	\$47,525,858

Sec. 163. 2005 c 488 s 402 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Program (NRTP) (06-4-008)

The appropriation in this section is subject to the following conditions and limitations: \$500,000 is provided solely for mountains to sound greenway outdoor recreation projects on the I-90 corridor located in King county and western Kittitas county. Projects must be recreational or scenic in nature, including recreational trail development and expansion, visitor facilities enhancement, sign location, snopark improvements, and property acquisition.

Appropriation:

General Fund--Federal	(\$2,350,000)
	\$2,800,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,400,000
TOTAL	(\$11,750,000)
	\$12,200,000

Sec. 164. 2005 c 488 s 395 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (BFP) (06-4-003)

The appropriation in this section is subject to the following conditions and limitations: Any amount of the appropriation that is not obligated to a specific project in the first application round shall be used to fund boat sewage disposal facilities.

Appropriation:

Recreation Resources Account--State	(\$8,350,000)
	\$7,271,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$36,597,535
TOTAL	(\$44,947,535)
	\$43,868,535

NEW SECTION. Sec. 165. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Local Parks - Level of Service Standard Study (06-2-851)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the interagency committee for outdoor recreation to develop recommendations for a statewide approach to a recreation level of service for local and regional active recreation facilities, including indicators with which to measure progress in achieving level of service objectives. The recommendations must be coordinated with those of the priorities of government effort. The interagency committee for outdoor recreation shall also recommend standardized definitions for types of parks and recreational facilities, and a process for periodically measuring performance indicators and reporting the results. The interagency committee for outdoor recreation may enter into a contract with an entity with expertise in parks facility planning, level of service standards, and geographic information systems.

(2) The interagency committee for outdoor recreation shall submit a report to the appropriate committees of the legislature by January 1, 2007. The report must include the following: (a) Level of service standards including individual participation measures; (b) service area analysis using geographic information system tools and techniques; and (c) recommendations to incorporate level of service reporting into grant-in-aid programs.

Appropriation:

Youth Athletic Facility Account--State	\$50,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000

Sec. 166. 2005 c 488 s 414 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION
Skokomish Anaerobic Digester (06-4-009)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a grant to the Mason conservation district for construction of an anaerobic digester in the Skokomish river watershed. Up to ~~(\$50,000)~~ \$65,000 of this amount may be spent on completing design concepts and feasibility analysis. The remaining funds shall be allotted only after the following has occurred: (1) Mason conservation district secures nonstate matching funds or in-kind contributions of at least twenty-five percent of the total project cost; (2) a feasibility study is completed and submitted to the Puget Sound action team and the state conservation commission; and (3) the Puget Sound action team and the state conservation commission approve the project proposal.

Appropriation:

State Building Construction Account--State	\$560,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$560,000

Sec. 167. 2005 c 488 s 425 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Facility, Infrastructure, Lands, and Access Condition Improvements (06-1-002)

The appropriations in this section are subject to the following limitations: \$5,000 of the appropriation in this section is provided solely for bank stabilization of the south Toledo access road.

Appropriation:

General Fund--Federal	\$650,000
State Building Construction Account--State	\$6,457,000
Subtotal Appropriation	\$7,107,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$26,600,000
TOTAL	\$33,707,000

Sec. 168. 2005 c 488 s 427 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish and Wildlife Population and Habitat Protection (06-1-003)

The appropriations in this section are subject to the following conditions and limitations:

~~((2))~~ (1) It is the intent of the legislature that expenditures from the wildlife account--state appropriation shall only be made to the extent funds are available in the account and will not result in a reduction to other programs or activities.

(2) The department of fish and wildlife, in coordination with the department of natural resources, shall pursue claims against the Columbia rural electric association and Asplundh for damage to state property caused by the school fire in the Wooten wildlife area. Any compensation received from such claims will be deposited in the state wildlife account.

Appropriation:

General Fund--Federal	\$2,830,000
General Fund--Private/Local	\$3,500,000
State Building Construction Account--State	\$500,000
Wildlife Account--State	\$600,000
Subtotal Appropriation	\$7,430,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$34,920,000
TOTAL	\$42,350,000

NEW SECTION. Sec. 169. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE
Land Acquisition Pass-Thru Grants (06-4-018)

Appropriation:

Wildlife Account--Federal	\$3,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,300,000

NEW SECTION. Sec. 170. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE
Department of Natural Resources - Department of Fish and Wildlife Land Exchange - Shrub Steppe (06-2-851)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely to appraise the value of lands for exchange with the department of natural resources. Forest lands transferred to the department of natural resources under this section shall be actively managed by the department under a cooperative agreement with surrounding public and private landowners to implement landscape scale restoration and other management objectives.

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 171. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE
Alternative Mitigation Exchange Service (06-2-852)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for contract services with the association of Washington cities and the Washington state association of counties for the purpose of developing and demonstrating an alternative mitigation exchange service in Vancouver and Clark county. The purposes of the exchange are to improve the environmental value of permit decision-making and to accomplish permit streamlining objectives.

Appropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 172. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE
Estuary and Salmon Restoration in Puget Sound (06-2-001)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for nearshore estuary and shoreline projects supporting salmon recovery in Puget Sound.
- (2) Project selection and funding decisions shall be submitted for approval to the executive committee of the Puget Sound nearshore partnership between the department and the United States army corps of engineers.
- (3) Funded projects require a nonstate match or in-kind contributions. The match requirements must be approved by the executive committee identified in subsection (2) of this section.
- (4) Project selection and funding decisions must be coordinated with the salmon recovery funding board to ensure that project funding and matching requirements are maximized to the greatest extent possible.
- (5) The department shall not utilize any amount of this appropriation to support administration or overhead. Funding to support the administration of the funds and the implementation of selected projects must be obtained from the department's operating budget.
- (6) Eligible projects must be within Puget Sound and identified in a current salmon recovery plan.
- (7) All funds must be obligated to a specific project or projects no later than October 15, 2006.
- (8) The department shall submit a report to the legislature and the office of financial management by November 1, 2006. The report must describe the status of all projects authorized for funding under this appropriation, including project location, implementation timeline, performance measures, funding structure, matching funds, and expected results.

Appropriation:

State Building Construction Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,000,000
TOTAL	\$7,500,000

Sec. 173. 2005 c 488 s 443 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Land Bank (06-2-015)

The appropriation in this section is subject to the following conditions and limitations: The department shall prepare an inventory of acquisitions, sales, transfers, or exchanges of water rights within the past ten years. This inventory shall be submitted in a report to the appropriate committees of the legislature by December 1, 2006. The report shall also estimate the cost of a study to inventory all water rights that are connected to existing state lands.

Appropriation:

Resources Management Cost Account--State	((\$5,000,000))
	<u>\$43,000,000</u>
Prior Biennia (Expenditures)	\$10,462,000
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	((\$55,462,000))
	<u>\$93,462,000</u>

Sec. 174. 2005 c 488 s 451 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Small Timber Landowner (FREP) (06-2-019)

The appropriation in this section is subject to the following conditions and limitations:

(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

(2) The department may not expend more than ((~~\$200,000~~)) \$300,000 of the appropriation for administrative or staff costs.

Appropriation:

State Building Construction Account--State	\$8,000,000
Prior Biennia (Expenditures)	\$7,750,000
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$55,750,000

NEW SECTION. Sec. 175. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Federal HCP Land Acquisition Grants (06-2-950)

Appropriation:

General Fund--Federal	\$6,720,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,720,000

Sec. 176. 2005 c 488 s 453 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Statewide Aquatic Restoration Projects (06-2-008)

The appropriations in this section are subject to the following conditions and limitations: \$2,000,000 of the state toxics control account--state appropriation is provided solely for costs related to removal of creosote logs and pilings in Puget Sound.

Appropriation:

Aquatic Lands Enhancement Account--State	\$300,000
<u>State Toxics Control Account--State</u>	<u>\$2,000,000</u>
State Building Construction Account--State	\$150,000
Subtotal Appropriation	((\$450,000))
	<u>\$2,450,000</u>
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$1,200,000
TOTAL	((\$1,850,000))
	<u>\$3,850,000</u>

NEW SECTION. Sec. 177. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Old Growth Forest Inventory (06-2-855)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely to conduct an inventory of old growth forests located on state lands east of the crest of Cascade mountains. The inventory is intended to be a continuation of the inventory conducted pursuant to section 905, chapter 277, Laws of 2004, and must be completed in two phases.

(2) In conducting the inventory required by this section, the department of natural resources shall reconvene a scientific panel with membership consistent with the structure created in section 905, chapter 277, Laws of 2004, and direct the panel to review the best available applicable scientific information. The panel shall also develop a definition for old-growth trees and stands located east of the crest of the Cascade mountains using attributes measured in department of natural resources inventory plots.

(3) The first phase of the inventory required by this section shall be completed by July 1, 2007. In the first phase, the panel shall identify reference stands for old-growth ponderosa pine, dry mixed conifer species, and pine-oak plant associations.

(4) The second phase of the inventory required by this section shall be completed by December 15, 2007. In the second phase, the department of natural resources shall use the definition provided by the scientific panel under subsection (2) of this section to produce an inventory of old growth forests located on state lands east of the crest of Cascade mountains. The inventory must include:

(a) Maps that illustrate the distribution of forest stands containing old-growth ponderosa pine, dry mixed-conifer species, and pine-oak plant associations, including sites with residual old-growth ponderosa pine trees; and

(b) Tables describing the number of acres of old-growth stands in each county, forest type, and department of natural resources' administrative unit.

(5) The department of natural resources shall report the information required by this section to the appropriate committees of the legislature.

(6) Until the completion of the inventory required by this section, the department of natural resources may not cut or remove any Douglas fir, ponderosa pine, or larch trees from state lands located east of the crest of the Cascade mountains if the tree is one hundred sixty years in age or older and has a diameter of twenty-eight inches or more when measured at breast height, unless removal of the tree is determined by the department of natural resources to be necessary to prevent an imminent physical or ecological hazard or otherwise satisfy a safety concern.

Appropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

Sec. 178. 2005 c 488 s 460 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE
Hop Initiative (06-1-951)

Appropriation:

State Building Construction Account--State	(\$500,000) <u>\$1,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$500,000) <u>\$1,000,000</u>

Sec. 179. 2005 c 488 s 601 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION
Common School Construction Account Deposits

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$15,000,000)~~ \$33,766,000 in fiscal year 2006 and \$15,000,000 in fiscal year 2007 of the education savings account appropriation shall be deposited in the common school construction account.

(2) \$99,737,000 of the education construction account appropriation shall be deposited in the common school construction account.

Appropriation:

Education Savings Account--State	(\$30,000,000) <u>\$48,766,000</u>
Education Construction Account--State	\$99,737,000
Subtotal Appropriation	(\$129,737,000) <u>\$148,503,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$129,737,000) <u>\$148,503,000</u>

Sec. 180. 2005 c 488 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION
School Construction Assistance Program (06-4-100)

The appropriations in this section are subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2)(a) \$14,439,000 from this appropriation is provided solely for projects at skills centers that are included on the prioritized list of capital items and major capital project list submitted by the state board of education ~~(and)~~.

(b) \$150,000 from this appropriation is provided solely for a comprehensive feasibility study for the development of a skills center in Skagit county.

(c) \$400,000 from this appropriation is provided solely for comprehensive feasibility studies for the development of skills centers in the following targeted areas: Moses Lake, northeast King county, Pierce county, and Seattle. Skills centers shall submit a budget plan to the state

board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform to state board of education rules and procedures for reimbursement of capital items. The state board of education shall develop a plan to include skills center capital requests within the state construction assistance program.

(3) \$156,155,000 of this appropriation is provided solely to increase the area cost allowance by \$12.14 per square foot for grades K-12 for fiscal year 2006, an additional \$12.27 per square foot for grades K-12 for fiscal year 2007, the student square footage allocation in fiscal year 2007 in accordance with the first step in the state board of education six-year plan, and the amount of state assistance provided for modernization and new in-lieu projects to one hundred percent of the area cost allowance.

(4) The appropriation in this section includes the amounts deposited in the common school construction account under section 601 of this act.

Appropriation:

State Building Construction Account--State	\$130,200,000
Common School Construction Account--State	(\$474,853,000)
	\$511,116,000
Subtotal Appropriation	(\$605,053,000)
	\$641,316,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,832,159,000
TOTAL	(\$3,437,212,000)
	\$3,473,475,000

Sec. 181. 2005 c 488 s 606 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION
Environmental Learning Centers (06-2-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,950,000 from this appropriation is provided solely for capital projects at the Chewelah peak learning center. The Chewelah peak learning center shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

(2) \$400,000 of this appropriation is provided solely for capital projects at Camp Waskowitz learning center. Camp Waskowitz shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

(3) \$500,000 of this appropriation is provided solely for capital projects at IslandWood education center on Bainbridge island. IslandWood shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

Appropriation:

State Building Construction Account--State	\$2,350,000
Common School Construction Account--State	\$500,000
Subtotal Appropriation	\$2,850,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$2,350,000)
	\$2,850,000

Sec. 182. 2005 c 488 s 607 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION
Apple Award Construction Achievement Grants (06-4-850)

The appropriation in this section is subject to the following conditions and limitations: Grants of \$25,000 are provided to public elementary schools whose students have shown the greatest combined average increase in the percentage of students meeting the fourth grade reading, mathematics, and writing standards on the Washington assessment of student learning from school year 2003-04 as compared to school year 2004-05 and school year 2004-05 as compared to school year 2005-06 (~~and 2006-07~~). \$250,000 shall be available for awards in (~~2005-06~~) fiscal year 2006 and \$250,000 in (~~2006-07~~) fiscal year 2007. The program shall be administered by the state board of education which shall determine categories for selection that provides geographic and school district size representation.

The grants shall be used for capital construction purposes as determined by the students in the schools and approved by the district's school directors. The funds may be used exclusively for capital construction projects on school property or on other public property in the community, city, or county in which the school is located.

Appropriation:

Education Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

Sec. 183. 2005 c 488 s 609 (uncodified) is amended to read as follows:

~~(FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION)~~ **FOR THE STATE BOARD OF EDUCATION**
High Performance Buildings (06-4-852)

The appropriation in this section is subject to the following conditions and limitations: Additional funding will be provided to school districts constructing public schools to recognized standards for high performance public buildings for a transition period of three years. The districts building high performance public schools will be granted funding per school project for capital-related costs associated with the design

and construction of public K-12 schools that meet or exceed comprehensive design, construction, and operating standards for high performance and sustainable school buildings. No more than \$250,000 will be allotted for each elementary school built to high performance standards, no more than \$350,000 will be allotted for each middle school built to high performance standards, and no more than \$500,000 will be allotted to each high school built to high performance standards. These levels may be modified, in a limited manner, if specific project conditions warrant and as determined by the office of the superintendent of public instruction. The state board of education and the office of the superintendent of public instruction shall not expend more than \$195,000 of the appropriation for administrative costs.

Appropriation:

State Building Construction Account--State	\$6,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,000,000
TOTAL	\$19,500,000

Sec. 184. 2005 c 488 s 610 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
State School Construction Assistance Program Administration (06-2-001)

The appropriation in this section is subject to the following conditions and limitations: \$76,000 of the common school construction account--state appropriation is provided solely to implement chapter ... (Substitute House Bill No. 3098), Laws of 2006 (state board of education). If the bill is not enacted by June 30, 2006, the appropriation shall lapse.

Appropriation:

Common School Construction Account--State	(\$2,279,004) \$2,355,004
Prior Biennia (Expenditures)	\$3,969,379
Future Biennia (Projected Costs)	\$10,554,882
TOTAL	(\$16,803,265) \$16,879,265

Sec. 185. 2005 c 488 s 612 (uncodified) is amended to read as follows:
FOR THE STATE SCHOOL FOR THE BLIND
Campus Preservation (06-1-003)

Appropriation:

State Building Construction Account--State	(\$700,000) \$900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,800,000
TOTAL	(\$3,500,000) \$3,700,000

Sec. 186. 2005 c 488 s 613 (uncodified) is amended to read as follows:
FOR THE STATE SCHOOL FOR THE DEAF
Omnibus Minor Works - Preservation (06-1-002)

Appropriation:

State Building Construction Account--State	(\$200,000) \$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$775,000
TOTAL	(\$975,000) \$1,175,000

Sec. 187. 2005 c 488 s 632 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON
Guggenheim Hall Renovation (06-1-006)

The appropriations in this section (~~(ts)~~) are subject to the following conditions and limitations: No money from the appropriation in this section may be expended on surge space.

Appropriation:

State Building Construction Account--State	(\$24,500,000) \$19,750,000
Education Construction Account--State	\$4,750,000
<u>Subtotal Appropriation</u>	<u>\$24,500,000</u>
Prior Biennia (Expenditures)	\$1,812,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,312,000

Sec. 188. 2005 c 488 s 659 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY
 Minor Works - Facility Preservation (06-1-001)

The appropriation in this section is subject to the following conditions and limitations: \$50,000 of the appropriation from the Washington State University building account--state is provided solely for preliminary design, engineering, permitting, and cost estimate evaluations to modernize and expand the existing dairy facilities in Pullman.

Appropriation:

State Building Construction Account--State	\$25,000,000
Washington State University Building Account--State	(\$5,500,000)
	\$10,500,000
Subtotal Appropriation	(\$30,500,000)
	\$35,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$120,000,000
TOTAL	(\$150,500,000)
	\$155,500,000

NEW SECTION. Sec. 189. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY
 Martin Williamson Renovation (06-1-706)

Appropriation:

Gardner-Evans Higher Education Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,238,000
TOTAL	\$24,438,000

NEW SECTION. Sec. 190. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY
 Patterson Hall Remodel (06-2-002)

Appropriation:

Gardner-Evans Higher Education Construction--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$26,078,000
TOTAL	\$26,278,000

NEW SECTION. Sec. 191. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY
 Replace Chiller (06-1-025)

Appropriation:

Gardner-Evans Higher Education Construction--State	\$1,880,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,880,000

Sec. 192. 2005 c 488 s 696 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE
 Seminar Building Phase II - Construction (02-2-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

The Evergreen State College Capital Projects--State	\$700,000
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Appropriation:

Education Construction Account--State	\$4,250,000
Prior Biennia (Expenditures)	\$42,550,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$43,250,000)
	\$47,500,000

Sec. 193. 2005 c 488 s 714 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY
 Campus Roadway Development (04-2-073)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the reappropriation is to complete a predesign of potential south campus roadway options and general circulation issues that avoids significant impacts on adjacent neighborhoods and conforms to the city of Bellingham traffic plans.

(2) The predesign shall also investigate options to achieve higher rates of alternative modes of transportation among faculty, staff, and students, minimize surface parking, and make improvements for traffic circulation, including public transit. Safe movement of pedestrians and bicyclists shall be a priority.

(3) Allotment for predesign is contingent upon the completion of a communication and public involvement plan for this project that is consistent with the significant projects section of the Western Washington University institutional master plan and adjacent neighborhood plans adopted by the city of Bellingham, the city of Bellingham Western Washington University neighborhood plan, and the neighborhood meeting requirements contained in Bellingham municipal code 20.40.060. The communication and public involvement plan shall seek to maximize public input through coordination of the planning effort with established neighborhood advisory groups and boards recognized by the city of Bellingham.

Reappropriation:

Western Washington University Capital Projects--State	((\$38,826))
	<u>\$36,466</u>
Prior Biennia (Expenditures)	\$290,174
Future Biennia (Projected Costs)	\$0
<u>TOTAL</u>	<u>\$326,640</u>

Sec. 194. 2005 c 488 s 795 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College: Science Building Replacement (04-1-209)

Reappropriation:

State Building Construction Account--State	\$14,664
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Appropriation:

State Building Construction Account--State	\$2,693,000
Gardner-Evans Higher Education Construction--State	\$325,000
<u>Subtotal Appropriation</u>	<u>\$3,018,000</u>

Prior Biennia (Expenditures)	\$285,336
Future Biennia (Projected Costs)	((\$24,268,049))
	<u>\$26,693,049</u>
<u>TOTAL</u>	<u>((\$27,261,049))</u>
	<u>\$30,011,049</u>

Sec. 195. 2005 c 488 s 777 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Undergraduate Education Center (04-2-692)

Appropriation:

State Building Construction Account--State	\$7,363,700
Gardner-Evans Higher Education Construction--State	\$3,844,000
<u>Subtotal Appropriation</u>	<u>\$11,207,700</u>

Prior Biennia (Expenditures)	\$126,000
Future Biennia (Projected Costs)	((\$27,407,540))
	<u>\$38,103,591</u>
<u>TOTAL</u>	<u>((\$34,897,240))</u>
	<u>\$49,437,291</u>

NEW SECTION. Sec. 196. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Maritime Academy Repairs (06-1-502)

Appropriation:

Gardner-Evans Higher Education Construction--State	\$268,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,588,000
<u>TOTAL</u>	<u>\$1,856,000</u>

NEW SECTION. Sec. 197. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River College: Water System Replacement (06-1-501)

Appropriation:

Gardner-Evans Higher Education Construction--State	\$1,951,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL \$1,951,000

NEW SECTION. Sec. 198. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College: Primary Power Branch Replacement (06-1-503)

Appropriation:

Gardner-Evans Higher Education Construction --State \$1,717,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,717,000

NEW SECTION. Sec. 199. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College: Campus Fire Loop Replacement (06-1-504)

Appropriation:

Gardner-Evans Higher Education Construction --State \$1,634,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,634,000

Sec. 200. 2005 c 488 s 905 (uncodified) is amended to read as follows:

(1) To ensure that minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management ((and the office of financial management has formally approved the lists. Proposed revisions)), the house of representatives capital budget committee, and the senate ways and means committee. All projects must meet the criteria included in subsection (2)(a) of this section. Revisions to the lists must be filed with ((and approved by)) the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee and include an explanation of variances from the prior list before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that shall include multiple projects valued between \$25,000 and \$1,000,000 each that are of a similar nature and can ((generally)) be completed within two years of the appropriation with the funding provided. These projects cannot be combined with or be a part of an overall project, that if combined over a continuous period of time, would exceed \$1,000,000. Minor works categories include (i) health, safety, and code requirements; (ii) facility preservation; (iii) infrastructure preservation; and (iv) program improvement or expansion. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(3) The ((office of financial management)) agency shall ((forward)) provide copies of these project lists and revised lists to the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has approved the allotment of the funds to be expended. The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.

(4) It is generally not intended to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

NEW SECTION. Sec. 201. A new section is added to 2005 c 488 (uncodified) to read as follows:

Executive Order No. 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions shall comply with the requirements set forth in this executive order.

Sec. 202. 2005 c 488 s 909 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(1) Department of general administration:

(a) Enter into a financing contract for up to \$12,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the fifth and final phase of the roof membrane replacement at the east plaza parking structure as well as safety improvements to the parking garage below the plaza.

(b) Enter into a financing contract for up to \$6,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the fourth phase of the office building-2 rehabilitation that will renew failing building systems, correct code deficiencies, and improve access.

(c) Enter into a financing contract for up to \$13,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the rehabilitation of the Cherberg building.

(2) Liquor control board: Enter into a financing contract for up to \$17,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an extension to the liquor control board's distribution center to meet liquor sales growth through 2018.

(3) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(c) Enter into a financing contract for up to \$4,536,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additions to the food factory and warehouses at the Airway Heights corrections center for correctional industries.

(4) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$4,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

(5) Community and technical colleges:

~~(a) Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the North Center building.~~

~~(b) Enter into a financing contract on behalf of Clark College for up to \$9,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a ((parking structure)) building for a training center.~~

~~(c) Enter into a financing contract on behalf of Clover Park Technical College for up to \$14,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student center.~~

~~(d) Enter into a financing contract on behalf of Columbia Basin College for up to \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the Hawk Union building.~~

~~(e) Enter into a financing contract on behalf of Edmonds Community College for up to \$8,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bookstore and student center.~~

(e) Enter into a financing contract on behalf of Edmonds Community College for up to \$4,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a black box theater as a part of the Instructional Lab building.

(f) Enter into a financing contract on behalf of Green River Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.

(g) Enter into a financing contract on behalf of Olympic College for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the student center bookstore.

(h) Enter into a financing contract on behalf of Shoreline Community College for up to \$15,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student union building.

(i) Enter into a financing contract on behalf of Skagit Valley Community College for up to \$3,200,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate existing space into a new student center.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,175,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land, make site improvements, and construct a building for ~~((the enology program))~~ professional-technical instruction.

(k) Enter into a financing contract on behalf of Walla Walla Community College for up to \$640,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the health sciences building at the Clarkston center.

(l) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a math and science building.

(m) Enter into a financing contract on behalf of Pierce College/Puyallup for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student gym and fitness center.

(n) Enter into a financing contract on behalf of Pierce College/Ft. Steilacoom for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the college health and wellness center.

(o) Enter into a financing contract on behalf of Columbia Basin College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the Richland health sciences center.

(p) The projects in ~~((a)-(j))~~ (f), ~~((k)-(l))~~ (j), (l), (m), and (n) of this subsection are reauthorizations of projects originally authorized in the 2003-2005 biennium. If the college enters into a financing contract before the effective date of this section, then the appropriate reauthorization contained in this section is null and void.

(6) Washington State University: Enter into a financing contract for up to \$11,650,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bioproducts facility in the Tri-Cities.

Sec. 203. RCW 43.---.--- (section 8, chapter ---, Laws of 2006, (E3SHB No. 2939)) is amended to read as follows:

The energy freedom account is created in the state treasury. All receipts from appropriations made to the account, proceeds from other lawful sources, and loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for loans and grants to political subdivisions for renewable energy and biofuel development projects and activities authorized under this chapter or otherwise authorized by the legislature.

NEW SECTION. Sec. 204. A new section is added to 2005 c 488 (uncodified) to read as follows:

The legislature finds that the January 23, 2006, report on 63-20 capital projects financing submitted by the state treasurer raised significant issues that could benefit from additional exploration and analysis. The legislature further finds that financing costs are only one important dimension to consider when analyzing and comparing the use of conventional bonds with other capital project financing mechanisms in the development of major public facilities. Other factors that must be considered include total project and life-cycle costs, long-term costs of capital, scheduling, generally accepted accounting principles, transfer of risk, project management, project complexity, public works contracting procedures, and applicability of private sector strategies or practices in the development and ongoing maintenance of public facilities.

The office of financial management and the department of general administration, in consultation with legislative staff from the appropriate policy and fiscal committees of the legislature shall:

(1) Research models and best practices used by other governments and private industry to provide major facility and infrastructure information for budgeting purposes, including the updated joint legislative audit and review committee life-cycle cost model in section 102 of this act. The analysis must include total cost of capital and long-term forecasting information for facility preservation, major facility or system replacement, and new capacity to result in more effective investment decisions for major public facilities and infrastructure.

(2) Develop recommendations that incorporate best practices in the state's capital budgeting process and public works contracting procedures, including lessons learned from 63-20 financing projects entered into by state agencies or local governments.

(3) Develop recommendations for appropriate uses of alternative capital project financing instruments and a corresponding decision making process.

(4) Develop a strategy to manage risk and reduce the potential for claims and litigation associated with state construction projects. This strategy must include the enumeration of best practices for the management of project risk and conflicts, in order to minimize future expenses related to construction claims.

(5) Coordinate with the capital projects advisory review board created in chapter 377, Laws of 2005 to evaluate public capital project construction processes and policies related to alternative public works delivery methods.

(6) Submit report findings and recommendations to the appropriate fiscal committees of the legislature by September 1, 2007.

Sec. 205. RCW 79.17.010 and 2003 1st sp.s. c 25 s 939 and 2003 c 334 s 452 are each reenacted and amended to read as follows:

(1) The department, with the approval of the board, may exchange any state land and any timber thereon for any land of equal value in order to:

(a) Facilitate the marketing of forest products of state lands;

(b) Consolidate and block-up state lands;

(c) Acquire lands having commercial recreational leasing potential;

(d) Acquire county-owned lands;

(e) Acquire urban property which has greater income potential or which could be more efficiently managed by the department in exchange for state urban lands as defined in RCW 79.19.100; or

(f) Acquire any other lands when such exchange is determined by the board to be in the best interest of the trust for which the state land is held.

(2) Land exchanged under this section shall not be used to reduce the publicly owned forest land base.

(3) The board shall determine that each land exchange is in the best interest of the trust for which the land is held prior to authorizing the land exchange.

(4) During the biennium ending June 30, ~~((2005))~~ 2007, the department, with approval of the board, may exchange any state land and any timber thereon for any land and proceeds of equal value. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the resource management cost account to pay for administrative expenses incurred in carrying out an exchange transaction. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

NEW SECTION. Sec. 206. A new section is added to 2005 c 488 (uncodified) to read as follows:

Eastern Washington University is authorized to sell its Spokane center. Proceeds from the sale must be deposited into the higher education construction account. Proceeds may be used to acquire or design a facility on or adjacent to the Riverpoint higher education campus for the university's Spokane-based program offerings. Eastern Washington University must report to the office of financial management and the appropriate fiscal committees of the legislature upon sale of the center as well as expenditure of the proceeds.

Sec. 207. RCW 43.99N.060 and 2000 c 137 s 1 are each amended to read as follows:

(1) The stadium and exhibition center account is created in the custody of the state treasurer. All receipts from the taxes imposed under RCW 82.14.0494 and distributions under RCW 67.70.240(5) shall be deposited into the account. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

(2) Until bonds are issued under RCW 43.99N.020, up to five million dollars per year beginning January 1, 1999, shall be used for the purposes of subsection (3)(b) of this section, all remaining moneys in the account shall be transferred to the public stadium authority, created under RCW 36.102.020, to be used for public stadium authority operations and development of the stadium and exhibition center.

(3) After bonds are issued under RCW 43.99N.020, all moneys in the stadium and exhibition center account shall be used exclusively for the following purposes in the following priority:

(a) On or before June 30th of each year, the office of financial management shall accumulate in the stadium and exhibition center account an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under RCW 43.99N.020;

(b) An additional reserve amount not in excess of the expected average annual principal and interest requirements of bonds issued under RCW 43.99N.020 shall be accumulated and maintained in the account, subject to withdrawal by the state treasurer at any time if necessary to meet the requirements of (a) of this subsection, and, following any withdrawal, reaccumulated from the first tax revenues and other amounts deposited in the account after meeting the requirements of (a) of this subsection; and

(c) The balance, if any, shall be transferred to the youth athletic facility account under subsection (4) of this section.

Any revenues derived from the taxes authorized by RCW 36.38.010(5) and 36.38.040 or other amounts that if used as provided under (a) and (b) of this subsection would cause the loss of any tax exemption under federal law for interest on bonds issued under RCW 43.99N.020 shall be deposited in and used exclusively for the purposes of the youth athletic facility account and shall not be used, directly or indirectly, as a source of payment of principal of or interest on bonds issued under RCW 43.99N.020, or to replace or reimburse other funds used for that purpose.

(4) Any moneys in the stadium and exhibition center account not required or permitted to be used for the purposes described in subsection (3)(a) and (b) of this section shall be deposited in the youth athletic facility account hereby created in the state treasury. Expenditures from the account may be used only for purposes of grants or loans to cities, counties, and qualified nonprofit organizations for community outdoor athletic facilities. For the 2005-2007 biennium, moneys in the account may also be used for the recreation level of service study for local and regional active recreation facilities identified in section 165 of this act. Only the director of the interagency committee for outdoor recreation or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88

RCW, but an appropriation is not required for expenditures. The athletic facility grants or loans may be used for acquiring, developing, equipping, maintaining, and improving community outdoor athletic facilities. Funds shall be divided equally between the development of new community outdoor athletic facilities, the improvement of existing community outdoor athletic facilities, and the maintenance of existing community outdoor athletic facilities. Cities, counties, and qualified nonprofit organizations must submit proposals for grants or loans from the account. To the extent that funds are available, cities, counties, and qualified nonprofit organizations must meet eligibility criteria as established by the director of the interagency committee for outdoor recreation. The grants and loans shall be awarded on a competitive application process and the amount of the grant or loan shall be in proportion to the population of the city or county for where the community outdoor athletic facility is located. Grants or loans awarded in any one year need not be distributed in that year. The director of the interagency committee for outdoor recreation may expend up to one and one-half percent of the moneys deposited in the account created in this subsection for administrative purposes.

Sec. 208. 2005 c 488 s 927 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Local Toxics Control Account: For transfer to the state toxics control account	\$13,900,000
<u>State Drought Preparedness Account: For transfer to the charitable, education, penal and reformatory institutions account</u>	<u>\$970,000</u>

NEW SECTION. **Sec. 209.** Part headings in this act are not any part of the law.

NEW SECTION. **Sec. 210.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 211.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 2 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 43.99N.060; amending RCW 43.---.--- (section 8, chapter ---, Laws of 2006, (E3SHB No. 2939)); amending 2006 c --- s 2 (E2SHB No. 2393) (uncodified); amending 2005 c 488 ss 109, 112, 125, 131, 138, 142, 143, 152, 156, 201, 206, 238, 252, 255, 264, 287, 323, 324, 325, 327, 329, 340, 341, 342, 346, 360, 365, 368, 369, 370, 372, 376, 382, 385, 386, 387, 390, 391, 392, 398, 401, 402, 395, 414, 425, 427, 443, 451, 453, 460, 601, 605, 606, 607, 609, 610, 612, 613, 632, 659, 696, 714, 795, 777, 905, 909, and 927 (uncodified); reenacting and amending RCW 79.17.010; adding new sections to 2005 c 488 (uncodified); creating new sections; and declaring an emergency."

Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Blake; Chase; Eickmeyer; Ericks; Flannigan; Green; Hasegawa; Lantz; Moeller; Morrell; O'Brien; Schual-Berke; Springer and Upthegrove.

Column deliberately left blank.

MINORITY recommendation: Do not pass. Signed by Representatives Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Clements; Cox; Ericksen; Kretz; McCune; Newhouse; Roach; Serben and Strow.

Passed to Committee on Rules for second reading.

February 22, 2006

ESSB 6386 Prime Sponsor, Senate Committee On Ways & Means: Making 2006 supplemental operating appropriations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"PART I
GENERAL GOVERNMENT**

Sec. 101. 2005 c 518 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2006)	((\$30,411,000))
	<u>\$30,261,000</u>
General Fund--State Appropriation (FY 2007)	((\$30,900,000))
	<u>\$30,934,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$167,000</u>
TOTAL APPROPRIATION	((\$61,311,000))
	<u>\$61,362,000</u>

The appropriations in this section are subject to the following conditions and limitations: ((~~2~~)) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the children's and family services task force established in Engrossed Substitute Senate Bill No. 5872 (family/children's department). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 102. 2005 c 518 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund--State Appropriation (FY 2006)	\$23,253,000
General Fund--State Appropriation (FY 2007)	((\$25,368,000))
	<u>\$25,395,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$125,000</u>
TOTAL APPROPRIATION	((\$48,621,000))
	<u>\$48,773,000</u>

The appropriations in this section are subject to the following conditions and limitations:

\$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the children's and family services task force established in Engrossed Substitute Senate Bill No. 5872 (family/children's department). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 103. 2005 c 518 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2006)	((\$2,531,000))
	<u>\$2,294,000</u>
General Fund--State Appropriation (FY 2007)	((\$1,953,000))
	<u>\$2,869,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$9,000</u>
TOTAL APPROPRIATION	((\$4,484,000))
	<u>\$5,172,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions in this section, the committee may adjust the due dates for projects included on the committee's 2005-07 work plan as necessary to efficiently manage workload.

(2)(a) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for a study of the basic health plan. Part 1 of the study shall examine the extent to which basic health plan policies and procedures promote or discourage the provision of appropriate, high-quality, cost-effective care to basic health plan enrollees. Issues to be addressed include, but are not limited to, whether (i) enrollees are encouraged to engage in wellness activities and receive preventative services; (ii) evidence-based treatment strategies are identified and promoted; (iii) enrollees are encouraged to use high-quality providers; (iv) enrollees with chronic or other high-cost conditions are identified and provided with appropriate interventions; and (v) innovative health care service delivery methods are encouraged. Part 1 of the study report shall be completed by December 2005.

(b) Part 2 of the study shall examine the characteristics of individuals enrolled in the basic health plan, and their use of health care services, including, but not limited to, (i) enrollee longevity on the basic health plan; (ii) circumstances that led to basic health plan enrollment; (iii) how enrollees obtained health care prior to basic health plan enrollment; (iv) health care coverage of other household members; (v) service utilization patterns; and (vi) employment status and by whom basic health plan enrollees are employed. Part 2 of the study must be completed by July, 2006.

(3) ((~~\$188,000~~)) \$37,000 of the general fund--state appropriation for fiscal year 2006 ((~~is~~)) and \$151,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the public infrastructure study and the cost of evaluating the effectiveness of the job development fund grant program required by House Bill No. 1903 (creating a job development fund). If House Bill No. 1903 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an evaluation of the budget process used for information technology projects. The evaluation will include: Itemizing total costs for current information technology funding across state agencies; analyzing current processes by which information funding is requested and evaluated; analyzing processes used in the private sector and other states; and assessing the applicability of other practices for improving the state's funding process. A report is due in January 2006.

(5) \$125,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for a study of the current state pupil transportation funding formula. The study will evaluate the extent to which the formula captures the costs of providing pupil transportation for basic education programs. Based on the results of this evaluation, the study shall develop alternative formulas for allocating state funding to school districts for the transportation of students for basic education programs. The alternative formulas shall take into account the legislative definition of basic education programs, promote the efficient use of state and local resources, and allow local district control over the management of pupil transportation systems. In addition, the study shall include a review of the funding mechanisms used by other states and identify best practices.

(6) Within amounts provided in this section, the committee shall conduct a review of the special education excess cost accounting methodology and expenditure reporting requirements. The committee shall work with the state auditor's office and develop a mutually acceptable work plan in conducting this review. This review may include, but is not limited to: (a) An analysis of the current special education excess cost accounting methodology and related special education expenditure reporting requirements; (b) an examination of whether opportunities exist for modifying the current excess cost accounting methodology and expenditure reporting requirements; (c) an assessment of the potential impact on school districts if the current excess cost accounting methodology and expenditure reporting requirements are modified; and (d) any findings and recommendations from the state auditor's office examination of whether school districts are appropriately and consistently applying the current excess cost methodology. The committee shall provide a report to the appropriate policy and fiscal committees of the legislature in January 2006.

(7) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the consultant costs related to the study identified in section 505 of Engrossed Second Substitute Senate Bill No. 5763 (mental disorders treatment). If this section is not enacted by June 30, 2005, these amounts shall lapse.

(8) \$86,000 of the general fund--state appropriation for fiscal year ~~(2006)~~ 2007 is provided solely to implement the provisions of Engrossed Substitute House Bill No. 1064 (government performance). If Engrossed Substitute House Bill No. 1064 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$190,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for purposes of legislative hearings and reporting requirements under Initiative Measure No. 900 (chapter 1, Laws of 2006; performance audits).

(10) \$375,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the review of tax preferences and to staff the citizen commission for performance measurement of tax preferences required in Engrossed House Bill No. 1069 (audits of tax preferences). If Engrossed House Bill No. 1069 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(11) \$42,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the evaluation of the effectiveness of the local infrastructure financing tool program required in Engrossed Second Substitute House Bill No. 2673 (local infrastructure). If Engrossed Second Substitute House Bill No. 2673 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$56,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the cost of conducting a performance audit of the department of natural resources' aquatic resources program required by House Bill No. 3237 (aquatic lands). If House Bill No. 3237 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(13) \$14,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the cost of conducting a review of the staffing levels for department of health investigators and attorneys involved in the health professions disciplinary process required by Substitute House Bill No. 2974 (health profession discipline). If Substitute House Bill No. 2974 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 104. 2005 c 518 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2006)	\$1,737,000
General Fund--State Appropriation (FY 2007)	((\$1,921,000))
	<u>\$1,924,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$10,000</u>
TOTAL APPROPRIATION	((\$3,658,000))
	<u>\$3,671,000</u>

Sec. 105. 2005 c 518 s 106 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2006)	\$7,288,000
General Fund--State Appropriation (FY 2007)	((\$7,248,000))
	<u>\$7,252,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$25,000</u>
TOTAL APPROPRIATION	((\$14,536,000))
	<u>\$14,565,000</u>

Sec. 106. 2005 c 518 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2006)	\$4,112,000
General Fund--State Appropriation (FY 2007)	((\$4,398,000))
	<u>\$4,401,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$20,000</u>
TOTAL APPROPRIATION	((\$8,510,000))
	<u>\$8,533,000</u>

Sec. 107. 2005 c 518 s 105 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account--State Appropriation	((\$3,013,000))
	<u>\$3,022,000</u>

The appropriation in this section is subject to the following conditions and limitations: By December 1, 2005, the state actuary shall conduct an actuarial analysis that quantifies, to the greatest extent permissible from available experience data, the fiscal impact of the retire-rehire program for plan 1 of the public employees' retirement system and the teachers' retirement system enacted by chapter 10, Laws of 2001 and chapter 412, Laws of 2003. In addition to the actuarial analysis, the state actuary shall present a range of legislative alternatives to the plan 1 retire-rehire program, including an actuarial analysis of the fiscal impact of proposals to increase the maximum retirement allowance beyond sixty percent of average final compensation. The analysis shall be submitted to the select committee on pension policy, the senate committee on ways and means, and the house of representatives committee on appropriations.

Sec. 108. 2005 c 518 s 109 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2006)	((\$6,085,000))
	\$6,095,000
General Fund--State Appropriation (FY 2007)	((\$6,346,000))
	\$6,397,000
<u>Pension Funding Stabilization Account Appropriation</u>	\$37,000
TOTAL APPROPRIATION	((\$12,431,000))
	\$12,529,000

Sec. 109. 2005 c 518 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2006)	\$1,055,000
General Fund--State Appropriation (FY 2007)	((\$1,107,000))
	\$1,109,000
<u>Pension Funding Stabilization Account Appropriation</u>	\$5,000
TOTAL APPROPRIATION	((\$2,162,000))
	\$2,169,000

Sec. 110. 2005 c 518 s 110 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2006)	((\$2,011,000))
	\$2,013,000
General Fund--State Appropriation (FY 2007)	((\$2,020,000))
	\$2,024,000
<u>Pension Funding Stabilization Account Appropriation</u>	\$5,000
TOTAL APPROPRIATION	((\$4,031,000))
	\$4,042,000

Sec. 111. 2005 c 518 s 111 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2006)	((\$13,866,000))
	\$13,916,000
General Fund--State Appropriation (FY 2007)	((\$14,358,000))
	\$14,393,000
<u>Pension Funding Stabilization Account Appropriation</u>	\$80,000
TOTAL APPROPRIATION	((\$28,224,000))
	\$28,389,000

Sec. 112. 2005 c 518 s 113 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2006)	((\$19,657,000))
	\$19,834,000
General Fund--State Appropriation (FY 2007)	((\$20,081,000))
	\$21,328,000
Public Safety and Education Account--State Appropriation	((\$50,106,000))
	\$50,277,000
Judicial Information Systems Account--State Appropriation	((\$25,641,000))
	\$26,051,000
<u>Pension Funding Stabilization Account Appropriation</u>	\$96,000
TOTAL APPROPRIATION	((\$115,485,000))
	\$117,586,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$900,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(2) \$3,000,000 of the public safety and education account appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(3) \$13,224,000 of the public safety and education account appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(4) The distributions made under subsection (3) of this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) Each fiscal year during the 2005-07 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(6) \$82,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1112 (creating an additional superior court position). If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of Substitute House Bill No. 1854 (driving privilege) and Engrossed Second Substitute Senate Bill No. 5454 (court operations). If neither bill is enacted by June 30, 2005, the amount in this subsection shall lapse.

Sec. 113. 2005 c 518 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2006)	((\$1,490,000))
	<u>\$1,565,000</u>
General Fund--State Appropriation (FY 2007)	((\$2,078,000))
	<u>\$11,887,000</u>
Public Safety and Education Account--State Appropriation	((\$13,175,000))
	<u>\$13,181,000</u>
TOTAL APPROPRIATION	((\$16,743,000))
	<u>\$26,633,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$800,000 of the general fund--state appropriation for fiscal year 2006 and ~~((~~\$1,000,000~~))~~ \$5,659,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to expand the parent representation project in dependency and termination cases.

(2) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(3) Within amounts appropriated in this section and in Engrossed Second Substitute Senate Bill No. 5454, the office may, at its discretion, implement Second Substitute House Bill No. 1542 (indigent defense services).

Sec. 114. 2005 c 518 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund--State Appropriation (FY 2006)	((\$2,883,000))
	<u>\$3,083,000</u>
General Fund--State Appropriation (FY 2007)	((\$2,832,000))
	<u>\$3,232,000</u>
Public Safety and Education Account--State Appropriation	\$4,705,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$2,987,000
TOTAL APPROPRIATION	((\$13,407,000))
	<u>\$14,007,000</u>

((The appropriations in this section are subject to the following conditions and limitations:

—(1) ~~\$2,783,000 of the general fund--state appropriation for fiscal year 2006, \$2,732,000 of the general fund--state appropriation for fiscal year 2007, \$4,705,000 of the public safety and education account--state appropriation, and \$2,987,000 of the violence reduction and drug enforcement account--state appropriation are contingent upon enactment of Substitute House Bill No. 1747 (civil legal services). If the bill is not enacted by June 30, 2005, these appropriations shall be made to the department of community, trade, and economic development and are provided solely for the purpose of civil legal services.~~

—(2) ~~\$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are contingent upon enactment of Substitute House Bill No. 1747 (civil legal services). If the bill is not enacted by June 30, 2005, the appropriation shall be made to the department of community, trade, and economic development and is provided solely for a general farm organization with members in every county of the state to develop and administer an alternative dispute resolution system for disputes between farmers and farm workers.))~~

Sec. 115. 2005 c 518 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2006)	\$5,600,000
General Fund--State Appropriation (FY 2007)	((\$5,279,000))
	<u>\$5,886,000</u>
General Fund--Federal Appropriation	((\$1,364,000))
	<u>\$1,366,000</u>
Oil Spill Prevention Account Appropriation	\$508,000
Water Quality Account--State Appropriation	((\$4,184,000))
	<u>\$4,193,000</u>
<u>Economic Development Strategic Reserve Account Appropriation</u>	<u>\$4,000,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$24,000</u>
TOTAL APPROPRIATION	((\$16,935,000))
	<u>\$21,577,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,112,000 of the water quality account appropriation and \$1,150,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound conservation and recovery plan action items PSAT-01 through PSAT-06.

(2) \$200,000 of the general fund--state appropriation for fiscal year 2006, \$200,000 of the general fund--state appropriation for fiscal year 2007, and \$200,000 of the general fund--federal appropriation are provided solely for one-time corrective actions to address Hood canal's dissolved oxygen problems, the Puget Sound conservation and recovery plan action item PSAT-07.

(3) As described in section 129(7) of this act, the Puget Sound water quality action team shall make recommendations and report on monitoring activities related to salmon recovery.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1152 (early learning council). If House Bill No. 1152 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) For the governor's funding request pursuant to RCW 74.39A.300 to be submitted to the legislature by December 20, 2006, it is the intent of the legislature to consider a fringe benefits funding request that provides health care benefits substantially equivalent in cost to those available to individual providers pursuant to chapter 25, Laws of 2003 1st sp. sess.

(6) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely as a grant to the Hood Canal Coordinating Council to implement Engrossed Substitute House Bill No. 2097 (management program for Hood Canal). ~~((If Engrossed Substitute House Bill No. 2097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.))~~

(7) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a review of ocean policy issues in cooperation with individuals with appropriate expertise and the departments of ecology, fish and wildlife, and natural resources. By December 31, 2005, the governor's office shall identify the recommendations of the U.S. commission on ocean policy appropriate for immediate implementation. By December 31, 2006, the governor's office shall provide a report: (a) Summarizing the condition of the state's ocean resources and their contribution to the state's character, quality of life, and economic viability; (b) recommending improvements in coordination among state agencies and other jurisdictions; (c) recommending measures to protect and manage ocean resources; (d) recommending measures to finance ocean protection, management, and development programs; and (e) recommending legislation regarding ocean resources or policy.

(8) \$508,000 of the oil spill prevention account appropriation is provided solely for the oil spill advisory council established in Engrossed Substitute Senate Bill No. 5432 (oil spill oversight council). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) The economic development strategic reserve account appropriation is provided solely for the purpose of implementing chapter 427, Laws of 2005 (2SSB 5370).

(10)(a) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Puget Sound action team and the Hood Canal coordinating council to contract for a one-time study in the Hood Canal to: (i) Improve data and knowledge of the loading of nitrogen from on-site sewage systems to ground water; (ii) determine the local scale efficiency of nitrogen removal from on-site sewage systems; and (iii) improve data and knowledge of the loading of nitrogen from all ground water sources to Hood Canal.

(b) The study shall: (i) Locate representative on-site sewage systems distributed within the Hood Canal drainage basin for use in the study; (ii) collect water levels and samples from the areas around a number of on-site sewage systems under a variety of water table, soil, and geologic conditions; (iii) test samples for nitrogen, phosphorous, carbon, and other pertinent chemistry; (iv) consider water levels and samples from monitoring wells both up gradient and down gradient from on-site sewage systems; (v) collect data from drain fields to test on-site sewage system efficiency; and (vi) collect water level, nutrient, and other chemical data from a number of existing wells in the watershed to test how much nitrogen is reaching Hood Canal. The study shall be coordinated with other studies being conducted in Hood Canal through the Hood Canal dissolved oxygen program. The Puget Sound action team and the Hood Canal coordinating council shall report their finding and recommendations to the appropriate committees of the legislature by December 1, 2007.

Sec. 116. 2005 c 518 s 117 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2006)	\$752,000
General Fund--State Appropriation (FY 2007)	(\$766,000)
	<u>\$768,000</u>
((General Fund--Local Appropriation	-\$1,000)
Pension Funding Stabilization Account Appropriation	\$3,000
TOTAL APPROPRIATION	(\$1,519,000) <u>\$1,523,000</u>

Sec. 117. 2005 c 518 s 118 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2006)	(\$1,989,000)
	<u>\$1,999,000</u>
General Fund--State Appropriation (FY 2007)	(\$2,009,000)
	<u>\$2,069,000</u>
Pension Funding Stabilization Account Appropriation	\$10,000
TOTAL APPROPRIATION	(\$3,998,000) <u>\$4,078,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$56,000 of the general fund-- state appropriation for fiscal year 2007 are provided solely for the implementation of Third Substitute House Bill No. 1226 (campaign contribution limits). If Third Substitute House Bill No. 1226 is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 118. 2005 c 518 s 119 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2006)	(\$19,102,000)
	<u>\$20,417,000</u>
General Fund--State Appropriation (FY 2007)	(\$17,323,000)
	<u>\$18,154,000</u>
General Fund--Federal Appropriation	(\$7,092,000)

	\$7,099,000
General Fund--Private/Local Appropriation	((\$125,000))
	\$207,000
Archives and Records Management Account--State Appropriation	((\$8,127,000))
	\$8,210,000
Department of Personnel Services Account--State Appropriation	((\$719,000))
	\$721,000
Local Government Archives Account--State Appropriation	((\$12,138,000))
	\$12,398,000
Election Account--Federal Appropriation	((\$47,009,000))
	\$53,010,000
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$66,000</u>
TOTAL APPROPRIATION	((\$111,635,000))
	<u>\$120,282,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,296,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) ((~~\$1,999,000~~)) \$2,441,000 of the general fund--state appropriation for fiscal year 2006 and \$2,403,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$118,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$2,028,004 of the general fund--state appropriation for fiscal year 2006 and \$2,063,772 of the general fund--state appropriation for fiscal year 2007 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2005-07 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$196,000 of the general fund--state appropriation for fiscal year 2006 and \$173,000 of the general fund--state appropriation for fiscal year 2007 are provided for the implementation of House Bill No. 1749 (county election procedures). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$110,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all claims in *Washington State Democratic Party, et al. v. Sam S. Reed, et al.*, United States District Court Western District of Washington at Tacoma Cause No. C00-5419FDB and related appeal. The expenditure of this appropriation is contingent on the release of all claims in the case and related appeal, and total settlement costs shall not exceed the appropriation in this subsection.

Sec. 119. 2005 c 518 s 120 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2006)	\$277,000
General Fund--State Appropriation (FY 2007)	((\$289,000))
	\$292,000
<u>Pension Fund Stabilization Account--State Appropriation</u>	<u>\$1,000</u>
TOTAL APPROPRIATION	((\$566,000))
	<u>\$570,000</u>

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 120. 2005 c 518 s 121 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN-PACIFIC-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2006)	\$235,000
General Fund--State Appropriation (FY 2007)	((\$238,000))
	\$264,000
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$1,000</u>
TOTAL APPROPRIATION	((\$473,000))
	<u>\$500,000</u>

Sec. 121. 2005 c 518 s 122 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State Appropriation	(((\$14,124,000))
	<u>\$14,174,000</u>

Sec. 122. 2005 c 518 s 123 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2006)	(((\$1,884,000))
	<u>\$854,000</u>
General Fund--State Appropriation (FY 2007)	(((\$2,441,000))
	<u>\$748,000</u>
State Auditing Services Revolving Account--State Appropriation	(((\$13,952,000))
	<u>\$14,011,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$4,000</u>
TOTAL APPROPRIATION	(((\$18,277,000))
	<u>\$15,617,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$731,000 of the general fund--state appropriation for fiscal year 2006 and \$727,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) The office shall report to the office of financial management and the appropriate fiscal committees of the legislature detailed information on risk-based auditing, its theory, and its application for the audits performed on Washington state government. The report shall include an explanation of how the office identifies, measures, and prioritizes risk, the manner in which the office uses these factors in the planning and execution of the audits of Washington state government, and the methods and procedures used in the conduct of the risk-based audits themselves. The report is due no later than December 1, 2005.

(4) ~~(((\$1,130,000)) \$100,000 of the general fund--state appropriation for fiscal year 2006((- \$1,695,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000 of the state auditing services revolving account--state appropriation for fiscal year 2006 are)) is provided solely for the implementation of Engrossed Substitute House Bill No. 1064 (government performance). ((If Engrossed Substitute House Bill No. 1064 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.))~~

(5) \$16,000 of the general fund--state appropriation for fiscal year 2006 is provided for a review of special education excess cost accounting and reporting requirements. The state auditor's office shall coordinate this work with the joint legislative audit and review committee's review of the special education excess cost accounting methodology and expenditure reporting requirements. The state auditor's review shall include an examination of whether school districts are (a) appropriately implementing the excess cost accounting methodology; (b) consistently charging special education expenses to the special education and basic education programs; (c) appropriately determining the percentage of expenditures that should be charged to the special education and basic education programs; and (d) appropriately and consistently reporting special education expenditures. The results of this review will be included in the joint legislative audit and review committee's report issued in January 2006.

Sec. 123. 2005 c 518 s 124 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2006)	\$137,000
General Fund--State Appropriation (FY 2007)	(((\$206,000))
	<u>\$207,000</u>
TOTAL APPROPRIATION	(((\$343,000))
	<u>\$344,000</u>

Sec. 124. 2005 c 518 s 125 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2006)	(((\$5,223,000))
	<u>\$5,303,000</u>
General Fund--State Appropriation (FY 2007)	(((\$5,156,000))
	<u>\$5,222,000</u>
General Fund--Federal Appropriation	(((\$2,973,000))
	<u>\$3,175,000</u>
Public Safety and Education Account--State Appropriation	(((\$2,303,000))
	<u>\$2,307,000</u>
New Motor Vehicle Arbitration Account--State Appropriation	(((\$1,313,000))
	<u>\$1,315,000</u>
Legal Services Revolving Account--State Appropriation	(((\$185,970,000))
	<u>\$191,345,000</u>
<u>Health Services Account--State Appropriation</u>	<u>\$762,000</u>
<u>Tobacco Prevention and Control Account--State Appropriation</u>	<u>\$270,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$21,000</u>
TOTAL APPROPRIATION	(((\$203,208,000))
	<u>\$209,720,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) \$652,000 of the legal services revolving account is provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

(4) \$40,000 of the general fund--state appropriation for fiscal year 2006 and \$157,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the attorney general to provide support and assistance to the clemency and pardons board pursuant to chapter 9.94A RCW.

Sec. 125. 2005 c 518 s 126 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2006)	\$719,000
General Fund--State Appropriation (FY 2007)	(((\$714,000))
	<u>\$716,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$4,000</u>
TOTAL APPROPRIATION	(((\$1,433,000)) <u>\$1,439,000</u>

Sec. 126. 2005 c 518 s 127 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2006)	(((\$66,123,000))
	<u>\$67,659,000</u>
General Fund--State Appropriation (FY 2007)	(((\$67,151,000))
	<u>\$45,556,000</u>
General Fund--Federal Appropriation	(((\$246,886,000))
	<u>\$257,888,000</u>
General Fund--Private/Local Appropriation	(((\$12,229,000))
	<u>\$12,422,000</u>
Public Safety and Education Account--State Appropriation	(((\$5,439,000))
	<u>\$5,443,000</u>
Public Works Assistance Account--State Appropriation	(((\$3,395,000))
	<u>\$3,430,000</u>
Tourism Development and Promotion Account Appropriation	\$300,000
Drinking Water Assistance Administrative Account--State Appropriation	(((\$213,000))
	<u>\$345,000</u>
Lead Paint Account--State Appropriation	\$6,000
Building Code Council Account--State Appropriation	(((\$1,130,000))
	<u>\$1,133,000</u>
Administrative Contingency Account--State Appropriation	(((\$1,808,000))
	<u>\$1,809,000</u>
Low-Income Weatherization Assistance Account--State Appropriation	\$8,362,000
Violence Reduction and Drug Enforcement Account--State Appropriation	(((\$7,231,000))
	<u>\$7,234,000</u>
Manufactured Home Installation Training Account--State Appropriation	\$240,000
Community and Economic Development Fee Account--State Appropriation	\$1,570,000
Washington Housing Trust Account--State Appropriation	(((\$19,009,000))
	<u>\$33,536,000</u>
Homeless Families Services Account--State Appropriation	\$300,000
Public Facility Construction Loan Revolving Account--State Appropriation	(((\$614,000))
	<u>\$616,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$87,000</u>
TOTAL APPROPRIATION	(((\$442,006,000)) <u>\$447,936,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2006 and \$2,838,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$5,902,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2006 as follows:

- (a) \$2,064,000 to local units of government to continue multijurisdictional narcotics task forces;
- (b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;
- (c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;
- (d) \$20,000 to the department for tribal law enforcement;
- (e) \$345,000 to the department to continue domestic violence legal advocacy;
- (f) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;
- (g) \$351,000 to the department of social and health services, division of alcohol and substance abuse, for juvenile drug courts in eastern and western Washington;

- (h) \$626,000 to the department of social and health services to continue youth violence prevention and intervention projects;
- (i) \$97,000 to the department to continue evaluation of this grant program;
- (j) \$290,000 to the office of financial management for criminal history records improvement;
- (k) \$580,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and
- (l) \$464,000 to the department for distribution to small municipalities.

These amounts represent the maximum justice assistance grant expenditure authority for each program. No program may expend justice assistance grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any justice assistance grant funds.

(3) \$3,600,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2007 as follows:

- (a) \$2,013,000 to local units of government to continue multijurisdictional narcotics task forces;
- (b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;
- (c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces;
- (d) \$110,000 to the department to support the governor's council on substance abuse;
- (e) \$97,000 to the department to continue evaluation of the justice assistance grant program;
- (f) \$360,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and
- (g) \$15,000 to the department for a tribal and local law enforcement statewide summit.

(4) \$170,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$170,000)~~ \$700,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to fund domestic violence legal advocacy, in recognition of reduced federal grant funding.

~~((4))~~ (5) \$28,848,000 of the general fund--state appropriation for fiscal year 2006 ~~(and \$29,941,000 of the general fund--state appropriation for fiscal year 2007 are)~~ is provided solely for providing early childhood education assistance. Of ~~(these)~~ this amount~~(s)~~, \$1,497,000 ~~(in each fiscal year)~~ is provided solely to increase the number of children receiving education, and \$1,052,000 ~~(in fiscal year 2006 and \$2,146,000 in fiscal year 2007 are)~~ is provided solely for a targeted vendor rate increase.

~~((5))~~ (6) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

~~((6))~~ (7) \$1,288,000 of the Washington housing trust account--state appropriation is provided solely to implement Engrossed House Bill No. 1074. If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

~~((7))~~ (8) \$725,000 of the general fund--state appropriation for fiscal year 2006 and \$725,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for food banks to obtain and distribute additional nutritious food; and purchase equipment to transport and store perishable products.

~~((8) \$500,000)~~ (9) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$500,000)~~ \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the community services block grant program to help meet current service demands that exceed available community action resources.

~~((9))~~ (10) \$215,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for matching funds for a federal economic development administration grant awarded to the city of Kent to conduct a feasibility study and economic analysis for the establishment of a center for advanced manufacturing.

~~((10))~~ (11) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the department to compile a report on housing stock in Washington state to identify areas of potentially high risk for child lead exposure. This report shall include an analysis of existing data regarding the ages of housing stock in specific regions and an analysis of data regarding actual lead poisoning cases, which shall be provided by the department of health's childhood lead poisoning surveillance program.

~~((11))~~ (12) \$150,000 of general fund--state appropriation for fiscal year 2006 is provided solely for the Cascade land conservancy to develop and implement a plan for regional conservation within King, Kittitas, Pierce, and Snohomish counties.

~~((12))~~ (13) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the support, including safety and security costs, of the America's freedom salute to be held in the Vancouver, Washington area.

~~((13))~~ (14) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to Snohomish county for a law enforcement and treatment methamphetamine pilot program. \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the Pierce county alliance's methamphetamine family services treatment program and safe streets of Tacoma's methamphetamine prevention service.

~~((14))~~ (15) \$50,000 of the general fund--state appropriation is provided solely for one pilot project to promote the study and implementation of safe neighborhoods through community planning.

~~((15))~~ (16) \$287,000 of the general fund--state appropriation for fiscal year 2006 and \$288,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Walla Walla community college to establish the water and environmental studies center to provide workforce education and training, encourage innovative approaches and practices that address environmental and cultural issues, and facilitate the Walla Walla watershed alliance role in promoting communication leading to cooperative conservation efforts that effectively address urban and rural water and environmental issues.

~~((16))~~ (17) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for work with the northwest food processors association on the food processing cluster development project.

~~((17) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northwest agriculture incubator project, which will support small farms in economic development)~~ (18) \$140,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northwest agriculture incubator project, which will support small farms in economic development.

~~((18))~~ (19) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the department of community, trade, and economic development as the final appropriation for the youth assessment center in Pierce county for activities dedicated to reducing the rate of incarceration of juvenile offenders.

~~((19))~~ (20) \$235,000 of the general fund--state appropriation for fiscal year 2006 and \$235,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the small business incubator program. \$250,000 must be distributed as grants and must be matched by an equal amount of private funds.

~~((20))~~ (21) The department shall coordinate any efforts geared towards the 2010 Olympics with the regional effort being conducted by the Pacific northwest economic region, a statutory committee.

~~((21))~~ (22) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for HistoryLink to expand its free, noncommercial online encyclopedia service on state and local history.

~~((22))~~ (23) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Women's Hearth, a nonprofit program serving the Spokane area's homeless and low-income women. (24) \$250,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the Pacific Science Center to host the dead sea scrolls exhibition in September 2006.

(25) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for providing statewide sexual assault services.

(26) \$96,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Olympic loop of the great Washington state birding trail.

(27) \$529,000 of the general fund--federal appropriation for fiscal year 2007 is provided solely for the department to provide to the department of archeology and historic preservation through an interagency agreement. The full amount of federal funding shall be transferred. The department of community, trade, and economic development shall not retain any portion for administrative purposes.

(28) \$50,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to the suburban cities association to fully fund a buildable lands program manager position.

(29) \$116,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an increase to the statewide coordination of the volunteer programs for court-appointed special advocates.

(30) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the energy facilities siting and evaluation council to make rules related to RCW 80.70.070, the carbon dioxide mitigation statute.

(31) \$712,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to provide each county with an additional 0.5 FTE for prosecutors' victim/witness units.

(32) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to implement a minimum of two demonstration pilot projects related to transfer of development rights in cooperation with county legislative authorities. Projects may receive no more than \$100,000.

(33) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Seattle police department, and is to be divided evenly between the weed and seed programs in southeast Seattle and South Delridge/White Center to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in these areas.

(34) \$125,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the Thurston county prosecutor's office, for the Rochester weed and seed program to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in Rochester.

(35) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the city of Poulsbo for the reopening of the Poulsbo marine science center as an educational facility on the Puget Sound marine environment.

(36) \$544,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an upgrade to discovery park's daybreak star cultural center electrical system.

(37) \$670,000 of the housing trust account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2418 (affordable housing program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(38) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Second Substitute House Bill No. 2498 (cluster-based economic development). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(39) \$186,000 of the general fund--local appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2402 (energy facilities). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(40) \$118,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 3156 (low income persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(41) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Third Substitute House Bill No. 1815 (small business incubators). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 127. 2005 c 518 s 128 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2006)	(((\$573,000))
	\$579,000
General Fund--State Appropriation (FY 2007)	(((\$517,000))
	\$523,000
Pension Funding Stabilization Account Appropriation	\$3,000
TOTAL APPROPRIATION	(((\$1,090,000))
	\$1,105,000

Sec. 128. 2005 c 518 s 129 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2006)	(((\$16,993,000))
	\$17,709,000
General Fund--State Appropriation (FY 2007)	(((\$16,050,000))
	\$19,896,000
General Fund--Federal Appropriation	(((\$23,550,000))
	\$23,555,000

<u>General Fund--Private/Local Appropriation</u>	\$1,216,000
Public Works Assistance Account--State Appropriation	\$200,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$246,000
State Auditing Services Revolving Account--State Appropriation	\$25,000
<u>Pension Funding Stabilization Account Appropriation</u>	\$100,000
TOTAL APPROPRIATION	((\$57,064,000)) \$62,947,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the public works assistance account appropriation is provided solely for an inventory and evaluation of the most effective way to organize the state public infrastructure programs and funds. The inventory and evaluation shall be delivered to the governor and the appropriate committees of the legislature by September 1, 2005.

(2)(a) (~~(\$182,000)~~) \$62,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an advisory council to study residential services for persons with developmental disabilities. The study shall identify a preferred system of services and a plan to implement the system within four years. Recommendations shall be provided on the services that best address client needs in different regions of the state and on the preferred system by January 1, 2006. The office of financial management may contract for specialized services to complete the study.

(b) The advisory council shall consist of thirteen members. Members appointed by the governor, include one representative from each of the governor's office or the office of financial management, the department of social and health services, the Washington state disabilities council, two labor organizations, the community residential care providers, residents of residential habilitation centers, individuals served by community residential programs, and individuals with developmental disabilities who reside or resided in residential habilitation centers. The advisory council shall also include two members of the house of representatives appointed by the speaker of the house of representatives representing the majority and minority caucuses and two members of the senate appointed by the president of the senate representing the majority and minority caucuses. Legislative members of the advisory group shall be reimbursed in accordance with RCW 44.04.120, and nonlegislative members in accordance with RCW 43.03.050 and 44.04.120. Staff support shall be provided by the department of social and health services, the developmental disabilities council, the office of financial management, the house of representatives office of program research, and senate committee services.

(3) \$1,041,000 of the general fund--state appropriation for fiscal year 2006 and \$706,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5441 (studying early learning, K-12, and higher education). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided to the office of regulatory assistance and is subject to the following conditions and limitations:

(a) This amount is provided solely for the enhanced planning and permit pilot program; and

(b) Regulatory assistance is to select two local government planning and permitting offices to participate in an enhanced permit assistance pilot program. Such enhancement may include, but is not limited to:

(i) Creation of local and state interagency planning and permit review teams;

(ii) Use of advanced online planning and permit applications;

(iii) Using loaned executives; and

(iv) Additional technical assistance and guidance for permit applicants.

(5) \$303,000 of the general fund--state appropriation for fiscal year 2006 and \$255,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Second Substitute House Bill No. 1970 (government management). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Substitute Engrossed House Bill No. 1242 (budgeting outcomes and priorities). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) The department of ecology, the department of fish and wildlife, the department of natural resources, the conservation commission, and the interagency committee for outdoor recreation shall make recommendations to improve or eliminate monitoring activities related to salmon recovery and watershed health. The agencies shall coordinate with the governor's forum on monitoring and watershed health and consult with the office of financial management in determining the scope and contents of the report.

The agencies shall prepare a report detailing all new activity and updating all previously identified activity within the comprehensive monitoring strategy. The report shall identify the monitoring activity being performed and include: The purpose of the monitoring activity, when the activity started, who uses the information, how often it is accessed, what costs are incurred by fund, what frequency is used to collect data, what geographic location is used to collect data, where the information is stored, and what is the current status and cost by fund source of the data storage systems.

The agencies shall provide a status report summarizing progress to the governor's forum on monitoring and watershed health and the office of financial management by March 1, 2006. A final report to the governor's monitoring forum, the office of financial management, and the appropriate legislative fiscal committees shall be submitted no later than September 1, 2006.

(8) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided to the office of financial management for the purpose of contracting with the Washington State University and University of Washington policy consensus center to provide project coordination for the office of financial management, the department of agriculture, the conservation commission, and the department of community, trade, and economic development to work with farmers, ranchers, and other interested parties to identify potential agricultural pilot projects that both enhance farm income and improve protection of natural resources.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the office of regulatory assistance to implement activities supporting the governor's regulatory improvement program including deployment of interagency permit teams, a business portal, programmatic permits, and an alternative mitigation program.

(10) The office of financial management shall prepare a report on state-purchased health care costs and expenditures. The report shall analyze the growth in state-purchased health care costs over the last five biennia and compare growth to other state expenditures and state revenues. The report shall propose options for funding the increases in state-funded health care, along with options for adjusting or containing state-funded health care expenditures within a constant portion of total estimated revenues.

(11) \$1,032,000 of the general fund--state appropriation for fiscal year 2006 and \$1,695,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Substitute House Bill No. 3109 (government performance). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(12) \$46,000 of the general fund--state appropriation for fiscal year 2006 and \$131,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2353 (family child care providers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(13) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state quality award program to assist state agencies in obtaining the goals of the Washington state quality award.

Sec. 129. 2005 c 518 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State Appropriation ((~~\$29,490,000~~))
\$29,595,000

The appropriation in this section is subject to the following conditions and limitations: \$103,000 of the administrative hearing revolving account--state appropriation is provided solely to determine, in collaboration with other state agencies, the best mechanism of digital recording for the office of administrative hearings, the manner of conversion from tape recording to digital recording, and the purchase of digital recording devices.

Sec. 130. 2005 c 518 s 131 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State Appropriation ((~~\$20,323,000~~))
\$26,888,000
 Higher Education Personnel Services Account--State Appropriation ((~~\$1,634,000~~))
\$1,656,000
 TOTAL APPROPRIATION ((~~\$21,957,000~~))
\$28,544,000

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 131. 2005 c 518 s 132 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State Appropriation ((~~\$24,087,000~~))
\$24,160,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section may not be expended by the Washington state lottery for any purpose associated with a lottery game offered through any interactive electronic device, including the internet, other than research to support the efforts of the select committee on gambling policy as provided in Senate Concurrent Resolution No. 8417.

Sec. 132. 2005 c 518 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2006) \$238,000
 General Fund--State Appropriation (FY 2007) ((~~\$247,000~~))
\$248,000
Pension Funding Stabilization Account Appropriation \$1,000
 TOTAL APPROPRIATION ((~~\$485,000~~))
\$487,000

Sec. 133. 2005 c 518 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2006) \$237,000
 General Fund--State Appropriation (FY 2007) ((~~\$240,000~~))
\$241,000
Pension Funding Stabilization Account Appropriation \$1,000
 TOTAL APPROPRIATION ((~~\$477,000~~))
\$479,000

Sec. 134. 2005 c 518 s 135 (uncodified) is amended to read as follows:

FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Account--State Appropriation ((~~\$1,043,000~~))
\$1,119,000

Sec. 135. 2005 c 518 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Dependent Care Administrative Account--State Appropriation ((~~\$416,000~~))
\$413,000
 Department of Retirement Systems Expense Account--State Appropriation ((~~\$45,056,000~~))
\$46,264,000
 TOTAL APPROPRIATION ((~~\$45,472,000~~))
\$46,677,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$13,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1327, chapter 65, Laws of 2005 (purchasing service credit).
- (2) \$10,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1269, chapter 21, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 2 service credit purchase).
- (3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1270 (law enforcement officers' and fire fighters' retirement system plan 2 postretirement employment). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (4) \$26,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1319, chapter 62, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 ex-spouse benefits).
- (5) \$46,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1325, chapter 64, Laws of 2005 (military service credit purchase).
- (6) \$79,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1329, chapter 67, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 reduced survivor benefit).
- (7) \$56,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1936 (emergency medical technician membership in law enforcement officers' and fire fighters' retirement system plan 2 service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (8) \$16,000 of the department of retirement systems expense account is provided solely to implement Senate Bill No. 5522 (purchasing service credit lost due to injury). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.
- (9) \$80,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2687 (minimum monthly retirement). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (10) \$230,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2932 (catastrophic disability benefit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (11) \$78,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2684 (plan 3 five-year vesting). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (12) \$88,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2689 (reemployment of retirees). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (13) \$117,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2690 (service credit purchase). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (14) \$111,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2680 (TRS out-of-state service credit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (15) \$375,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2691 (retirement for justices). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 136. 2005 c 518 s 137 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State Appropriation	((\$16,020,000))
	<u>\$16,123,000</u>

Sec. 137. 2005 c 518 s 138 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2006)	((\$90,065,000))
	<u>\$90,319,000</u>
General Fund--State Appropriation (FY 2007)	((\$91,207,000))
	<u>\$92,240,000</u>
Timber Tax Distribution Account--State Appropriation	((\$5,609,000))
	<u>\$5,627,000</u>
<u>Real Estate Excise Tax Grant Account--State Appropriation</u>	<u>\$3,900,000</u>
Waste Reduction/Recycling/Litter Control--State Appropriation	\$108,000
State Toxics Control Account--State Appropriation	\$73,000
Oil Spill Prevention Account--State Appropriation	\$14,000
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$447,000</u>
TOTAL APPROPRIATION	((\$187,076,000))
	<u>\$192,728,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$113,000 of the general fund--state appropriation for fiscal year 2006, and \$93,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1315 (modifying disclosure requirements for the purposes of the real estate excise tax). If House Bill No. 1315 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (2) \$7,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute Senate Bill No. 5101 (renewable energy). If Substitute Senate Bill No. 5101 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (3) \$100,000 of the general fund--state appropriation for fiscal year 2006 ((~~is~~)) and \$114,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (modifying vehicle licensing and registration penalties). ((If Engrossed House Bill No. 1241 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.))
- (4) \$1,390,000 of the general fund--state appropriation for fiscal year 2006, and \$1,240,000 of the general fund--state appropriation for fiscal year 2007 are ((provided solely)) for the department to employ strategies to enhance current revenue enforcement activities.
- (5) \$5,121 of the general fund--state appropriation for fiscal year 2006 is provided solely to satisfy two claims to estate property, pursuant to RCW 11.76.245.

(6) \$109,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2673 (local infrastructure). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7) \$51,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2804 (nonprofit schools/tax exempt). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(8) \$43,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2432 (property tax exemption). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(9) \$27,000 of the general fund--state appropriation for fiscal year 2006 and \$7,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 2457 (tax relief/farm machinery). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(10) \$29,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2466 (tax relief for aerospace). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(11) \$108,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2671 (excise tax relief). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$30,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed Substitute House Bill No. 2565 (worker training B&O tax). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(13) \$33,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 2640 (biotechnology product). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(14) \$176,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2670 (hospital benefit zones). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 138. 2005 c 518 s 139 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2006)	\$1,362,000
General Fund--State Appropriation (FY 2007)	(\$1,211,000)
	<u>\$1,213,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	\$6,000
TOTAL APPROPRIATION	(\$2,573,000) <u>\$2,581,000</u>

Sec. 139. 2005 c 518 s 141 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation	(\$3,186,000) <u>\$3,196,000</u>
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The appropriation in this section is subject to the following conditions and limitations: \$180,000 of the OMWBE enterprises account appropriation is provided solely for management of private sector grants and coordination of support services to small businesses in the state. It is the intent of the legislature that this amount be funded from new grant revenues and business fees.

Sec. 140. 2005 c 518 s 142 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2006)	\$321,000
General Fund--State Appropriation (FY 2007)	(\$233,000)
	<u>\$359,000</u>
General Fund--Federal Appropriation	(\$3,640,000) <u>\$3,641,000</u>
General Administration Service Account--State Appropriation	(\$32,045,000) <u>\$32,163,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	\$1,000
TOTAL APPROPRIATION	(\$36,239,000) <u>\$36,485,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund--state appropriation for fiscal year 2006 (~~is~~) and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1830 (alternative public works). If Engrossed Substitute House Bill No. 1830 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 141. 2005 c 518 s 143 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

<u>General Fund--State Appropriation (FY 2007)</u>	\$1,500,000
General Fund--Federal Appropriation	\$350,000
Data Processing Revolving Account--State Appropriation	(\$3,612,000) <u>\$3,621,000</u>
Public Safety and Education Account--State Appropriation	\$684,000
TOTAL APPROPRIATION	(\$4,296,000) <u>\$6,155,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$1,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support the operations of the digital learning commons. By September 1, 2006, the digital learning commons shall develop and implement a plan to become a self-supporting operation. The plan implemented shall allow for the digital learning commons to be entirely supported by user fees and private contributions by September 1, 2008.

Sec. 142. 2005 c 518 s 144 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation	(\$673,000)
	\$1,513,000
Insurance Commissioners Regulatory Account--State Appropriation	(\$40,253,000)
	\$40,902,000
TOTAL APPROPRIATION	(\$40,926,000)
	\$42,415,000

The appropriations in this section are subject to the following conditions and limitations: \$42,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute House Bill No. 2553 (service contracts). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 143. 2005 c 518 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State Appropriation	(\$1,962,000)
	\$2,236,000

Sec. 144. 2005 c 518 s 146 (uncodified) is amended to read as follows:

FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account--State Appropriation	(\$282,000)
	\$283,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

Sec. 145. 2005 c 518 s 147 (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account--State Appropriation	(\$5,009,000)
	\$5,027,000

Sec. 146. 2005 c 518 s 148 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2006)	\$1,739,000
General Fund--State Appropriation (FY 2007)	(\$1,706,000)
	\$1,720,000
Liquor Control Board Construction and Maintenance Account--State Appropriation	\$12,832,000
Liquor Revolving Account--State Appropriation	(\$154,080,000)
	\$157,674,000
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$7,000</u>
TOTAL APPROPRIATION	(\$170,357,000)
	\$173,972,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As authorized under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than July 1, 2005. The intent of this surcharge is to generate additional revenues for the state general fund in the 2005-07 biennium.

(2) \$154,000 of the liquor revolving account--state appropriation is provided solely for the lease of state vehicles from the department of general administration's motor pool.

(3) \$2,228,000 of the liquor revolving account--state appropriation is provided solely for costs associated with the installation of a wide area network that connects all of the state liquor stores and the liquor control board headquarters.

(4) \$186,000 of the liquor revolving account--state appropriation is provided solely for an alcohol education staff coordinator and associated alcohol educational resources targeted toward middle school and high school students.

(5) \$2,261,000 of the liquor revolving account--state appropriation is provided solely for replacement of essential computer equipment, improvement of security measures, and improvement to the core information technology infrastructure.

(6) \$2,800,000 of the liquor control board construction and maintenance account--state appropriation is provided solely for the certificate of participation to fund the expansion of the liquor distribution center.

(7) \$3,233,000 of the liquor revolving account--state appropriation is provided solely for upgrades to material handling system and warehouse management system software and equipment, and associated staff to increase the liquor distribution center's shipping capacity.

(8) \$2,746,000 of the liquor revolving account--state appropriation is provided solely for additional state liquor store and retail business analysis staff. The additional liquor store staff will be deployed to those stores with the greatest potential for increased customer satisfaction and revenue growth. The liquor control board, using the new retail business analysis staff and, if needed, an independent consultant, will analyze the impact of additional staff on customer satisfaction and revenue growth and make recommendations that will increase the effectiveness and efficiency of all the liquor control board's retail-related activities. Using best practices and benchmarks from comparable retail organizations, the analysis will evaluate and make recommendations, at a minimum, on the following issues: Optimal staffing levels and store locations and numbers of stores (both state liquor stores and contract liquor stores); options for an improved retail organizational structure; strategies to increase the retail decision-making capacity; and resources required for enhanced internal organizational support of the retail activities. In support of this evaluation, a survey shall be employed to gauge customer satisfaction with state and contract liquor store services. A written evaluation with recommendations shall be submitted to the governor and the legislative fiscal committees by October 1, 2006.

(9) \$187,000 of the general fund--state appropriation for fiscal year 2006 and \$122,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Senate Bill No. 6097 (tobacco products enforcement). If Senate Bill No. 6097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) \$1,435,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1379 (liquor retail plan). If Substitute House Bill No. 1379 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

Sec. 147. 2005 c 518 s 149 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account--State Appropriation	((\$28,436,000))
	<u>\$28,707,000</u>
Pipeline Safety Account--State Appropriation	((\$2,877,000))
	<u>\$2,894,000</u>
Pipeline Safety Account--Federal Appropriation	((\$1,535,000))
	<u>\$1,539,000</u>
TOTAL APPROPRIATION	((\$32,848,000))
	<u>\$33,140,000</u>

Sec. 148. 2005 c 518 s 150 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'

Administrative Account--State Appropriation	((\$768,000))
	<u>\$938,000</u>

Sec. 149. 2005 c 518 s 151 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2006)	((\$10,084,000))
	<u>\$10,137,000</u>
General Fund--State Appropriation (FY 2007)	((\$9,362,000))
	<u>\$12,887,000</u>
General Fund--Federal Appropriation	((\$165,970,000))
	<u>\$214,322,000</u>
General Fund--Private/Local Appropriation	\$2,000
Enhanced 911 Account--State Appropriation	((\$34,766,000))
	<u>\$34,812,000</u>
Disaster Response Account--State Appropriation	((\$2,277,000))
	<u>\$1,632,000</u>
Disaster Response Account--Federal Appropriation	((\$11,008,000))
	<u>\$6,297,000</u>
Worker and Community Right-to-Know Account--State Appropriation	((\$314,000))
	<u>\$315,000</u>
Nisqually Earthquake Account--State Appropriation	((\$6,713,000))
	<u>\$6,531,000</u>
Nisqually Earthquake Account--Federal Appropriation	((\$29,127,000))
	<u>\$27,075,000</u>
Military Department Rental and Lease Account--State Appropriation	\$378,000
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$44,000</u>
TOTAL APPROPRIATION	((\$270,001,000))
	<u>\$314,432,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$2,277,000~~)) \$1,632,000 of the disaster response account--state appropriation and ((~~\$11,008,000~~)) \$6,297,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(2) ((~~\$6,713,000~~)) \$6,531,000 of the Nisqually earthquake account--state appropriation and ((~~\$29,127,000~~)) \$27,075,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(3) ((~~\$127,586,000~~)) \$173,613,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) \$867,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Cowlitz county 911 communications center for the purpose of purchasing or reimbursing the purchase of interoperable radio communication technology to improve disaster response in the Mount St. Helens area.

(5) No funds from sources other than fees from voice over internet protocol (VOIP) providers may be used to implement technologies specific to the integration of VOIP 911 with E-911. The military department, in conjunction with the department of revenue, shall propose methods for assuring the collection of an appropriate enhanced 911 excise tax from VOIP 911 providers and shall report their recommendations to the legislature by November 1, 2005.

(6) \$41,000 of the enhanced 911 account appropriation is provided solely to implement Substitute House Bill No. 2543 (911 advisory committee). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for funding to continue and expand the 211 emergency services network.

Sec. 150. 2005 c 518 s 152 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2006)	\$2,776,000
General Fund--State Appropriation (FY 2007)	(\$2,824,000)
	<u>\$2,897,000</u>
Department of Personnel Service Account--State Appropriation	(\$2,945,000)
	<u>\$2,953,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$16,000</u>
TOTAL APPROPRIATION	(\$8,545,000)
	<u>\$8,642,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$67,000 of the general fund--state appropriation in fiscal year 2007 is provided solely for costs pursuant to Engrossed Second Substitute House Bill No. 2353 (family child care providers). If the bill is not enacted by June 30, 2006, the amount provided for this purpose shall lapse.

Sec. 151. 2005 c 518 s 153 (uncodified) is amended to read as follows:

FOR THE GROWTH ((PLANNING)) MANAGEMENT HEARINGS BOARD

General Fund--State Appropriation (FY 2006)	\$1,571,000
General Fund--State Appropriation (FY 2007)	(\$1,587,000)
	<u>\$1,590,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$8,000</u>
TOTAL APPROPRIATION	(\$3,158,000)
	<u>\$3,169,000</u>

The appropriations in this section are subject to the following conditions and limitations: (((\$9,000 of the general fund--state appropriation for fiscal year 2006 and \$9,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Western Board to relocate. If the Western Board does not relocate by June 30, 2006, the amounts provided in this subsection shall lapse.))

Sec. 152. 2005 c 518 s 154 (uncodified) is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Account--State Appropriation	\$30,512,000
State Convention and Trade Center Operating Account--State Appropriation	(\$46,470,000)
	<u>\$46,491,000</u>
TOTAL APPROPRIATION	(\$76,982,000)
	<u>\$77,003,000</u>

Sec. 153. 2005 c 518 s 155 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund--State Appropriation (FY 2006)	(\$550,000)
	<u>\$745,000</u>
General Fund--State Appropriation (FY 2007)	(\$549,000)
	<u>\$728,000</u>
General Fund--Federal Appropriation	(\$1,446,000)
	<u>\$1,037,000</u>
General Fund--Private/Local Appropriation	\$14,000
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$3,000</u>
TOTAL APPROPRIATION	(\$2,559,000)
	<u>\$2,527,000</u>

**PART II
HUMAN SERVICES**

Sec. 201. 2005 c 518 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2006, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2006 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2006 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose, other than family support appropriations for the developmental disabilities program in section 205(1)(c) of this act, after approval by the director of financial management.

(c) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(4) The department is authorized to expend up to \$13,500,000 of its general fund--state appropriation for fiscal year 2007 for any reductions in federal funding in fiscal year 2006 for targeted case management services for children who are in the care of the state. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications under this subsection.

(5) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2005-2007 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

~~((4))~~ (6) In accordance with RCW 74.39A.300, the appropriations to the department of social and health services in this act are sufficient to implement the compensation and fringe benefits of the collective bargaining agreement reached between the governor and the exclusive bargaining representative of individual providers of home care services.

Sec. 202. 2005 c 518 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	.....	(\$251,005,000)
		\$257,266,000
General Fund--State Appropriation (FY 2007)	.....	(\$266,350,000)
		\$287,764,000
General Fund--Federal Appropriation	.....	(\$421,401,000)
		\$433,840,000
General Fund--Private/Local Appropriation	.....	\$400,000
<u>Domestic Violence Prevention Account--State Appropriation</u>	.....	\$1,345,000
Public Safety and Education Account--State Appropriation	.....	(\$10,754,000)
		\$6,755,000
Violence Reduction and Drug Enforcement Account--State Appropriation	.....	(\$1,510,000)
		\$5,510,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	.....	\$699,000
TOTAL APPROPRIATION	.....	(\$951,420,000)
		\$993,579,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,271,000 of the general fund--state appropriation for fiscal year 2006, \$2,271,000 of the general fund--state appropriation for fiscal year 2007, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund--state appropriation for fiscal year 2006 and \$701,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2006, \$375,000 of the general fund--state appropriation for fiscal year 2007, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year ~~((2004))~~ 2006 and \$125,000 of the general fund--state appropriation for fiscal year ~~((2005))~~ 2007 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children. The department shall report annually by October 1st to the appropriate committees of the legislature on the specific efforts taken to contain costs.

(7) ~~((3,837,000))~~ \$4,661,000 of the general fund--state appropriation for fiscal year 2006, ~~((6,352,000))~~ \$12,666,000 of the general fund--state appropriation for fiscal year 2007, and ~~((4,370,000))~~ \$7,443,000 of the general fund--federal appropriation are provided solely for reforms to the child protective services and child welfare services programs, including ~~((30-day))~~ improvement in achieving face-to-face contact for children ~~((in out-of-home care))~~ every 30 days, improved timeliness of child protective services investigations, ~~((an enhanced in-home child welfare services program))~~ and education specialist services. The department shall report by December 1st of each year on the implementation status of the enhancements, including the hiring of new staff, and the outcomes of the reform efforts. The information provided shall include a progress report on items in the child and family services review program improvement plan and areas identified for improvement in the Braam lawsuit settlement.

(8) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(9) \$227,000 of the general fund--state appropriation for fiscal year 2006 and \$228,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state association of children's advocacy centers. Funds may be used for (a) children's advocacy centers that meet the national children's alliance accreditation standards for full membership, and are members in good standing; (b) communities in the process of establishing a center; and (c) the state association of children's advocacy centers. A 50 percent match will be required of each center receiving state funding.

(10) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a street youth program in Spokane.

(11) \$4,672,000 of the general fund--state appropriation for fiscal year 2006 and \$4,672,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for secure crisis residential centers.

(12) \$572,000 of the general fund--state appropriation for fiscal year 2006 ~~((-\$572,000))~~ and \$1,144,000 of the general fund--state appropriation for fiscal year 2007 ~~((-\$1,144,000 of the general fund--federal appropriation))~~ are provided solely for section 305 of Senate Bill No. 5763 (mental disorders treatment) for chemical dependency specialist services.

(13) \$3,500,000 of the general fund--state appropriation for fiscal year 2007 and \$1,500,000 of the general fund--federal appropriation are provided solely for Engrossed Senate Bill No. 5922 (child neglect). If the bill is not enacted by June 30, 2005, these amounts shall lapse.

(14) \$1,345,000 of the domestic violence prevention account appropriation is provided solely for the implementation of chapter 374, Laws of 2005.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the supervised visitation and safe exchange center in Kent. The department shall not retain any portion for administrative purposes.

(16) \$450,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$521,000 of the general fund--state appropriation for fiscal year 2007 and \$223,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 3115 (foster care critical support). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) The department shall evaluate integrating a family assessment component into its practice model for working with lower risk families involved with child protective services. The department shall report its findings to the joint task force on child safety for children in child protective services or child welfare services by July 1, 2007.

(19) \$312,000 of the general fund--state appropriation for fiscal year 2007 and \$11,000 of the general fund--federal appropriation are provided solely for a trauma mitigation pilot program for children who have been found to be dependent pursuant to chapter 13.34 RCW.

(a) The pilot program shall be implemented through a contract with the safe harbor crisis nursery located in Kennewick, Washington.

(b) The pilot program shall:

(i) Implement a regional trauma mitigation early intervention program using evidence-based practice, including trauma-focused cognitive behavioral therapy, to reduce the effects on dependent children of exposure to trauma; and

(ii) Identify and strengthen local resources for developmentally appropriate services for dependent children who have experienced trauma and their families.

(c) The pilot program's service components shall include receiving care, child care, periodic interventions, and periodic follow-up assessments.

(d) The pilot program shall provide for the dissemination of information and training for professionals, parents, foster parents, and caregivers regarding the long-term impacts of exposure to trauma and evidence-based practices, strategies, and resources for mitigating the impact of exposure to trauma.

(e) The department shall report to the appropriate policy committees of the legislature regarding impact and outcomes of the pilot program by June 30, 2007.

(20) \$3,600,000 of the general fund--state appropriation for fiscal year 2006, \$3,600,000 of the general fund--state appropriation for fiscal year 2007, and \$7,400,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall contract for MTCC services. In addition to referrals made by children's administration case workers, the department shall authorize children referred to the MTCC program by local public health nurses and case workers from the temporary assistance for needy families (TANF) program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the

MTCC program. Starting in June 2006, the department shall report quarterly to the appropriate policy committees of the legislature on the MTCC program and include monthly statewide and regional information on: (a) The number of referrals; (b) the number of authorized referrals and child enrollments; and (c) program expenditure levels.

(21) The department shall contract with the county public health department in region 4 for a position to coordinate referrals made to the medicaid treatment child care (MTCC) program. In implementing this provision, the department shall work with the county public health department to develop a memorandum of agreement that includes protocols for accessing the department's child welfare information system for purposes of identifying and referring eligible children to the MTCC program. The pilot program shall be implemented by July 1, 2006.

Sec. 203. 2005 c 518 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2006)	((\$78,552,000))
	\$78,963,000
General Fund--State Appropriation (FY 2007)	((\$81,760,000))
	\$80,340,000
General Fund--Federal Appropriation	((\$5,998,000))
	\$5,668,000
General Fund--Private/Local Appropriation	\$1,098,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$38,385,000
Juvenile Accountability Incentive Account--Federal Appropriation	((\$5,621,000))
	\$5,516,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$449,000</u>
TOTAL APPROPRIATION	((\$211,414,000))
	\$210,419,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$706,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,156,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,020,000 of the general fund--state appropriation for fiscal year 2006, \$1,030,000 of the general fund--state appropriation for fiscal year 2007, and \$5,345,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,997,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) For the purposes of a pilot project, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate comparison group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2006, and a concluding report by June 30, 2007. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

(6) \$319,000 of the general fund--state appropriation for fiscal year 2006 and \$678,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a reinvesting in youth pilot program. Participation shall be limited to three counties or groups of counties, including one charter county with a population of over eight hundred thousand residents and at least one county or group of counties with a combined population of three hundred thousand residents or less.

(a) Only the following intervention service models shall be funded under the pilot program: (i) Functional family therapy; (ii) multi-systemic therapy; and (iii) aggression replacement training.

(b) Subject to (c) of this subsection, payments to counties in the pilot program shall be sixty-nine percent of the average service model cost per youth times the number of youth engaged by the selected service model. For the purposes of calculating the average service model cost per engaged youth for a county, the following costs will be included: Staff salaries, staff benefits, training, fees, quality assurance, and local expenditures on administration.

(c) Distribution of moneys to the charter county with a population of over eight hundred thousand residents shall be based upon the number of youth that are engaged by the intervention service models, up to six hundred thousand dollars for the biennium. The department may distribute the remaining grant moneys to the other counties selected to participate in the pilot program.

(d) The department shall provide recommendations to the legislature by June 30, 2006, regarding a cost savings calculation methodology, a funds distribution formula, and criteria for service model eligibility for use if the reinvesting in youth program is continued in future biennia.

~~((c)) \$248,000 of the general fund--state appropriation for fiscal year 2006 and \$496,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to reimburse counties for local juvenile disposition alternatives implemented pursuant to House Bill No. 2073 (juvenile sentencing) and Senate Bill No. 5719 (community commitment). The juvenile rehabilitation administration, in consultation with the juvenile court administrators, shall develop an equitable distribution formula for the funding provided in this subsection, and negotiate contracts that would avoid the cost of a youth kept in the community costing more than serving the youth in a juvenile rehabilitation institution and parole program on an average daily population basis. The juvenile rehabilitation administration may adjust the funding level provided in this subsection in the event that utilization rates of the disposition alternatives are lower than the level anticipated by the total appropriation to the juvenile rehabilitation administration in this section. The juvenile rehabilitation administration shall report to the appropriate policy and fiscal committees of the legislature on the use of the disposition alternatives and revocations by December 1, 2006. If either bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.))~~

Sec. 204. 2005 c 518 s 204 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2006)	.....	(\$261,430,000)
		\$260,292,000
General Fund--State Appropriation (FY 2007)	.....	(\$269,285,000)
		\$278,337,000
General Fund--Federal Appropriation	.....	(\$336,771,000)
		\$344,008,000
General Fund--Private/Local Appropriation	.....	\$1,970,000
TOTAL APPROPRIATION	.....	(\$869,456,000)
		\$884,607,000

The appropriations in this subsection are subject to the following conditions and limitations:

~~((b)) (a) \$103,400,000 of the general fund--state appropriation for fiscal year 2006 (and \$103,400,000 of the general fund--state appropriation for fiscal year 2007 are))~~ is provided solely for persons and services not covered by the medicaid program. The department shall distribute ~~((these amounts))~~ this amount among the regional support networks according to a formula that, consistent with RCW 71.24.035(13), assures continuation of fiscal year 2003 levels of nonmedicaid service in each regional support network area for the following service categories in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance. The formula shall also ensure that each regional support network's combined state and federal allocation is no less than the amount it was due under the fiscal year 2005 allocation methodology. The remaining amounts shall be distributed based upon a formula that incorporates each regional support network's percentage of the state's population. ~~((In consultation with regional support networks and other interested groups, the department shall report to the joint legislative and executive task force by September 2006 on options for modifying the allocation formula to assure equitable statewide access to essential nonmedicaid services.~~

~~((e)) (b) \$103,777,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for persons and services not covered by the medicaid program. Consistent with RCW 71.24.035(13), these funds shall be distributed proportional to each regional support network's percentage of the total state population.~~

(c) \$10,561,000 of the general fund--state appropriation for fiscal year 2007 and \$10,561,000 of the general fund--federal appropriation are provided solely to increase medicaid capitation rates (i) by three percent, for regional support networks whose fiscal year 2006 capitation rates are above the statewide population-weighted average; and (ii) to the statewide population-weighted average, for regional support networks whose fiscal year 2006 capitation rates are below that level.

(d) \$359,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to ensure that no regional support network's combined state and federal allocation is less than the amount it was due under the fiscal year 2006 allocation methodology.

(e) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

~~((f)) (f) Within amounts appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services shall be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the required nonfederal share of the increased medicaid payment provided for operation of this project.~~

~~((e)) (g) \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,375,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a base community psychiatric hospitalization payment rate. The base payment rate shall be \$400 per indigent patient day at hospitals that accept commitments under the involuntary treatment act, and \$550 per medicaid patient day at free-standing psychiatric hospitals that accept commitments under the involuntary treatment act. The department shall allocate these funds among the regional support networks to reflect projected expenditures at the enhanced payment level by hospital and region.~~

~~((f)) (h) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.~~

~~((g) \$2,146,000 of the general fund--state appropriation for fiscal year 2006, \$4,408,000 of the general fund--state appropriation for fiscal year 2007, and \$4,559,000 of the general fund--federal appropriation are provided solely for a vendor rate increase to regional support networks for medicaid and nonmedicaid services, to the extent that. Amounts provided in this subsection (1) to serve medicaid clients through regional support networks are sufficient to ensure compliance with federally approved actuarially sound medicaid rate ranges in every rate category. If such amounts are not sufficient to ensure compliance, funds provided in this subsection (1)(g) shall first be applied to address any noncompliant rate category; remaining amounts shall be allocated among the regional support networks by applying a uniform percentage of increase across regional support networks.~~

~~((h)) (i) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$5,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon mentally ill offenders' release from confinement. These amounts shall~~

supplement, and not supplant, local or other funding or in-kind resources currently being used for these purposes. The department is authorized to transfer such amounts as are necessary, which are not to exceed \$418,000 of the general fund--state appropriation for fiscal year 2006 and \$418,000 of the general fund--state appropriation for fiscal year 2007, to the economic services program for the purposes of implementing section 12 of Engrossed Second Substitute House Bill No. 1290 (community mental health) related to reinstating and facilitating access to mental health services upon mentally ill offenders' release from confinement.

((+)) (j) \$1,500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

((+)) (k) The department is authorized to continue to expend federal block grant funds, and special purpose federal grants, through direct contracts, rather than through contracts with regional support networks; and to distribute such funds through a formula other than the one established pursuant to RCW 71.24.035(13).

((+)) (l) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

((+)) (m) \$2,250,000 of the general fund--state appropriation for fiscal year 2006, \$2,250,000 of the general fund--state appropriation for fiscal year 2007, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration. The funds are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

((+)) (n) \$750,000 of the general fund--state appropriation for fiscal year 2006 and \$750,000 of the general fund--state appropriation for fiscal year 2007 are provided to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who have been discharged from the state hospitals. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

((+)) (o) \$539,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist with the one-time start-up costs of two evaluation and treatment facilities. Funding for ongoing program operations shall be from existing funds that would otherwise be expended upon short-term treatment in state or community hospitals.

((+)) (p) \$550,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for ~~(a pilot project that provides integrated care through a facility specializing in long-term rehabilitation services for people with chronic mental illness who are chronically medically-compromised. This project is to be implemented in coordination with and under the auspices of a regional support network)~~ enhancing rates to a facility that (i) is a licensed nursing home; (ii) is considered to be an "Institution for Mental Diseases" under centers for medicare and medicaid services criteria; (iii) specializes in long-term rehabilitation services for people with chronic mental illness who are chronically medically-compromised; and (iv) provides services to a minimum of 48 consumers funded by a regional support network. These amounts shall be provided in coordination with and under the auspices of a regional support network and shall enhance, and not supplant, other funding or in-kind resources currently being used for these purposes. These funds shall be used to cover costs incurred throughout fiscal year 2006 and fiscal year 2007 and ensure adequate compensation for extra medical care services, personal care services, and other incidental costs that are not fully covered in the current rate paid to the facility.

(q) \$900,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the mental health division, in collaboration with the children's administration and the juvenile rehabilitation services administration, to establish a two-site pilot program to provide evidence-based mental health services to children. The mental health service or services to be provided under the pilot program must be selected from a list of evidence-based service options developed by the department, in consultation with a broadly representative group of individuals with expertise in children's mental health.

(i) Program sites shall be selected through a request for proposal (RFP) process, open to counties or groups of counties, and shall be operational by December 2006.

(ii) Pilot site proposals shall be required to include: A designated lead agency and a commitment to work with community partners, including consumer/family representatives and representatives of the local mental health, juvenile justice, and child welfare systems and, at the applicant's discretion, may also include representatives of other child-serving systems such as health care and education; identification of areas of potential need based upon input from community partners; identification of the service or services that the pilot site would implement based upon community needs and resources; and demonstration of a commitment to participate in efforts that will ensure adherence to the chosen evidence-based practices and evaluate outcomes of implementation of the evidence-based practices.

(iii) The department shall contract with the University of Washington school of medicine's department of psychiatry and behavioral sciences division of public behavioral health and justice to provide support and assistance in all phases of the pilot program, including initiating, implementing, training providers, providing quality assurance, and monitoring implementation and outcomes.

(r) Amounts provided in this subsection are sufficient to implement Second Substitute House Bill No. 2912 (mental health professionals).

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	.....	(\$104,749,000)
		\$113,752,000
General Fund--State Appropriation (FY 2007)	.....	(\$110,534,000)
		\$125,276,000
General Fund--Federal Appropriation	.....	(\$150,115,000)
		\$143,693,000
General Fund--Private/Local Appropriation	.....	(\$29,632,000)
		\$29,767,000
Pension Funding Stabilization Account--State Appropriation	.....	\$965,000
TOTAL APPROPRIATION	.....	(\$395,030,000)
		\$413,453,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$3,725,000 of the general fund--state appropriation for fiscal year 2006 and \$3,675,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to operate at least one more forensic ward at western state hospital than was operational in December 2004, and to employ professional staff in addition to those assigned in December 2004 to conduct outpatient evaluations of competency to stand trial.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2006 and \$45,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for payment to the city of Lakewood on September 1 of each year for police services provided by the city at western state hospital and adjacent areas.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2006)	((\$43,322,000))
	\$40,499,000
General Fund--State Appropriation (FY 2007)	((\$46,551,000))
	\$45,276,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$129,000
TOTAL APPROPRIATION	((\$89,873,000))
	\$85,904,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	\$643,000
General Fund--State Appropriation (FY 2007)	((\$994,000))
	\$20,994,000
General Fund--Federal Appropriation	\$3,209,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$1,000
TOTAL APPROPRIATION	((\$4,846,000))
	\$24,847,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$75,000 of the general fund--state appropriation for fiscal year 2006, \$75,000 of the general fund--state appropriation for fiscal year 2007, and \$40,000 of the general fund--federal appropriation are provided solely to implement the request for proposal process required by House Bill No. 1290 (community mental health). If House Bill No. 1290 is not enacted by June 30, 2005, these amounts shall lapse.

(b) \$178,000 of the general fund--state appropriation for fiscal year 2006 and \$221,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to develop and to train community mental health staff in the use of the integrated chemical dependency/mental health screening and assessment system and tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment). If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, these amounts shall lapse.

(c) \$20,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of a comprehensive strategy for transforming the delivery of public mental health services for people with severe and persistent mental illness. The strategy shall clearly define state hospital and regional support network (RSN) responsibilities with regard to people who require short and long-term care; emphasize the use of evidence-based practices; fund the phased-in development and ongoing support of community-based alternatives to state psychiatric hospitalization; provide for temporary increases in state hospital capacity only to the extent needed during community service development; link the receipt of community funding to achievement of negotiated performance objectives, and to not pursuing claims for alleged damages from past practices; hold RSN's accountable for managing state hospital admissions and discharges within bed allocation targets established by the department in contract; and hold the state hospitals accountable for admitting people who need acute care on a timely basis, and for effectively supporting these individuals' recovery and return to the community. The legal framework and accountability mechanisms within which the initiative will operate shall be further defined in policy legislation that will be enacted prior to the end of the 2006 legislative session. Key components of the strategy will be specified and funded in further detail in the enacted 2006 supplemental budget.

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	((\$3,620,000))
	\$6,577,000
General Fund--State Appropriation (FY 2007)	((\$3,550,000))
	\$3,938,000
General Fund--Federal Appropriation	((\$6,671,000))
	\$5,825,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$19,000
TOTAL APPROPRIATION	((\$13,841,000))
	\$16,359,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$125,000 of the general fund--state appropriation for fiscal year 2006, \$125,000 of the general fund--state appropriation for fiscal year 2007, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), and, to the extent funds are available within these amounts, to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders).

(b) \$2,032,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of complying with and satisfaction of a final court order and judgment in *Pierce County, et al v. State of Washington and State of Washington Department of Social and Health Services, et al*, Thurston County Superior Court Cause No. 03-2-00918-8.

(c) \$520,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all claims in *County of Spokane, a Washington municipal entity v. State of Washington Department of Social and Health Services and Dennis Braddock, the Secretary of the Department of Social and Health Services, in his official capacity*, Thurston County Superior Court Cause No. 03-2-01268-5. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection. If the settlement is not executed by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 205. 2005 c 518 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2006)	.....	(\$299,027,000)
		\$296,430,000
General Fund--State Appropriation (FY 2007)	.....	(\$311,869,000)
		\$311,417,000
General Fund--Federal Appropriation	.....	(\$505,414,000)
		\$502,053,000
Health Services Account--State Appropriation	.....	\$904,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	.....	<u>\$138,000</u>
TOTAL APPROPRIATION	.....	(\$1,117,214,000)
		\$1,110,942,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, ~~(\$213,000)~~ \$151,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$400,000)~~ \$427,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$600,000)~~ \$1,482,000 of the general fund--federal appropriation are provided solely for health care benefits for health care workers who are employed through state contracts for at least twenty hours a week. The ~~(per worker per month)~~ state contribution ~~(per agency)~~ to the cost of health care benefits per participating worker per month shall be no greater than ~~(\$380.06)~~ \$449.00 in fiscal year 2006 and ~~(\$413.14)~~ \$532.00 in fiscal year 2007.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$516,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$1,563,000)~~ \$1,917,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$2,078,000)~~ \$2,433,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$579,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$1,531,000)~~ \$1,735,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$2,110,000)~~ \$2,315,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$12,902,000 of the general fund--state appropriation for fiscal year 2006, \$13,802,000 of the general fund--state appropriation for fiscal year 2007, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities.

Of the amounts provided in this subsection (e), \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$1,600,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of a flexible family support pilot program for families who are providing care and support for family members with developmental disabilities. The program shall provide funding for support services such as respite care, training and counseling, assistive technologies, transition services, and assistance with extraordinary household expenses.

(i) To receive funding, an individual must: (A) Be eligible for services from the division of developmental disabilities; (B) live with his or her family; (C) not live independently or with a spouse; (D) not receive paid services through the division, including medicaid personal care and medicaid waiver services; and (E) have gross household income of less than or equal to four hundred percent of the federal poverty level.

(ii) The department shall determine individual funding awards based on the following criteria: (A) Documented need for services, with priority given to individuals in crisis or at immediate risk of needing institutional services, individuals who transition from high school without employment or day program opportunities, individuals cared for by a single parent, and individuals with multiple disabilities; (B) number and ages of family members and their relation to the individual with developmental disabilities; (C) gross annual household income; and (D) availability of state funds.

Funding awards may be made as one-time awards or on a renewable basis. Renewable awards shall be for a period of twelve months for the biennium. Awards shall be based upon the criteria provided in this subsection, but shall be within the following limits: Maximum of \$4,000 per year for an individual whose gross annual household income is up to 100 percent of the federal poverty level; maximum of \$3,000 per year for an individual whose gross annual household income is up to 200 percent of the federal poverty level; maximum of \$2,000 per year for an individual whose gross annual household income is up to 300 percent of the federal poverty level; and maximum of \$1,000 per year for an individual whose gross annual household income is up to 400 percent of the federal poverty level. Of the amounts provided in this subsection, \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for one-time awards.

(iii) Eligibility for, and the amount of, renewable awards and one-time awards shall be redetermined annually and shall correspond with the application of the department's mini-assessment tool. At the end of each award period, the department must redetermine eligibility for funding, including increases or reductions in the level of funding, as appropriate.

(iv) By November 1, 2006, the department shall provide recommendations to the appropriate policy and fiscal committees of the legislature on strategies for integrating state-funded family support programs, including, if appropriate, the flexible family support pilot program, into a single program. The department shall also provide a status report on the flexible family support pilot program, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(v) The department shall manage enrollment and award levels so as to not exceed the amounts appropriated for this purpose.

(f) \$840,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$1,979,000)~~) \$3,060,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$1,219,000)~~) \$1,500,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients.

(g) \$1,000,000 of the general fund--state appropriation for fiscal year 2006, \$1,000,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000,000 of the general fund--federal appropriation are provided for implementation of the administrative rate standardization. These amounts are in addition to any vendor rate increase adopted by the legislature.

(h) \$100,000 of the general fund--state appropriation for fiscal year 2006 (~~(ts)~~) and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for services to community clients provided by licensed professionals at the state residential habilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community with medical assistance or third-party health coverage, as appropriate, and shall implement a system for billing clients without coverage. The department shall provide a report by December 1, 2006, to the appropriate committees of the legislature on the number of clients served, services provided, and expenditures and revenues associated with those services.

(i) \$65,000 of the general fund--state appropriation for fiscal year 2006 (~~(, \$65,000 of the general fund--state appropriation for fiscal year 2007;)~~) and (~~(\$130,000)~~) \$65,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

(i) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(ii) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(j) \$12,000 of the general fund--state appropriation for fiscal year 2007 and \$12,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(k) \$134,000 of the general fund--state appropriation for fiscal year 2007 and \$134,000 of the general fund--federal appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	((\$76,062,000))
	\$76,623,000
General Fund--State Appropriation (FY 2007)	((\$78,545,000))
	\$78,815,000
General Fund--Federal Appropriation	((\$152,479,000))
	\$153,797,000
General Fund--Private/Local Appropriation	((\$12,000,000))
	\$11,236,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$457,000</u>
TOTAL APPROPRIATION	((\$319,086,000))
	\$320,928,000

The appropriations in this subsection are subject to the following conditions and limitations: The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	((\$2,457,000))
	\$2,312,000
General Fund--State Appropriation (FY 2007)	((\$2,068,000))
	\$1,924,000
General Fund--Federal Appropriation	((\$3,034,000))
	\$3,014,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$17,000</u>
TOTAL APPROPRIATION	((\$7,559,000))
	\$7,267,000

The appropriations in this subsection are subject to the following conditions and limitations: \$578,000 of the general fund--state appropriation for fiscal year 2006 and \$578,000 of the general fund--federal appropriation are provided solely for the purpose of developing and implementing a consistent needs assessment instrument for use on all clients with developmental disabilities. In developing the instrument, the department shall develop a process for collecting data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is captured as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	\$11,000
General Fund--State Appropriation (FY 2007)	\$17,000

General Fund--Federal Appropriation	((\$16,668,000))
	<u>\$17,238,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$2,000</u>
TOTAL APPROPRIATION	((\$16,696,000))
	<u>\$17,268,000</u>

Sec. 206. 2005 c 518 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	((\$604,891,000))
	<u>\$610,472,000</u>
General Fund--State Appropriation (FY 2007)	((\$623,448,000))
	<u>\$663,657,000</u>
General Fund--Federal Appropriation	((\$1,264,939,000))
	<u>\$1,312,239,000</u>
General Fund--Private/Local Appropriation	((\$18,939,000))
	<u>\$18,949,000</u>
Health Services Account--State Appropriation	<u>\$4,888,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$317,000</u>
TOTAL APPROPRIATION	((\$2,517,105,000))
	<u>\$2,610,522,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, ((~~\$610,000~~)) \$6,911,000 of the general fund--state appropriation for fiscal year 2006, ((~~\$610,000~~)) \$11,571,000 of the general fund--state appropriation for fiscal year 2007, and ((~~\$5,552,000~~)) \$23,251,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The ((~~per worker per month~~)) state contribution ((~~per agency~~)) to the cost of health care benefits per eligible participating worker per month shall be no greater than ((~~\$380.06~~)) \$449.00 in fiscal year 2006 and ((~~\$413.14~~)) \$532.00 per month in fiscal year 2007. The department, in consultation with the home care quality authority and the health care authority, shall examine how the state determines the appropriate level of health care costs when establishing state contribution rates for all agency and individual home care workers caring for state subsidized clients. The department shall recommend options as to how equivalent benefits can be purchased on behalf of home care workers in a more cost effective manner to the office of financial management and the appropriate fiscal committees of the legislature by October 1, 2006.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed ((~~\$149.14~~)) \$147.57 for fiscal year 2006 and shall not exceed ((~~\$153.50~~)) \$156.61 for fiscal year 2007.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2006; up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2007; and up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2008.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) ((~~\$1,413,000~~)) \$1,604,000 of the general fund--state appropriation for fiscal year 2006, ((~~\$2,887,000~~)) \$3,450,000 of the general fund--state appropriation for fiscal year 2007, and ((~~\$4,305,000~~)) \$5,064,000 of the general fund--federal appropriation are provided solely to increase compensation for direct care workers employed by home care agencies by 27 cents per hour on July 1, 2005, and by an additional 23 cents per hour on July 1, 2006. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$1,786,000 of the general fund--state appropriation for fiscal year 2006 and \$1,804,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for operation of the volunteer chore services program.

(8) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(9) \$93,000 of the general fund--state appropriation for fiscal year 2006, \$8,000 of the general fund--state appropriation for fiscal year 2007, and \$101,000 of the general fund--federal appropriation are provided solely to expand the number of boarding homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 85 beds in fiscal year 2006 and up to 150 beds in fiscal year 2007.

(10) \$305,000 of the general fund--state appropriation for fiscal year 2006 and \$377,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the senior farmer's market nutrition program.

((~~12~~)) (11) \$109,000 of the general fund--state appropriation for fiscal year 2006, \$90,000 of the general fund--state appropriation for fiscal year 2007, and \$198,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1220 (long-term care financing). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

((~~13~~)) (12) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide a kinship navigator for grandparents and other kinship caregivers of children in both western and eastern Washington.

(a) Kinship navigator services shall include but not be limited to assisting kinship caregivers with understanding and navigating the system of services for children in out-of-home care while reducing barriers faced by kinship caregivers when accessing services.

(b) In providing kinship navigator services, area agencies on aging shall give priority to helping kinship caregivers maintain their caregiving role by helping them access existing services and supports, thus keeping children from entering foster care.

~~((14))~~ (13) ~~\$435,000 of the general fund--state appropriation for fiscal year 2006~~ (~~(\$435,000 of the general fund--state appropriation for fiscal year 2007)~~) and ~~(\$870,000)~~ \$435,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

~~((14))~~ (a) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

~~((14))~~ (b) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(14) \$7,500,000 of the general fund--state appropriation for fiscal year 2007 and \$7,500,000 of the general fund--federal appropriation are provided solely for purposes of settling all claims in the class action suit commonly known as *Regency Pacific et al. v. Department of Social and Health Services*. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection.

(15) \$390,000 of the general fund--state appropriation for fiscal year 2006, \$779,000 of the general fund--state appropriation for fiscal year 2007, and \$1,141,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 2925 (assisted living facility). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(16) \$121,000 of the general fund--state appropriation for fiscal year 2007 and \$120,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 2475 (individual providers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(17) \$101,000 of the general fund--state appropriation for fiscal year 2007 and \$101,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 2914 (residential service provider). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) \$3,955,000 of the general fund--state appropriation for fiscal year 2007 and \$3,941,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 2333 (agency home care workers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(19) \$183,000 of the general fund--state appropriation for fiscal year 2006 and \$184,000 of the general fund--federal appropriation are provided solely for payments to any assisted living facility licensed under chapter 18.20 RCW on January 25, 2002, which serves 20 or more clients participating in the program for all-inclusive care.

(20) \$10,000,000 of the general fund--state appropriation for fiscal year 2007 and \$10,000,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 2716 (nursing facility payment). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(21) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide support services through the kinship caregiver support program for grandparents and other informal kinship caregivers of children throughout the state.

(22) \$732,000 of the general fund--state appropriation for fiscal year 2007 and \$715,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(23) \$443,000 of the general fund--state appropriation for fiscal year 2007 and \$437,000 of the general fund--federal appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

Sec. 207. 2005 c 518 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	((\$483,166,000))
	\$486,529,000
General Fund--State Appropriation (FY 2007)	((\$501,081,000))
	\$558,805,000
General Fund--Federal Appropriation	((\$1,246,447,000))
	\$1,245,673,000
General Fund--Private/Local Appropriation	((\$31,466,000))
	\$27,535,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$1,138,000</u>
TOTAL APPROPRIATION	((\$2,262,160,000))
	\$2,319,680,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$273,333,000)~~ \$275,749,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$273,333,000)~~ \$334,121,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$1,020,292,000)~~ \$905,232,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months; and

(b) Submit a report by October 1, 2005, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2005-2007 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels.

(2) ~~(\$75,833,000)~~ \$72,526,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$74,358,000)~~ \$77,880,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts:

(a) The department may expend funds for services that assist recipients to obtain employment and reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided. Mental health, substance abuse,

and vocational rehabilitation services may be provided to recipients whose incapacity is not severe enough to qualify for services through a regional support network, the alcoholism and drug addiction treatment and support act, or the division of vocational rehabilitation to the extent that those services are necessary to eliminate or minimize barriers to employment;

(b) The department shall review the general assistance caseload to identify recipients that would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department;

(c) The department shall identify general assistance recipients who are or may be eligible to receive health care coverage or services through the federal veteran's administration and assist recipients in obtaining access to those benefits; and

(d) The department shall report by November of each year to the appropriate committees of the legislature on the progress and outcomes of these efforts.

(3) Within amounts appropriated in this section, the department shall increase the state supplemental payment by \$10 per month for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance and decrease other state supplemental payments.

(4) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a subsidy rate increase for child care providers. Of this amount, \$500,000 per year shall be targeted for child care providers in urban areas of region 1 and \$500,000 per year shall be targeted for one or more tiered-reimbursement pilot projects.

(5) \$51,000 of the general fund--state appropriation for fiscal year 2006, \$84,000 of the general fund--state appropriation for fiscal year 2007, and \$261,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 2462 (child support schedule). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 208. 2005 c 518 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2006)	.....	(\$57,235,000)
		\$55,036,000
General Fund--State Appropriation (FY 2007)	.....	(\$66,956,000)
		\$66,920,000
General Fund--Federal Appropriation	.....	(\$110,175,000)
		\$136,750,000
General Fund--Private/Local Appropriation	.....	(\$633,000)
		\$634,000
Criminal Justice Treatment Account--State Appropriation	.....	\$16,500,000
Violence Reduction and Drug Enforcement Account--State Appropriation	.....	\$48,842,000
Problem Gambling (Treatment) Account--State Appropriation	.....	(\$1,500,000)
		\$1,350,000
Public Safety and Education Account--State Appropriation	.....	\$2,081,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	.....	\$39,000
TOTAL APPROPRIATION	.....	(\$303,922,000)
		\$328,152,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$1,500,000)~~ \$1,350,000 of the problem gambling (~~treatment~~) account appropriation is provided solely for the program established in Engrossed Substitute House Bill No. 1031 (problem gambling). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.

(2) \$1,339,000 of the general fund--state appropriation for fiscal year 2006 and \$1,338,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the parent child assistance program, including an expansion of services to southwestern Washington. The department shall contract with the University of Washington and community-based providers in Spokane, Yakima, and southwestern Washington for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount. The amounts provided in this subsection are sufficient to fund section 303 of Senate Bill No. 5763 (mental disorders treatment).

(3) \$2,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for vendor rate adjustments for residential treatment providers for chemical dependency services.

(4) \$465,000 of the general fund--state appropriation for fiscal year 2006, \$934,000 of the general fund--state appropriation for fiscal year 2007, \$1,319,000 of the general fund--federal appropriation, and \$700,000 of the violence reduction and drug enforcement account appropriation are provided solely for vendor rate adjustments for residential treatment providers. To the extent that a portion of this funding is sufficient to maintain sufficient residential treatment capacity, remaining amounts may then be used to provide vendor rate adjustments to other types of providers as prioritized by the department in order to maintain or increase treatment capacity.

(5) \$1,916,000 of the general fund--state appropriation for fiscal year 2006 and \$4,278,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for integrated pilot programs as required by section 203 of Senate Bill No. 5763 (mental disorders treatment). If section 203 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$244,000 of the general fund--state appropriation for fiscal year 2006 and \$244,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for intensive case management pilot programs as required by section 220 of Senate Bill No. 5763 (mental disorders treatment). If section 220 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) \$159,000 of the general fund--state appropriation for fiscal year 2006, \$140,000 of the general fund--state appropriation for fiscal year 2007, and \$161,000 of the general fund--federal appropriation are provided solely for development of the integrated chemical dependency/mental health screening and assessment tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment), and associated training and quality assurance. If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$5,475,000 of the general fund--state appropriation for fiscal year 2006, \$13,124,000 of the general fund--state appropriation for fiscal year 2007, and \$10,669,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable clients. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(9) \$1,967,000 of the general fund--state appropriation for fiscal year 2006, \$2,523,000 of the general fund--state appropriation for fiscal year 2007, and \$1,496,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment

services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

Sec. 209. 2005 c 518 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2006)	(\$1,481,212,000)
	\$1,461,557,000
General Fund--State Appropriation (FY 2007)	(\$1,596,101,000)
	\$1,546,435,000
General Fund--Federal Appropriation	(\$4,036,615,000)
	\$4,001,262,000
General Fund--Private/Local Appropriation	\$2,000,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$15,000,000
Health Services Account--State Appropriation	(\$636,942,000)
	\$677,288,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$123,000</u>
TOTAL APPROPRIATION	(\$7,767,870,000)
	\$7,703,665,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(5) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is equivalent to the benefit provided in the 2003-05 biennium.

(6) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments.

(7) (~~(\$1,660,000)~~) \$2,221,000 of the health services account appropriation, (~~(\$4,361,000)~~) \$5,402,000 of the general fund--federal appropriation, (~~(\$1,350,000)~~) \$1,590,000 of the general fund--state appropriation for fiscal year 2006, and (~~(\$1,351,000)~~) \$1,591,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) (~~(\$22,081,000)~~) \$21,092,000 of the health services account appropriation and (~~(\$20,714,000)~~) \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(9) In response to the federal directive to eliminate intergovernmental transfer transactions effective June 30, 2005, the department is directed to implement the inpatient hospital certified public expenditures program for the 2005-07 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. Hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of each medicaid inpatient fee-for-service claim payable by the medical assistance administration; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Medicaid fee-for-service claim amounts shall be established by applying the department's ratio of costs to charges payment methodology. The department shall provide participating hospitals with the information and instructions needed by the hospital to certify the public expenditures required to qualify for the federal portions of both the medicaid inpatient fee-for-service payments and the disproportionate share hospital payments. In the event that any part of the program including, but not limited to, allowable certified public expenditures, is disallowed by the federal government, the department shall not seek recoupment of payments from the hospitals, provided the hospitals have complied with the directions of the department for participation in the program. The legislature intends that hospitals in the program receive no less in combined state and federal payments than they would have received under the methodology that was in place during fiscal year 2005. The department shall therefore make additional grant payments, not to exceed the amounts (~~provided~~) specified in this subsection, to hospitals whose total payments under the program would otherwise be less than the total state and federal payments they would have received under the methodology in effect during fiscal year 2005. (~~(\$37,034,000 of the general fund--state appropriation for fiscal year 2006, \$37,552,000 of the general fund--state appropriation for fiscal year 2007, \$8,300,000 of the emergency medical services and trauma care systems trust account--state appropriation, and \$45,450,000 of the general fund--federal appropriation are provided solely for new state grant and upper payment limit programs for the participating hospitals:)~~) Payments under these new state grant and upper payment limit programs shall not exceed \$53,159,000 from general fund--state appropriations in fiscal year 2006, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section; \$46,548,000 from general fund--state appropriations in fiscal year 2007, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section; and \$11,328,000 from the general fund--federal appropriations in this section.

(10) (~~(\$4,372,000)~~) \$4,077,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$4,014,000)~~) \$4,847,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$65,112,000)~~) \$70,100,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system.

(11) (~~(\$150,000)~~) \$188,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$75,000)~~) \$37,000 of the general fund--state appropriation for fiscal year 2007, and \$225,000 of the general fund--federal appropriation are provided solely for the department to contract

for an independent analysis of the medical assistance administration's current system for establishing hospital inpatient payment rates, and for recommendations on a new or updated system. The department shall submit an interim report of study findings by December 1, 2005, and a final report by November 15, 2006. The interim report shall include a comparison of the strengths and weaknesses of the current rate-setting system relative to those used by other state, federal, and private payers. The final report shall include recommendations on the design and implementation of a new or updated system that will promote equity among hospitals, access to quality care and improved health outcomes for patients, and cost-control and efficiency for taxpayers. The study should make use of complete and current cost data from a wide variety of hospitals, recognize unique aspects of hospital service delivery structures and medicaid payment systems in Washington, recognize impacts on productivity and quality of care that may result from hospital compensation, recruitment, and retention policies, and provide opportunities for comment and participation by key interest groups in the identification and assessment of alternatives.

(12) Payment rates for hospital inpatient and outpatient services shall be increased by an average of 1.3 percent effective July 1, 2005, and by an average of an additional 1.3 percent effective July 1, 2006. The inpatient increases shall be provided only on the portion of a hospital's rate that excludes medical education and outlier costs, and shall be allocated so that hospitals with lower costs of care (excluding medical education and outlier costs) receive larger percentage increases than those with higher costs of care. The inpatient increases shall be allocated in three percentage increments, with the lowest-cost hospitals receiving the largest percentage rate increase, highest-cost hospitals receiving the smallest percentage increase, and medium-cost hospitals receiving the average of the highest and the lowest percentage rate increase. Increases shall not be provided to those hospitals that are certified as critical access. Sufficient funds are appropriated in this section for Healthy Options contractors to increase hospital payment rates commensurate with the increases in fee-for-service payment rates.

(13) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(14) The medical assistance administration is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the administration determines it is cost-effective to do so.

(15) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(16) By October 1, 2005, the department shall recommend to the governor and legislature at least two pilot project designs which seem likely to reduce avoidable emergency room utilization at no net cost to the state within the projects' first eighteen months of operation.

(17) Within funds appropriated in this section, the department shall participate in the health technology assessment program required in section 213(6) of this act.

(18) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(19) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings. The department shall provide a report to the appropriate committees of the legislature by January 1, 2006, on costs, savings, and any outcomes or quality measures associated with the pilot programs during the first year of operation.

(20) By October 1, 2005, the department shall report to the appropriate committees of the legislature on the potential fiscal and programmatic costs and benefits associated with an expansion of managed care pilot programs to SSI and other eligible medicaid elderly and disabled persons.

~~((22))~~ (21) By November 15, 2006, the department of social and health services, in consultation with the department of revenue and the health care authority, shall report to the health care and fiscal committees of the legislature on options for providing financial incentives for private practice physicians to serve uninsured, medicare, and medicaid patients. The report shall include an assessment of the relative costs and effectiveness of strategies including, but not limited to, tax credits and payment rate increases. The report shall further suggest alternative mechanisms and thresholds for varying tax credits and payment enhancements according to the extent to which a provider serves uninsured, medicare, and medicaid patients.

(22) The department is directed to pursue all available administrative remedies to dispute and reverse recent large retroactive charges by the federal medicare program for payment of medicare part B premiums on behalf of medicaid recipients, to the extent that such premiums are for periods when medicare coverage was in fact never provided the beneficiaries, and their care was instead fully covered by the state medicaid program. The department shall report to the fiscal committees of the legislature by December 1, 2006, on the actions it has taken to dispute and reverse these charges.

(23) \$132,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(24) \$255,000 of the general fund--state appropriation for fiscal year 2007 and \$2,107,000 of the general fund--federal appropriation are provided solely to increase the availability of family planning services at the department of social and health services' community service offices. Resources will be prioritized for those offices where pregnancy rates are higher than the statewide average.

(25) \$23,000 of the general fund--state appropriation for fiscal year 2006, \$137,000 of the general fund--state appropriation for fiscal year 2007, and \$79,000 of the general fund--federal appropriation are provided solely for conducting a study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079 (health care services). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 210. 2005 c 518 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2006)	(((\$11,202,000))
	\$10,694,000
General Fund--State Appropriation (FY 2007)	(((\$11,350,000))
	\$11,014,000
General Fund--Federal Appropriation	(((\$86,908,000))
	\$89,472,000
((General Fund--Private/Local Appropriation	-\$440,000))
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation	(((\$1,791,000))
	\$1,792,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$31,000</u>
TOTAL APPROPRIATION	(((\$111,691,000))
	\$113,003,000

The appropriations in this section are subject to the following conditions and limitations: The division of vocational rehabilitation shall maintain support for existing clubhouse programs at the 2003-2005 level.

Sec. 211. 2005 c 518 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	((\$32,933,000))
	\$34,612,000
General Fund--State Appropriation (FY 2007)	((\$29,910,000))
	\$35,122,000
General Fund--Federal Appropriation	((\$51,489,000))
	\$62,385,000
General Fund--Private/Local Appropriation	\$810,000
Public Safety and Education Account--State Appropriation	\$2,452,000
Violence Reduction and Drug Enforcement Account--State Appropriation	((\$1,791,000))
	\$2,793,000
(Domestic Violence Prevention Account--State Appropriation)	\$1,345,000
Pension Funding Stabilization Account--State Appropriation	\$300,000
TOTAL APPROPRIATION	((\$120,730,000))
	\$138,474,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.
- (2) \$2,452,000 of the public safety and education account--state appropriation and ~~((~~\$1,791,000~~))~~ \$2,791,000 of the violence reduction and drug enforcement account--state appropriation are provided solely for the family policy council.
- (3) \$3,195,000 of the general fund--state appropriation for fiscal year 2006, \$639,000 of the general fund--state appropriation for fiscal year 2007, and \$3,834,000 of the general--fund federal appropriation are provided solely to implement the 2005-07 home care worker collective bargaining agreement.
- (4) ~~((~~\$1,345,000~~ of the domestic violence prevention account is provided solely for the implementation of Engrossed Substitute House Bill No. 1314 (domestic violence prevention). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.))~~ \$12,000 of the general fund--state appropriation for fiscal year 2007 and \$9,000 of the general fund--federal appropriation for fiscal year 2007 are provided solely to implement Second Substitute House Bill No. 2914 (residential service provider). If the bill is not enacted by June 30, 2006 the amounts provided in this subsection shall lapse.

Sec. 212. 2005 c 518 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2006)	((\$46,381,000))
	\$49,255,000
General Fund--State Appropriation (FY 2007)	((\$46,380,000))
	\$49,777,000
General Fund--Federal Appropriation	((\$45,103,000))
	\$46,248,000
TOTAL APPROPRIATION	((\$137,864,000))
	\$145,280,000

Sec. 213. 2005 c 518 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2006)	\$278,000
General Fund--State Appropriation (FY 2007)	\$275,000
General Fund--Federal Appropriation	((\$3,140,000))
	\$3,717,000
State Health Care Authority Administrative Account--State Appropriation	((\$29,394,000))
	\$33,779,000
Medical Aid Account--State Appropriation	((\$171,000))
	\$345,000
Health Services Account--State Appropriation	((\$456,207,000))
	\$463,771,000
TOTAL APPROPRIATION	((\$488,912,000))
	\$502,165,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.
- (2) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.
- (3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross

family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) \$19,108,000 of the health services account--state appropriation is provided solely for funding for health care services provided through local community clinics.

(5) \$391,000 of the health services account appropriation is provided solely for implementation of Substitute Senate Bill No. 5471, chapter 129, Laws of 2005 (drug purchasing consortium).

(6) The health care authority shall conduct a health technology assessment pilot project to evaluate scientific evidence regarding current and evolving health care procedures, services and technology. The pilot shall be a joint effort of the departments of social and health services, labor and industries, corrections, and veteran's affairs and the health care authority. Upon completion of assessment of a procedure, service or technology, the agencies shall make every effort, consistent with federal and state law, to jointly decide: (a) On coverage of the procedure, service or technology by each agency, and (b) if covered, the guidelines or criteria that will be applied to medical necessity decisions.

(7) The departments of social and health services, labor and industries and the health care authority, in collaboration with affected health care providers, facilities, and contracted health plans, shall design and implement a joint health purchasing project that links payment to health care provider or facility performance, particularly where such performance is expected to improve patient outcomes or where there are wide variations in clinical practice used to treat a condition or illness. The purchasing effort shall utilize evidence-based performance measures that are designed to improve quality of care and yield measurable and significant savings. The project shall include payment mechanisms that create incentives to improve quality of care. On or before December 1, 2006, the agencies shall report to relevant policy and fiscal committees of the legislature on the status of the purchasing project, including actual and anticipated savings.

(8) \$395,000 of the health services account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental residency program). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$250,000 of the health services account appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1688 (certificate of need program). If Engrossed Second Substitute House Bill No. 1688 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$316,000 of the health services account--state appropriation and \$15,000 of the general fund--federal appropriation are provided solely for a study of electronic medical records systems pursuant to Substitute Senate Bill No. 5064 (electronic medical records). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) \$458,000 of the health services account appropriation, \$401,000 of the general fund--federal appropriation, \$205,000 of the state health care authority administrative account--state appropriation, and \$174,000 of the medical aid account--state appropriation are provided solely for conducting assessments of health technologies at health technology assessment centers as defined in Engrossed Second Substitute House Bill No. 2575 (health technology assessment), for supporting the activities of the health technology clinical committee, or other activities required to implement Engrossed Second Substitute House Bill No. 2575. This funding shall not be used to establish a new health technology assessment center. Participating agencies will be the medical assistance administration in the department of social and health services, the department of labor and industries, the health care authority's uniform medical plan, the department of corrections, and the department of veterans affairs. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$500,000 of the state health care authority administrative account--state appropriation is provided solely for the health care authority to develop pilot grants to provide reimbursement, administrative, or quality incentives to providers who adopt health information technologies.

(13) \$1,676,000 of the health services account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2572 (small business health insurance assistance program). \$1,000,000 of the health services account appropriation provided for Engrossed Second Substitute House Bill No. 2572 shall be used for subsidies to eligible employees' premiums, and the remainder shall be for the administrative costs of the program. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(14) \$450,000 of the state health care authority administrative account--state appropriation is provided solely for an on-line employee health assessment tool.

(15) \$278,000 of the general fund--state appropriation for fiscal year 2006, \$275,000 of the general fund--state appropriation for fiscal year 2007, and \$72,000 of the general fund--federal appropriation are provided solely for conducting a study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079. If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 214. 2005 c 518 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2006)	((\$2,596,000))
	\$2,779,000
General Fund--State Appropriation (FY 2007)	((\$2,634,000))
	\$3,051,000
General Fund--Federal Appropriation	((\$1,741,000))
	\$1,321,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$13,000</u>
TOTAL APPROPRIATION	((\$6,971,000))
	\$7,164,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing any changes in existing federal revenues for the remainder of the current fiscal year and changes in projections of federal revenue for the upcoming fiscal year.

(2) \$19,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2564 (veterans/discrimination). If House Bill No. 2564 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(3) \$34,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a human rights commission investigator to travel to Vancouver once a week to provide complaint intake, outreach, and conduct investigations.

Sec. 215. 2005 c 518 s 215 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State Appropriation	\$20,000
Accident Account--State Appropriation	((\$16,399,000))

	\$16,452,000
Medical Aid Account--State Appropriation	((\$16,398,000))
	<u>\$16,451,000</u>
TOTAL APPROPRIATION	((\$32,817,000))
	<u>\$32,923,000</u>

Sec. 216. 2005 c 518 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Public Safety and Education Account--State Appropriation	((\$19,003,000))
	<u>\$19,736,000</u>
Death Investigations Account--State Appropriation	\$148,000
Municipal Criminal Justice Assistance Account--(Private/Local) State Appropriation	\$460,000
TOTAL APPROPRIATION	((\$19,611,000))
	<u>\$20,344,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2005-2007 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$100,000 of the public safety and education account--state appropriation is provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(3) Amounts provided within this section are sufficient to implement the provisions of section 2 of House Bill No. 1136 (electronic monitoring system).

(4) \$163,000 of the public safety and education account--state appropriation is provided solely for the implementation of section 4 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 217. 2005 c 518 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2006)	((\$7,554,000))
	<u>\$7,561,000</u>
General Fund--State Appropriation (FY 2007)	((\$7,648,000))
	<u>\$7,671,000</u>
Public Safety and Education Account--State Appropriation	((\$27,277,000))
	<u>\$30,236,000</u>
Public Safety and Education Account--Federal Appropriation	\$10,000,000
Asbestos Account--State Appropriation	((\$808,000))
	<u>\$810,000</u>
Electrical License Account--State Appropriation	((\$34,743,000))
	<u>\$35,934,000</u>
Farm Labor Revolving Account--Private/Local Appropriation	\$28,000
Worker and Community Right-to-Know Account--State Appropriation	((\$1,836,000))
	<u>\$1,827,000</u>
Public Works Administration Account--State Appropriation	((\$2,664,000))
	<u>\$2,673,000</u>
Accident Account--State Appropriation	((\$206,490,000))
	<u>\$209,458,000</u>
Accident Account--Federal Appropriation	\$13,621,000
Medical Aid Account--State Appropriation	((\$205,011,000))
	<u>\$209,628,000</u>
Medical Aid Account--Federal Appropriation	\$3,185,000
Plumbing Certificate Account--State Appropriation	((\$1,657,000))
	<u>\$1,675,000</u>
Pressure Systems Safety Account--State Appropriation	((\$3,324,000))
	<u>\$3,357,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$31,000</u>
TOTAL APPROPRIATION	((\$525,846,000))
	<u>\$537,695,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the accident account--state appropriation and \$699,000 of the medical aid account--state appropriation are provided solely for the construction of a computer system to collect data from self-insured employers and are contingent on the passage of Substitute House Bill No. 1310 (workers compensation reporting) on mandatory electronic data reporting by self-insured employers. If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) ~~((~~\$27,227,000~~))~~ \$30,000,000 of the public safety and education account--state appropriation, and \$10,000,000 of the public safety and education account--federal appropriation are provided solely for the crime victims' compensation program, subject to the following conditions:

(a) Reimbursement shall be provided throughout the 2005-2007 biennium for full reimbursement of sexual assault forensic exams at workers' compensation rates; ~~(and)~~

(b) Reimbursement shall be provided throughout fiscal year 2007 for full reimbursement of mental health care at workers' compensation rates; and

(c) In accordance with RCW 7.68.015, it is the policy of the state that the department of labor and industries operate the crime victims' compensation program within the amounts provided for this program in this subsection.

(3) \$200,000 of the accident account--state appropriation is provided solely to reimburse the department of agriculture for the agricultural worker pesticide handling and application training program.

(4) \$71,000 of the medical aid account--state appropriation and \$71,000 of the accident account--state appropriation are provided solely for the review of payment of medical bills and authorization for medical procedures by self-insurers.

(5) The department is required to participate in the health technology assessment program required in section 213(6) of this act.

(6) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(7) \$35,000 of the general fund--state appropriation for fiscal year 2006 and \$8,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1393 (older mobile homes). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$182,000 of the accident account--state appropriation and \$623,000 of the medical aid account--state appropriation are provided solely to ~~((expand the Spokane center of occupational health and education to include Yakima county. The Spokane center of occupational health will recruit and train approximately one hundred sixty physicians in Yakima county on best practices for occupational medicine and work with labor and business to improve quality and outcomes of medical care provided to injured workers))~~ (a) expand services in the centers of occupational health and education (COHE) in Spokane and Renton; (b) add two additional COHE locations in the state; and (c) include Yakima county in the Spokane COHE.

(9) \$158,000 of the accident account--state appropriation and \$158,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 1856 (annual audits of the state industrial insurance fund). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) The department shall delay the costs associated with implementation of phase II of its indirect cost allocation plan for the public works administration account until July 1, 2007.

(11) \$236,000 of the public safety and education account--state is provided solely for fiscal year 2007 to implement House Bill No. 2612 (failure to secure a load). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$83,000 of the electrical license account--state is provided solely for fiscal year 2007 to implement Substitute House Bill No. 1841 (electrical trainees). If the bill is not enacted by June 30, 2006 the amount provided in this subsection shall lapse.

(13) \$345,000 of the accident account--state appropriation and \$61,000 of the medical aid account--state appropriation are provided solely for costs pursuant to Engrossed House Bill No. 2623 (agricultural workers). If the bill is not enacted by June 30, 2006, the amounts provided for this purpose shall lapse.

(14) The department shall prepare a report identifying programs funded either directly or indirectly from state workers' compensation funds. The report shall describe the amounts and percentages of funds used to administer identified programs, as well as the criteria used to make funding decisions. In consultation with the workers' compensation advisory committee, the department shall also develop recommendations for equitable, adequate, and stable funding sources for identified programs. The department shall submit the report and the recommendations to the house of representatives committees on appropriations and commerce and labor, or their successor committees, and the senate committees on ways and means and labor, commerce, research and development, or their successor committees, by December 1, 2006.

Sec. 218. 2005 c 518 s 218 (uncodified) is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund--State Appropriation (FY 2006)	\$1,092,000
General Fund--State Appropriation (FY 2007)	(\$1,096,000)
	<u>\$1,350,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$4,000</u>
TOTAL APPROPRIATION	(\$2,188,000)
	<u>\$2,446,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$153,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 3261 (sentence review). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 219. 2005 c 518 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2006)	(\$1,918,000)
	<u>\$1,917,000</u>
General Fund--State Appropriation (FY 2007)	(\$1,880,000)
	<u>\$1,882,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$10,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$10,000</u>
TOTAL APPROPRIATION	(\$3,808,000)
	<u>\$3,819,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall participate in the health technology assessment program required in section 213(6) of this act.

(b) The department shall participate in the joint health purchasing project described in section 213(7) of this act.

(c) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided for the department to conduct a feasibility study of a veterans' cemetery in eastern Washington. The study shall include location, acquisition costs, projection of continued operations costs, and revenue sources for acquisition and operations. A final report of the findings shall be submitted no later than December 15, 2005.

(d) \$70,000 of the general fund--state appropriation for fiscal year 2006 and \$70,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5539 (veterans conservation corps). If Senate Bill No. 5539 is not enacted by June 30, 2005, these amounts shall lapse.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2006)	\$2,811,000
General Fund--State Appropriation (FY 2007)	(\$2,809,000)

	<u>\$3,317,000</u>
General Fund--Federal Appropriation	\$343,000
General Fund--Private/Local Appropriation	(\$2,016,000)
	<u>\$2,018,000</u>
<u>Veterans' Innovations Program Account--State Appropriation</u>	<u>\$3,000,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$11,000</u>
TOTAL APPROPRIATION	(\$7,979,000)
	<u>\$11,500,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the development of a public service announcement outreach campaign directed at returning veterans from Operation Iraqi Freedom and Operation Enduring Freedom.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$95,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the post traumatic stress counseling program expansion to address the needs of veterans returning from Iraq and Afghanistan.

(c) \$3,000,000 of the veterans' innovations program account--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2754 (veterans' innovations program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	(\$8,259,000)
	<u>\$5,283,000</u>
General Fund--State Appropriation (FY 2007)	(\$8,238,000)
	<u>\$5,888,000</u>
General Fund--Federal Appropriation	(\$31,436,000)
	<u>\$36,144,000</u>
General Fund--Private/Local Appropriation	(\$26,338,000)
	<u>\$28,858,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$187,000</u>
TOTAL APPROPRIATION	(\$74,271,000)
	<u>\$76,360,000</u>

Sec. 220. 2005 c 518 s 220 (uncodified) is amended to read as follows:

FOR THE HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2006)	(\$919,000)
	<u>\$724,000</u>
General Fund--State Appropriation (FY 2007)	(\$1,093,000)
	<u>\$1,401,000</u>
General Fund--Federal Appropriation	(\$1,034,000)
	<u>\$1,167,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$2,000</u>
TOTAL APPROPRIATION	(\$3,046,000)
	<u>\$3,294,000</u>

The appropriations in this section are subject to the following conditions and limitations: The legislature encourages the home care quality authority to move forward with implementation of a statewide referral registry system by use of any existing and future agency administrative moneys and by seeking other means of funding, including grants and additional funding resources.

Sec. 221. 2005 c 518 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2006)	(\$64,090,000)
	<u>\$62,828,000</u>
General Fund--State Appropriation (FY 2007)	(\$64,485,000)
	<u>\$67,717,000</u>
General Fund--Federal Appropriation	(\$455,467,000)
	<u>\$477,467,000</u>
General Fund--Private/Local Appropriation	(\$101,479,000)
	<u>\$104,937,000</u>
Hospital Commission Account--State Appropriation	(\$2,615,000)
	<u>\$2,621,000</u>
Health Professions Account--State Appropriation	(\$51,659,000)
	<u>\$54,831,000</u>
Aquatic Lands Enhancement Account--State Appropriation	\$600,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	(\$12,578,000)
	<u>\$12,579,000</u>
Safe Drinking Water Account--State Appropriation	(\$2,907,000)
	<u>\$2,917,000</u>
Drinking Water Assistance Account--Federal Appropriation	(\$16,158,000)
	<u>\$16,179,000</u>
Waterworks Operator Certification--State Appropriation	(\$1,098,000)
	<u>\$1,099,000</u>
Drinking Water Assistance Administrative Account--State Appropriation	\$326,000
Water Quality Account--State Appropriation	(\$3,680,000)

	\$3,693,000
State Toxics Control Account--State Appropriation	((\$2,843,000))
	\$2,852,000
Medical Test Site Licensure Account--State Appropriation	((\$1,790,000))
	\$1,798,000
Youth Tobacco Prevention Account--State Appropriation	\$1,806,000
Public Health Supplemental Account--Private/Local Appropriation	\$3,306,000
Accident Account--State Appropriation	((\$275,000))
	\$277,000
Medical Aid Account--State Appropriation	\$46,000
Health Services Account--State Appropriation	((\$38,101,000))
	\$41,942,000
Tobacco Prevention and Control Account--State Appropriation	((\$52,677,000))
	\$52,684,000
Patient Safety Account--State Appropriation	((\$641,000))
	\$20,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$144,000</u>
TOTAL APPROPRIATION	((\$878,625,000))
	\$912,669,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged for the clandestine drug lab program, the drinking water program, radioactive materials license fees, X-ray facility registration fees, shellfish commercial paralytic shellfish poisoning fees, the water recreation program, the wastewater management program, newborn specialty clinic fees, acute care hospitals, psychiatric hospitals, child birth centers, correctional medical facilities, alcoholism hospitals, and the midwifery program, in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. However, the department may not raise existing fees charged for the midwifery program by more than twenty percent over the biennium and from July 1, 2006, through June 30, 2007, the annual fees for new or renewed licenses shall be no greater than \$450.

(2) \$1,363,000 of the general fund--state fiscal year 2006 appropriation, \$1,363,000 of the general fund--state fiscal year 2007 appropriation, and \$676,000 of the general fund--local appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$383,000 of the general fund--state appropriation for fiscal year 2006, \$317,000 of the general fund--state appropriation for fiscal year 2007, and \$600,000 of the aquatic lands enhancement account appropriation are provided solely to assist counties in marine areas complete on-site sewage system management plans and electronic data bases to inventory on-site sewage systems.

(5) \$60,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5470 (prescription importation). If Engrossed Substitute Senate Bill No. 5470 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$268,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2266 (precursor drugs). If Engrossed Substitute House Bill No. 2266 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(7) \$42,000 of the health professions account appropriation is provided solely for implementation of Second Substitute House Bill No. 1168 (prescription reimportation). If Second Substitute House Bill No. 1168 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) ((~~\$82,000 of the general fund--state appropriation for fiscal year 2006, \$52,000 of the general fund--state appropriation for fiscal year 2007, and \$641,000~~) \$20,000 of the patient safety account appropriation ((~~are~~)) is provided solely for implementation of Second Engrossed Second Substitute House Bill No. 1291 (patient safety practices). If Engrossed Second Substitute House Bill No. 1291 is not enacted by June 30, ((~~2005~~) 2006), the amounts provided in this subsection shall lapse.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2006 and ((~~\$200,000~~) \$620,000) of the general fund--state appropriation for fiscal year 2007 are provided solely for the department to implement a multi-year pilot project covering Adams, Chelan, Douglas, Grant, Okanogan, Skagit, and Franklin counties for persons with household income at or below 200 percent of the federal poverty level who are ineligible for family planning services through the medicaid program. Individuals who will be served under the pilot program include women who have never been pregnant, are not currently pregnant, or are beyond the family planning extension period allowed for first steps program eligibility. It is anticipated that the pilot program will serve ((~~approximately~~) over 500 women. The department will provide a preliminary report to the appropriate committees of the legislature by January 1, 2006, and a final report by January 1, 2007.

(10) \$462,000 of the general fund--private/local appropriation is provided solely to support specialty clinics that provide treatment services to children that are identified with one of the five heritable or metabolic disorders added to the newborn screening panel by the state board of health in 2003.

(11) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the farmers' market nutrition program of the special supplemental nutrition program for women, infants and children. It is anticipated that these funds will enable the department to expand 2004 participation levels by 8,000 persons annually.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the infertility prevention project to implement effective prevention strategies designed to reduce the prevalence of chlamydia and gonorrhea and their potentially debilitating complications.

(13) With funds appropriated in this section, the medical advisory committee to the early detection breast and cervical cancer screening program shall study and recommend strategies for adopting emerging technologies and best practices from the national, state, and local levels

in the field of early prevention and detection for breast and cervical cancer, and assist the early detection breast and cervical cancer screening program in implementing policy that follows the best practices of high quality health care for clinical, diagnostic, preventative, pathologic, radiological, and oncology services. The committee will report its recommendations to the legislature by December 15, 2006.

(14) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to develop and implement best practices in preventative health care for children. The department and the kids get care program of public health - Seattle and King county will work in collaboration with local health care agencies to disseminate strategic interventions that are focused on evidence-based best practices for improving health outcomes in children and saving health-care costs.

(15) \$48,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1075 (nursing quality commission). If Substitute House Bill No. 1075 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(16) \$74,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1137 (physical therapy). If Substitute House Bill No. 1137 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(17) \$109,000 of the health professions account appropriation is provided solely for implementation of House Bill No. 1546 (naturopathic physicians). If House Bill No. 1546 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(18) \$80,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental health services). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(19) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$24,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1605 (soil contamination). If Engrossed Second Substitute House Bill No. 1605 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(20) \$40,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Substitute House Bill No. 1951 (vision exams for children). If Substitute House Bill No. 1951 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(21) \$43,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Engrossed Senate Bill No. 5049 (mold in residential units). If Engrossed Senate Bill No. 5049 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(22) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$12,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5311 (autism task force). If Senate Bill No. 5311 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(23) \$168,000 of the health services account appropriation is provided solely for a two-year pilot project under which parents have the option to choose vaccines which do not contain mercury.

(24) \$750,000 of the health services account--state appropriation is provided solely to add one or more combination vaccines to the universal access to childhood immunizations program. The vaccine or vaccines to be added shall be selected by the department after a clinical and cost-effectiveness review by the state vaccine advisory committee. The review shall consider at least the following criteria: (a) The likelihood that use of the combination vaccine will increase childhood immunization rates; (b) the vaccine's relative effectiveness, and the prevalence and seriousness of the conditions it prevents; (c) the relative cost of the vaccine, after accounting for the extent to which it would replace some single injection antigens; and (d) the degree to which the vaccine fits the schedule of routinely recommended childhood immunizations. The projected 2007-09 state cost of the combination vaccine or vaccines added pursuant to this review shall not exceed \$3,000,000.

(25) \$151,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to the Kitsap county health district. The funding shall be used to increase the number of women who receive professional support after delivery through a home visit or telephone call by the county health district. In order to receive the funds, Kitsap county health district must provide an equal amount of matching funds.

(26) \$170,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Second Substitute House Bill No. 1488 (brominated flame retardants). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(27) \$13,000 of the general fund--state appropriation for fiscal year 2007 and \$208,000 of the health professions account appropriation are provided solely for implementation of Substitute House Bill No. 2431 (background checks/health care). If Substitute House Bill No. 2431 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(28) \$11,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2574 (hospital charity care). If Substitute House Bill No. 2574 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(29) \$324,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of House Bill No. 2342 (health care declarations). If House Bill No. 2342 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(30) \$425,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1015 (hospital-acquired infections). If Engrossed Second Substitute House Bill No. 1015 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(31) \$268,000 of the general fund--state appropriation for fiscal year 2007 and \$1,220,000 of the health professions account appropriation are provided solely for implementation of Second Substitute House Bill No. 2292 (health care liability reform). If Second Substitute House Bill No. 2292 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(32) \$96,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 2974 (health professions discipline). If Substitute House Bill No. 2974 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(33) \$17,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Substitute House Bill No. 2335 (body piercing). If Substitute House Bill No. 2335 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(34) \$3,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 2341 (optometry licensing). If Substitute House Bill No. 2341 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(35) \$25,000 of the general fund--private/local appropriation is provided solely for implementation of Substitute House Bill No. 2669 (specialty hospitals). If Substitute House Bill No. 2669 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(36) \$27,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(37) The department of health shall evaluate alternative models for funding the regulation of the health professions, including charging an equivalent fee for all licensed, certified, and registered health professions and retaining the interest on the health professions account to defray regulatory costs. The department will provide a report to the appropriate committees of the legislature on the potential fiscal and programmatic benefits and challenges of such alternative models by December 1, 2006.

Sec. 222. 2005 c 518 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2006, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2006 between programs. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2006)	.....	((\$52,282,000))
		\$47,281,000
General Fund--State Appropriation (FY 2007)	.....	((\$41,838,000))
		\$59,589,000
General Fund--Federal Appropriation	.....	\$1,022,000
Violence Reduction and Drug Enforcement Account--State Appropriation	.....	\$26,000
Public Safety and Education Account--State Appropriation	.....	((\$2,768,000))
		\$2,774,000
(Industrial Insurance Account--State Appropriation	.....	(\$1,000)
<u>Pension Funding Stabilization Account--State Appropriation</u>	.....	\$245,000
TOTAL APPROPRIATION	.....	((\$97,937,000))
		\$110,937,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) ~~((~~\$11,250,000~~))~~ \$5,250,000 of the general fund--state appropriation for fiscal year 2006 ~~((s))~~ and \$17,250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.
- (b) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$44,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2006)	.....	((\$516,992,000))
		\$522,749,000
General Fund--State Appropriation (FY 2007)	.....	((\$545,816,000))
		\$553,597,000
General Fund--Federal Appropriation	.....	((\$4,424,000))
		\$3,447,000
Violence Reduction and Drug Enforcement Account--State Appropriation	.....	\$2,984,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	.....	\$2,269,000
TOTAL APPROPRIATION	.....	((\$1,070,216,000))
		\$1,085,046,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.
- (b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.
- (c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.
- (d) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.
- (e) During the 2005-07 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.
- (f) The department shall participate in the health technology assessment program required in section 213(6) of this act. The department shall also participate in the joint health purchasing project described in section 213(7) of this act.
- (g) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2006)	.....	((\$82,210,000))
		\$89,333,000
General Fund--State Appropriation (FY 2007)	.....	((\$81,646,000))
		\$92,970,000
Public Safety and Education Account--State Appropriation	.....	((\$16,736,000))

	\$16,796,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$449,000
<u>TOTAL APPROPRIATION</u>	((\$180,592,000))
	<u>\$199,548,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$268,000 of the general fund--state appropriation for fiscal year 2006 and \$484,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$122,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1136 (electronic monitoring system). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(d) \$1,218,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2407 (monitoring sex offenders). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2006)	\$838,000
General Fund--State Appropriation (FY 2007)	\$882,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$3,000
<u>TOTAL APPROPRIATION</u>	((\$1,720,000))
	<u>\$1,723,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2006)	((\$33,839,000))
	\$37,289,000
General Fund--State Appropriation (FY 2007)	((\$33,838,000))
	\$38,662,000
<u>TOTAL APPROPRIATION</u>	((\$67,677,000))
	<u>\$75,951,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$130,000 of the general fund--state appropriation for fiscal year 2006 and \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

Sec. 223. 2005 c 518 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2006)	((\$1,887,000))
	\$2,037,000
General Fund--State Appropriation (FY 2007)	((\$1,939,000))
	\$1,962,000
General Fund--Federal Appropriation	((\$15,326,000))
	\$15,362,000
General Fund--Private/Local Appropriation	\$80,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$5,000
<u>TOTAL APPROPRIATION</u>	((\$19,232,000))
	<u>\$19,446,000</u>

Sec. 224. 2005 c 518 s 224 (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2006)	\$864,000
General Fund--State Appropriation (FY 2007)	((\$861,000))
	\$863,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$4,000
<u>TOTAL APPROPRIATION</u>	((\$1,725,000))
	<u>\$1,731,000</u>

Sec. 225. 2005 c 518 s 225 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2006)	\$60,000
General Fund--State Appropriation (FY 2007)	\$60,000
General Fund--Federal Appropriation	((\$259,865,000))
	\$260,228,000
General Fund--Private/Local Appropriation	((\$31,857,000))
	<u>\$31,966,000</u>

Unemployment Compensation Administration Account--Federal Appropriation	(\$199,217,000)
	\$200,058,000
Administrative Contingency Account--State Appropriation	(\$14,946,000)
	\$16,866,000
Employment Service Administrative Account--State Appropriation	(\$24,411,000)
	\$24,491,000
TOTAL APPROPRIATION	(\$530,416,000)
	<u>\$533,729,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$2,087,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is provided to replace obsolete information technology infrastructure.

(2) \$12,735,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized for state choice administrative functions. The department shall submit recommendations by September 1, 2007, to the office of financial management and the legislative fiscal committees for options reducing the costs of the state choice administrative functions for the 2007-2009 biennium. If these options require any statutory changes, the department shall submit agency request legislation to the appropriate legislative policy committees and fiscal committees by December 15, 2007.

(3) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to Engrossed House Bill No. 2255 (unemployment insurance).

(4) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

**PART III
NATURAL RESOURCES**

Sec. 301. 2005 c 518 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2006)	\$471,000
General Fund--State Appropriation (FY 2007)	(\$478,000)
	\$479,000
General Fund--Private/Local Appropriation	(\$859,000)
	\$862,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$2,000</u>
TOTAL APPROPRIATION	(\$1,808,000)
	<u>\$1,814,000</u>

Sec. 302. 2005 c 518 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2006)	(\$40,648,000)
	\$40,689,000
General Fund--State Appropriation (FY 2007)	(\$40,344,000)
	\$43,462,000
General Fund--Federal Appropriation	(\$73,911,000)
	\$74,678,000
General Fund--Private/Local Appropriation	(\$13,287,000)
	\$13,290,000
Special Grass Seed Burning Research Account--State Appropriation	\$14,000
Reclamation Account--State Appropriation	(\$2,646,000)
	\$2,778,000
Flood Control Assistance Account--State Appropriation	(\$3,084,000)
	\$3,422,000
State Emergency Water Projects Revolving Account--State Appropriation	(\$1,456,000)
	\$1,312,000
Waste Reduction/Recycling/Litter Control--State Appropriation	(\$15,067,000)
	\$15,081,000
State Drought Preparedness Account--State Appropriation	(\$221,000)
	\$225,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation	(\$384,000)
	\$386,000
Vessel Response Account--State Appropriation	\$2,876,000
Site Closure Account--State Appropriation	(\$655,000)
	\$656,000
Water Quality Account--State Appropriation	(\$28,021,000)
	\$28,085,000
Wood Stove Education and Enforcement Account--State Appropriation	\$357,000
Worker and Community Right-to-Know Account--State Appropriation	(\$2,142,000)
	\$2,153,000
State Toxics Control Account--State Appropriation	(\$78,169,000)
	<u>\$85,268,000</u>

State Toxics Control Account--Private/Local Appropriation	(\$379,000)
	\$380,000
Local Toxics Control Account--State Appropriation	(\$5,258,000)
	\$5,274,000
Water Quality Permit Account--State Appropriation	(\$31,909,000)
	\$32,468,000
Underground Storage Tank Account--State Appropriation	(\$2,883,000)
	\$2,889,000
Environmental Excellence Account--State Appropriation	\$504,000
Biosolids Permit Account--State Appropriation	(\$851,000)
	\$853,000
Hazardous Waste Assistance Account--State Appropriation	(\$5,153,000)
	\$5,171,000
Air Pollution Control Account--State Appropriation	(\$11,199,000)
	\$11,206,000
Oil Spill Prevention Account--State Appropriation	(\$10,219,000)
	\$11,117,000
Air Operating Permit Account--State Appropriation	(\$2,679,000)
	\$2,922,000
Freshwater Aquatic Weeds Account--State Appropriation	(\$2,534,000)
	\$2,144,000
Oil Spill Response Account--State Appropriation	\$7,079,000
Metals Mining Account--State Appropriation	\$14,000
Water Pollution Control Revolving Account--State Appropriation	(\$413,000)
	\$485,000
Water Pollution Control Revolving Account--State Appropriation	(\$1,995,000)
	\$2,357,000
Freshwater Aquatic Algae Control Account--State Appropriation	\$509,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$186,000
<u>TOTAL APPROPRIATION</u>	<u>(\$386,860,000)</u>
	\$400,290,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,526,196 of the general fund--state appropriation for fiscal year 2006, \$2,526,195 of the general fund--state appropriation for fiscal year 2007, \$366,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$540,806 of the water quality account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$705,000 of the oil spill prevention account are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DOE-01, DOE-02, DOE-04, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$4,054,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities and for the clean up of toxic waste, focusing on clean up within and around Puget Sound.

(4) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound conservation and recovery plan action item UW-02 through a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(5) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(6) \$156,000 of the general fund--state appropriation for fiscal year 2006 and \$144,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to expand the department's pilot program for processing 401 water quality certification projects to a statewide process and timeline to meet improved permit processing accountability and timelines, which will result in 90 percent of routine certifications occurring within 90 days of application, and acknowledgement of receipt of the application being sent within 10 days.

(7) Fees approved by the department of ecology in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to support water measurement and water storage components of the Columbia River Initiative Program.

(9) ~~(\$661,000 of the reclamation account--state appropriation is provided solely to implement Senate Bill No. 5831 (well construction fees). If the bill is enacted by June 30, 2005, \$150,000 from the general fund--state appropriation for fiscal year 2006 and \$150,000 from the general fund--state appropriation for fiscal year 2007 provided in this section shall lapse. If the bill is not enacted by June 30, 2005, the amount provided from the reclamation account in this subsection shall lapse.~~

~~(10))~~ \$509,000 of the freshwater aquatic algae control account--state is provided solely for implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((+))~~ (10) \$250,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1605 (soil contamination). If the bill is not enacted by June 30, 2005, the amount in this subsection shall lapse.

~~((+2))~~ (11) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with the state conservation commission to provide statewide coordination and support for coordinated resource management.

(12) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(13) \$196,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(14) \$859,000 of the oil spill prevention account--state appropriation is provided solely to implement Second Substitute House Bill No. 2593 (oil spill prevention). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(15) \$2,023,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Second Substitute House Bill No. 2860 (Columbia river basin). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(16) \$297,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1488 (brominated flame retardants). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$340,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop and adopt comprehensive rules related to the use of prior converted crop land and the filling or other use of small, isolated, or other low-value wetlands under the provisions of chapter 90.48 RCW. The department shall use a negotiated rule-making process and shall adopt rules by June 30, 2009.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop a pilot water management process that will include three federally recognized treaty Indian tribes.

(19) \$130,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

(20) \$700,000 of the state toxics control account--state appropriation is provided solely to complete the clean up of the Everett Asarco residential area.

(21) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to Walla Walla county and Columbia county conservation district for habitat conservation planning and related endangered species act assurances for small irrigators and landowners.

(22) To maximize the use of amounts appropriated during this biennium for the clean up of toxic waste, focusing on clean up within and around Puget Sound, the department shall prioritize for this purpose the use of existing staff, additional FTEs added this biennium, temporary project staff, and contracted services.

Sec. 303. 2005 c 518 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2006)	((\$34,527,000))
	\$35,187,000
General Fund--State Appropriation (FY 2007)	((\$34,669,000))
	\$38,748,000
General Fund--Federal Appropriation	\$2,738,000
General Fund--Private/Local Appropriation	\$71,000
Winter Recreation Program Account--State Appropriation	((\$1,110,000))
	\$1,109,000
Off-Road Vehicle Account--State Appropriation	((\$225,000))
	\$220,000
Snowmobile Account--State Appropriation	\$4,805,000
Aquatic Lands Enhancement Account--State Appropriation	\$345,000
Parks Renewal and Stewardship Account--State Appropriation	((\$38,480,000))
	\$38,702,000
Public Safety and Education Account--State Appropriation	\$47,000
Parks Renewal and Stewardship Account--Private/Local Appropriation	\$300,000
Pension Funding Stabilization Account--State Appropriation	\$191,000
TOTAL APPROPRIATION	((\$117,317,000))
	\$122,463,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2006 and \$79,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item PRC-02.

(4) \$185,000 of the parks renewal and stewardship account--state appropriation is provided solely to develop a plan for public education and tourist orientation and interpretation at selected state park sites along the route of the ice age floods from Spokane to the Pacific ocean.

(5) \$2,800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 2416 (state park fees). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for deposit into the state parks centennial account to implement Second Substitute House Bill No. 2422 (funding state and local parks). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse. The expenditure of appropriations from the state parks centennial account is contingent upon the receipt of an equal amount of nonstate funds to the state parks centennial account.

Sec. 304. 2005 c 518 s 304 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund--State Appropriation (FY 2006)	\$1,401,000
General Fund--State Appropriation (FY 2007)	((\$1,414,000))
	\$1,417,000
General Fund--Federal Appropriation	((\$18,455,000))
	\$18,462,000
General Fund--Private/Local Appropriation	\$250,000
Aquatic Lands Enhancement Account--State Appropriation	\$254,000
Water Quality Account--State Appropriation	\$200,000
Firearms Range Account--State Appropriation	\$24,000
Recreation Resources Account--State Appropriation	((\$3,176,000))
	\$2,196,000
NOVA Program Account--State Appropriation	\$809,000
Pension Funding Stabilization Account--State Appropriation	\$1,000
TOTAL APPROPRIATION	((\$25,983,000))

\$25,014,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$16,025,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be passed through to the department of natural resources and the department of fish and wildlife.

(3) During the 2005-07 fiscal biennium, any county that purchased land before 1978 for off-road vehicle sports park recreation pursuant to 1972 ex.s. c 153 and 1975 1st ex.s. c 34 may discharge its contractual obligations for state-funded capital improvements on those lands if by no later than June 30, 2007:

(a) It sells on the open market, at the highest price achievable, all such lands and related facilities and equipment. After deducting reasonable expenses for the cost of sale, all remaining funds will be deposited within thirty days of closing to the nonhighway and off-road vehicle activities program account in the office of the state treasurer. Any funds derived from such sale shall be expended in accordance with RCW 46.09.170(2)(d)(ii)(A) in the same manner as funds the committee receives from RCW 46.09.110 and shall be used for off-road vehicle recreation facilities in areas west of the crest of the Cascade Mountains with preference for developing a new off-road vehicle sports park; or

(b) With the consent of the interagency committee, it gives all such lands and related facilities and equipment to a state or local agency. The state or local agency must agree to make the lands available for purposes related to motorized off-road vehicle recreation. The agency will not be responsible for contractual obligations for previous state-funded capital improvements on those lands. The interagency committee may award a one time noncompetitive grant to the agency for renovation and other capital improvements and for initial operating costs. If a transfer of property under this subsection (b) is not approved prior to June 30, 2006, then the property shall be sold according to (a) of this subsection.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the biodiversity strategy.

(5) \$20,000 of the general fund--state appropriation for fiscal year 2006 and \$20,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for coordination of federal, state, tribal, local, and private aquatic monitoring efforts. The department shall provide a memorandum to the office of financial management and legislative fiscal committees in January of every year which specifies performance measures to reduce redundancy, increase efficiency, and help meet the goals and objectives of the various entities involved in monitoring and if these performance measures were met.

Sec. 305. 2005 c 518 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2006)	\$1,057,000
General Fund--State Appropriation (FY 2007)	((\$1,064,000))
	<u>\$1,066,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$5,000
TOTAL APPROPRIATION	((\$2,121,000))
	<u>\$2,128,000</u>

Sec. 306. 2005 c 518 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2006)	\$2,235,000
General Fund--State Appropriation (FY 2007)	((\$2,253,000))
	<u>\$2,256,000</u>
<u>General Fund--Federal Appropriation</u>	<u>\$250,000</u>
Water Quality Account--State Appropriation	((\$4,175,000))
	<u>\$4,178,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$3,000
TOTAL APPROPRIATION	((\$8,663,000))
	<u>\$8,922,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$197,000 of the general fund--state appropriation for fiscal year 2006 and \$197,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item CC-01.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1462 (relating to funding for conservation districts). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

Sec. 307. 2005 c 518 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2006)	((\$45,751,000))
	<u>\$46,666,000</u>
General Fund--State Appropriation (FY 2007)	((\$44,545,000))
	<u>\$45,948,000</u>
General Fund--Federal Appropriation	((\$42,261,000))
	<u>\$49,100,000</u>
General Fund--Private/Local Appropriation	((\$36,025,000))
	<u>\$36,089,000</u>
Off-Road Vehicle Account--State Appropriation	\$392,000
Aquatic Lands Enhancement Account--State Appropriation	((\$5,813,000))
	<u>\$5,820,000</u>
Recreational Fisheries Enhancement--State Appropriation	((\$3,547,000))
	<u>\$3,753,000</u>

Warm Water Game Fish Account--State Appropriation	((\$2,898,000))
	<u>\$2,904,000</u>
Eastern Washington Pheasant Enhancement Account--State Appropriation	\$750,000
Wildlife Account--State Appropriation	((\$62,776,000))
	<u>\$61,709,000</u>
Wildlife Account--Federal Appropriation	((\$30,966,000))
	<u>\$33,029,000</u>
Wildlife Account--Private/Local Appropriation	((\$10,379,000))
	<u>\$10,386,000</u>
Game Special Wildlife Account--State Appropriation	((\$2,147,000))
	<u>\$2,883,000</u>
Game Special Wildlife Account--Federal Appropriation	((\$8,858,000))
	<u>\$8,863,000</u>
Game Special Wildlife Account--Private/Local Appropriation	((\$468,000))
	<u>\$469,000</u>
Public Safety and Education Account--State Appropriation	\$588,000
Environmental Excellence Account--State Appropriation	\$15,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation	((\$1,755,000))
	<u>\$2,755,000</u>
Oil Spill Prevention Account--State Appropriation	((\$1,040,000))
	<u>\$1,043,000</u>
(Recreation Resources Account--State Appropriation	(\$36,000)
Oyster Reserve Land Account--State Appropriation	\$411,000
(Freshwater Aquatic Algae Control Account--State Appropriation	(\$750,000)
<u>Aquatic Invasive Species Prevention Account--State Appropriation</u>	<u>\$528,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$248,000</u>
TOTAL APPROPRIATION	((\$302,171,000))
	<u>\$314,349,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$1,556,714 of the general fund--state appropriation for fiscal year 2006 and \$1,556,713 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DFW-01 through DFW-06, DFW-08 through DFW-12, and DFW-16.

(3) \$225,000 of the general fund--state appropriation for fiscal year 2006 and \$225,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(4) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(5) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(6) \$180,000 of the wildlife account--state appropriation is provided solely to test deer and elk for chronic wasting disease and to document the extent of swan lead poisoning. Of this amount, \$65,000 is provided solely to document the extent of swan lead poisoning and to begin environmental cleanup.

(7) The department shall provide quarterly status reports to the office of financial management regarding the replacement of the Washington interactive licensing system and the implementation of the hydraulic permit management system.

(8) The department shall prepare a report detailing the hydraulic permit approval program applications and project types. The department shall coordinate with the office of financial management in determining the contents of the report. At minimum, the report shall include permits by applicant (name, state, local, federal, tribal entity, etc.), project type (pamphlet, minor, medium, major, extension, revision, etc.) and project location (county and water resource inventory area). The department shall submit the report to the office of financial management and legislative fiscal committees no later than September 1, 2006.

(9) \$700,000 of the general fund--federal appropriation is provided solely for environmental data quality and access projects in support of state salmon recovery efforts. The department shall coordinate planning and implementation of all activities with the department of information services and the governor's salmon recovery office. The department shall make certain that any activity using these funds is consistent with recommendations to be submitted (per section 405, chapter 488, Laws of 2005) in the joint report to the legislature and office of financial management on December 1, 2006.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$400,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. Army Corps of Engineers.

~~((+10))~~ (11) \$72,000 of the state wildlife account--state appropriation is provided solely to implement House Bill No. 1211 (multiple season big game permit). If the bill is not enacted by June 30, 2005, the amount provided in this section shall lapse.

~~((+11))~~ (12) \$528,000 of the ~~(freshwater aquatic algae control)~~ aquatic invasive species prevention account--state appropriation is provided solely to implement Senate Bill No. 5699 (preventing and controlling aquatic invasive species and algae). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(13) \$703,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to purchase six purse seine and three gill net licenses to meet the provisions of the United States/Canada salmon treaty.

~~((+15))~~ (14) \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for chum salmon production at Minter creek hatchery.

~~((+16))~~ (15) \$45,000 of the general fund--federal appropriation for fiscal year 2006 and \$45,000 of the general fund--federal appropriation for fiscal year 2007 are provided solely for the management of Canada goose seasons to increase the number of hunting days in southwest Washington.

~~((17))~~ (16) \$46,000 of the wildlife account--state appropriation is provided solely to increase the number of courses providing the hunter education training program created in RCW 77.32.155. The department shall reduce the current backlog of applicants waiting to take the training program and provide for a stable supply of training program courses in order to avoid future backlogs.

~~((18))~~ (17) \$481,000 of the wildlife account--state appropriation is provided solely to continued operation of the Naselle Hatchery during the 2005-07 biennium. This will increase production by 3 million Chinook, 1 million Coho, and 30,000 trout.

~~((20))~~ (18) \$223,000 of the wildlife account--state appropriation is provided solely to implement Senate Bill No. 5227 (wildlife harvest reports). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(19) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for federal match funding for the control of predators that damage livestock, crops, and property.

(20) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to produce educational materials discouraging activities that harm or disturb the spawning beds of salmon and steelhead. Discouraged activities include, but are not limited to, wading on spawning beds, driving motor vehicles on spawning beds, use of high-powered jet or propeller-driven boats across spawning beds, dragging anchors through spawning beds, digging or removing gravel from spawning beds, or any other physical disturbance capable of disturbing spawning fish or damaging or destroying nests of incubating eggs.

(a) The educational materials produced by the department in accordance with this subsection must include, at a minimum, brochures that are to be disseminated to persons applying for fishing and boating licenses statewide. The department must also distribute the brochures widely to retail outlets that cater to outdoor recreation.

(b) The department shall work cooperatively with the tribal fishery comanagers in the development of the educational materials under this section.

(c) The department shall report to the legislature concerning the effectiveness of this subsection after at least two spawning cycles of salmon and steelhead have occurred.

(21) Within the amounts appropriated in this section, by December 1, 2006, the department shall:

(a) Submit a report detailing the reductions required by omnibus appropriations acts since 1997 for activities supported by the state wildlife fund;

(b) Submit quarterly revenue and expenditure reports for the state wildlife account based on current revenue forecasts to the office of financial management and the fiscal committees of the legislature; and

(c) Develop a model for forecasting state wildlife account revenues for the next six years. The department shall work with the office of financial management and the department of revenue in developing the model. The forecast shall be provided in an electronic format annually on September 1st to the office of financial management and the fiscal committees of the legislature.

(22) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(23) \$408,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for fire suppression and remediation activities on department lands and facilities that were impacted during the 2005 fire season. Funding shall be used for seeding, planting vegetation, fertilizing, weed control, and the establishment of water bars and other erosion control measures.

(24) \$153,000 of the general fund--state appropriation for fiscal year 2006 and \$113,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the continued operation of the Nemah, Mossyrock, Omak, Colville, Arlington, and Columbia Basin hatcheries during the 2005-07 biennium. Funding shall be used to offset the increased cost of utilities, fuel, fish feed, and mitigation obligations previously funded from local sources. The department shall consult with the appropriate natural resource and fiscal committees of the legislature prior to submitting a 2007-09 budget proposal that changes current hatchery operations, production, and/or maintenance to the office of financial management. Unless specifically authorized by the legislature, the department shall not close any hatchery facility currently in operation.

~~((21))~~ (25) \$4,000 of the wildlife account--state appropriation is provided solely to implement House Bill No. 1210 (temporary fishing license). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(26) Within existing appropriations and utilizing all available federal moneys allocated for the crab buy-back program, the department shall develop and implement a crab buy-back program that allows commercial crab fishers the opportunity to sell their licenses back to the state and exit from the crabbing fishery. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature its detailed implementation plan no later than December 1, 2006.

Sec. 308. 2005 c 518 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2006)	((\$49,220,000))
	\$40,473,000
General Fund--State Appropriation (FY 2007)	((\$43,757,000))
	\$53,517,000
General Fund--Federal Appropriation	((\$15,202,000))
	\$15,215,000
General Fund--Private/Local Appropriation	((\$1,275,000))
	\$1,276,000
Forest Development Account--State Appropriation	((\$54,441,000))
	\$54,697,000
Off-Road Vehicle Account--State Appropriation	((\$3,986,000))
	\$4,001,000
Surveys and Maps Account--State Appropriation	((\$2,436,000))
	\$2,447,000
Aquatic Lands Enhancement Account--State Appropriation	((\$8,344,000))
	\$8,451,000
Resources Management Cost Account--State Appropriation	((\$85,941,000))
	\$86,332,000
Surface Mining Reclamation Account--State Appropriation	((\$1,841,000))
	\$2,098,000
Disaster Response Account--State Appropriation	\$5,000,000
Water Quality Account--State Appropriation	((\$2,630,000))
	<u>\$2,636,000</u>

Aquatic Land Dredged Material Disposal Site Account--State Appropriation	((\$652,000))
	<u>\$1,321,000</u>
Natural Resources Conservation Areas Stewardship Account--State Appropriation	\$34,000
State Toxics Control Account--State Appropriation	\$2,155,000
Air Pollution Control Account--State Appropriation	((\$555,000))
	<u>\$556,000</u>
Derelict Vessel Removal Account--State Appropriation	((\$1,137,000))
	<u>\$1,138,000</u>
Agricultural College Trust Management Account--State Appropriation	((\$1,962,000))
	<u>\$1,966,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$136,000</u>
<u>TOTAL APPROPRIATION</u>	<u>((\$280,568,000))</u>
	<u>\$283,449,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$18,000 of the general fund--state appropriation for fiscal year 2006, \$18,000 of the general fund--state appropriation for fiscal year 2007, and \$1,652,050 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DNR-01 and DNR-02.

(3) \$138,000 of the resource management cost account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1896 (geoduck harvest). If the bill is not enacted by June 30, 2005, the amount in the subsection shall lapse.

(4) ((~~\$953,000~~)) \$972,000 of the general fund--state appropriation for fiscal year 2006 and ((~~\$950,000~~)) \$994,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(5) ((~~\$10,635,000~~)) \$10,689,000 of the general fund--state appropriation for fiscal year 2006, \$13,635,000 of the general fund--state appropriation for fiscal year 2007, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. Of these amounts, up to \$250,000 may be expended for staff and other necessary resources to design and implement a fire data-collection system that includes financial- and performance-management information for fires over 10 acres in size.

None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(6) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(7) Fees approved by the board of natural resources in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$9,000,000 of the general fund--state appropriation for fiscal year ((~~2006~~) 2007) and \$2,000,000 of the aquatic lands enhancement account--state appropriation are provided solely for the purposes of settling those claims identified in ((~~the consent decree and settlement agreement in~~) *U.S., et al. v. State of Washington, et al.* Subproceeding No. 89-3 (Shellfish), United States District Court for the Western District of Washington at Seattle, Case No. C70-9213. The expenditure of this appropriation is contingent on ((~~the release of those claims in this subproceeding. In the event that the federal government does not appropriate \$22,000,000 for this purpose by June 30, 2006;~~) a settlement agreement that includes the state of Washington as a party to the agreement which is fully executed by June 29, 2007, and a consent decree entered by June 29, 2007, by the United States District Court for the Western District of Washington settling and releasing the identified treaty claims to harvest shellfish previously negotiated in the settlement agreement. By June 29, 2007, the release of claims associated with the settlement agreement and consent decree must be fully effective and there must be no unfulfilled contingencies that could cause the settlement agreement or consent decree to be vacated at some future date if not fulfilled. In the event that these contingencies are not met, the amounts provided in this subsection shall lapse.

(9) \$2,155,000 of the state toxics account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay and other sites.

(10) The department shall not develop the Gull Harbor facility without first submitting a master plan to the appropriate committees of the legislature. The plan shall ensure continued public access to the waterfront. The plan shall also examine alternative locations to the Gull Harbor site that would collocate marine equipment for all state agencies needing water access in Thurston county. The report shall be submitted by December 1, 2006.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2006, \$250,000 of the general fund--state appropriation for fiscal year 2007, and \$500,000 of the resource management cost account--state appropriation are provided solely for a report on the future of Washington forests. The purpose of the report is to examine economic, recreational, and environmental trends influencing the forest products industry and secondary manufacturing sectors in Washington state. The department shall contract with the University of Washington college of forestry resources. The college shall consult with the University of Washington economics department for the section on investment returns from granted lands. The report shall contain the following parts:

(a) An update of the 1992 timber supply study for Washington state that was conducted by the University of Washington. The update may be accomplished by reviewing the most recent similar data available in existing reports, examining a sample of the original 1992 study sample of lands, and through other existing data sources that may reveal relevant trends and changes since 1992.

(b) An independent assessment of the economic contribution of the forest products industry, and secondary manufacturing sectors, to the state. This assessment will also examine some of the macroeconomic trends likely to affect the industry in the future.

(c) A comparison of the competitive position of Washington's forest products industry globally, and with other leading forest products states, or regions, of the United States. This evaluation should compare the relative tax burden for growing and harvesting timber between the states or regions and the relative cost of adhering to regulations, and identify the competitive advantages of each state or region.

(d) An assessment of the trends and dynamics that commercial and residential development play in the conversion of the state's forests to nonforestry uses. The assessment will involve gathering relevant data, reviewing that data, and analyzing the relationship between development and the conversion of forest land uses.

(e) Recommendations on: (i) Policy changes that would enhance the competitive position of Washington's forest products industry in Washington state; (ii) policy changes that would, to the extent possible, ensure that a productive forest land base continues to be managed for forest products, recreation, and environmental and other public benefits into the future; and (iii) policy changes that would enhance the recreational opportunities on working forest lands in the state.

(f) Based on the information derived from (a) through (d) of this subsection, an assessment of the expected rate of return from state granted lands. This section of the reports shall also review reports prepared by the department over the past ten years that describe the investment returns from granted lands. The review of these previous reports shall compare and critique the methodology and indicators used to report investment returns. The review shall recommend appropriate measures of investment returns from granted lands.

(g) Analyze and recommend policies and programs to assist Cascade foothills area landowners and communities in developing and implementing innovative approaches to retaining traditional forestry while at the same time accommodating new uses that strengthen the economic and natural benefits from forest lands. For the purposes of this section, the Cascade foothills area generally encompasses the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(12) \$4,000 of the general fund--state appropriation for fiscal year ~~((2005))~~ 2006 and \$4,000 of the general fund--state appropriation for fiscal year ~~((2006))~~ 2007 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.13.520.

(13) The department shall develop a multiyear work plan and schedule for mapping all applicable areas of the state for landslide hazards and earthquake hazards. The work plan and schedule shall be based on a carryforward funding level, and shall be submitted to the office of financial management and to the fiscal committees of the legislature by June 30, 2006.

(14) \$654,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for geologic hazard research, activities, and mapping, including earthquake, landslide, and tsunami hazards.

Sec. 309. 2005 c 518 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2006)	(((\$11,000,000))
	\$11,139,000
General Fund--State Appropriation (FY 2007)	(((\$10,443,000))
	\$11,564,000
General Fund--Federal Appropriation	(((\$10,608,000))
	\$10,634,000
General Fund--Private/Local Appropriation	\$413,000
Aquatic Lands Enhancement Account--State Appropriation	(((\$1,986,000))
	\$1,990,000
Water Quality Account--State Appropriation	(((\$968,000))
	\$972,000
State Toxics Control Account--State Appropriation	(((\$3,416,000))
	\$3,555,000
Water Quality Permit Account--State Appropriation	\$238,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$39,000
TOTAL APPROPRIATION	(((\$39,072,000))
	\$40,544,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of the Puget Sound conservation and recovery plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(4) \$36,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for an economic impact study of fairs in the state of Washington.

(5) \$12,000 of the general fund--state appropriation for fiscal year 2006 and \$13,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for indemnity payments for poultry that are ordered by the department to be slaughtered or destroyed.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for market promotion and trade barrier grants.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the small farm and direct marketing program.

(8) \$466,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to complete a database application that would consolidate program information and enable the department to more effectively respond to a food safety or animal disease emergency.

(9) \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement the Washington wine brand campaign.

(10) The department shall consult with affected agricultural industries before fees for fruit and vegetable inspections may be raised. The consultation shall include a review of current inspection services, the cost of providing those services, and the discontinuation of unnecessary services.

(11) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 3033 (animal identification). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Engrossed Substitute House Bill No. 2738 (renewable fuel). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support noxious weed boards.

(14) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the purchase of agricultural products equipment. The department shall negotiate an appropriate agreement with the agriculture industry for the use of the equipment.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for spartina eradication efforts.

Sec. 310. 2005 c 518 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust Account--State Appropriation	(((\$861,000))
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\$864,000

**PART IV
TRANSPORTATION**

Sec. 401. 2005 c 518 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2006)	.....	((\$1,886,000))
		<u>\$1,537,000</u>
General Fund--State Appropriation (FY 2007)	.....	((\$1,787,000))
		<u>\$1,558,000</u>
Architects' License Account--State Appropriation	.....	((\$728,000))
		<u>\$715,000</u>
Cemetery Account--State Appropriation	.....	((\$224,000))
		<u>\$220,000</u>
Professional Engineers' Account--State Appropriation	.....	((\$3,179,000))
		<u>\$3,217,000</u>
Real Estate Commission Account--State Appropriation	.....	((\$7,583,000))
		<u>\$7,605,000</u>
Master License Account--State Appropriation	.....	((\$11,593,000))
		<u>\$11,563,000</u>
Uniform Commercial Code Account--State Appropriation	.....	((\$2,936,000))
		<u>\$2,861,000</u>
Real Estate Education Account--State Appropriation	.....	<u>\$275,000</u>
Real Estate Appraiser Commission Account--State Appropriation	.....	((\$1,345,000))
		<u>\$1,566,000</u>
Business and Professions Account--State Appropriation	.....	((\$7,927,000))
		<u>\$9,611,000</u>
Real Estate Research Account--State Appropriation	.....	((\$301,000))
		<u>\$321,000</u>
(Wildlife Account--State Appropriation	.....	(\$13,000)
Funeral Directors and Embalmers Account--State Appropriation	.....	((\$534,000))
		<u>\$531,000</u>
Geologists' Account--State Appropriation	.....	((\$34,000))
		<u>\$47,000</u>
Data Processing Revolving Account--State Appropriation	.....	<u>\$29,000</u>
Derelict Vessel Removal Account--State Appropriation	.....	<u>\$31,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	.....	<u>\$30,000</u>
TOTAL APPROPRIATION	.....	((\$40,405,000))
		<u>\$41,717,000</u>

(1) The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2005-07 fiscal biennium. Pursuant to RCW 43.135.055, during the 2005-07 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

(2) \$7,685,000 of the business and professions account--state appropriation is subject to enactment of Substitute House Bill No. 1394 (business and professions account). If the bill is not enacted by June 30, 2005, the appropriations out of this account shall be made from the general fund.

(3) \$1,653,000 of the master license account--state appropriation is subject to enactment of House Bill No. 2131 (master licensing service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$34,000 of the general fund--state appropriation for fiscal year 2006 are subject to enactment of House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(5) \$180,000 of the real estate appraiser commission account--state appropriation is provided solely to implement Senate Bill No. 5274 (real estate appraisers). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$56,000 of the business and professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2596 (cosmetology apprenticeship). If the bill is not enacted by June 30, 2006, the amount provided for in this subsection shall lapse.

Sec. 402. 2005 c 518 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2006)	.....	((\$36,089,000))
		<u>\$37,601,000</u>
General Fund--State Appropriation (FY 2007)	.....	((\$30,702,000))
		<u>\$31,128,000</u>
General Fund--Federal Appropriation	.....	((\$4,356,000))
		<u>\$4,364,000</u>
General Fund--Private/Local Appropriation	.....	((\$595,000))
		<u>\$596,000</u>
Death Investigations Account--State Appropriation	.....	((\$5,615,000))
		<u>\$4,628,000</u>
Public Safety and Education Account--State Appropriation	.....	((\$4,941,000))
		<u>\$4,963,000</u>

Enhanced 911 Account--State Appropriation	\$573,000
County Criminal Justice Assistance Account--State Appropriation	(\$2,883,000)
	\$2,895,000
Municipal Criminal Justice Assistance Account--State Appropriation	(\$1,154,000)
	\$1,157,000
Fire Service Trust Account--State Appropriation	\$131,000
Fire Service Training Account--State Appropriation	(\$7,550,000)
	\$7,560,000
State Toxics Control Account--State Appropriation	(\$468,000)
	\$469,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$313,000
Fingerprint Identification Account--State Appropriation	(\$6,257,000)
	\$6,270,000
Disaster Response Account--State Appropriation	\$2,000
((DNA Data Base Account--State Appropriation	\$150,000)
Aquatic Invasive Species Prevention Account--State Appropriation	\$222,000)
<u>Aquatic Invasive Species Enforcement Account--State Appropriation</u>	<u>\$145,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$102,000</u>
TOTAL APPROPRIATION	(\$102,001,000)
	\$102,897,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.
- (2) ~~(\$222,000)~~ \$145,000 of the aquatic invasive species ~~(prevention)~~ enforcement account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.
- (3) \$250,000 of the general fund--state appropriation for fiscal year 2006 ~~(its)~~ and \$240,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.
- (4) \$395,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 5 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

**PART V
EDUCATION**

Sec. 501. 2005 c 518 s 501 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) STATE AGENCY OPERATIONS	
General Fund--State Appropriation (FY 2006)	(\$12,946,000)
	\$13,452,000
General Fund--State Appropriation (FY 2007)	(\$12,870,000)
	\$17,117,000
General Fund--Federal Appropriation	(\$30,248,000)
	\$23,090,000
TOTAL APPROPRIATION	(\$56,064,000)
	\$53,659,000

The appropriations in this section are subject to the following conditions and limitations:

- (a) ~~(\$10,836,000)~~ \$10,835,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$10,910,000)~~ \$10,980,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.
- (b) \$428,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$428,000)~~ \$547,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.
- (c) \$509,000 of the general fund--state appropriation for fiscal year 2006 and \$504,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the Washington professional educator standards board. Within the amounts provided in this subsection, the Washington professional educator standards board shall pursue the implementation of recent study recommendations including: (i) Revision of teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies, and (ii) development of mathematics specialist endorsement.
- (d) ~~(\$100,000)~~ \$607,000 of the general fund--state appropriation for fiscal year 2006 ~~(its)~~ and \$592,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for increased attorney general fees related to *School Districts' Alliance for Adequate Funding of Special Education et al. v. State of Washington et al.*, Thurston County Superior Court Cause No. 04-2-02000-7.
- (e) \$950,000 of the general fund--state appropriation for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f)(i) \$45,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the office of the superintendent of public instruction and the department of health to collaborate and develop a work group to assess school nursing services in class I school districts. The work group shall consult with representatives from the following groups: School nurses, schools, students, parents, teachers, health officials, and administrators. The work group shall:

(A) Study the need for additional school nursing services by gathering data about current school nurse-to-student ratios in each class I school district and assessing the demand for school nursing services by acuity levels and the necessary skills to meet those demands. The work group also shall recommend to the legislature best practices in school nursing services, including a dedicated, sustainable funding model that would best meet the current and future needs of Washington's schools and contribute to greater academic success of all students. The work group shall make recommendations for school nursing services, and may examine school nursing services by grade level. The work group shall assess whether funding for school nurses should continue as part of basic education; and

(B) In collaboration with managed care plans that contract with the department of social and health services medical assistance administration to provide health services to children participating in the medicaid and state children's health insurance program, identify opportunities to improve coordination of and access to health services for low-income children through the use of school nurse services. The work group shall evaluate the feasibility of pooling school district and managed care plan funding to finance school nurse positions in school districts with high numbers of low-income children.

(ii) The office of superintendent of public instruction shall report the work group's findings and plans for implementation to the legislature by February 1, 2006.

(g) \$78,000 of the general fund--state appropriation for fiscal year 2006 and \$78,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(h) \$2,896,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902, chapter 518, Laws of 2005.

(i) \$425,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

(j) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for additional efforts at promoting financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(k) \$80,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction (OSPI) to conduct an inventory of kindergarten readiness assessments and instruments used in schools around the country, as well as those recommended by experts and pertinent research studies. The inventory shall be done in collaboration with early learning efforts in the office of the governor, and shall involve collaboration with experts representing a diverse range of cultural and ethnic backgrounds, including representatives from federally recognized tribes. The inventory shall address the extent to which readiness assessments and instruments respond to the unique learning needs of all children. After completing the inventory, the OSPI shall recommend to the legislature, for statewide adoption, an array of comparable, culturally appropriate assessments or instruments that measure children's readiness to learn in math and reading, and a method for statewide data collection that will allow for analysis and measurement of trends over time. A report containing findings and recommendations on these issues shall be delivered to the education committees of the legislature by December 1, 2006.

(l) \$15,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2910 (environmental education). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(m) \$47,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2579 (educational assessments). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(n) \$7,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2973 (career and technical high school). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2006)	(\$10,192,000)
	\$16,693,000
General Fund--State Appropriation (FY 2007)	(\$10,155,000)
	\$15,702,000
General Fund--Federal Appropriation	(\$47,465,000)
	\$58,112,000
TOTAL APPROPRIATION	(\$67,812,000)
	\$90,507,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2007 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2007 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$40,000 of the general fund--state appropriation is provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) ~~(\$11,600,000)~~ \$10,344,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time backfill of the federal reductions to the safe and drug free schools and communities grant program.

(vi) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2007 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$787,000 of the fiscal year 2006 appropriation and \$799,000 of the fiscal year 2007 appropriation are provided solely for the special services pilot projects. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.015.

(ii) A maximum of \$548,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of ~~(\$548,000)~~ \$803,000 of the general fund--state appropriation for fiscal year 2007 are ~~(provided)~~ for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages. Of this amount, \$255,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Substitute House Bill No. 2989 (teach math-science program). If this bill is not enacted by June 30, 2006, this amount shall lapse.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2007 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2007 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2007 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington civil liberties education program.

(viii) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) ~~(\$1,521,000)~~ \$1,911,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(x) ~~(\$8,292,000)~~ \$5,532,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xi) ~~(\$19,587,000)~~ \$24,490,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

(xii) \$383,000 of the general fund--state appropriation for fiscal year 2006 and \$294,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(xiii) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(xiv) \$257,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Second Substitute House Bill No. 2789. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(xv) \$3,980,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the dissemination of the Navigation 101 curriculum to all districts, including the development and dissemination of electronic student planning tools and the development of a software package to use to analyze the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

(xvi) \$6,500,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for one-time grants to school districts to offset extraordinary rate increases for natural gas.

Sec. 502. 2005 c 518 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2006)	((\$4,180,957,000))
	\$4,193,442,000
General Fund--State Appropriation (FY 2007)	((\$4,243,010,000))

	\$4,281,383,000
TOTAL APPROPRIATION	(\$8,423,967,000)
	\$8,474,825,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2005-06 and 2006-07 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

- (i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;
- (ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;
- (iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and
- (iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade

4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2007-08 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty average annual full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty average annual full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2005-06 and 2006-07 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of ~~((10.90))~~ 11.21 percent in the 2005-06 school year and ~~((11.90))~~ 11.73 percent in the 2006-07 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of ~~((14.57))~~ 14.07 percent in the 2005-06 school year and ~~((15.82))~~ 15.08 percent in the 2006-07 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,112 per certificated staff unit in the 2005-06 school year and a maximum of ~~((9,285))~~ \$9,476 per certificated staff unit in the 2006-07 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$22,377 per certificated staff unit in the 2005-06 school year and a maximum of ~~((22,802))~~ \$23,272 per certificated staff unit in the 2006-07 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$17,362 per certificated staff unit in the 2005-06 school year and a maximum of ~~((17,692))~~ \$18,056 per certificated staff unit in the 2006-07 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2005-06 and 2006-07 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ~~((7,621,000))~~ \$8,496,800 outside the basic education formula during fiscal years 2006 and 2007 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$513,000 may be expended in fiscal year 2006 and a maximum of ~~((523,000))~~ \$534,000 may be expended in fiscal year 2007;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2006 fiscal year and a maximum of \$2,035,000 for the 2007 fiscal year;

(c) A maximum of ~~((365,000))~~ \$369,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$394,000 of the general fund--state appropriation for fiscal year 2006 and ~~((787,000))~~ \$1,647,200 of the general fund--state appropriation for fiscal year 2007 are provided solely for incentive grants to encourage school districts to increase enrollment in vocational skills centers. Up to \$500 for each full-time equivalent student may be proportionally distributed to a school district or school districts increasing skills centers enrollment above the levels in the 2004-05 school year. The office of the superintendent of public instruction shall develop criteria for awarding incentive grants pursuant to this subsection. ~~((The total amount allocated pursuant to this subsection shall be limited to \$1,181,000 for the 2005-07 biennium.))~~ Funds provided in this subsection shall first be expended to provide incentive grants to school districts that increase skills center enrollment during the school year. If funds are available after making these allocations, funds may be distributed for: (i) increasing enrollment including allowing up to an additional .2 full time equivalent student enrollment at skills centers; and (ii) capacity of summer vocational programs at the skills centers.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.2 percent from the 2004-05 school year to the 2005-06 school year and ~~((3.4))~~ 5.2 percent from the 2005-06 school year to the 2006-07 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 503. 2005 c 518 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1Sb; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E.

(2) For the purposes of this section:

(a) "LEAP Document 1Sb" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on ~~((March 18, 2005, at 10:00))~~ February 19, 2006, at 21:30 hours; and

(b) "LEAP Document 12E" means the computerized tabulation of 2005-06 and 2006-07 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on ~~((April 6, 2005, at 10:00))~~ February 19, 2006, at 21:30 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of ~~((10.26))~~ 10.57 percent for school year 2005-06 and ~~((11.26))~~ 11.09 percent for school year 2006-07 for certificated staff and for classified staff ~~((11.07))~~ 10.57 percent for school year 2005-06 and ~~((12.32))~~ 11.58 percent for the 2006-07 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Allocation Schedule For Certificated Instructional Staff
2005-06 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,383	31,204	32,054	32,906	35,640	37,401	36,426	39,161	40,924
1	30,792	31,624	32,485	33,375	36,137	37,889	36,831	39,594	41,345
2	31,181	32,022	32,892	33,850	36,605	38,375	37,239	39,994	41,764
3	31,583	32,431	33,311	34,299	37,049	38,861	37,626	40,373	42,187
4	31,977	32,862	33,747	34,770	37,536	39,361	38,031	40,796	42,623
5	32,384	33,273	34,167	35,247	38,002	39,864	38,442	41,199	43,061
6	32,802	33,672	34,596	35,729	38,472	40,344	38,864	41,607	43,478
7	33,536	34,420	35,356	36,551	39,334	41,258	39,655	42,437	44,362
8	34,612	35,543	36,502	37,796	40,616	42,611	40,899	43,720	45,714
9		36,707	37,713	39,054	41,940	44,002	42,156	45,044	47,106
10			38,938	40,376	43,301	45,432	43,479	46,405	48,535
11				41,737	44,726	46,900	44,840	47,830	50,003
12				43,055	46,189	48,428	46,255	49,292	51,532
13					47,688	49,993	47,720	50,791	53,096
14					49,194	51,618	49,227	52,396	54,721
15					50,474	52,961	50,507	53,758	56,144
16 or more					51,483	54,019	51,517	54,833	57,266

~~((K-12 Salary Allocation Schedule For Certificated Instructional Staff
2006-07 School Year~~

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,900	31,735	32,599	33,466	36,247	38,038	37,046	39,827	41,620
1	31,316	32,162	33,038	33,942	36,752	38,534	37,458	40,268	42,048
2	31,712	32,566	33,451	34,426	37,228	39,028	37,873	40,674	42,475
3	32,121	32,983	33,878	34,883	37,679	39,523	38,266	41,060	42,905
4	32,521	33,421	34,321	35,362	38,174	40,031	38,678	41,491	43,348
5	32,935	33,840	34,748	35,846	38,649	40,543	39,097	41,900	43,794
6	33,360	34,245	35,185	36,337	39,127	41,031	39,526	42,315	44,218
7	34,107	35,005	35,957	37,173	40,003	41,960	40,330	43,159	45,116
8	35,201	36,148	37,123	38,439	41,307	43,336	41,594	44,464	46,492
9		37,332	38,355	39,718	42,654	44,751	42,873	45,810	47,908
10			39,601	41,063	44,038	46,205	44,219	47,194	49,361
11				42,448	45,487	47,698	45,603	48,644	50,853
12				43,788	46,975	49,252	47,042	50,131	52,409
13					48,499	50,844	48,532	51,655	54,000
14					50,031	52,496	50,065	53,287	55,652
15					51,333	53,862	51,366	54,673	57,099
16 or more					52,359	54,938	52,393	55,766	58,241))

K-12 Salary Allocation Schedule For Certificated Instructional Staff
2006-07 School Year

Years of

MA+90

Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	or PHD
0	31,233	32,077	32,951	33,827	36,637	38,448	37,446	40,257	42,069
1	31,653	32,509	33,394	34,308	37,148	38,949	37,862	40,702	42,502
2	32,054	32,917	33,812	34,797	37,629	39,448	38,281	41,113	42,932
3	32,467	33,338	34,243	35,259	38,086	39,949	38,678	41,503	43,367
4	32,871	33,782	34,691	35,743	38,586	40,463	39,095	41,938	43,816
5	33,290	34,204	35,123	36,233	39,065	40,980	39,518	42,352	44,266
6	33,719	34,614	35,564	36,729	39,548	41,473	39,952	42,771	44,694
7	34,475	35,383	36,345	37,574	40,435	42,412	40,764	43,624	45,603
8	35,580	36,538	37,523	38,853	41,753	43,803	42,043	44,943	46,993
9	35,580	37,734	38,768	40,146	43,113	45,234	43,335	46,304	48,424
10	35,580	37,734	40,028	41,506	44,512	46,703	44,696	47,703	49,893
11	35,580	37,734	40,028	42,905	45,977	48,212	46,095	49,168	51,401
12	35,580	37,734	40,028	44,260	47,481	49,783	47,549	50,671	52,973
13	35,580	37,734	40,028	44,260	49,022	51,392	49,055	52,212	54,582
14	35,580	37,734	40,028	44,260	50,570	53,062	50,604	53,862	56,252
15	35,580	37,734	40,028	44,260	51,886	54,442	51,920	55,262	57,715
16	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
17	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
18	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
19	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
20	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
21	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
22	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
23	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
24	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869
25	35,936	38,111	40,428	44,703	53,452	56,085	53,488	56,931	59,458

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.
- (d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.
- (e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection

(4)(a) of this section include two learning improvement days for the 2005-06 school year and two learning improvement days for 2006-07 school year. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with education reform implementation, and shall not be considered part of basic education. The principal in each school shall assure that the days are used to provide the necessary school-wide, all staff professional development that is tied directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2) and subsection (7) of this section.

Sec. 504. 2005 c 518 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS	
General Fund--State Appropriation (FY 2006)	(((\$73,981,000))
	\$74,349,000
General Fund--State Appropriation (FY 2007)	(((\$186,968,000))
	\$226,286,000
Education Legacy Trust Account--State Appropriation	\$470,000
General Fund--Federal Appropriation	(((\$864,000))
	\$990,000
TOTAL APPROPRIATION	(((\$262,283,000))
	\$302,095,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$135,669,000)~~) \$171,920,000 is provided for a cost of living adjustment of 1.2 percent effective September 1, 2005, and another (~~(+7)~~) 2.8 percent effective September 1, 2006, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of (~~(+0.26)~~) 10.57 percent for the 2005-06 school year and (~~(+1.26)~~) 11.09 percent for the 2006-07 school year for certificated staff and (~~(+1.07)~~) 10.57 percent for the 2005-06 school year and (~~(+2.32)~~) 11.58 percent for the 2006-07 school year for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(b) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	(\$0.28)	(\$0.68)
	<u>\$0.27</u>	<u>\$0.93</u>
Highly Capable (per formula student)	\$2.96	(\$7.26)
		<u>\$10.01</u>
Transitional Bilingual Education (per eligible bilingual student)	(\$7.92)	(\$19.44)
	<u>\$7.94</u>	<u>\$26.81</u>
Learning Assistance (per formula student)	\$1.69	(\$4.14)
		<u>\$5.71</u>

(c) The appropriations in this section include \$251,000 for fiscal year 2006 and (~~(\$676,000)~~) \$915,000 for fiscal year 2007 for salary increase adjustments for substitute teachers.

(2) (~~(\$126,614,000)~~) \$129,949,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$582.47 per month for the 2005-06 and 2006-07 school years. The appropriations in this section provide for a rate increase to \$629.07 per month for the 2005-06 school year and (~~(\$679.39)~~) \$682.54 per month for the 2006-07 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.42	(\$0.88)
		<u>\$0.91</u>
Highly Capable (per formula student)	(\$2.89)	(\$5.97)
	<u>\$2.88</u>	<u>\$6.16</u>
Transitional Bilingual Education (per eligible bilingual student)	\$7.54	(\$15.69)
		<u>\$16.20</u>
Learning Assistance (per formula student)	\$1.49	(\$3.11)
		<u>\$3.21</u>

(3) The rates specified in this section are subject to revision each year by the legislature.

Sec. 505. 2005 c 518 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2006)	(\$242,170,000)
	<u>\$247,541,000</u>
General Fund--State Appropriation (FY 2007)	(\$248,575,000)
	<u>\$252,607,000</u>
TOTAL APPROPRIATION	(\$490,745,000)
	<u>\$500,148,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$796,000 of this fiscal year 2006 appropriation and a maximum of (~~(\$812,000)~~) \$828,000 of the fiscal year 2007 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2006 appropriation and \$5,000 of the fiscal year 2007 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of (~~(\$41.51)~~) \$42.52 per weighted mile in the 2005-06 school year and (~~(\$42.01)~~) \$42.11 per weighted mile in the 2006-07 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Included in the 2005-06 school year rate is a one-time increase of \$1.12 to offset extraordinary increases in the price of diesel fuel. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) For busses purchased between July 1, 2005, and June 30, 2007, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from

the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

(6) Beginning with the 2005-06 school year, the superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the current state price. The superintendent may include a weighting or other adjustment factor in the averaging formula to ease the transition from the current-price depreciation system to the average depreciation system. Prior to making any depreciation payment in the 2005-06 school year, the superintendent shall notify the office of financial management and the fiscal committees of the legislature of the specific depreciation formula to be used. The replacement cost shall be based on the lowest bid in the appropriate bus category for that school year. A maximum of \$50,000 of the fiscal year 2006 appropriation may be expended for software programming costs associated with the implementation of this subsection.

Sec. 506. 2005 c 518 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2006)	\$3,147,000
General Fund--State Appropriation (FY 2007)	\$3,159,000
General Fund--Federal Appropriation	(\$288,774,000)
	<u>\$270,423,000</u>
TOTAL APPROPRIATION	(\$295,080,000)
	<u>\$276,729,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$3,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided for state matching money for federal child nutrition programs.
- (2) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the 2007 fiscal year appropriation are provided for summer food programs for children in low-income areas.
- (3) \$47,000 of the general fund--state appropriation for fiscal year 2006 and \$59,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to House Bill No. 1771 (requiring school breakfast programs in certain schools). If House Bill No. 1771 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

Sec. 507. 2005 c 518 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2006)	(\$460,032,000)
	\$466,686,000
General Fund--State Appropriation (FY 2007)	(\$471,961,000)
	\$480,522,000
General Fund--Federal Appropriation	(\$435,464,000)
	\$435,634,000
TOTAL APPROPRIATION	(\$1,367,457,000)
	<u>\$1,382,842,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.
- (2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:
 - (i) Special education students are basic education students first;
 - (ii) As a class, special education students are entitled to the full basic education allocation; and
 - (iii) Special education students are basic education students for the entire school day.
- (b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.
- (3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.
- (5)(a) For the 2005-06 and 2006-07 school years, the superintendent shall make allocations to each district based on the sum of:
 - (i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and
 - (ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.
- (b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.
- (6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$18,940,000 of the general fund--state appropriation and (~~\$28,698,000~~) \$29,081,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) A maximum of \$100,000 of the general fund--federal appropriation shall be expended to create a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(16) \$1,400,000 of the general fund--federal appropriation shall be expended for one-time grants to school districts for the start-up costs of implementing web-based programs that assist schools in meeting state and federal requirements regarding individualized education plans.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

(19) \$1,874,000 of the general fund--state appropriation for fiscal year 2006 and \$1,874,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for additional allocations to address extraordinary costs in the 2005-06 and 2006-07 school years resulting from the concentration of high-needs students in staffed residential home placements licensed by the department of social and health services.

(a) The superintendent shall provide school districts with an allocation for each public school student in that district who has a properly formulated individualized education program and who resides in a staffed residential home licensed by the department of social and health services. The allocation is an amount equal to the difference between the statewide average per-pupil general apportionment allocation and the eligibility threshold for receiving a state-funded safety net grant for the extraordinary high cost needs of an individual student receiving special education services.

(b) In addition to the allocation in (a) of this subsection (19), the superintendent shall provide districts with a concentration allocation if the district's concentration of students who have properly formulated individualized education programs, who live in staffed residential homes, and who were originally placed by the division of developmental disabilities exceeds 1.5 per 1000 FTEs. For such districts, the superintendent shall provide a concentration allocation for each student who lives in a staffed residential home and has a properly formulated individualized education program. The concentration allocation is equal to the difference between the eligibility threshold for receiving a state-funded safety net allocation for the extraordinary high cost needs of an individual special education student and three times the statewide average per-pupil expenditure.

(c) The additional allocations in this subsection (19) are provided in lieu of special education excess cost funding for these students.
 (d) In addition, school districts are eligible to pursue safety net funding beyond these additional allocations so that where districts demonstrate eligibility for safety net funding the combined basic education allocation, additional allocations in (a) and (b) of this subsection (19), and safety net grants recognize the high cost of serving staffed residential home students concentrated in a few school districts through state licensing of staffed residential home placements.
 (e) For purposes of this subsection (19), "staffed residential home" means a home licensed by the department of social and health services to provide twenty-four hour care for six or fewer children or expectant mothers, which employs staff to care for them.

Sec. 508. 2005 c 518 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2006)	((\$3,694,000))
	<u>\$3,691,000</u>
General Fund--State Appropriation (FY 2007)	((\$3,724,000))
	<u>\$3,711,000</u>
TOTAL APPROPRIATION	((\$7,418,000))
	<u>\$7,402,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).
- (2) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509. 2005 c 518 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2006)	((\$174,465,000))
	<u>\$173,153,000</u>
General Fund--State Appropriation (FY 2007)	((\$182,702,000))
	<u>\$186,144,000</u>
TOTAL APPROPRIATION	((\$357,167,000))
	<u>\$359,297,000</u>

Sec. 510. 2005 c 518 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2006)	((\$19,084,000))
	<u>\$18,078,000</u>
General Fund--State Appropriation (FY 2007)	((\$19,673,000))
	<u>\$18,237,000</u>
TOTAL APPROPRIATION	((\$38,757,000))
	<u>\$36,315,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.
- (3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.
- (4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.
- (5) ~~(\$219,000)~~ \$236,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$219,000)~~ \$236,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.
- (6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511. 2005 c 518 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2006)	((\$6,860,000))
	<u>\$6,900,000</u>
General Fund--State Appropriation (FY 2007)	((\$6,926,000))
	<u>\$6,974,000</u>
TOTAL APPROPRIATION	((\$13,786,000))
	<u>\$13,874,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of ~~((~~\$347.24~~))~~ \$347.93 per funded student for the 2005-06 school year and ~~((~~\$349.48~~))~~ \$349.10 per funded student for the 2006-07 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2006 appropriation and \$170,000 of the fiscal year 2007 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2006 appropriation and \$90,000 of the fiscal year 2007 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

Sec. 512. 2005 c 518 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2006)	((\$43,076,000))
	<u>\$45,212,000</u>
General Fund--State Appropriation (FY 2007)	((\$40,427,000))
	<u>\$51,767,000</u>
General Fund--Federal Appropriation	((\$123,345,000))
	<u>\$147,799,000</u>
TOTAL APPROPRIATION	((\$206,848,000))
	<u>\$244,778,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) **ASSESSMENT**

~~((~~\$19,810,000~~))~~ \$21,180,000 of the general fund--state appropriation for fiscal year 2006, ~~((~~\$16,105,000~~))~~ \$20,449,000 of the general fund--state appropriation for fiscal year 2007, and ~~((~~\$16,111,000~~))~~ \$18,560,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL and development of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year. \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to (a) investigate the use of existing mathematics assessments in languages other than English as possible means of measuring tenth grade essential academic learnings and standards, including examining the content and rigor of the assessments as well as their reliability and validity; (b) estimate the cost of translating the tenth grade mathematics WASL into other languages and scoring these assessments should they be implemented; and (c) develop recommendations for (a) and (b) of this subsection. Funds provided in this section are sufficient to implement section 5 of Engrossed Second Substitute House Bill No. 2785 (alternative assessment options).

(2) **MATH REMEDIATION**

The purpose of this subsection (2) is to strengthen high school student performance in meeting the state standards in mathematics.

(a) Included in the general fund--state amounts provided in subsection (1) of this section is \$2,350,000 which is provided solely for the development of a new tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level.

(b) \$110,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the development of WASL knowledge and skill learning modules to assist students performing at tenth grade Level 1 in mathematics.

(c) \$330,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students. The office of the superintendent of public instruction shall develop materials for classroom use and for tutorial learning activities.

(d) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of web-based applications of the curriculum and materials produced under (b) and (c) of this subsection as well as mathematics knowledge and skill modules and materials previously developed by the office of the superintendent of public instruction. The products are to be designed as on-line courses for students needing Level 1 instruction; learning modules accessible to classroom teachers for incorporation into classroom instruction; tutorials that can be used as WASL assessment skill refreshers and as tutor-guided and parent-guided learning modules; and on-line practice WASLs with supporting item scoring information and student response examples.

(e) \$1,327,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Substitute House Bill No. 3127 (education). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(f) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 4(5) of Engrossed Substitute Senate Bill No. 6255 (student-centered planning) or section 6(5) of Engrossed Second Substitute House Bill No. 2489 (assistance to students) regarding reimbursement of diagnostic assessments.

(3) **PROFESSIONAL DEVELOPMENT**

(a) \$548,000 of the fiscal year 2006 general fund--state appropriation and \$548,000 of the fiscal year 2007 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(b) \$2,348,000 of the general fund--state appropriation for fiscal year 2006 and \$2,348,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(c) \$705,000 of the general fund--state appropriation for fiscal year 2006 and \$705,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) ~~((~~\$3,010,000~~))~~ \$3,095,000 of the general fund--state appropriation for fiscal year 2006 and ~~((~~\$4,018,000~~))~~ \$4,643,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for salary bonuses and mandatory fringe benefits for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(i) Teachers who hold a valid certificate from the national board during the 2005-06 or 2006-07 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(ii) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(e) (~~(\$90,399,000)~~) \$98,761,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

~~((4))~~ (4) SCHOOL IMPROVEMENT

(a) \$338,000 of the general fund--state appropriation for fiscal year 2006 and \$338,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund--state appropriation for fiscal year 2006 and \$3,046,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(c) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in (b) of this subsection. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(d) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall emphasize issues of high school reform and mathematics instruction when offering summer institute programs supported by funds provided in this subsection.

(e) \$515,000 of the general fund--state appropriation for fiscal year 2006 and \$515,000 of the general fund--state appropriation for fiscal year 2007 are provided for the evaluation of reading and mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math and reading programs and shall develop and disseminate grade level expectations for reading and math which shall include professional development modules and web-based materials.

(f) \$1,764,000 of the general fund--state appropriation for fiscal year 2006 and \$1,764,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(i) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(ii) The school improvement specialists shall provide the following:

(A) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(B) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(C) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(D) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(E) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(F) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(G) Other assistance to schools and school districts intended to improve student mathematics learning.

(g) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(h) (~~(\$16,758,000)~~) \$30,401,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

~~((4))~~ (5) STUDENT SUPPORTS

(a) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$2,500,000)~~) \$4,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155 to eliminate the co-pay for students eligible for reduced price lunch eating breakfast, and to provide additional assistance for school districts to initiate a summer food service program.

(b) \$125,000 of the general fund--state appropriation for fiscal year 2006 (~~and \$125,000 of the general fund--state appropriation for fiscal year 2007 are~~) is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

(i) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(ii) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

(iii) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(iv) Measurable goals and evaluation methodology to determine impact;

(v) Integration of reading strategies from the Washington state early learning and development benchmarks;

(vi) A plan for marketing and public relations;

(vii) Strategies for sustaining the program when grant funding is no longer available; and

(viii) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(c) \$850,000 of the general fund--state appropriation for fiscal year 2006 and \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2005 through August 31, 2007.

(d) \$3,594,000 of the general fund--state appropriation for fiscal year 2006 and \$3,594,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

~~((5))~~ (6) TECHNOLOGY

(a) \$1,959,000 of the general fund--state appropriation for fiscal year 2006 and \$1,959,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(b) \$126,000 of the general fund--state appropriation for fiscal year 2006 and \$126,000 of the general fund--state appropriation for fiscal year 2007 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(c) \$500,000 of general fund--state appropriation for fiscal year 2007 is provided for the office of the superintendent of public instruction to hold a series of summit meetings to address issues related to closing the achievement gap in public schools.

Sec. 513. 2005 c 518 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2006)	((\$59,673,000))
	\$58,205,000
General Fund--State Appropriation (FY 2007)	((\$63,535,000))
	\$61,608,000
General Fund--Federal Appropriation	((\$45,561,000))
	\$51,741,000
TOTAL APPROPRIATION	((\$168,769,000))
	\$171,554,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of ~~((~~\$757.72~~))~~ \$759.58 per eligible bilingual student in the 2005-06 school year and ~~((~~\$763.70~~))~~ \$762.69 in the 2006-07 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

Sec. 514. 2005 c 518 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2006)	((\$65,434,000))
	\$65,018,000
General Fund--State Appropriation (FY 2007)	((\$65,367,000))
	\$64,626,000
Education Legacy Trust Account--State Appropriation	\$24,605,000
General Fund--Federal Appropriation	((\$343,227,000))
	\$348,351,000
TOTAL APPROPRIATION	((\$498,633,000))
	\$502,600,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state and education legacy trust account appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of ~~(\$184.29)~~ \$184.69 per funded student for the 2005-06 school year and ~~(\$186.03)~~ \$186.32 per funded student for the 2006-07 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(2) Increases in a school district's allocation above the 2004-05 school year level shall be directed to grades nine through ~~((twelve))~~ ten. ~~((Districts are encouraged to offer remediation courses in the summer for students who fail the tenth grade WASL.))~~

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(5) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(6) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

NEW SECTION. Sec. 515. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--PROMOTING ACADEMIC SUCCESS

General Fund--State Appropriation (FY 2006)	\$4,056,000
General Fund--State Appropriation (FY 2007)	\$26,201,000
TOTAL APPROPRIATION	\$30,257,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts appropriated in this section are provided solely for remediation for students who have not met standard in one or more content areas of the WASL in the spring of their tenth grade year and on each retake thereafter. The funds may be used for extended learning activities, including summer school, before and after school, Saturday classes, skill seminars, assessment preparation, and in-school or out-of-school tutoring. Extended learning activities may occur on the school campus, via the internet, or at other locations and times that meet student needs. Funds allocated under this section shall not be considered basic education funding. Amounts allocated under this section shall fund new extended learning opportunities, and shall not supplant funding for existing programs and services.

(2) School district allocations for promoting academic success programs shall be calculated as follows:

(a) A portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were more than one standard error of measurement from meeting standard on the Washington assessment of student learning for the current class of eleventh grade students.

(b) The other portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were less than one standard error of measurement from meeting standard but did not meet standard on the Washington assessment of student learning for the current class of eleventh grade students. Districts with at least one but less than 20 student units combining the student units generated from this subsection and (a) of this subsection shall be counted as having 20 student units for the purposes of the allocations in (c) and (d)(A) of this subsection.

(c) Allocations for certificated instructional staff salaries and benefits shall be determined using formula-generated staff units calculated pursuant to this subsection. Ninety-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (a) of this subsection and thirty-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (b) of this subsection. Allocations for salaries and benefits for the staff units calculated under this subsection shall be calculated in the same manner as provided under section 503 of this act. Salary and benefit increase funding for staff units generated under this section is included in section 504 of this act.

(d) The legislature recognizes that some students in the class of 2007 may wish to retake the WASL even though it is not a graduation requirement. Accordingly, funding in this section provides certificated instructional staff units as described in (c) of this subsection for all students in the class of 2007 who register to retake the WASL and want remedial assistance.

(e) The legislature recognizes that professional development and planning for teachers is an important component of high quality extended learning activities. Accordingly, a one-time funding amount equal to 20 hours of certificated instructional staff units per 13.0 student units, as calculated in (a) and (b) of this subsection, is provided in this section to insure that extended learning activities are of high quality and aligned to the state's essential academic learning requirements.

(f) The following additional allocations are provided per student unit, as calculated in (a) of this subsection:

- (A) \$12.50 for maintenance, operations, and transportation;
- (B) \$12.00 for pre- and post-remediation assessments;
- (C) \$17.00 per reading remediation student unit;
- (D) \$8.00 per mathematics remediation student unit; and
- (E) \$8.00 per writing remediation student unit.

(g) Funding shall be provided for students served in promoting academic success programs beginning July 2006.

(h) The superintendent of public instruction shall distribute school year allocations according to the monthly apportionment schedule defined in RCW 28A.510.250.

(3) School districts shall report annually to the office of the superintendent of public instruction on the use of these funds, including the types of assistance selected by students, the number of students receiving each type of assistance, and the impact on WASL test scores.

(4) \$1,500,000 of the general fund--state appropriation for fiscal year 2007 is provided for competitive innovation grants awarded to schools and school districts for implementing high school remediation programs that are unique in program delivery, program accessibility, program content, or a combination of these factors and that serve students who have not achieved success on the tenth grade WASL.

(5) School districts may carry over from one year to the next up to 20 percent of funds allocated under this program; however, carryover funds shall be expended for promoting academic success programs, and may be used to provide extended learning programs for students beyond their eleventh grade year who want continued remedial assistance to pass the WASL.

Sec. 516. 2005 c 518 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Account--State Appropriation	((\$629,356,000))
	<u>\$630,537,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$300.00 per FTE student for the 2005-06 school year and \$375.00 per FTE student for the 2006-07 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

NEW SECTION. Sec. 517. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2006)	\$105,000
General Fund--State Appropriation (FY 2007)	\$32,775,000
General Fund--Federal Appropriation	\$180,000
TOTAL APPROPRIATION	<u>\$33,060,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$29,941,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for providing early childhood education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education and \$2,146,000 is provided solely for a targeted vendor rate increase.

(2) \$525,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. If Substitute House Bill No. 2836 (reading achievement account) is enacted by June 30, 2006, this amount shall be deposited in the reading achievement account. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

(a) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(b) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

(c) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(d) Measurable goals and evaluation methodology to determine impact;

(e) Integration of reading strategies from the Washington state early learning and development benchmarks;

(f) A plan for marketing and public relations;

(g) Strategies for sustaining the program when grant funding is no longer available; and

(h) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(3) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the child care career and wage ladder program created by chapter 507, Laws of 2005.

(4) \$26,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2353 (family child care providers). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a child care consultation pilot program linking child care providers with evidence-based and best practice resources regarding caring for infants and young children who present behavioral concerns. The department shall contract with at least two entities that represent one of the following: A local child care resource and referral network; a local public health department; or a community-based organization with knowledge or expertise in child development and child care programs. Each contracted entity shall coordinate with its local community to develop a program model that incorporates the use of consultants knowledgeable in infant and early childhood development. At a minimum, these consultants shall: (a) Consult with parents

and other caregivers in order to solve problems with individual children and families; (b) directly observe children in the child care setting; (c) provide support and guidance to child care staff through structured opportunities for training, team building, communication, and problem solving; and (d) coordinate with specialists in public health, infant and toddler early intervention, infant mental health, and other experts or practitioners involved with the care and well-being of young children. The department shall report to the appropriate policy committees of the legislature by December 1, 2006, on outcomes and evaluation data from the pilot program.

(6) If a bill creating the department of early learning is not enacted by June 30, 2006, the appropriations for the department of early learning in this section shall lapse and shall be appropriated as follows:

(a) FOR THE DEPARTMENT OF COMMUNITY TRADE AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2007) \$29,941,000

This appropriation is provided solely for providing early childhood education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education and \$2,146,000 is provided solely for a targeted vendor rate increase.

(b) FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--STATE AGENCY OPERATIONS

General Fund--State Appropriations (FY 2007) \$525,000

This appropriation is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts and shall be used in accordance with the requirements set forth in subsection (2) of this section.

(c) FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation \$1,276,000

General Fund--Federal Appropriation \$180,000

The appropriations in this subsection are subject to the following conditions and limitations:

(i) \$180,000 of the general fund--federal appropriation is provided solely for the headstart--state collaboration office.

(ii) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the child care career and wage ladder program created by chapter 507, Laws of 2005.

(iii) \$26,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2353 (family child care providers). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(iv) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a child care consultation pilot program linking child care providers with evidence-based and best practice resources regarding caring for infants and young children who present behavioral concerns and shall be used in accordance with the requirements set forth in subsection (5) of this section.

(d) The remainder of the appropriations in this section shall lapse.

**PART VI
HIGHER EDUCATION**

Sec. 601. 2005 c 518 s 602 (uncodified) is amended to read as follows:

(1) The appropriations in sections (~~(603)~~) 602 through (~~(609)~~) 608 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2005-06 Annual Average		2006-07 Annual Average	
University of Washington				
Main campus	33,037		((33,217))	<u>33,367</u>
Bothell branch	1,340		1,540	
Tacoma branch	1,644		1,869	
Washington State University				
Main campus	((18,695))	<u>18,711</u>	((18,910))	<u>19,022</u>
Tri-Cities branch	675		700	
Vancouver branch	1,353		1,678	
Central Washington University	8,323		8,649	
Eastern Washington University	8,593		8,919	
The Evergreen State College	4,038		4,143	
Western Washington University	((11,559))	<u>11,534</u>	((11,729))	<u>11,704</u>
State Board for Community and Technical Colleges	130,905		133,040	

(2) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the branch campuses are the minimum required enrollment levels for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments from the main campus to one or more branch campus. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needs of the forecast division who is responsible to track and monitor state-supported college enrollment.

Sec. 602. 2005 c 518 s 603 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2006) ((~~\$556,499,000~~))

\$558,880,000

General Fund--State Appropriation (FY 2007) ((~~\$556,220,000~~))

\$581,920,000

Administrative Contingency Account--State Appropriation	\$2,950,000
Education Legacy Trust--State Appropriation	\$46,669,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$1,276,000</u>
TOTAL APPROPRIATION	(\$1,172,338,000)
	<u>\$1,191,695,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2) \$539,000 of the general fund--state appropriation for fiscal year 2006 and \$540,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the displaced homemakers program.

(3) Access to baccalaureate and graduate degree programs continues to be limited for residents of North Snohomish, Island, and Skagit counties. The higher education consortium created to serve the region has not been able to successfully address the region's access needs. The university center model of service delivery, centered on a community college campus with a single point of accountability, has proven more effective in developing degree programs and attracting students.

Therefore, the management and leadership responsibility for consortium operations are assigned to Everett community college. Everett community college shall collaborate with community and business leaders, other local community colleges, the public four-year institutions of higher education, and the higher education coordinating board to develop an educational plan for the North Snohomish, Island, and Skagit county region based on the university center model.

(4) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(5) \$28,761,000 of the general fund--state appropriation for fiscal year 2006 and \$28,761,000 of the general fund--state appropriation for fiscal year 2007 are provided solely as special funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(6) \$2,000,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,000,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely for basic skills education at community and technical colleges and community-based providers. These funds may be used to align or integrate adult basic education and English as a second language courses with vocational training.

(7) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the community and technical colleges as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the state board for community and technical colleges shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Increase the number of academic students who are eligible to transfer to baccalaureate institutions;
- (b) Increase the number of students prepared for work; and
- (c) Increase the number of basic skills students who demonstrate substantive skill gain.

Specific six-year targets for the goals stated in this subsection shall be established by the state board and the office of financial management and shall be determined based on the per student funding level assumed in this act.

The state board for community and technical colleges shall provide a summary of the progress and ongoing efforts toward meeting the provisions of this section to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(8) \$11,070,000 of the education legacy trust appropriation for fiscal year 2006 and \$22,599,000 of the education legacy trust appropriation for fiscal year 2007 are provided to increase budgeted enrollments by 2,050 student FTEs in academic year 2006 and an additional 2,135 student FTEs in academic year 2007. By December 15th of each year of the 2005-07 fiscal biennium, the board shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(9) \$2,250,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,250,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to increase salaries and related benefits for part-time faculty. A college district may match the state funds with local revenue. The board shall report by January 30, 2006, to the office of financial management and the appropriate fiscal and policy committees of the legislature on (a) the distribution of state funds, and (b) wage adjustments for part-time faculty.

(10) \$2,250,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,250,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

(11) \$2,950,000 of the administrative contingency account--state appropriation is provided solely for administration and customized training contracts through the job skills program, which shall be made available broadly and not to the exclusion of private nonprofit baccalaureate degree granting institutions or vocational arts career schools operating in Washington state who partner with a firm, hospital, group, or industry association concerned with commerce, trade, manufacturing, or the provision of services to train current or prospective employees. The state board shall make an annual report by January 1 of each fiscal year to the governor and appropriate policy and fiscal committees of the legislature regarding the implementation of this section listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the successful partnerships supported by these state funds.

(12) \$904,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for start-up and planning funds for four applied baccalaureate degree programs at community and technical colleges as authorized in RCW 28B.50.810. The applied baccalaureate degrees shall be specifically designed for individuals who hold associate of applied science degrees, or equivalent, in order to maximize application of their technical course credits toward the applied baccalaureate degree.

(13) \$156,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for three community and technical college partnerships with universities as authorized in RCW 28B.50.820. This appropriation is in addition to funding provided for 2005-07 general growth enrollments. The community and technical college system shall serve 120 student FTEs in this program within the targeted enrollments established by section 601 of this act.

(14) \$761,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(15) \$5,075,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the opportunity grants pilot program as outlined in Engrossed Second Substitute House Bill No. 2630 (creating the opportunity grant program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(16) \$325,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement the provisions of Substitute House Bill No. 3113 (expanding access to higher education in north Snohomish, Island, and Skagit counties). This appropriation is in addition to funding provided for 2005-07 general growth enrollments. The community and technical college system shall serve 250 student FTEs in this program within the targeted enrollments established by section 601 of this act. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$1,400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to permit system-level license purchasing of full text databases for certain fields of study, including allied health, information technology and engineering. Funding will provide uniform access to these databases across the community and technical college system.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely as matching funds for strategic statewide partnerships with health care providers or facilities to address the health workforce shortage. Partnerships funded under this subsection may include efforts to increase the capacity of community and technical colleges to educate students enrolled in health professions programs, improve retention of health care workers, improve knowledge of the health industry workforce, and increase the number of youth and diverse populations in the health work force. Health care providers or facilities participating in partnerships under this subsection shall provide a one dollar match for each state dollar provided.

(19) \$768,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement the provisions of Second Substitute House Bill No. 2583 (regarding community and technical college part-time academic employee health benefits). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(20) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the fire fighter apprenticeship program at South Seattle Community College.

Sec. 603. 2005 c 518 s 604 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2006)	((\$336,644,000))
	\$337,629,000
General Fund--State Appropriation (FY 2007)	((\$344,118,000))
	\$355,314,000
General Fund--Private/Local Appropriation	\$300,000
Accident Account--State Appropriation	((\$6,204,000))
	\$6,209,000
Medical Aid Account--State Appropriation	((\$6,141,000))
	\$6,143,000
Education Legacy Trust--State Appropriation	\$10,748,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$604,000</u>
TOTAL APPROPRIATION	((\$704,155,000))
	\$716,947,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$165,000 of the general fund--state appropriation for fiscal year 2006 and \$165,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(2) \$300,000 of the general fund--private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).

(3)(a) \$3,057,000 of the education legacy trust appropriation for fiscal year 2006 and \$7,691,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 360 new enrollments at the Seattle campus, 325 new enrollments at the Tacoma campus, and 275 new enrollments at the Bothell campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(b) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 150 additional high-demand student enrollments. The university shall make it a priority to expand access to baccalaureate programs in engineering, math, and science. By December 15, 2006, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(4) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the University of Washington shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;

(e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and

(f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of University of Washington-Tacoma and University of Washington-Bothell from branch campuses serving upper-division students, to four-year campuses serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student

services. Consistent with the recommendations of the higher education coordinating board, UW-Tacoma and UW-Bothell may begin enrolling lower-division students beginning in fiscal year 2007.

(6) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$30,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for research on labor and economic issues in Washington state through the Harry Bridges center.

(7) \$146,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$146,000)~~ \$296,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the Burke Museum to enhance the museum's public outreach capabilities.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the institute for learning and brain sciences (ILABS) to develop a partnership, linking ILABS to policymakers, private sectors and user-groups.

(9) The University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department of corrections has negotiated with other community hospitals in Washington state.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Olympic natural resources center.

(11) \$350,000 of the general fund--state appropriation for fiscal year 2006 and \$350,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain the autism center at the University of Washington-Tacoma campus. The facility will continue to function as a satellite facility to the autism center at the University of Washington medical center in Seattle and provide clinical service and professional training.

(12) \$2,400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for research in life science fields.

(13) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for improvements to the Pacific Northwest seismic network.

(14) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time expenditures associated with creating the policy consensus center.

(15) \$1,008,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(16) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to implement a department of global health. The school of medicine and the school of public health and community medicine will jointly form and operate the department. The focus will be establishing sustainable improvements in global health through public health policy, practice, and medical care.

(17) \$3,400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to pay for operations and maintenance costs of the bioengineering and genome sciences buildings that will come on line during the 2005-07 biennium.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to expand the Washington search for young scholars program at the Robinson center at the University of Washington.

(19) \$125,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the college of education at the University of Washington to conduct a review of curriculum offered by public schools in Washington. The purpose of this review is to examine the extent to which the curriculum offered by these institutions fully and accurately include the history, contributions, and contemporary experiences of people of color. The review will include the identification of barriers which may impede school districts from successfully adopting and using these types of curriculum. The report by the university is due to the legislature by December 1, 2007.

Sec. 604. 2005 c 518 s 605 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2006)	(\$206,494,000)
	\$206,511,000
General Fund--State Appropriation (FY 2007)	(\$211,876,000)
	\$214,000,000
Education Legacy Trust--State Appropriation	\$11,162,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$293,000</u>
TOTAL APPROPRIATION	(\$429,526,000)
	\$431,966,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(2)(a) \$2,741,000 of the education legacy trust appropriation for fiscal year 2006 and \$6,900,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 430 new enrollments at the Pullman campus, 450 new enrollments at the Vancouver campus, and 25 new enrollments at the Tri-Cities campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(b) \$1,174,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 80 additional high demand student enrollments. The university shall make it a priority to expand baccalaureate and graduate level access to nursing programs and to expand baccalaureate programs in engineering and construction management. By December 15, 2006, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(3) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Washington State University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;
- (e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and

(f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before ~~((October))~~ November 1, 2006 the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to ~~((November))~~ December 1, 2006.

(4) \$507,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,014,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to expand the entering class of veterinary medicine students by 16 resident student FTEs each academic year during the 2005-2007 biennium.

(5) \$350,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of Washington State University-Vancouver from a branch campus serving only upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, WSU-Vancouver may begin enrolling lower-division students beginning in fiscal year 2007.

(6) The university shall give consideration to reprioritizing agricultural research funding to allow for expansion of the center for precision agricultural systems and development of the biologically intensive and organic agriculture program.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to study the cost of complying with vehicle licensing and registration laws. Funding is subject to the passage of House Bill No. 1241 (modifying vehicle licensing and registration penalties). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$43,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5101 (providing incentives to support renewable energy). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(9) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to conduct research on alternatives for controlling ghost shrimp in Willapa bay.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time expenditures associated with creating the policy consensus center.

(11) \$716,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(12) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist the Washington State University (WSU) Tri-Cities in planning the transition from a branch campus serving upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. WSU Tri-Cities may begin enrolling lower-division students beginning in Fall 2007.

(13) \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to operate the AgWeatherNet system.

(14) \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the center for sustaining agriculture and natural resources to create a biologically intensive and organic agriculture program.

(15) \$5,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to publish a comprehensive reference book on Washington state local governments through the division of governmental studies and services. Copies of the publication shall be provided to the appropriate policy and fiscal committees of the legislature.

(16) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for allocation to a private nonprofit medical and scientific research institute to be located in Spokane for the purposes of developing and implementing new medical treatment therapies involving systems biology, genomics, and nanotechnology. The allocation shall be matched by an equal amount of funds from nonstate sources. The university shall not retain any of these funds for administrative purposes.

(17) \$98,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a biofuels consumer education and outreach program at the Washington State University extension energy program.

Sec. 605. 2005 c 518 s 606 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006)	((\$46,137,000))
	\$46,300,000
General Fund--State Appropriation (FY 2007)	((\$47,069,000))
	\$47,100,000
Education Legacy Trust--State Appropriation	\$6,461,000
Pension Funding Stabilization Account--State Appropriation	\$110,000
TOTAL APPROPRIATION	((\$99,667,000))
	\$99,971,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Eastern Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and

(e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(3) \$212,000 of the general fund--state appropriation for fiscal year 2006 and \$213,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northeast autism center to provide community based approaches to assisting children and adults with autism spectrum disorder and to include the establishment of a preschool at Eastern Washington University to serve children identified with autism spectrum disorder.

(4) \$158,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

Sec. 606. 2005 c 518 s 607 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006)	((\$45,379,000))
	<u>\$45,751,000</u>
General Fund--State Appropriation (FY 2007)	((\$46,739,000))
	<u>\$47,256,000</u>
Education Legacy Trust--State Appropriation	\$6,461,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$103,000</u>
TOTAL APPROPRIATION	((\$98,579,000))
	<u>\$99,571,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Central Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(3) For the 2006-07 and 2007-08 academic years, the legislature hereby increases the limit on total gross authorized operating fees revenue waived, exempted, or reduced by Central Washington University pursuant to RCW 28B.15.910 to eleven percent.

(4) \$206,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(5) \$165,000 of the general fund--state appropriation for fiscal year 2006 and \$495,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to fund additional tuition waiver authority granted to the university in the 2005-07 biennial budget.

Sec. 607. 2005 c 518 s 608 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2006)	((\$25,586,000))
	<u>\$25,661,000</u>
General Fund--State Appropriation (FY 2007)	((\$26,174,000))
	<u>\$26,407,000</u>
Education Legacy Trust--State Appropriation	\$2,116,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$75,000</u>
TOTAL APPROPRIATION	((\$53,876,000))
	<u>\$54,259,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$705,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,411,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 210 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the college shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the college as a result of the tuition increases

that are authorized in section 601 of this act. Given these increases in core funding, The Evergreen State College shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation;
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before ~~(October)~~ November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to ~~(November)~~ December 1, 2006.

(3) \$40,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington state institute for public policy to conduct an analysis of the availability, services, and effectiveness of programs in community and technical colleges that serve the educational needs of recent immigrant students who are not proficient in English and who are or have been enrolled in high school but have not met graduation requirements. The analysis shall include, but not be limited to, the type of programs provided, the geographic availability of programs, the identification of best practices, how the programs are funded, and the effectiveness of the programs. The analysis shall also include recommendations for improving the programs to better meet the needs of recent immigrant students and for expanding the availability of programs statewide. A report shall be submitted to the fiscal and education committees of the legislature, the superintendent of public instruction, and the state board for community and technical colleges by December 1, 2006.

(4) \$170,000 of the general fund--state appropriation for fiscal year 2006 and \$140,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for sections 217 and 605 of Senate Bill No. 5763 (mental disorders treatment). If neither section 217 nor section 605 is enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) \$69,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(6) \$61,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to begin conducting the study of continued foster care support services outlined in Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7) \$80,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to meet the demand for collective bargaining and bargaining unit training. All of the funding provided in this subsection shall be allocated to the labor education and research center to support such training and shall not be used for overhead expenses.

(8) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to update the list of cost-beneficial juvenile justice programs that the institute has previously published and to update the cost parameters used to estimate the benefits of such programs as outlined in Fourth Substitute House Bill No. 1483 (investing in youth program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(9) \$30,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state institute for public policy to begin a study of the pilot program created in section 204(1)(q) of this act. Subject to the approval of the institute's board, the study shall measure improvements in the delivery of mental health services to children and shall include, at a minimum, an assessment of program outcomes and cost-effectiveness, including consideration of hospital utilization, residential or out-of-home placements, utilization of child welfare services, school attendance, and involvement in the juvenile justice system. The institute shall provide the appropriate committees of the legislature with an initial study plan and activity report by June 30, 2007.

Sec. 608. 2005 c 518 s 609 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006)	((\$58,896,000))
	\$58,993,000
General Fund--State Appropriation (FY 2007)	((\$60,514,000))
	\$61,185,000
Education Legacy Trust--State Appropriation	\$3,475,000
Pension Funding Stabilization Account--State Appropriation	\$161,000
TOTAL APPROPRIATION	((\$122,885,000))
	\$123,814,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,158,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,317,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 340 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Western Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(3) Access to baccalaureate and graduate degree programs continues to be limited for residents of North Snohomish, Island, and Skagit counties. The higher education consortium created to serve the region has not been able to successfully address the region's access needs. The university center model of service delivery, centered on a community college campus with a single point of accountability, has proven more effective in developing degree programs and attracting students.

Therefore, the management and leadership responsibility for consortium operations are assigned to Everett community college. Everett community college shall collaborate with community and business leaders, other local community colleges, the public four-year institutions of higher education, and the higher education coordinating board to develop an educational plan for the North Snohomish, Island, and Skagit county region based on the university center model.

(4) \$98,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(5) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided to help planning efforts to coordinate expansion of the university's campus to the Bellingham waterfront.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a planning and emergency management program at Western Washington University.

Sec. 609. 2005 c 518 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2006)	((\$2,665,000))
	\$5,666,000
General Fund--State Appropriation (FY 2007)	((\$2,684,000))
	\$5,682,000
General Fund--Federal Appropriation	((\$4,289,000))
	\$4,291,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$29,000
TOTAL APPROPRIATION	((\$9,638,000))
	\$15,668,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to develop college readiness standards for English and science.

(2) \$2,914,000 of the general fund--state appropriation for fiscal year 2006 and \$2,888,000 of the general fund--state appropriation for fiscal year 2007 are provided for financial aid administration, in addition to the four percent cost allowance provision for state work study under section 610(7) of this act. These amounts are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients contained in section 610 of this act after notifying the board and the office of financial management of the transfer.

Sec. 610. 2005 c 518 s 611 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2006)	((\$159,363,000))
	\$156,449,000
General Fund--State Appropriation (FY 2007)	((\$164,634,000))
	\$162,943,000
General Fund--Federal Appropriation	((\$13,073,000))
	\$13,075,000
Education Legacy Trust--State Appropriation	\$62,910,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$1,000
TOTAL APPROPRIATION	((\$399,980,000))
	\$395,378,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$299,000 of the general fund--state appropriation for fiscal year 2006 and \$308,000 of the general fund--state appropriation for fiscal year 2007 are (~~provided solely~~) for the western interstate commission for higher education.

(2) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are (~~provided solely~~) for higher education student child care matching grants under chapter 28B.135 RCW.

(3) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are (~~provided solely~~) for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2005-06 and 2006-07 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(4) \$124,901,000 of the general fund--state appropriation for fiscal year 2006, \$134,506,000 of the general fund--state appropriation for fiscal year 2007, \$28,400,000 of the education legacy trust appropriation for fiscal year 2006, and \$31,654,000 of the education legacy trust appropriation for fiscal year 2007 are (~~provided solely~~) for the state need grant program. After April 1st of each fiscal year, (~~up to one percent of~~) uncommitted funds from the annual appropriation for the state need grant program may be transferred to the state work study (~~program~~) or educational opportunity grant programs and up to one percent may be transferred to the state education trust account as authorized in RCW 28B.92.140.

((~~5~~) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely)) Of the amounts provided in this subsection, up to \$500,000 is to implement House Bill No. 1345 (part-time student financial aid). (~~If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.~~) The board may not expend more than the amount provided in this subsection to implement the bill.

~~((6))~~ (5) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ for the implementation of Second Substitute House Bill No. 1050 (foster care endowed scholarship program). The purpose of the program is to help students who are or were in foster care attend an institution of higher education in the state of Washington. ~~((If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.))~~

~~((7))~~ (6) \$250,000 of the general fund--state appropriation for fiscal year 2006 and ~~((250,000))~~ \$850,000 of the general fund--state appropriation for the fiscal year 2007 are ~~((provided solely))~~ to support the future teachers' conditional scholarship and loan repayment program. Of this amount, \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Substitute House Bill No. 2989 (establishing the Washington teach math-science program). If this bill is not enacted by June 30, 2006, the amount provided shall lapse.

~~((8))~~ (7) \$17,048,000 of the general fund--state appropriation for fiscal year 2006, \$17,048,000 of the general fund--state appropriation for fiscal year 2007, \$863,000 of the education legacy trust appropriation for fiscal year 2006, and \$1,993,000 of the education legacy trust appropriation for fiscal year 2007 are ~~((provided solely))~~ for the state work study program. After April 1st of each fiscal year, ~~((up to one percent of))~~ uncommitted funds from the annual appropriation for the state work study program may be transferred to the state need grant or educational opportunity grant programs. In addition to the administrative allowance in ~~((subsection (1) of this))~~ section 609(2) of this act, four percent of the general fund--state amount and the education legacy trust amounts in this subsection may be transferred to and expended for state work study program administration.

~~((9))~~ (8) \$2,867,000 of the general fund--state appropriation for fiscal year 2006 and \$2,867,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ for educational opportunity grants pursuant to chapter 233, Laws of 2003 (ESB 5676). The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW ~~((28B.10.821))~~ 28B.92.140 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. After April 1st of each fiscal year, uncommitted funds from the annual appropriation for the educational opportunity grant program may be transferred to the state work study or state need grant programs.

~~((10))~~ (9) \$2,384,000 of the general fund--state appropriation for fiscal year 2006 and \$2,361,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence. Amounts provided in this subsection are sufficient for the higher education coordinating board to select three Washington scholars in fiscal year 2006 and two Washington scholars in fiscal year 2007 from each legislative district under the provisions of RCW 28A.600.100 through 28A.600.150.

~~((11))~~ (10) \$794,000 of the general fund--state appropriation for fiscal year 2006 and \$847,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program.

~~((12))~~ (11) \$246,000 of the general fund--state appropriation for fiscal year 2006 and \$246,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ for community scholarship matching grants of \$2,000 each and up to a total of \$46,000 per year in grants for nonprofit community organizations with preference given to organizations affiliated with scholarship America to administer the scholarship matching grants. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this section. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with scholarship America.

~~((13))~~ (12) Subject to state need grant service requirements pursuant to chapter 28B.119 RCW, ~~((4,265,000))~~ \$4,325,000 of the general fund--state appropriation for fiscal year 2006 is ~~((provided solely))~~ for the Washington promise scholarship program. The Washington promise scholarship program is terminated following fiscal year 2006. No Washington promise scholarship awards may be offered to students beyond the graduating high school class of 2004. Unexpended funds remaining after June 30, 2006, may be transferred to the state education trust account authorized in RCW 28B.92.140.

~~((14))~~ \$2,963,000 of the general fund--state appropriation for fiscal year 2006 and \$2,958,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for financial aid administration, in addition to the four percent cost allowance provision for state work study under subsection (5) of this section. These funds are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients after notifying the board and the office of financial management of the intended transfer.)

(13) \$75,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time costs associated with stabilizing the GEAR-UP scholarship program.

(14) \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,100,000 of the general fund--state appropriation for fiscal year 2007 are for the health professions loan repayment and scholarship program.

(15) \$60,000 of the general fund--state appropriation for fiscal year 2006 and \$60,000 of the general fund--state appropriation for fiscal year 2007 are for the Washington center scholarship program.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the board to contract with the Washington leadership 1000 scholarship fund. The funds shall be used to support, develop, and implement the leadership 1000 scholarship program which matches private benefactors with selected economically disadvantaged students who would otherwise be unable to attend college after depleting all other sources of scholarship and financial aid.

(17) By December 15th of each fiscal year, the board shall submit a report to the legislature detailing the outcomes from the previous year and a progress report on the current year for each of the student aid programs listed in this section: (a) The number of students served; (b) the award amount provided to students by sector; (c) the total amount spent; and (d) an explanation for any variation between the amount listed in the subsections and the amount expended.

Sec. 611. 2005 c 518 s 612 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2006)	\$1,225,000
General Fund--State Appropriation (FY 2007)	((1,231,000))
	\$1,363,000
General Fund--Federal Appropriation	((53,890,000))
	\$53,897,000
Pension Funding Stabilization Account--State Appropriation	\$7,000
TOTAL APPROPRIATION	((56,346,000))
	\$56,492,000

Sec. 612. 2005 c 518 s 613 (uncodified) is amended to read as follows:

FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2006)	((\$1,446,000))
	\$1,483,000
General Fund--State Appropriation (FY 2007)	((\$1,476,000))
	\$1,514,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$8,000
TOTAL APPROPRIATION	<u>(\$2,922,000)</u>
	<u>\$3,005,000</u>

The appropriations in this section are subject to the following conditions and limitations:

The legislature finds that economic development, especially in emerging technologies, is critical to Spokane and Eastern Washington. The principal goal of the state's investment in the Spokane intercollegiate research and technology institute (SIRTI) is to bridge the gap between academic discovery and economic development, thereby leveraging the state's investment in research. However, it is essential to find appropriate ways to mark the success of these efforts. By September 15, 2005, SIRTI shall develop a plan for review by the house of representatives higher education committee and the senate labor, commerce, research and development committee, describing the agency's strategy and budget for commercial application of academic research. The plan shall include actions to be taken to select, develop, commercialize, and graduate clients. The plan shall also detail how to measure significant impacts to the overall economic climate of the Spokane region, including job creation and wages, that are attributable to SIRTI.

Sec. 613. 2005 c 518 s 614 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2006)	\$2,322,000
General Fund--State Appropriation (FY 2007)	((\$2,349,000))
	\$2,356,000
General Fund--Federal Appropriation	((\$1,300,000))
	\$1,350,000
General Fund--Private/Local Appropriation (FY 2007)	((\$1,000))
	\$151,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$6,000
TOTAL APPROPRIATION	<u>(\$5,972,000)</u>
	<u>\$6,185,000</u>

Sec. 614. 2005 c 518 s 615 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2006)	((\$3,408,000))
	\$3,407,000
General Fund--State Appropriation (FY 2007)	((\$2,757,000))
	\$2,763,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$13,000
TOTAL APPROPRIATION	<u>(\$6,165,000)</u>
	<u>\$6,183,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$102,000 of the general fund--state appropriation for fiscal year 2006 and \$95,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5707 (women's history consortium). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$262,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to coordinate and fund programs related to the Lewis and Clark bicentennial commemoration.

(3) \$155,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for reimbursement of costs incurred by the Pacific county sheriff's office resulting from Lewis and Clark bicentennial commemoration events.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for reimbursement of costs incurred by local law enforcement resulting from Lewis and Clark bicentennial commemoration events scheduled in the cities of Clarkston, Dayton, Kennewick, Stevenson, Toppenish, and Vancouver.

Sec. 615. 2005 c 518 s 616 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2006)	((\$1,636,000))
	\$1,633,000
General Fund--State Appropriation (FY 2007)	((\$1,630,000))
	\$1,631,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$8,000
TOTAL APPROPRIATION	<u>(\$3,266,000)</u>
	<u>\$3,272,000</u>

Sec. 616. 2005 c 518 s 617 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2006)	((\$5,133,000))
	\$5,149,000
General Fund--State Appropriation (FY 2007)	((\$5,251,000))
	\$5,285,000
General Fund--Private/Local Appropriation	\$1,335,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	\$38,000

TOTAL APPROPRIATION ((~~\$11,719,000~~))
\$11,807,000

Sec. 617. 2005 c 518 s 618 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2006) ((~~\$8,419,000~~))
\$8,439,000
 General Fund--State Appropriation (FY 2007) ((~~\$8,613,000~~))
\$8,709,000
 General Fund--Private/Local Appropriation \$232,000
Pension Funding Stabilization Account--State Appropriation \$50,000
 TOTAL APPROPRIATION ((~~\$17,264,000~~))
\$17,430,000

**PART VII
 SPECIAL APPROPRIATIONS**

Sec. 701. 2005 c 518 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2006) ((~~\$694,444,000~~))
\$640,544,000
 General Fund--State Appropriation (FY 2007) ((~~\$668,119,000~~))
\$783,019,000
 State Building Construction Account--State Appropriation ((~~\$3,924,000~~))
\$5,924,000
 State Taxable Building Construction Account--State Appropriation ((~~\$139,000~~))
\$539,000
 Gardner-Evans Higher Education Construction Account--State Appropriation ((~~\$1,215,000~~))
\$1,395,000
 ((~~Debt-limit General Fund Bond Retirement Account--State Appropriation~~ ~~\$4,113,000~~))
 Debt-Limit Reimbursable Bond Retirement Account--State Appropriation \$2,583,000
 TOTAL APPROPRIATION ((~~\$1,374,537,000~~))
\$1,434,004,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2006 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2006. \$100,000,000 of the fiscal year 2007 general fund--state appropriation is provided as a reserve for debt service payments in the 2007-09 biennium.

Sec. 702. 2005 c 518 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account--State Appropriation \$29,411,000
 Accident Account--State Appropriation ((~~\$5,111,000~~))
\$5,112,000
 Medical Aid Account--State Appropriation ((~~\$5,111,000~~))
\$5,112,000
 TOTAL APPROPRIATION ((~~\$39,633,000~~))
\$39,635,000

Sec. 703. 2005 c 518 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2006) \$24,588,000
 General Fund--State Appropriation (FY 2007) \$26,743,000
 Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation ((~~\$131,844,000~~))
\$130,909,000
 TOTAL APPROPRIATION ((~~\$183,175,000~~))
\$182,240,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 704. 2005 c 518 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2006) \$1,357,000
 General Fund--State Appropriation (FY 2007) \$1,357,000
 State Building Construction Account--State Appropriation \$1,080,000
 State Taxable Building Construction Account--State Appropriation ((~~\$13,000~~))
\$78,000
 Gardner-Evans Higher Education Construction Account--State Appropriation \$452,000

TOTAL APPROPRIATION ((~~\$4,259,000~~))
\$4,324,000

Sec. 705. 2005 c 518 s 705 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL

Disaster Response Account--State Appropriation ((~~\$4,000,000~~))
\$8,000,000

The sum of ((~~\$4,000,000~~)) \$8,000,000 is appropriated from the disaster response account for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.

NEW SECTION. Sec. 706. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY

General Fund--State Appropriation (FY 2006) \$1,600,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the disaster response account for the purposes specified in section 705 of this act.

NEW SECTION. Sec. 707. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

- (1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:
 - (a) Kirk F. Schultz, claim number SCJ 2006-01 \$12,312
 - (b) Scott A. King, claim number SCJ 2006-02 \$9,922
 - (c) Mark D. Huckaba, claim number SCJ 2006-03 \$10,000
 - (d) James D. Brittain, claim number SCJ 2006-02 \$20,000
- (2) Payment from the state wildlife account for damage to crops by wildlife pursuant to RCW 77.36.050:
 - (a) For deposit into the self-insurance liability account for reimbursement of payment made to Circle S Landscape, claim number SCG 2004-05 \$21,926
 - (b) Venture Farms, claim number SCG 2005-03 \$57,448
 - (c) Patrick O'Hagen, claim number SCG 2006-02 \$1,673
 - (d) Patrick O'Hagen, claim number SCG 2006-03 \$2,389
 - (e) Swampapple Enterprises, Inc., claim number SCG 2006-04 \$3,574
 - (f) Wilbur H. Mundy, claim number SCG 2006-05 \$10,307
 - (g) Sam Kayser, claim number SCG 2006-08 \$1,108
- (3) Payment for reinterment of human remains from historic graves pursuant to RCW 68.60.050: Darrin Erdahl, claim number SCO 2006-01 \$3,000

Sec. 708. 2005 c 518 s 713 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2005, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2006) \$32,450,000
General Fund--State Appropriation (FY 2007) ((~~\$38,550,000~~))
\$38,750,000

(a) \$100,000 of the general fund--state appropriations for fiscal year 2006 and \$200,000 of the general fund--state appropriations for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1936 (emergency medical technicians). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(b) \$950,000 of the general fund--state appropriation for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state contributions required under Substitute Senate Bill No. 5615 (law enforcement officers' and fire fighters' retirement system plan 2 disability benefit). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 2932 (catastrophic disability). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(d) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 2934 (survivor health benefits). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2006) ((~~\$6,000,000~~))
\$6,601,000
General Fund--State Appropriation (FY 2007) ((~~\$6,000,000~~))
\$9,539,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2006) \$300,000
General Fund--State Appropriation (FY 2007) \$300,000

TOTAL APPROPRIATION ((~~\$83,600,000~~))
\$87,940,000

NEW SECTION. Sec. 709. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE GOVERNOR--EMERGENCY COMMUNICATIONS INTEROPERABILITY

Public Safety and Education Account--State Appropriation \$500,000

The appropriation in this section is subject to the following conditions and limitations: Funds are provided for acquisition and deployment of interoperable telecommunications devices to local jurisdictions. One program manager position is provided to assist local and state public safety providers improve their interoperability readiness and enhance levels of cooperation and coordination. The governor shall allocate these funds as necessary with consultive assistance from the state interoperability executive committee.

Sec. 710. 2005 c 518 s 716 (uncodified) is amended to read as follows:

FOR THE GOVERNOR--LIFE SCIENCES DISCOVERY FUND AUTHORITY

General Fund--State Appropriation (FY 2006) \$150,000
General Fund--State Appropriation (FY 2007) \$992,000
TOTAL APPROPRIATION \$1,142,000

The ((appropriation)) appropriations in this section ((is)) are subject to the following conditions and limitations: The ((appropriation)) appropriations in this section ((is)) are provided solely for a grant to the life sciences discovery fund authority to be used in accordance with ((Engrossed Second Substitute Senate Bill No. 5581 (life sciences))) chapter 424, Laws of 2005 (life sciences research). ((If the bill is not enacted by June 30, 2005, the appropriation in this section shall lapse.))

Sec. 711. 2005 c 518 s 720 (uncodified) is amended to read as follows:

STRATEGIC PURCHASING STRATEGY~~STRATEGIC PURCHASING STRATEGY~~. (1) The office of financial management shall work with the appropriate state agencies to generate savings of ((~~\$50,000,000, of which~~)) \$25,000,000 ((shall be)) from the state general fund, that can arise from a strategic purchasing strategy. From appropriations in this act, the office of financial management shall reduce general fund--state allotments by ((~~\$8~~)) \$4 million for fiscal year 2006 and by ((~~\$17~~)) \$21 million for fiscal year 2007 to reflect the savings from the strategic purchasing strategy. The allotment reductions shall be placed in unallotted status and remain unexpended. These unexpended amounts shall lapse to the state general fund at the end of each fiscal year.

(2) The department of general administration, with the assistance of the department of information services and the department of printing and in consultation with the office of financial management, shall conduct an analysis of the state's purchasing processes to identify the most reasonable strategy of attaining a statewide savings target of ((~~\$50,000,000~~)) \$25,000,000 from the state general fund without affecting direct program activities. The analysis shall identify savings by agency and fund that will result from the implementation of a strategic purchasing strategy. The results of this analysis shall then be provided to the director of financial management by October 1, 2005, and updated as needed, so the director may use it as the basis to achieve the savings identified in subsection (1) of this section.

(3) Before the purchase of goods and services, all state agencies and higher education institutions shall first consider the utilization of current or existing master contracts. All state agencies and higher education institutions shall strive to use master contracts when that use is consistent with the agency's requirements and purchase is financially cost-effective.

NEW SECTION. Sec. 712. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--ENERGY FREEDOM ACCOUNT

General Fund--State Appropriation (FY 2007) \$25,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for deposit into the energy freedom account. The appropriation in this section constitutes funding for purposes of section 15 of Engrossed Third Substitute House Bill No. 2939. If Engrossed Third Substitute House Bill No. 2939 (energy freedom) is not enacted by June 30, 2006, the appropriation in this section shall lapse.

(2) Of the amounts deposited into the energy freedom account pursuant to this appropriation, \$2,000,000 is provided solely to be appropriated from the energy freedom account for a loan to the Grays Harbor county bioenergy project (06-04-852).

NEW SECTION. Sec. 713. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2007) \$1,100,000
Special Account Retirement Contribution
Increase Revolving Account Appropriation \$200,000
TOTAL APPROPRIATION \$1,300,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$500,000 of the general fund--state appropriation for fiscal year 2007 and \$200,000 of the special account retirement contribution appropriation are provided solely to adjust agency appropriations to reflect increased employer contributions pursuant to House Bill No. 2687 (\$1000 minimum benefit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to reflect increased employer contributions pursuant to House Bill No. 2684 (plan 3 five-year vesting). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(3) To facilitate the transfer of moneys to dedicated funds and accounts, the state treasurer shall transfer sufficient moneys to each dedicated fund or account from the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 714. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--WASHINGTON HOUSING TRUST FUND

General Fund--State Appropriation (FY 2007) \$25,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the Washington housing trust fund. The appropriation in this section constitutes funding for purposes of section 15 of Engrossed Second Substitute House Bill No. 2418 (affordable housing). If Engrossed Second Substitute House Bill No. 2418 is not enacted by June 30, 2006, the appropriation in this section shall lapse.

NEW SECTION. Sec. 715. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--PERSONNEL LITIGATION SETTLEMENT

General Fund--State Appropriation (FY 2007)	\$11,813,000
Special Personnel Litigation Revolving Account Appropriation	\$10,689,000
TOTAL APPROPRIATION	\$22,502,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The entire appropriation is provided solely for the purposes of the settlement of litigation involving compensation differentials among personnel classes, *W.P.E.A. v. State of Washington*.
- (2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer shall transfer sufficient moneys from each dedicated fund or account, including local funds of state agencies and institutions of higher education, to the special personnel litigation revolving account in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 716. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--PENSION FUNDING STABILIZATION ACCOUNT

General Fund--State Appropriation (FY 2007)	\$48,599,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the pension funding stabilization account for the purpose of reducing the unfunded public employees' retirement system and teachers' retirement system pension liability. If the bill creating this account is not enacted by June 30, 2006, the appropriation in this section shall lapse.

NEW SECTION. Sec. 717. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS.

- (1) Beginning September 1, 2006, the following employer contribution rates are established in addition to already established employer contribution rates: For all members of the teachers' retirement system, an additional 1.29 percent; for all members of the school employees' retirement system, an additional 0.87 percent.
- (2) Beginning January 1, 2007, the following employer contribution rate is established in addition to the already established employer contribution rate: For all members of the public employees' retirement system and the public safety employees' retirement system, an additional 1.77 percent.
- (3) Funds collected through these additional rates are to be used as contributions to the unfunded liabilities of the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

NEW SECTION. Sec. 718. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--VETERANS INNOVATIONS PROGRAM ACCOUNT

General Fund--State Appropriation (FY 2007)	\$3,000,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the veterans innovations program account. If Engrossed Second Substitute House Bill No. 2754 (veterans' programs) is not enacted by June 30, 2006, the appropriation in this section shall lapse.

Sec. 719. 2005 c 518 s 724 (uncodified) is amended to read as follows:

INCENTIVE SAVINGS--FY 2006. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2006, from the total amount of unspent fiscal year 2006 state general fund appropriations, exclusive of amounts placed in unallotted status pursuant to section 711 of this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

- (1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.
- (2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

Sec. 720. 2005 c 518 s 725 (uncodified) is amended to read as follows:

INCENTIVE SAVINGS--FY 2007. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2007, from the total amount of unspent fiscal year 2007 state general fund appropriations, exclusive of amounts placed in unallotted status pursuant to section 711 of this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

- (1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.
- (2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 2005 c 518 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions	(\$6,577,000)
	\$6,561,000
General Fund Appropriation for public utility district excise tax distributions	(\$45,422,000)
	\$44,292,000
General Fund Appropriation for prosecuting attorney distributions	(\$3,457,000)
	\$3,568,000
General Fund Appropriation for boating safety and education distributions	(\$4,430,000)
	\$4,252,000
General Fund Appropriation for other tax distributions	\$38,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$1,969,000

Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$147,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	(\$71,110,000)
	<u>\$83,325,000</u>
County Criminal Justice Assistance Appropriation	(\$53,914,000)
	<u>\$53,650,000</u>
Municipal Criminal Justice Assistance Appropriation	(\$21,104,000)
	<u>\$21,315,000</u>
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	(\$37,413,000)
	<u>\$40,512,000</u>
Liquor Revolving Account Appropriation for liquor profits distribution	(\$76,186,000)
	<u>\$88,818,000</u>
City-County Assistance Account Appropriation for local government financial assistance distribution	\$20,100,000
TOTAL APPROPRIATION	(\$350,527,000)
	<u>\$368,547,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2005 c 518 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation	(\$1,913,400)
	<u>\$2,050,000</u>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 803. 2005 c 518 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation	(\$1,275,600)
	<u>\$1,367,000</u>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 804. 2005 c 518 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal grazing fees distribution	(\$1,632,000)
	<u>\$1,644,000</u>
General Fund Appropriation for federal flood control funds distribution	\$68,000
Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$84,500,000
TOTAL APPROPRIATION	(\$86,200,000)
	<u>\$86,212,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 805. 2005 c 518 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS. For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

State Convention and Trade Center Account:

For transfer to the state general fund, \$5,150,000 for fiscal year 2006 and \$5,150,000 for fiscal year 2007	\$10,300,000
General Fund: For transfer to the tourism development and promotion account, \$150,000 for fiscal year 2006 and \$150,000 for fiscal year 2007	\$300,000
Financial Services Regulation Account: For transfer to the state general fund, \$778,000 for fiscal year 2006 and \$779,000 for fiscal year 2007	\$1,557,000
Public Works Assistance Account: For transfer to the drinking water assistance account, \$8,400,000 for fiscal year 2006	\$8,400,000
Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account	\$185,823,000
Health Services Account: For transfer to the state general fund, \$45,000,000 for fiscal year 2006	\$45,000,000
Health Services Account: For transfer to the tobacco prevention and control account	(\$23,366,000)
	<u>\$25,086,000</u>

Health Services Account: For transfer to the water quality account	\$7,885,000
Health Services Account: For transfer to the violence reduction and drug enforcement account	\$6,932,000
Public Employees' and Retirees' Insurance Account: For transfer to the state general fund, \$40,000,000 for fiscal year 2006 and \$45,000,000 for fiscal year 2007	\$85,000,000
Department of Retirement Systems Expense Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2006	\$2,000,000
Secretary of State's Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2006 and \$250,000 for fiscal year 2007	\$500,000
State Treasurer's Service Account: For transfer to the state general fund, (\$5,500,000) <u>\$9,500,000</u> for fiscal year 2006 and (\$5,000,000) <u>\$7,000,000</u> for fiscal year 2007	(\$10,500,000) <u>\$16,500,000</u>
General Fund: For transfer to the water quality account, \$318,000 for fiscal year 2006 and \$319,000 for fiscal year 2007	\$637,000
State Toxics Control Account: For transfer to the water quality account	\$12,500,000
Water Quality Account: For transfer to the water pollution control revolving account	(\$10,534,000) <u>\$16,534,000</u>
Pollution Liability Insurance Trust Account: For transfer to the state general fund	(\$7,500,000) <u>\$3,750,000</u>
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed	(\$15,000,000) <u>\$21,800,000</u>
Waste Reduction, Recycling, and Litter Control Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2006 and \$1,000,000 for fiscal year 2007	\$2,000,000
Public Works Assistance Account: For transfer to the public facility construction loan revolving account, \$4,500,000 for fiscal year 2006	\$4,500,000
Nisqually Earthquake Account: For transfer to the disaster response account, \$3,000,000 for fiscal year 2006	\$3,000,000
Natural Resources Equipment Revolving Fund: For transfer to the state general fund for fiscal year 2006	\$1,000,000
General Fund: For transfer to the violence reduction and drug enforcement account, \$1,500,000 for fiscal year 2006 and \$1,500,000 for fiscal year 2007	\$3,000,000
Education Legacy Trust Account: For transfer to the student achievement account, (\$35,541,000) <u>\$35,555,000</u> for fiscal year 2006 and (\$102,697,000) <u>\$103,046,000</u> for fiscal year 2007	(\$138,238,000) <u>\$138,601,000</u>

Sec. 806. 2005 c 518 s 806 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS. For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs. The transfers are subject to the enactment of Senate Bill No. 5391 (tricare supplemental insurance), chapter 46, Laws of 2005.

Public Employees' and Retirees' Insurance Account: For transfer to the state general fund, \$5,000,000 (for fiscal year 2006 and \$12,000,000) for fiscal year 2007	(\$17,000,000) <u>\$5,000,000</u>
(General Fund--State Account: For transfer to the tourism development and promotion account, \$150,000 for fiscal year 2006 and \$150,000 for fiscal year 2007--	-\$300,000)

**PART IX
MISCELLANEOUS**

Sec. 901. 2005 c 518 s 948 (uncodified) is amended to read as follows:

COMPENSATION--INSURANCE BENEFITS. The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$663.00 per eligible employee for fiscal year 2006. For fiscal year 2007 the monthly employer funding rate shall not exceed \$744.00 per eligible employee represented by a collective bargaining unit under the personnel system reform act of 2002, or \$618.00 per eligible nonrepresented employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2006, through December 31, 2006, the subsidy shall be \$131.87. Starting January 1, 2007, the subsidy shall be \$149.67 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$48.42 per month beginning September 1, 2005, and ~~(\$55.73))~~ \$55.15 beginning September 1, 2006;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$48.42 each month beginning September 1, 2005, and ~~(\$55.73))~~ \$55.15 beginning September 1, 2006, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

Sec. 902. 2005 c 518 s 963 (uncodified) is amended to read as follows:

COLLECTIVE BARGAINING AGREEMENT--(WPSEA) PSE/PROFESSIONAL (LOCAL 365 UNIT C)

TECHNICAL EMPLOYEES--WESTERN WASHINGTON UNIVERSITY. Budget amounts reflect the collective bargaining agreement reached between the Western Washington University and the public school employees of Washington (~~Public Employees Association bargaining unit C~~) professional technical employees under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective retroactive to July 1, 2005. Provisions also include a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 903. A new section is added to 2005 c 518 (uncodified) to read as follows:

COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY, WFSE BU 2. Budget amounts reflect the collective bargaining agreement reached between Washington State University and the Washington federation of state employees bargaining unit 2 -- service employees under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective retroactive to July 1, 2005. Provisions also include a one-time 2% lump sum payment effective July 1, 2006, and implementation of the department of personnel 2002 salary survey for classes more than 25% below market rate.

Sec. 904. RCW 90.56.120 and 2005 c 304 s 2 are each amended to read as follows:

(1)(a) There is established in the office of the governor the oil spill advisory council.

(b) The primary purpose of the council is to maintain the state's vigilance in, by ensuring an emphasis on, the prevention of oil spills to marine waters, while recognizing the importance of also improving preparedness and response.

(c) The council shall be an advisory body only.

(2)(a) In addition to members appointed under (b) of this subsection, the council is composed of the chair-facilitator and sixteen members representing various interests as follows:

(i) Three representatives of environmental organizations;

(ii) One representative of commercial shellfish interests;

(iii) One representative of commercial fisheries that primarily fishes in Washington waters;

(iv) One representative of marine recreation;

(v) One representative of tourism interests;

(vi) Three representatives of county government from counties bordering Puget Sound, the Columbia river/Pacific Ocean, and the Strait of Juan de Fuca/San Juan Islands;

(vii) One representative of marine labor;

(viii) Two representatives of marine trade interests;

(ix) One representative of major oil facilities;

(x) One representative of public ports; and

(xi) An individual who resides on a shoreline who has an interest, experience, and familiarity in the protection of water quality.

(b) In addition to the members identified in this subsection, the governor shall invite the participation of tribal governments through the appointment of two representatives to the council.

(3) Appointments to the council shall reflect a geographical balance and the diversity of populations within the areas potentially affected by oil spills to state waters.

(4) Members shall be appointed by the governor and shall serve four-year terms, except the initial members appointed to the council. Initial members to the council shall be appointed as follows: Six shall serve two-year terms, six shall serve three-year terms, and seven shall serve four-year terms. Vacancies shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term of the position vacated. Members serve at the pleasure of the governor.

(5) The governor shall appoint a chair-facilitator who shall serve as a nonvoting member of the council. The chair shall not be an employee of a state agency, nor shall the chair have a financial interest in matters relating to oil spill prevention, preparedness, and response. The chair shall convene the council at least four times per year. At least one meeting per year shall be held in a Columbia river community, an ocean coastal community, and a Puget Sound community. The chair shall consult with council members in setting agendas and determining meeting times and locations.

(6) All members shall be reimbursed for travel expenses while attending meetings of the council or technical advisory committees, or when on official business authorized by the chair-facilitator, as provided in RCW 43.03.050 and 43.03.060. Members of the council identified in subsection (2)(a)(i), (ii), (iii), (iv), (v), (vi), (vii), and (xi) of this section and the chair-facilitator shall each be compensated on a per diem basis as a class two group according to RCW 43.03.230.

(7) The first meeting of the council shall be convened by the governor or the governor's designee. Other meetings may be convened by a vote of at least a majority of the voting members of the council, or by call of the chair. All meetings are subject to the open public meetings act. The council shall maintain minutes of all meetings.

(8) To the extent possible, all decisions of the council shall be by the consensus of the members. If consensus is not possible, nine voting members of the council may call for a vote on a matter. When a vote is called, all decisions shall be determined by a majority vote of the voting members present. Two-thirds of the voting members are required to be present for a quorum for all votes. The subject matter of all votes and the vote tallies shall be recorded in the minutes of the council.

(9) The council may form subcommittees and technical advisory committees.

NEW SECTION. Sec. 905. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 906. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Miloscia; Schual-Berke and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; McDonald; Pearson; Priest; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 21, 2006

E2SSB 6459 Prime Sponsor, Senate Committee On Ways & Means: Supporting community-based health care solutions. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Referred to Committee on Appropriations.

February 21, 2006

SB 6463 Prime Sponsor, Senator Fairley: Allowing banks and savings banks to organize as limited liability companies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

February 22, 2006

ESSB 6475 Prime Sponsor, Senate Committee On Early Learning, K-12 & Higher Education: Authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.655 RCW to read as follows:

(1) The legislature has made a commitment to rigorous academic standards for receipt of a high school diploma. The primary way that students will demonstrate that they meet the standards in reading, writing, mathematics, and science is through the Washington assessment of student learning. Only objective assessments that are comparable in rigor to the state assessment are authorized as an alternative assessment. Before seeking an alternative assessment, the legislature expects students to make a genuine effort to meet state standards, through retaking the Washington assessment of student

learning; regular and consistent attendance at school; and participation in extended learning and other assistance programs.

(2) Under RCW 28A.655.061, beginning in the 2006-07 school year, the superintendent of public instruction shall implement three objective alternative assessment methods as provided in this section for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school Washington assessment of student learning. A student may access an alternative if the student meets applicable eligibility criteria in RCW 28A.655.061 and other eligibility criteria established by the superintendent of public instruction, including but not limited to a ninety-five percent minimum attendance criterion and required participation in the remediation or supplemental instruction contained in the student learning plan developed under RCW 28A.655.061. A school district may waive the attendance and remediation requirement for special, unavoidable circumstances.

(3) For the purposes of this section, "applicant" means a student seeking to use one of the alternative assessment methods in this section.

(4) The primary alternative assessment method shall be a combination of the applicant's grades in applicable courses and the applicant's highest score on the high school Washington assessment of student learning, as provided in this subsection.

(a) Using guidelines prepared by the superintendent of public instruction, a school district shall identify the group of students in the same school as the applicant who took the same high school courses as the applicant in the applicable content area. From the group of students identified in this manner, the district shall select the comparison cohort that shall be those students who met or slightly exceeded the state standard on the Washington assessment of student learning.

(b) The district shall compare the applicant's grades in high school courses in the applicable content area to the grades of students in the comparison cohort for the same high school courses. If the applicant's grades are above the median grades of the comparison cohort, the applicant shall be deemed to have met the state standard on the alternative assessment.

(c) An applicant may not use the alternative assessment under this subsection (4) if there are fewer than six students in the comparison cohort.

(5) The superintendent of public instruction shall also develop an alternative assessment method that shall be an evaluation of a collection of work samples prepared and submitted by the applicant, as provided in this subsection and, for career and technical applicants, the additional requirements of subsection (6) of this section. The collection of work samples may be implemented as an alternative assessment if there are fewer than six students in the applicant's comparison cohort under subsection (4) of this section or if the applicant is enrolled in a career and technical program approved under section 2 of this act. The collection of work samples may be implemented as an alternative assessment for other applicants only if formally approved by the legislature through the omnibus appropriations act, statute, or concurrent resolution.

(a) The superintendent of public instruction shall develop guidelines for the types and number of work samples in each content area that may be submitted as a collection of evidence that the applicant has met the state standard in that content area. Work samples may be collected from academic, career and technical, or remedial courses and may include performance tasks as well as written products.

(b) The superintendent shall develop protocols for submission of the collection of work samples that include affidavits from the applicant's teachers and school district that the samples are the work of the applicant and a requirement that a portion of the samples be prepared under the direct supervision of a classroom teacher.

(c) The superintendent shall develop uniform scoring criteria for evaluating the collection of work samples. Collections shall be scored at the state level or regionally by a panel of educators selected and trained by the superintendent to ensure objectivity, reliability, and rigor in the evaluation. An educator may not score work samples submitted by applicants from the educator's school district. If the panel awards an applicant's collection of work samples the minimum

required score, the applicant shall be deemed to have met the state standard on the alternative assessment.

(6)(a) For students enrolled in a career and technical education program approved under section 2 of this act, the superintendent of public instruction shall develop guidelines for a collection of work samples that evidences that the collection:

(i) Is relevant to the student's particular career and technical program;

(ii) Focuses on the application of academic knowledge and skills within the program;

(iii) Includes completed activities or projects where demonstration of academic knowledge is inferred; and

(iv) Is related to the essential academic learning requirements and state standards that students must meet to earn a certificate of academic achievement or certificate of individual achievement, but also represents the knowledge and skills that successful individuals in the career and technical field of the approved program are expected to possess.

(b) To meet the state standard on the alternative assessment under this subsection (6), an applicant must also attain the state or nationally recognized certificate or credential associated with the approved career and technical program.

(c) The superintendent shall consult with community and technical colleges, employers, the work force training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create an appropriate collection of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards.

(7) The superintendent of public instruction shall study the feasibility of using existing mathematics assessments in languages other than English as an additional alternative assessment option. The study shall include an estimation of the cost of translating the tenth grade mathematics assessment into other languages and scoring the assessments should they be implemented.

(8) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments; and

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who: (i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or (ii) have special, unavoidable circumstances.

(9) The superintendent of public instruction may adopt rules to implement this section.

NEW SECTION. Sec. 2. A new section is added to chapter 28C.04 RCW to read as follows:

The superintendent of public instruction shall develop a list of approved career and technical education programs that qualify for the objective alternative assessment for career and technical students developed under section 1 of this act. Programs on the list must meet the following minimum criteria:

(1) Lead to a certificate or credential that is state or nationally recognized by trades, industries, or other professional associations as necessary for employment or advancement in that field;

(2) Require a sequenced progression of multiple courses, both exploratory and preparatory, that are vocationally intensive and rigorous; and

(3) Have a high potential for providing the program completer with gainful employment or entry into a postsecondary work force training program.

NEW SECTION. Sec. 3. By September 2006, the superintendent of public instruction shall report the following, in detail, to the education committees of the legislature:

(1) Results of the pilot testing of the alternative assessments authorized under section 1 of this act;

(2) The proposed guidelines, protocols, and procedures to be used by the superintendent in implementing the alternative assessments, particularly the collection of evidence;

(3) A description of the training to be provided for school districts, educators serving on scoring panels, and teachers assisting students with collections of evidence;

(4) Preliminary results of the feasibility study in section 1(7) of this act; and

(5) Updated estimates of the number of students likely to be eligible or apply for either alternative assessment method.

Sec. 4. RCW 28A.655.061 and 2004 c 19 s 101 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection ~~((++))~~ (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection ~~((++))~~ (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has retaken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement. ~~((The student's transcript shall note whether the certificate of academic achievement was acquired by means of the Washington assessment of student learning or by an alternative assessment.))~~

(4) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning and the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

~~((Beginning with the graduating class of 2006, the highest scale score and level achieved in each content area on the high school Washington assessment of student learning shall be displayed on a student's transcript. In addition, beginning with the graduating class of 2008, each student shall receive a scholar's designation on his or her transcript for each content area in which the student achieves level four the first time the student takes that content area assessment.))~~

~~((8))~~ Beginning in 2006, school districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

~~((9))~~ (8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

~~((10))~~ (9) Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006, opportunities to retake the assessment at least twice a year shall be available to each school district.

~~((11))~~ (10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

~~((12))~~ (b) After formal approval by the legislature of the score required for this purpose, a student's score on the mathematics portion of the preliminary scholastic assessment test (PSAT), the scholastic assessment test (SAT), or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met the mathematics standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the mathematics portion of the PSAT, SAT, or ACT to meet the state standard for mathematics and shall submit the proposed scores, along with any subsequent revisions, to the legislature for formal approval through the appropriations act or by statute or concurrent resolution. The state board of education shall submit the first proposed scores to the legislature by December 1, 2006.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

~~((13))~~ (12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection ~~((13))~~ (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. This requirement shall be phased in as follows:

(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection ~~((13))~~ (12)(a) shall have a plan.

(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection ~~((13))~~ (12)(a) shall have a plan.

(iii) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington

assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

(iv) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of a student described in this subsection ~~((13))~~ (12)(b) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.655 RCW to read as follows:

Subject to the availability of funds appropriated for this purpose, school districts shall reimburse students for the cost of taking the tests in RCW 28A.655.061(10)(b) when the students take the tests for the purpose of using the mathematics results as an objective alternative assessment.

Sec. 6. RCW 28A.305.220 and 2004 c 19 s 108 are each amended to read as follows:

(1) The state board of education shall develop for use by all public school districts a standardized high school transcript. The state board of education shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include ~~((the following information:~~

~~— (a) The highest scale score and level achieved in each content area on the high school Washington assessment of student learning or other high school measures successfully completed by the student as provided by RCW 28A.655.061 and 28A.155.045;~~

~~— (b) All scholar designations as provided by RCW 28A.655.061;~~

~~— (c) a notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement ((by means of the Washington assessment of student learning or by an alternative assessment)).~~

(3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act and section 5 of this act, referencing this act and section 5 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 5 of this act is null and void."

Correct the title.

Signed by Representatives Quall, Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; Priest; Shabro and Tom.

MINORITY recommendation: Do not pass. Signed by Representatives P. Sullivan, Vice Chairman; McDermott; Santos and Wallace.

Referred to Committee on Appropriations.

February 21, 2006

ESSB 6501 Prime Sponsor, Senate Committee On Water, Energy & Environment: Creating the Washington bioenergy assistance program. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Washington's dependence on energy supplied from outside the state and volatile energy markets makes our economy and citizens vulnerable to unpredictable and high energy prices;

(2) Washington's dependence on petroleum-based fuels increases energy costs for citizens and businesses;

(3) Experts tell us that the global oil shortage will only worsen, making the three dollars per gallon gasoline of the summer of 2005 seem affordable;

(4) Each year, citizens and businesses in Washington state spend nine billion dollars on gasoline and diesel, with those funds drained from the state economy;

(5) Diesel soot from diesel engines ranks as the highest toxic air pollutant in Washington, leading to hundreds of premature deaths and increasing rates of asthma and other lung-related diseases;

(6) The use of biodiesel results in significantly less air pollution than traditional diesel fuels and can help our citizens and businesses conserve energy;

(7) Improper disposal and treatment of organic waste from farms and livestock operations can have a significant negative impact on water quality;

(8) Washington has abundant supplies of organic wastes from farms that can be used for energy production and abundant farmland where crops could be grown to supplement or supplant petroleum-based fuels;

(9) Instead of leaving our economy at the mercy of global events, and the policies of foreign nations, Washington state should adopt a policy of energy independence;

(10) The energy freedom program is meant to lead Washington state towards energy independence;

(11) Producing more energy here means cleaner, renewable energy that includes, but is not limited to, biofuels, solar power, and wind power;

(12) The biofuels industry is a new and developing industry now limited by the availability of capital for construction of facilities for converting farm and forest products into energy and fuels; and

(13) For biofuels to be economically viable in Washington, it will be necessary to grow dedicated crops, construct crushers near farms, and build refineries to create fuel.

Therefore, the legislature finds it is in the public interest to reduce Washington's dependence on imported oil, expand renewable fuel production and use in Washington, conserve energy, improve use of renewable energy and energy efficiency measures, and promote sustainable rural economic development by creating new jobs and stimulating business and economic activity in local communities across Washington.

To accomplish this, the energy freedom program is established to stimulate strategic investment in facilities, infrastructure, technologies, and research and development that will advance Washington's move toward energy independence.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the energy freedom board.

(2) "Department" means the department of community, trade, and economic development.

(3) "Political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state.

NEW SECTION. Sec. 3. (1) The energy freedom board is created to exercise the powers granted under this chapter.

(2) The board consists of thirteen members as follows:

(a) One member shall be the director of the department of agriculture or the director's designated representative;

(b) One member shall be the director of the department of community, trade, and economic development or the director's designated representative from the department's energy policy division;

(c) Four of the members shall be appointed as follows: Two members from the house of representatives committee that has jurisdiction over energy issues, one from each of the two major caucuses, to be appointed by the speaker of the house of representatives; two members from the senate committee that has jurisdiction over energy issues, one from each of the two major caucuses, to be appointed by the president of the senate; and

(d) Seven of the members shall be appointed by the governor: One recognized expert in renewable energy; one representative from Washington State University; one Washington state grower; one producer of alternative fuels; one public fleet manager; one public buildings manager; and one sustainable society advocate.

(3) The members appointed under subsection (2)(c) and (d) of this section must initially be appointed to terms as follows: Three members for two-year terms, four members for three-year terms, and four members for four-year terms which includes the chair. Thereafter, each succeeding term is four years. Appointees may be reappointed to serve more than one term.

(4) The governor must select one of the members to serve as the chair of the board. The members of the board shall elect one of their members to serve as vice chair.

(5) The department must provide staff support to the board.

(6) Members of the board receive no compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 4. In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, no board member, appointive or otherwise, may participate in any decision on any board contract in which the board member has any interests, direct or indirect, with any entity that would be the recipient of any aid under this chapter.

NEW SECTION. Sec. 5. The board may:

(1) Accept from any federal agency loans or grants for the planning or financing of any project and enter into agreements with such an agency concerning the loans or grants;

(2) Accept any gifts, grants, or loan of funds, property, or financial or other aid in any form from any other source on any terms and conditions that are not in conflict with this chapter;

(3) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and

(4) Perform all acts and functions as necessary or convenient to carry out the powers expressly granted or implied under this chapter.

NEW SECTION. Sec. 6. The board shall:

(1) Establish a competitive process to solicit proposals for and prioritize project applications for potential funding;

(2) Adopt rules governing project eligibility and evaluation criteria;

(3) Establish a peer review committee to include board members, renewable energy specialists, energy conservation specialists, scientists, and individuals with specific recognized expertise. The peer review committee shall provide to the board an independent peer review of all grant proposals submitted by Washington public research institutions for the purposes specified in section 7(3) (a) and (c) of this act that are determined to be competitive for a grant award. The board shall review the findings

of the peer review committee when making final grant allocation decisions;

(4) Develop the prioritized list through open and public meetings;

(5) Establish performance measures against which the program will be evaluated;

(6) Aggressively seek federal and other grant moneys;

(7) Report annually to the appropriate standing committees of the legislature on the implementation of this chapter. The report must include, but is not limited to: Information on the number of applications for financial assistance; the grant or loan amount awarded each project; a description of each project; the status of each funded project, including the agricultural and environmental benefits of each project, as well as the progress made by each project in creating jobs and moving towards energy independence; the documentation of nonstate funds to be used for each project; and progress against performance measures developed under this chapter. The first report must be submitted by December 31, 2006, to committees in the house of representatives and senate with jurisdiction over energy issues.

NEW SECTION. Sec. 7. (1) The board is authorized to make low-interest loans to political subdivisions of the state for the purposes of assisting political subdivisions in financing the cost of new and renewable energy and biofuel development projects and activities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision and the finding by the board that financial circumstances require grant assistance to enable the project to move forward. Up to ten percent of all financial assistance provided to political subdivisions by the board may consist of grants. Political subdivisions applying for loans and grants shall identify nonstate matching funds available for the project, and shall specify deliverables to be achieved by proposed projects and activities, including evidence that the proposed project will result in a positive net energy output, if applicable.

(2) Applications for loans and grants must be made in the form and manner as the board may prescribe.

(3) The board may provide financial assistance for the following types of projects and activities including, but not limited to:

(a) Research and development of new and renewable energy and biofuel sources including but not limited to biomass and associated biofuel gases;

(b) Renewable energy and biofuel development infrastructure and facilities;

(c) Research and development to develop markets for alternative fuel byproducts; and

(d) Loans for small commercial energy audits and retrofits.

(4) Applications must be prioritized based on the following criteria:

(a) The extent to which the project will contribute to the establishment of a viable bioenergy production capacity in Washington;

(b) The benefits to Washington's agricultural producers;

(c) The extent to which the project will help conserve energy and reduce dependence on petroleum fuels and imported energy, either directly or indirectly;

(d) The extent to which the project will reduce air and water pollution, either directly or indirectly;

(e) The number and quality of jobs, as well as the economic benefits, created by the project;

(f) The extent to which the investment shows a direct link to commercialization either by indirectly supporting the commercialization of bioenergy intellectual property into a commercialized project, or by directly assisting in moving a commercially viable project into the marketplace for use by Washington state citizens; and

(g) The extent to which private funds have been leveraged.

(5) The board may approve an application that results in loans of up to five million dollars. In no circumstances shall a loan approved under this section constitute more than fifty percent of total project funding.

(6) Financial assistance awarded to political subdivisions is one time only and may not be used for ongoing operational expenses.

(7) Before any financial assistance application is approved, the political subdivision must demonstrate to the board that no other timely source of funding is available to it at costs reasonably similar to financing available from the board.

(8) A responsible official of the political subdivision must be present during board deliberations and provide information that the board requests.

(9) The board may not approve an application if it fails to provide for adequate reporting or disclosure of financial and employment data to the board. The board may require an annual or other periodic audit of the project books.

(10) The board may defer loan repayment for up to twenty-four months or until the projects start to receive revenue from operations, whichever is sooner.

(11) Upon receiving financial assistance, a political subdivision must enter into appropriate contracts with any industry partners that may be involved in the use of the facilities, infrastructure, or equipment.

(12) Upon written notice to the political subdivision, the board may suspend or cancel its loans or grants if any of the following occur:

(a) The political subdivision fails to make satisfactory and reasonable progress to complete the project, or the board concludes the political subdivision will be unable to complete the project or any portion of it; or

(b) The political subdivision or industry partners have made misrepresentations in any information furnished to the board in connection with the project.

(13) In the event that any portion of the loan or grant has been paid to the political subdivision under this section at the time of breach, or failure of the political subdivision to satisfactorily perform, the board may require that the full amount of the loan or grant, or a portion thereof, be repaid within a period specified by the board.

(14) The board is authorized to award grants to Washington public research institutions for the purposes specified in subsection (3)(a) and (c) of this section.

NEW SECTION. Sec. 8. The energy freedom account is created in the state treasury. All receipts from appropriations made to the account, proceeds from other lawful sources, and loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for loans and grants to political subdivisions for renewable energy and biofuel development projects and activities authorized under this chapter.

NEW SECTION. Sec. 9. In accordance with Article VIII, sections 5 and 7 of the state Constitution, the credit of the state and counties, cities, towns, and other municipal corporations shall not in any manner be given or loaned to any individual, association, company, or corporation in the administration of the grant and loan program established in this chapter.

Sec. 10. RCW 82.16.020 and 1996 c 150 s 2 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Express, sewerage collection, and telegraph businesses: Three and six-tenths percent;

(b) Light and power business: Three and sixty-two one-hundredths percent;

(c) Gas distribution business: Three and six-tenths percent;

(d) Urban transportation business: Six-tenths of one percent;

(e) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(f) Motor transportation, railroad, railroad car, and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(g) Water distribution business: Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in RCW 43.155.050.

(4) Of amounts deposited into the general fund pursuant to subsection (1) of this section, the legislature may authorize a transfer of up to twenty-five million dollars for the fiscal year ending June 30, 2006, into the energy freedom account created in section 8 of this act.

NEW SECTION. Sec. 11. This act takes effect July 1, 2006.

NEW SECTION. Sec. 12. This act expires June 30, 2016.

NEW SECTION. Sec. 13. Any moneys in the energy freedom account on June 30, 2016, and all payments received after that date must be deposited in the state general fund.

NEW SECTION. Sec. 14. Sections 1 through 9 and 13 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 15. If a transfer from the general fund to the energy freedom account created in section 8 of this act for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2006, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Takko and Wallace.

Passed to Committee on Rules for second reading.

February 21, 2006

SSB 6570 Prime Sponsor, Senate Committee On Financial Institutions, Housing & Consumer Protection: Requiring lenders to consider retail installment contracts for the purchase of motor vehicles. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

February 22, 2006

SSB 6618 Prime Sponsor, Senate Committee On Early Learning, K-12 & Higher Education: Requiring a study to explore options to augment the current educational assessment system. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In 1993 the Washington legislature laid out a vision of a revitalized school system in Washington state. Envisioned was a comprehensive assessment system committed to high academic standards for all of its students. The Washington assessment of student learning was created as a tool to measure whether students were reaching the high academic standards. The legislature continues to support this assessment as a part of a comprehensive assessment system. Recently some alternative assessments have been developed. The legislature finds that there is interest in exploring why some students have not been able to meet the state standards and whether additional alternative methods, options, procedures, or performance measures could be used to augment the current system.

NEW SECTION. Sec. 2. (1) The Washington state institute for public policy shall conduct a study to explore options to augment the current system of assessments to provide additional opportunities for students to demonstrate that they have met the state learning standards. The study is limited to:

(a) A review and statistical analysis of Washington assessment of student learning data to increase understanding of the students who did not meet the standard in one or more areas of assessment, identify the characteristics of those students, and identify possible barriers to student success or possible causes of the lack of success;

(b) A review and identification of additional alternative assessment options that could be used to augment the current assessment system. In identifying the alternative assessment options, the institute shall include a review of alternative assessments used in other states as well as those that have been developed and those that have been proposed in Washington. The institute shall examine the use of national tests as well as career skill certification exams in their review of possible alternative assessment options. For each of the identified alternative assessment options, the study shall at a minimum include:

(i) An estimation of the costs for implementation;

(ii) A review of the cultural appropriateness;

(iii) Whether the alternative assessment reliably measures a student's ability to meet state learning standards in one or more of the required content areas;

(iv) Whether the alternative assessment is in compliance with RCW 28A.655.061(1); and

(v) Any challenges to implementation for each of the identified alternative assessment options, including any legislative action necessary for implementation;

(c) A review and identification of additional alternative methods, procedures, or combinations of performance measures, including those proposed in Washington, to assess whether students have met the state learning standards. For each of the identified alternative methods, procedures, or performance measures, the study shall at a minimum include:

(i) An estimation of the costs for implementation;

(ii) A review of the cultural appropriateness;

(iii) Whether the method, procedure, or performance measure reliably measures a student's ability to meet state learning standards in one or more of the required content areas;

(iv) Whether the method, procedure, or performance measure is in compliance with RCW 28A.655.061(1);

(v) Any challenges to implementation for each of the identified methods, procedures, or performance measures, including any legislative action necessary for implementation; and

(vi) Whether the procedures or methods could be standardized across the state.

(2) The Washington state institute for public policy shall provide an interim report to the legislature by December 1, 2006, and a final report by December 1, 2007. The interim report shall include a preliminary statistical analysis of the information required under subsection (1)(a) of this section and shall include recommendations on at least two alternative assessment options, alternative methods, procedures, or performance measures that were reviewed under subsection (1)(b) and (c) of this section. The final study shall include suggestions for any follow-up studies that the legislature could undertake to continue to build on the information obtained in this study.

(3) The institute shall consult, at a minimum, with nationally recognized experts on assessments including representatives from nationally recognized centers for multicultural education, representatives of the office of the superintendent of public instruction, educators, counselors, parents, the business community, classified employees, career and technical organizations, representatives of federally recognized Washington tribes, representatives of cultural, linguistic, and racial minority groups, and the community of persons with disabilities in developing the initial list of possible alternative assessment options, alternative assessment methods, procedures, or performance measures to be reviewed under subsection (1)(b) and (c) of this section.

(4) The office of the superintendent of public instruction and school districts shall provide the institute with access to all necessary data to conduct the studies in this act.

NEW SECTION. **Sec. 3.** This act shall be known as the Booth Gardner Act."

Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

Referred to Committee on Appropriations.

February 22, 2006

SSB 6625 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Concerning the management of public lands. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Uptegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Hunt; Kagi and Orcutt.

Referred to Committee on Capital Budget.

February 21, 2006

SB 6658 Prime Sponsor, Senator Thibaudeau: Revising experience requirements for licensed mental health counselors. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 21, 2006

SJM 8039 Prime Sponsor, Senator Brown: Requesting changes to the Medicare Modernization Act. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey; Condotta and Skinner.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 6384 and ENGROSSED SUBSTITUTE SENATE BILL NO. 6386 which were placed on second reading.

The Speaker (Representative Morris presiding) called upon Representative Hudgins to preside.

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

There being no objection, the House adjourned until 10:00 a.m., February 24, 2006, the 47th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FORTY SEVENTH DAY

House Chamber, Olympia, Friday, February 24, 2006

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Adam Saul and Ryan Major. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Paul Lundborg, Lutheran Church of the Good Shepherd.

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

RESOLUTION

HOUSE RESOLUTION NO. 2006-4695, By Representatives Bailey, Sump, Kristiansen, Newhouse, Kenney, Anderson, Alexander, Woods, Haler, McCune, Roberts, Talcott, Morrell, Haigh, Strow, Pearson, Lovick, Morris, Jarrett, Nixon, Kretz, Condotta, Clements, Ericksen, Tom, McCoy, Kagi, Green, Lantz, Upthegrove, B. Sullivan, Dunn, Wallace, Crouse, Skinner, Serben, Hudgins, Cox, Quall, Holmquist, Roach, Armstrong, Springer, Appleton, O'Brien, Blake, Clibborn, Kessler, Kilmer, Simpson and Sells

WHEREAS, The Navy League was established in 1902 by the encouragement of Theodore Roosevelt; and

WHEREAS, The Mission of the Navy League is to educate and motivate Americans to embrace the importance of maritime activities; and

WHEREAS, Our country's freedom and safety is protected by those in the maritime forces; and

WHEREAS, For one hundred four years, the Navy League has been the foremost civilian organization designed to support men and women of the sea services and their families; and

WHEREAS, The Navy League provides support and recognition for the personnel of the Navy, Marines, Coast Guard, and United States Flag Merchant Marines; and

WHEREAS, Many youth programs are offered to increase knowledge of maritime's history, customs, and traditions; and

WHEREAS, The Navy League's programs give students the powerful tools of confidence, personal honor, and respect; and

WHEREAS, Over two hundred thousand dollars in scholarships have been given to students by the Navy League; and

WHEREAS, With over seventy thousand members worldwide, the Navy League is achieving their goals of educating, supporting, and promoting peace throughout the nation and the world;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives applaud the effort and work of the Navy League throughout the world, and also applaud the positive programs the Navy League provides for our youth; and

BE IT FURTHER RESOLVED, That the House of Representatives encourage all agencies of state government to

recognize the service and benefits that are provided by the Navy League for the purpose of supporting the people who are dedicated to our country; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Navy League.

Representative Bailey moved the adoption of the resolution.

Representatives Bailey and Appleton spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4695 was adopted.

The Speaker (Representative Lovick presiding) recognized Lieutenant Colonel John Panneton, U.S. Marine Corps, Retired, and National President of the Navy League of the United States; Ron Testa, Northwest Regional President, Navy League of the United States; Roger Ponto, National Director, Navy League of the United States; Tom Jaffa, National Vice President, Navy League of the United States.

REPORTS OF STANDING COMMITTEES

February 22, 2006

HB 3293 Prime Sponsor, Representative Roach: Regarding disorderly conduct. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 23, 2006

HB 3316 Prime Sponsor, Representative Dunshee: Authorizing the issuance of general obligation bonds. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Ormsby, Vice Chairman; Blake; Chase; Eickmeyer; Ericks; Flannigan; Green; Hasegawa; Lantz; Moeller; Morrell; O'Brien; Schual-Berke; Springer and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Clements; Cox; Ericksen; Kretz; Kristiansen; McCune; Newhouse; Roach; Serben and Strow.

February 23, 2006

SSB 5042 Prime Sponsor, Senate Committee On Judiciary: Tolling the statute of limitations for felony sex offenses. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

February 22, 2006

SB 5106 Prime Sponsor, Senator Swecker: Clarifying authority over hazardous materials inspections. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Appleton; Buck; Campbell; Clibborn; Dickerson; Flannigan; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Sells; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Buck; Curtis; Ericksen; Hankins; Holmquist; Nixon; Rodne; Schindler and Shabro.

Passed to Committee on Rules for second reading.

February 22, 2006

SB 5329 Prime Sponsor, Senator Pflug: Establishing an industry cluster-based approach to economic development. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Bailey; Blake; Buri; Chase; Clibborn; Dunn; Grant; Haler; Holmquist; Kilmer; Kretz; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

Passed to Committee on Rules for second reading.

February 22, 2006

ESB 5330 Prime Sponsor, Senator Shin: Creating the economic development grants program. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature declares that it is the state's policy to encourage the use of federal and private funds for economic development purposes and to use state resources to leverage federal and private dollars to supplement state economic development efforts.

NEW SECTION. Sec. 2. A new section is added to chapter 43.330 RCW to read as follows:

(1) The department shall make available, within existing resources, an inventory of grant opportunities for state agencies, local governments, and other community organizations engaged in economic development activities.

(2) In developing the inventory of economic development grant opportunities, the department may:

(a) Regularly review the federal register for opportunities to apply for grants, research projects, and demonstration projects;

(b) Maintain an inventory of grant opportunities with private foundations and businesses; and

(c) Consult with federal officials, including but not limited to those in the small business administration, the department of labor, the department of commerce, the department of agriculture, the department of ecology, as well as private foundations and businesses, on the prospects for obtaining federal and private funds for economic development purposes in Washington state.

(3) The department may also facilitate joint efforts between agencies and between local organizations and state agencies that will increase the likelihood of success in grant seeking and the attraction of major events."

Correct the title.

Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Bailey; Blake; Buri; Chase; Clibborn; Dunn; Grant; Haler; Holmquist; Kilmer; Kretz; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

Referred to Committee on Appropriations.

February 22, 2006

ESB 5462 Prime Sponsor, Senator McCaslin: Changing the terms for nonlegislative members of the legislative ethics board. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloschia; Schindler and Sump.

Passed to Committee on Rules for second reading.

February 22, 2006

SSB 5611 Prime Sponsor, Senate Committee On Judiciary: Changing the interest rate on legal financial obligations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 3, beginning on line 32, after "rendered." strike all material through "10.82.090." on line 35 and insert "~~(The method for determining an interest rate prescribed by this subsection is also the method for determining the "rate applicable to civil judgments" for purposes of RCW 10.82.090.)~~)"

Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Kirby; Serben; Springer; Williams and Wood.

Referred to Committee on Appropriations.

February 22, 2006
SSB 5654 Prime Sponsor, Senate Committee On Judiciary:
 Protecting the privacy of personal information of
 criminal justice officials. Reported by
 Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the dissemination of personally identifying information as proscribed in RCW 4.24.680 is not in the public interest.

Sec. 2. RCW 4.24.680 and 2002 c 336 s 1 are each amended to read as follows:

((A person or organization shall not, with the intent to harm or intimidate, sell, trade, give, publish, distribute, or otherwise release the residential address, residential telephone number, birthdate, or social security number of any law enforcement-related, corrections officer-related, or court-related employee or volunteer, or someone with a similar name, and categorize them as such, without the express written permission of the employee or volunteer unless specifically exempted by law or court order.))

(1) A person shall not knowingly make available on the world wide web the personal information of a peace officer, corrections person, justice, judge, commissioner, public defender, or prosecutor if the dissemination of the personal information poses an imminent and serious threat to the peace officer's, corrections person's, justice's, judge's, commissioner's, public defender's, or prosecutor's safety or the safety of that person's immediate family and the threat is reasonably apparent to the person making the information available on the world wide web to be serious and imminent.

(2) It is not a violation of this section if an employee of a county auditor or county assessor publishes personal information, in good faith, on the web site of the county auditor or county assessor in the ordinary course of carrying out public functions.

(3) For the purposes of this section:

(a) "Commissioner" means a commissioner of the superior court, court of appeals, or supreme court.

(b) "Corrections person" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those whose civil rights have been limited in some way by legal sanction.

(c) "Immediate family" means a peace officer's, corrections person's, justice's, judge's, commissioner's, public defender's, or prosecutor's spouse, child, or parent and any other adult who lives in the same residence as the person.

(d) "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate, the United States bankruptcy court, and the Washington court of appeals, superior court, district court, or municipal court.

(e) "Justice" means a justice of the United States supreme court or Washington supreme court.

(f) "Personal information" means a peace officer's, corrections person's, justice's, judge's, commissioner's, public defender's, or prosecutor's home address, home telephone number, pager number, social security number, home e-mail address, directions to the person's home, or photographs of the person's home or vehicle.

(g) "Prosecutor" means a county prosecuting attorney, a city attorney, the attorney general, or a United States attorney and their assistants or deputies.

(h) "Public defender" means a federal public defender, or other public defender, and his or her assistants or deputies.

Sec. 3. RCW 4.24.700 and 2002 c 336 s 3 are each amended to read as follows:

((Any law enforcement-related, corrections officer-related, or court-related employee or volunteer who suffers damages as a result of a person or organization selling, trading, giving, publishing,

distributing, or otherwise releasing the residential address, residential telephone number, birthdate, or social security number of the employee or volunteer in violation of RCW 4.24.680 may bring an action against the person or organization in court for actual damages sustained, plus attorneys' fees and costs.))

Any person whose personal information is made available on the world wide web as described in RCW 4.24.680(1) who suffers damages as a result of such conduct may bring an action against the person or organization who makes such information available, for actual damages sustained plus damages in an amount not to exceed one thousand dollars for each day the personal information was made available on the world wide web, and reasonable attorneys' fees and costs.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 22, 2006
2SSB 5717 Prime Sponsor, Senate Committee On Early Learning, K-12 & Higher Education: Requiring a study on the availability and use of skill centers. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 23, 2006
SSB 5838 Prime Sponsor, Senate Committee On Health & Long-Term Care: Limiting the substitution of preferred drugs in hepatitis C treatment. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 22, 2006
SB 6059 Prime Sponsor, Senator Berkey: Authorizing state agencies to create sick leave pools for employees. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.04 RCW to read as follows:

The department of personnel and other personnel authorities shall adopt rules governing the accumulation and use of sick leave for state agency and department employees, expressly for the establishment of a plan allowing participating employees to pool sick leave and allowing any sick leave thus pooled to be used by any participating employee who has used all of the sick leave that has been personally accrued by him or her. Each department or agency of the state may allow employees to participate in a sick leave pool established by the department of personnel.

(1) For purposes of calculating maximum sick leave that may be donated or received by any one employee, pooled sick leave:

(a) Is counted and converted in the same manner as sick leave under the Washington state leave sharing program as provided in this chapter; and

(b) Does not create a right to sick leave in addition to the amount that may be donated or received under the Washington state leave sharing program as provided in this chapter.

(2) Rules adopted by the department shall provide:

(a) That employees are eligible to participate in the sick leave pool after one year of employment with the state or agency of the state if the employee has accrued a minimum amount of unused sick leave, to be established by rule;

(b) That participation in the sick leave pool shall, at all times, be voluntary on the part of the employees;

(c) That any sick leave pooled shall be removed from the personally accumulated sick leave balance of the employee contributing the leave;

(d) That any sick leave in the pool that is used by a participating employee may be used only for the employee's personal illness, accident, or injury;

(e) That a participating employee is not eligible to use sick leave accumulated in the pool until all of his or her personally accrued sick, annual, and compensatory leave has been used;

(f) A maximum number of days of sick leave in the pool that any one employee may use;

(g) That a participating employee who uses sick leave from the pool is not required to recontribute such sick leave to the pool, except as otherwise provided in this section;

(h) That an employee who cancels his or her membership in the sick leave pool is not eligible to withdraw the days of sick leave contributed by that employee to the pool;

(i) That an employee who transfers from one position in state government to another position in state government may transfer from one pool to another if the eligibility criteria of the pools are comparable and the administrators of the pools have agreed on a formula for transfer of credits;

(j) That alleged abuse of the use of the sick leave pool shall be investigated, and, on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the sick leave pool and shall be subject to such other disciplinary action as is determined by the agency head;

(k) That sick leave credits may be drawn from the sick leave pool by a part-time employee on a pro rata basis; and

(l) That each department or agency shall maintain accurate and reliable records showing the amount of sick leave which has been accumulated and is unused by employees, in accordance with guidelines established by the department of personnel.

NEW SECTION. Sec. 2. This act takes effect July 1, 2007."

Correct the title.

Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

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

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The purpose of this act is to aid law enforcement in combating crime through the rapid identification of all persons who require medical treatment as a result of a criminal act and to assist in the rapid identification of human remains.

Sec. 2. RCW 70.02.010 and 2005 c 468 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;

(b) A private or public program of payments to a health care provider; or

(c) Requirements for licensing, accreditation, or certification.

(2) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(3) "Federal, state, or local law enforcement authorities" means an officer of any agency or authority in the United States, a state, a tribe, a territory, or a political subdivision of a state, a tribe, or a territory who is empowered by law to: (a) Investigate or conduct an official inquiry into a potential criminal violation of law; or (b) prosecute or otherwise conduct a criminal proceeding arising from an alleged violation of law.

(4) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

~~((4))~~ (5) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

~~((5))~~ (6) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

~~((6))~~ (7) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

~~((7))~~ (8) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that the activities are related to functions that make an entity a health care provider, a health care facility, or a third-party payor:

(a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance and third-party payor performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that health care information is not disclosed to such policy holder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited dataset and fund-raising for the benefit of the health care provider, health care facility, or third-party payor.

~~((8))~~ (9) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

~~((9))~~ (10) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

~~((10))~~ (11) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

~~((11))~~ (12) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

~~((12))~~ (13) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

(A) Name and address;

(B) Date of birth;

(C) Social security number;

(D) Payment history;

(E) Account number; and

(F) Name and address of the health care provider, health care facility, and/or third-party payor.

~~((13))~~ (14) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

~~((14))~~ (15) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

~~((15))~~ (16) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan; or a state or federal health benefit program.

~~((16))~~ (17) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for health care from one health care provider or health care facility to another.

Sec. 3. RCW 70.02.050 and 2005 c 468 s 4 are each amended to read as follows:

(1) A health care provider or health care facility may disclose health care information about a patient without the patient's authorization to the extent a recipient needs to know the information, if the disclosure is:

(a) To a person who the provider or facility reasonably believes is providing health care to the patient;

(b) To any other person who requires health care information for health care education, or to provide planning, quality assurance, peer review, or administrative, legal, financial, actuarial services to, or other health care operations for or on behalf of the health care provider or health care facility; or for assisting the health care provider or health care facility in the delivery of health care and the health care provider or health care facility reasonably believes that the person:

(i) Will not use or disclose the health care information for any other purpose; and

(ii) Will take appropriate steps to protect the health care information;

(c) To any other health care provider or health care facility reasonably believed to have previously provided health care to the patient, to the extent necessary to provide health care to the patient,

unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;

(d) To any person if the health care provider or health care facility reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the patient or any other individual, however there is no obligation under this chapter on the part of the provider or facility to so disclose;

(e) To immediate family members of the patient, or any other individual with whom the patient is known to have a close personal relationship, if made in accordance with good medical or other professional practice, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;

(f) To a health care provider or health care facility who is the successor in interest to the health care provider or health care facility maintaining the health care information;

(g) For use in a research project that an institutional review board has determined:

(i) Is of sufficient importance to outweigh the intrusion into the privacy of the patient that would result from the disclosure;

(ii) Is impracticable without the use or disclosure of the health care information in individually identifiable form;

(iii) Contains reasonable safeguards to protect the information from redisclosure;

(iv) Contains reasonable safeguards to protect against identifying, directly or indirectly, any patient in any report of the research project; and

(v) Contains procedures to remove or destroy at the earliest opportunity, consistent with the purposes of the project, information that would enable the patient to be identified, unless an institutional review board authorizes retention of identifying information for purposes of another research project;

(h) To a person who obtains information for purposes of an audit, if that person agrees in writing to:

(i) Remove or destroy, at the earliest opportunity consistent with the purpose of the audit, information that would enable the patient to be identified; and

(ii) Not to disclose the information further, except to accomplish the audit or report unlawful or improper conduct involving fraud in payment for health care by a health care provider or patient, or other unlawful conduct by the health care provider;

(i) To an official of a penal or other custodial institution in which the patient is detained;

(j) To provide directory information, unless the patient has instructed the health care provider or health care facility not to make the disclosure;

(k) To fire, police, sheriff, or another public authority, that brought, or caused to be brought, the patient to the health care facility or health care provider if the disclosure is limited to the patient's name, residence, sex, age, occupation, condition, diagnosis, estimated or actual discharge date, or extent and location of injuries as determined by a physician, and whether the patient was conscious when admitted;

(l) To federal, state, or local law enforcement authorities and the health care provider, health care facility, or third-party payor believes in good faith that the health care information disclosed constitutes evidence of criminal conduct that occurred on the premises of the health care provider, health care facility, or third-party payor;

(m) To another health care provider, health care facility, or third-party payor for the health care operations of the health care provider, health care facility, or third-party payor that receives the information, if each entity has or had a relationship with the patient who is the subject of the health care information being requested, the health care information pertains to such relationship, and the disclosure is for the purposes described in RCW 70.02.010((7)) (8) (a) and (b); or

(n) For payment.

(2) A health care provider shall disclose health care information about a patient without the patient's authorization if the disclosure is:

(a) To federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal licensure, certification or registration rules or laws; or when needed to protect the public health;

(b) To federal, state, or local law enforcement authorities to the extent the health care provider is required by law;

(c) To federal, state, or local law enforcement authorities, upon receipt of a written or oral request made to a nursing supervisor, administrator, or designated privacy official, in a case in which the patient is being treated or has been treated for a bullet wound, gunshot wound, powder burn, or other injury arising from or caused by the discharge of a firearm, or an injury caused by a knife, an ice pick, or any other sharp or pointed instrument which federal, state, or local law enforcement authorities reasonably believe to have been intentionally inflicted upon a person, or a blunt force injury that federal, state, or local law enforcement authorities reasonably believe resulted from a criminal act, the following information, if known:

(i) The name of the patient;

(ii) The patient's residence;

(iii) The patient's sex;

(iv) The patient's age;

(v) The patient's condition;

(vi) The patient's diagnosis, or extent and location of injuries as determined by a health care provider;

(vii) Whether the patient was conscious when admitted;

(viii) The name of the health care provider making the determination in (c)(v), (vi), and (vii) of this subsection;

(ix) Whether the patient has been transferred to another facility; and

(x) The patient's discharge time and date;

(d) To county coroners and medical examiners for the investigations of deaths;

((7)) (e) Pursuant to compulsory process in accordance with RCW 70.02.060.

(3) All state or local agencies obtaining patient health care information pursuant to this section shall adopt rules establishing their record acquisition, retention, and security policies that are consistent with this chapter.

Sec. 4. RCW 68.50.320 and 2001 c 223 s 1 are each amended to read as follows:

When a person reported missing has not been found within thirty days of the report, the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority initiating and conducting the investigation for the missing person shall ask the missing person's family or next of kin to give written consent to contact the dentist or dentists of the missing person and request the person's dental records.

The missing person's dentist or dentists shall provide diagnostic quality copies of the missing person's dental records or original dental records to the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority, when presented with the written consent from the missing person's family or next of kin or with a statement from the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority that the missing person's family or next of kin could not be located in the exercise of due diligence or that the missing person's family or next of kin refuse to consent to the release of the missing person's dental records and there is reason to believe that the missing person's family or next of kin may have been involved in the missing person's disappearance.

When a person reported missing has not been found within thirty days, the sheriff, chief of police, or other law enforcement authority initiating and conducting the investigation for the missing person shall confer with the county coroner or medical examiner prior to the preparation of a missing person's report. After conferring with the coroner or medical examiner, the sheriff, chief of police, or other law enforcement authority shall submit a missing person's report and the dental records received under this section to the dental identification system of the state patrol identification, child abuse, vulnerable adult abuse, and criminal history section on forms supplied by the state patrol for such purpose.

When a person reported missing has been found, the sheriff, chief of police, coroner or medical examiner, or other law enforcement authority shall report such information to the state patrol.

The dental identification system shall maintain a file of information regarding persons reported to it as missing. The file shall contain the information referred to in this section and such other information as the state patrol finds relevant to assist in the location of a missing person.

The files of the dental identification system shall, upon request, be made available to law enforcement agencies attempting to locate missing persons.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6141 Prime Sponsor, Senate Committee On Water, Energy & Environment: Including the value of wind turbine facilities in the property tax levy limit calculation. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; P. Sullivan; Sump; Takko and Wallace.

Referred to Committee on Finance.

February 22, 2006

ESSB 6151 Prime Sponsor, Senate Committee On Water, Energy & Environment: Protecting aquifer levels. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Bailey; Blake; Buri; Clibborn; Dunn; Grant; Haler; Holmquist; Kilmer; Kretz; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Chase and McCoy.

Passed to Committee on Rules for second reading.

February 22, 2006

SB 6162 Prime Sponsor, Senator Haugen: Harmonizing and updating various aspects of the urban arterial program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Appleton; Campbell; Clibborn; Dickerson;

Flannigan; Hankins; Hudgins; Kilmer; Lovick; Morris; Sells; Simpson; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Buck; Curtis; Ericksen; Holmquist; Jarrett; Nixon; Rodne; Schindler and Shabro.

Passed to Committee on Rules for second reading.

February 22, 2006

ESB 6169 Prime Sponsor, Senator Kohl-Welles: Authorizing removal of discriminatory provisions in the governing documents of homeowners' associations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 22, 2006

ESSB 6189 Prime Sponsor, Senate Committee On Health & Long-Term Care: Requiring hospitals to provide patients certain billing information. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6196 Prime Sponsor, Senate Committee On Health & Long-Term Care: Including a health official from a federally recognized tribe on the state board of health. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.20.030 and 1984 c 287 s 75 and 1984 c 243 s 2 are each reenacted and amended to read as follows:

The state board of health shall be composed of ten members. These shall be the secretary or the secretary's designee and nine other persons to be appointed by the governor, including four persons experienced in matters of health and sanitation, one of whom is a health official from a federally recognized tribe; an elected city official who is a member of a local health board(;;); an elected county official who is a member of a local health board(;;); a local health officer(;;); and two persons representing the consumers of health care. Before appointing the city official, the governor shall consider any recommendations submitted by the association of Washington cities. Before appointing the county official, the governor shall consider any recommendations submitted by the Washington state association of counties. Before appointing the local

health officer, the governor shall consider any recommendations submitted by the Washington state association of local public health officials. Before appointing one of the two consumer representatives, the governor shall consider any recommendations submitted by the state council on aging. The chairman shall be selected by the governor from among the nine appointed members. The department of ~~((social and health services))~~ health shall provide necessary technical staff support to the board. The board may employ an executive director and a confidential secretary, each of whom shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 2. This act shall be known as the Sue Crystal memorial act."

Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Bailey; Condotta and Skinner.

Passed to Committee on Rules for second reading.

February 22, 2006

SSB 6201 Prime Sponsor, Senate Committee On Financial Institutions, Housing & Consumer Protection: Creating a homeowners' association act committee. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 22, 2006

SB 6219 Prime Sponsor, Senator Keiser: Providing for financial literacy education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

On page 2, after line 5, insert the following:

"**Sec. 3.** RCW 28A.300.455 and 2004 c 247 s 3 are each amended to read as follows:

(1) By September 30, 2004, the financial literacy public-private partnership shall adopt a definition of financial literacy to be used in educational efforts.

(2) By June 30, ~~((2005))~~ 2007, the financial literacy public-private partnership shall identify strategies to increase the financial literacy of public school students in our state. To the extent funds are available, strategies to be considered by the partnership shall include, but not be limited to:

(a) Identifying and making available to school districts:

(i) Important financial literacy skills and knowledge;

(ii) Ways in which teachers at different grade levels may integrate financial literacy in mathematics, social studies, and other course content areas;

(iii) Instructional materials and programs, including schoolwide programs, that include the important financial literacy skills and knowledge;

(iv) Assessments and other outcome measures that schools and communities may use to determine whether students are financially

literate; ~~((and))~~

(v) A template and resource materials to aid districts in guiding student culminating projects with a focus on personal finance; and

~~((vi))~~ Other strategies for expanding and increasing the quality of financial literacy instruction in public schools, including professional development for teachers;

(b) Developing a structure and set of operating principles for the financial literacy public-private partnership to assist interested school districts in improving the financial literacy of their students by providing such things as financial literacy instructional materials and professional development; ~~((and))~~

(c) Developing essential academic learning requirements for personal finance;

(d) Preparing recommendations for the inclusion of financial literacy principles in the Washington assessment of student learning; and

(e) Providing a report to the governor, the house and senate financial institutions and education committees of the legislature, the superintendent of public instruction, the state board of education, and education stakeholder groups, on the results of work of the financial literacy public-private partnership. A final report shall be submitted to the same parties by June 30, ~~((2007))~~-2008.

Sec. 4. RCW 28A.300.460 and 2004 c 247 s 5 are each amended to read as follows:

The task of the financial literacy public-private partnership is to seek out and determine the best methods of equipping students with the knowledge and skills they need, before they become self-supporting, in order for them to make critical decisions regarding their personal finances. The components of personal financial literacy examined shall include, at a minimum, consumer financial education, personal finance, and personal credit. The partnership shall identify the types of outcome measures expected from participating districts and students, in accordance with the definitions and outcomes developed under RCW 28A.300.455.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.230 RCW to read as follows:

(1) To the extent funds are appropriated or are available for this purpose, the superintendent of public instruction and other members of the partnership created in RCW 28A.300.455 shall make available to school districts the list of identified financial literacy skills and knowledge, instructional materials, assessments, and other relevant information.

(2) For the purposes of RCW 28A.300.455, 28A.300.460, and this section, it is not necessary to evaluate and apply the office of the superintendent of public instruction essential academic learning requirements or to develop grade level expectations.

NEW SECTION. Sec. 6. (1) The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2007, from the general fund to the Washington financial literacy public-private partnership account for the purposes of RCW 28A.300.465.

(2) The amount in this section is provided solely for the purposes of RCW 28A.300.465. The superintendent of public instruction or the superintendent's designee may authorize expenditure of the amount provided in this section as equal matching amounts from nonstate sources are received in the Washington financial literacy public-private partnership account.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

Referred to Committee on Appropriations.

February 22, 2006

SSB 6221 Prime Sponsor, Senate Committee On Government Operations & Elections: Concerning use of public funds to finance campaigns for local office. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass as amended:

On page 1, line 11, after "office," strike all material through "power," on line 15 and insert the following:

"The ordinance or resolution must be submitted to, and approved by, a vote of the people at the next general election in the form of a referendum, or the form of an advisory ballot, or through the initiative process for those jurisdictions that have those powers."

Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Hunt; McDermott and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Schindler and Sump.

Passed to Committee on Rules for second reading.

February 22, 2006

SSB 6223 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Modifying provisions regarding abandoned or derelict vessels. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 79.100 RCW to read as follows:

A person who causes a vessel to become abandoned or derelict upon aquatic lands is guilty of a misdemeanor.

Sec. 2. RCW 79.100.010 and 2002 c 286 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandoned vessel" means the vessel's owner is not known or cannot be located, or if the vessel's owner is known and located but is unwilling to take control of the vessel, and the vessel has been left, moored, or anchored in the same area without the express consent, or contrary to the rules, of the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five day period. For the purposes of this subsection (1) only, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.

(2) "Aquatic lands" means all tidelands, shorelands, harbor areas, and the beds of navigable waters, including lands owned by the state and lands owned by other public or private entities.

(3) "Authorized public entity" includes any of the following: The department of natural resources; the department of fish and wildlife; the parks and recreation commission; a metropolitan park district; a port district; and any city, town, or county with ownership,

management, or jurisdiction over the aquatic lands where an abandoned or derelict vessel is located.

(4) "Department" means the department of natural resources.

(5) "Derelict vessel" means the vessel's owner is known and can be located, and exerts control of a vessel that:

(a) Has been moored, anchored, or otherwise left in the waters of the state or on public property contrary to RCW ((79.01.760)) 79.02.300 or rules adopted by an authorized public entity;

(b) Has been left on private property without authorization of the owner; or

(c) Has been left for a period of seven consecutive days, and:

(i) Is sunk or in danger of sinking;

(ii) Is obstructing a waterway; or

(iii) Is endangering life or property.

(6) "Owner" means any natural person, firm, partnership, corporation, association, government entity, or organization that has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(7) "Vessel" has the same meaning as defined in RCW 53.08.310.

Sec. 3. RCW 79.100.040 and 2002 c 286 s 5 are each amended to read as follows:

(1) Prior to exercising the authority granted in RCW 79.100.030, the authorized public entity must first obtain custody of the vessel. To do so, the authorized public entity must:

(a) Mail notice of its intent to obtain custody, at least twenty days prior to taking custody, to the last known address of the previous owner to register the vessel in any state or with the federal government and to any lien holders or secured interests on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or federal agency;

(b) Post notice of its intent clearly on the vessel for thirty days and publish its intent at least once, more than ten days but less than twenty days prior to taking custody, in a newspaper of general circulation for the county in which the vessel is located; and

(c) Post notice of its intent on the department's internet web site on a page specifically designated for such notices. If the authorized public entity is not the department, the department must facilitate the internet posting.

(2) All notices sent, posted, or published in accordance with this section must, at a minimum, explain the intent of the authorized public entity to take custody of the vessel, the rights of the authorized public entity after taking custody of the vessel as provided in RCW 79.100.030, the procedures the owner must follow in order to avoid custody being taken by the authorized public entity, the procedures the owner must follow in order to reclaim possession after custody is taken by the authorized public entity, and the financial liabilities that the owner may incur as provided for in RCW 79.100.060.

(3) If a vessel is in immediate danger of sinking, breaking up, or blocking navigational channels, and the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel, ((~~an~~) any) authorized public entity may tow, beach, or otherwise take temporary possession of the vessel. Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the department ((~~and~~) or) the United States coast guard to ensure that other remedies are not available. The basis for taking temporary possession of the vessel must be set out in writing by the authorized public entity within seven days of taking action and be submitted to the owner, if known, as soon thereafter as is reasonable. If the authorized public entity has not already provided the required notice, immediately after taking possession of the vessel, the authorized public entity must initiate the notice provisions in subsection (1) of this section. The authorized public entity must complete the notice requirements of subsection (1) of this section before using or disposing of the vessel as authorized in RCW 79.100.050.

Sec. 4. RCW 79.100.060 and 2002 c 286 s 7 are each amended to read as follows:

(1) The owner of an abandoned or derelict vessel is responsible for reimbursing an authorized public entity for all reasonable and auditable costs associated with the removal or disposal of the owner's vessel under this chapter. These costs include, but are not limited to, costs incurred exercising the authority granted in RCW 79.100.030, all administrative costs incurred by the authorized public entity during the procedure set forth in RCW 79.100.040, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. An authorized public entity that has taken temporary possession of a vessel may require that all reasonable and auditable costs associated with the removal of the vessel be paid before the vessel is released to the owner.

(2) Reimbursement for costs may be sought from an owner who is identified subsequent to the vessel's removal and disposal.

(3) If the full amount of all costs due to the authorized public entity under this chapter is not paid to the authorized public entity within thirty days after first notifying the responsible parties of the amounts owed, the authorized public entity or the department may bring an action in any court of competent jurisdiction to recover the costs, plus reasonable attorneys' fees and costs incurred by the authorized public entity.

NEW SECTION. Sec. 5. A new section is added to chapter 79.100 RCW to read as follows:

(1) A person seeking to contest an authorized public entity's decision to take temporary possession or custody of a vessel under this chapter, or to contest the amount of reimbursement owed to an authorized public entity under this chapter, may request a hearing in accordance with this section.

(2)(a) If the contested decision or action was undertaken by a state agency, a written request for a hearing related to the decision or action must be filed with the aquatic resources division of the department within twenty days of the date the authorized public entity acquires custody of the vessel under RCW 79.100.040, or if the vessel is redeemed before the authorized public entity acquires custody, the date of redemption, or the right to a hearing is deemed waived and the vessel's owner is liable for any costs owed the authorized public entity. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(b) Upon receipt of a timely hearing request, the department shall proceed to hear and determine the validity of the decision to take the vessel into temporary possession or custody and the reasonableness of any towing, storage, or other charges permitted under this chapter. Within five business days after the request for a hearing is filed, the department shall notify the vessel owner requesting the hearing and the authorized public entity of the date, time, and location for the hearing. Unless the vessel is redeemed before the request for hearing is filed, the department shall set the hearing on a date that is within ten business days of the filing of the request for hearing. If the vessel is redeemed before the request for hearing is filed, the department shall set the hearing on a date that is within sixty days of the filing of the request for hearing.

(3)(a) If the contested decision or action was undertaken by a metropolitan park district, port district, city, town, or county, which has adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, those rules or procedures must be followed in order to contest a decision to take temporary possession or custody of a vessel, or to contest the amount of reimbursement owed.

(b) If the metropolitan park district, port district, city, town, or county has not adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, then a person requesting a hearing under this section must follow the procedure established in RCW 53.08.320(5) for contesting the decisions or actions of moorage facility operators.

Sec. 6. RCW 79.100.100 and 2002 c 286 s 11 are each amended to read as follows:

(1) The derelict vessel removal account is created in the state treasury. All receipts from RCW 79.100.050 and 79.100.060 and those moneys specified in RCW 88.02.030 and 88.02.050 must be deposited into the account. The account is authorized to receive gifts, grants, and endowments from public or private sources as may be

made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income according to the terms of the gifts, grants, or endowments provided those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this chapter. Moneys in the account may only be spent after appropriation. Expenditures from the account shall be used by the department to reimburse authorized public entities for ~~((seventy-five))~~ up to ninety percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the previous owner is either unknown after a reasonable search effort or insolvent. ~~((During the 2001-2003 biennium, up to forty percent of the expenditures from the account may be used for administrative expenses of the department of licensing and department of natural resources in implementing this chapter.))~~ Costs associated with removal and disposal of an abandoned or derelict vessel under the authority granted in RCW 53.08.320 also qualify for reimbursement from the derelict vessel removal account. In each ~~((subsequent))~~ biennium, up to twenty percent of the expenditures from the account may be used for administrative expenses of the department of licensing and department of natural resources in implementing this chapter.

(2) If the balance of the account reaches one million dollars as of March 1st of any year, the department must notify the department of licensing and the collection of any fees associated with this account must be suspended for the following fiscal year.

(3) Priority for use of this account is for the removal of derelict and abandoned vessels that are in danger of sinking, breaking up, or blocking navigation channels, or that present environmental risks such as leaking fuel or other hazardous substances. The department must develop criteria, in the form of informal guidelines, to prioritize removal projects associated with this chapter, but may not consider whether the applicant is a state or local entity when prioritizing. The guidelines must also include guidance to the authorized public entities as to what removal activities and associated costs are reasonable and eligible for reimbursement.

(4) The department must keep all authorized public entities apprized of the balance of the derelict vessel removal account and the funds available for reimbursement. The guidelines developed by the department must also be made available to the other authorized public entities. This subsection (4) must be satisfied by utilizing the least costly method, including maintaining the information on the department's internet web site, or any other cost-effective method.

(5) An authorized public entity may contribute its ~~((twenty-five))~~ ten percent of costs that are not eligible for reimbursement by using in-kind services, including the use of existing staff, equipment, and volunteers.

(6) This chapter does not guarantee reimbursement for an authorized public entity. Authorized public entities seeking certainty in reimbursement prior to taking action under this chapter may first notify the department of their proposed action and the estimated total costs. Upon notification by an authorized public entity, the department must make the authorized public entity aware of the status of the fund and the likelihood of reimbursement being available. The department may offer technical assistance and assure reimbursement for up to two years following the removal action if an assurance is appropriate given the balance of the fund and the details of the proposed action.

NEW SECTION. Sec. 7. RCW 79.100.090 (Contest custody/reimbursement--Lawsuit) and 2002 c 286 s 10 are each repealed."

Signed by Representatives B. Sullivan, Chairman; Uptegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

February 22, 2006

SSB 6225 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Regulating the business of installing, repairing, and maintaining domestic water pumping systems. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 22, 2006

SB 6248 Prime Sponsor, Senator Haugen: Requiring the department of transportation to reimburse drainage and diking districts for maintenance and repairs to drainage facilities if the department does not respond to written notice by the districts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Takko; Upthegrove and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Simpson.

Passed to Committee on Rules for second reading.

February 22, 2006

SSB 6330 Prime Sponsor, Senate Committee On International Trade & Economic Development: Establishing the Washington trade corps fellowship program. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Blake; Chase; Clibborn; Grant; Holmquist; Kilmer; McCoy; Morrell; Newhouse; Quall; P. Sullivan and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey; Buri; Dunn; Haler; Kretz and Strow.

Referred to Committee on Appropriations.

February 22, 2006

ESB 6342 Prime Sponsor, Senator Kline: Changing the election and appointment provisions for municipal court judges. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Rodne, Assistant Ranking Minority Member; Kirby; Serben and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member; Springer and Wood.

Passed to Committee on Rules for second reading.

February 22, 2006

SB 6364 Prime Sponsor, Senator Roach: Prohibiting certain activities on motor driven boats and vessels. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Carbon monoxide is a potentially deadly gas that can lead to brain injury and death.

(2) Marine engines are not subject to the same federal and state-mandated emission controls as automobiles and, therefore, can emit dangerously high concentrations of carbon monoxide into the atmosphere, increasing the chance of exposure to potentially lethal amounts of carbon monoxide.

(3) Federal agencies have found that carbon monoxide can gather in deadly concentrations behind ski boats and cabin cruisers.

(4) Dangerous levels of carbon monoxide can accumulate around vessel swim decks and areas at the stern of the boat where occupants frequently sit or swim because the exhaust ports for both propulsion engines and generators are located nearby.

NEW SECTION. Sec. 2. A new section is added to chapter 79A.60 RCW to read as follows:

(1) It is unlawful for a person to operate a motor driven boat or vessel, other than a personal watercraft, or have the engine of a vessel run idle, when an individual is engaged in stern deck recreation.

(2) A violation of this subsection is an infraction punishable by a fine of up to one hundred dollars.

Sec. 3. RCW 79A.60.630 and 2005 c 392 s 3 are each amended to read as follows:

(1) The commission shall establish and implement by rule a program to provide required boating safety education. The boating safety education program shall include training on preventing the spread of aquatic invasive species. The program shall be phased in so that all boaters not exempted under RCW 79A.60.640(3) are required to obtain a boater education card by January 1, 2016. To obtain a boater education card, a boater shall provide a certificate of accomplishment issued by a boating educator for taking and passing an accredited boating safety education course, or pass an equivalency exam, or provide proof of completion of a course that meets the standard adopted by the commission.

(2) As part of the boating safety education program, the commission shall:

(a) Establish a program to be phased over eleven years starting July 1, 2005, with full implementation by January 1, 2016. The period July 1, 2005, through December 31, 2007, will be program development, boater notification of the new requirements for mandatory education, and processing cards to be issued to individuals having taken an accredited course prior to January 1, 2008. The schedule for phase-in of the mandatory education requirement by age group is as follows:

January 1, 2008 - All boat operators twenty years old and younger;
January 1, 2009 - All boat operators twenty-five years old and younger;

January 1, 2010 - All boat operators thirty years old and younger;
January 1, 2011 - All boat operators thirty-five years old and younger;

January 1, 2012 - All boat operators forty years old and younger;
January 1, 2013 - All boat operators fifty years old and younger;
January 1, 2014 - All boat operators sixty years old and younger;
January 1, 2015 - All boat operators seventy years old and younger;
January 1, 2016 - All boat operators;

(b) Establish a minimum standard of boating safety education accomplishment. The standard must be consistent with the applicable standard established by the national association of state boating law administrators;

(c) Adopt minimum standards for boating safety education course of instruction and examination that ensures compliance with the national association of state boating law administrators minimum standards;

(d) Approve and provide accreditation to boating safety education courses operated by volunteers, or commercial or nonprofit organizations, including, but not limited to, courses given by the United States coast guard auxiliary and the United States power squadrons;

(e) Include information about the dangers of carbon monoxide poisoning at the stern of a vessel and how to prevent such poisoning;

(f) Develop an equivalency examination that may be taken as an alternative to the boating safety education course;

~~((f))~~ (g) Establish a fee of ten dollars for the boater education card to fund all commission activities related to the boating safety education program created by chapter 392, Laws of 2005, including the initial costs of developing the program. Any surplus funds resulting from the fees received shall be distributed by the commission as grants to local marine law enforcement programs approved by the commission as provided in RCW 88.02.040;

~~((g))~~ (h) Establish a fee for the replacement of the boater education card that covers the cost of replacement;

~~((h))~~ (i) Consider and evaluate public agency and commercial opportunities to assist in program administration with the intent to keep administrative costs to a minimum;

~~((i))~~ (j) Approve and provide accreditation to boating safety education courses offered online; and

~~((j))~~ (k) Provide a report to the legislature by January 1, 2008, on its progress of implementation of the mandatory education program.

NEW SECTION. Sec. 4. A new section is added to chapter 88.02 RCW to read as follows:

(1) Any new or used motor driven boat or vessel, as that term is defined in RCW 79A.60.010, other than a personal watercraft, sold within this state must display a carbon monoxide warning sticker developed by the department on the interior of the vessel.

(2) For vessels sold by a dealer, the dealer shall ensure that the warning sticker has been affixed prior to completing a transaction.

(3) For a vessel sold by an individual, the department shall include the sticker in the registration materials provided to the new owner, and the department shall notify the new owner that the sticker must be affixed as described in subsection (1) of this section.

(4) A warning sticker already developed by a vessel manufacturer may satisfy the requirements of this section if it has been approved by the department. The department shall approve a carbon monoxide warning sticker that has been approved by the United States coast guard for similar uses in other states.

NEW SECTION. Sec. 5. A new section is added to chapter 88.02 RCW to read as follows:

The department shall include an informational brochure about the dangers of carbon monoxide poisoning and vessels and the warning stickers required by section 4 of this act as part of the registration materials mailed by the department for two consecutive years for registrations that are due or become due after the effective date of this section, and thereafter upon recommendation by the director of the department. The materials shall instruct the vessel owner to affix the stickers as required by section 4 of this act.

Sec. 6. RCW 79A.60.010 and 2005 c 392 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accredited course" means a mandatory course of instruction on boating safety education that has been approved by the commission.

(2) "Boat wastes" includes, but is not limited to, sewage, garbage, marine debris, plastics, contaminated bilge water, cleaning solvents, paint scrapings, or discarded petroleum products associated with the use of vessels.

(3) "Boater" means any person on a vessel on waters of the state of Washington.

(4) "Boater education card" means a card issued to a person who has successfully completed a boating safety education test and has paid the registration fee for a serial number record to be maintained in the commission's data base.

(5) "Boating educator" means a person providing an accredited course.

(6) "Carrying passengers for hire" means carrying passengers in a vessel on waters of the state for valuable consideration, whether given directly or indirectly or received by the owner, agent, operator, or other person having an interest in the vessel. This shall not include trips where expenses for food, transportation, or incidentals are shared by participants on an even basis. Anyone receiving compensation for skills or money for amortization of equipment and carrying passengers shall be considered to be carrying passengers for hire on waters of the state.

(7) "Certificate of accomplishment" means a form of certificate approved by the commission and issued by a boating educator to a person who has successfully completed an accredited course.

(8) "Commission" means the state parks and recreation commission.

(9) "Darkness" means that period between sunset and sunrise.

(10) "Environmentally sensitive area" means a restricted body of water where discharge of untreated sewage from boats is especially detrimental because of limited flushing, shallow water, commercial or recreational shellfish, swimming areas, diversity of species, the absence of other pollution sources, or other characteristics.

(11) "Guide" means any individual, including but not limited to subcontractors and independent contractors, engaged for compensation or other consideration by a whitewater river outfitter for the purpose of operating vessels. A person licensed under RCW 77.65.480 or 77.65.440 and acting as a fishing guide is not considered a guide for the purposes of this chapter.

(12) "Marina" means a facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

(13) "Motor driven boats and vessels" means all boats and vessels which are self propelled.

(14) "Motor vessel safety operating and equipment checklist" means a printed list of the safety requirements for a vessel with a motor installed or attached to the vessel being rented, chartered, or leased and meeting minimum requirements adopted by the commission in accordance with RCW 79A.60.630.

(15) "Muffler" or "muffler system" means a sound suppression device or system, including an underwater exhaust system, designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.

(16) "Operate" means to steer, direct, or otherwise have physical control of a vessel that is underway.

(17) "Operator" means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.

(18) "Observer" means the individual riding in a vessel who is responsible for observing a water skier at all times.

(19) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(20) "Person" means any individual, sole proprietorship, partnership, corporation, nonprofit corporation or organization,

limited liability company, firm, association, or other legal entity located within or outside this state.

(21) "Personal flotation device" means a buoyancy device, life preserver, buoyant vest, ring buoy, or buoy cushion that is designed to float a person in the water and that is approved by the commission.

(22) "Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(23) "Polluted area" means a body of water used by boaters that is contaminated by boat wastes at unacceptable levels, based on applicable water quality and shellfish standards.

(24) "Public entities" means all elected or appointed bodies, including tribal governments, responsible for collecting and spending public funds.

(25) "Reckless" or "recklessly" means acting carelessly and heedlessly in a willful and wanton disregard of the rights, safety, or property of another.

(26) "Rental motor vessel" means a motor vessel that is legally owned by a person that is registered as a rental and leasing agency for recreational motor vessels, and for which there is a written and signed rental, charter, or lease agreement between the owner, or owner's agent, of the vessel and the operator of the vessel.

(27) "Sewage pumpout or dump unit" means:

(a) A receiving chamber or tank designed to receive vessel sewage from a "porta-potty" or a portable container; and

(b) A stationary or portable mechanical device on land, a dock, pier, float, barge, vessel, or other location convenient to boaters, designed to remove sewage waste from holding tanks on vessels.

(28) "Stern deck recreation" means any aquatic recreation that involves holding onto or otherwise being in direct contact with the stern of a motor driven boat or vessel, other than a personal watercraft, while the vessel is being operated at any speed or when the vessel's engine is at idle. The term includes holding onto the swim deck, swim platform, swim ladder, or any other portion of the exterior or transom of the vessel and floating or swimming on one's stomach or back in the wake directly behind a vessel. The term does not include being dragged or pulled behind a vessel on the end of a length of rope, and does not include activities required for docking, departing, exiting, or entering the vessel, or for activities occurring when the vessel is engaged in law enforcement or emergency rescue activities.

(29) "Underway" means that a vessel is not at anchor, or made fast to the shore, or aground.

~~((29))~~ (30) "Vessel" includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, sailboards, and small rafts or flotation devices or toys customarily used by swimmers.

~~((30))~~ (31) "Water skiing" means the physical act of being towed behind a vessel on, but not limited to, any skis, aquaplane, kneeboard, tube, or any other similar device.

~~((31))~~ (32) "Waters of the state" means any waters within the territorial limits of Washington state.

~~((32))~~ (33) "Whitewater river outfitter" means any person who is advertising to carry or carries passengers for hire on any whitewater river of the state, but does not include any person whose only service on a given trip is providing instruction in canoeing or kayaking skills.

~~((33))~~ (34) "Whitewater rivers of the state" means those rivers and streams, or parts thereof, within the boundaries of the state as listed in RCW 79A.60.470 or as designated by the commission under RCW 79A.60.495.

Sec. 7. RCW 79A.60.610 and 1994 c 151 s 2 are each amended to read as follows:

The commission shall undertake a statewide recreational boating fire prevention education program concerning the safe use of marine fuels and electrical systems (~~and the hazards of carbon monoxide~~). The boating fire prevention education program shall provide for the distribution of fire safety materials and decals warning of fire hazards

and for educational opportunities to educate boaters on the safety practices needed to operate heaters, stoves, and other appliances in Washington's unique aquatic environment. The commission shall evaluate the boating public's voluntary participation in the program and the program's impact on safe boating.

NEW SECTION. Sec. 8. This act may be known and cited as the Jenda Jones and Denise Colbert safe boating act.

NEW SECTION. Sec. 9. Sections 4 and 5 of this act take effect January 1, 2007."

Correct the title.

Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Hunt; Kagi and Orcutt.

Referred to Committee on Appropriations.

February 23, 2006
SSB 6365 Prime Sponsor, Senate Committee On Agriculture & Rural Economic Development: Changing fees in the weights and measures program. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends that the state's weights and measures program meet the national average for frequency of inspections as reported by the national conference on weights and measures in its 2003 survey of inspection statistics, or a successor report."

Correct the title.

Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Appleton; Blake; Chase; Clibborn; Grant; McCoy; Morrell; Quall; P. Sullivan and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Bailey; Buri; Dunn; Haler; Holmquist; Kilmer; Kretz; Newhouse and Strow.

Passed to Committee on Rules for second reading.

February 22, 2006
SB 6371 Prime Sponsor, Senator Rasmussen: Regulating the disposal of dead animals. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Bailey; Blake; Buri; Chase; Clibborn; Dunn; Grant; Haler; Holmquist; Kilmer; Kretz; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

Passed to Committee on Rules for second reading.

February 21, 2006
SB 6373 Prime Sponsor, Senator Keiser: Removing expiration of reporting to the legislature of holding a boarding home medicaid eligible resident's room or unit. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.20.290 and 2004 c 142 s 13 are each amended to read as follows:

(1) When a boarding home contracts with the department to provide adult residential care services, enhanced adult residential care services, or assisted living services under chapter 74.39A RCW, the boarding home must hold a medicaid eligible resident's room or unit when short-term care is needed in a nursing home or hospital, the resident is likely to return to the boarding home, and payment is made under subsection (2) of this section.

(2) The medicaid resident's bed or unit shall be held for up to twenty days. The per day bed or unit hold compensation amount shall be seventy percent of the daily rate paid for the first seven days the bed or unit is held for the resident who needs short-term nursing home care or hospitalization. The rate for the eighth through the twentieth day a bed is held shall be established in rule, but shall be no lower than ten dollars per day the bed or unit is held.

(3) The boarding home may seek third-party payment to hold a bed or unit for twenty-one days or longer. The third-party payment shall not exceed the medicaid daily rate paid to the facility for the resident. If third-party payment is not available, the medicaid resident may return to the first available and appropriate bed or unit, if the resident continues to meet the admission criteria under this chapter.

~~((4) The department shall monitor the use and impact of the policy established under this section and shall report its findings to the appropriate committees of the senate and house of representatives by December 31, 2005.~~

~~—(5) This section expires June 30, 2006—)~~"

On page 1, line 2 of the title, after "unit;" strike the remainder of the title and insert "and amending RCW 18.20.290."

Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 22, 2006
ESB 6376 Prime Sponsor, Senator Rasmussen: Changing livestock inspection fee provisions. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Bailey; Blake; Buri; Chase; Clibborn; Dunn; Grant; Haler; Holmquist; Kilmer; Kretz; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

Passed to Committee on Rules for second reading.

February 21, 2006

ESSB 6391 Prime Sponsor, Senate Committee On Health & Long-Term Care: Concerning the provision of services for nonresident individuals residing in long-term care settings. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.20.020 and 2004 c 142 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with chapter 142, Laws of 2004, to seven or more residents after July 1, 2000. However, a boarding home that is licensed for three to six residents prior to or on July 1, 2000, may maintain its boarding home license as long as it is continually licensed as a boarding home. "Boarding home" shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

(2) "Basic services" means housekeeping services, meals, nutritious snacks, laundry, and activities.

(3) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(4) "Secretary" means the secretary of social and health services.

(5) "Department" means the state department of social and health services.

(6) "Resident's representative" means a person designated voluntarily by a competent resident, in writing, to act in the resident's behalf concerning the care and services provided by the boarding home and to receive information from the boarding home, if there is no legal representative. The resident's competence shall be determined using the criteria in RCW 11.88.010(1)(e). The resident's representative may not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident. The resident's representative shall not have authority to act on behalf of the resident once the resident is no longer competent.

(7) "Domiciliary care" means: Assistance with activities of daily living provided by the boarding home either directly or indirectly; or health support services, if provided directly or indirectly by the boarding home; or intermittent nursing services, if provided directly or indirectly by the boarding home.

(8) "General responsibility for the safety and well-being of the resident" means the provision of the following: Prescribed general low sodium diets; prescribed general diabetic diets; prescribed mechanical soft foods; emergency assistance; monitoring of the resident; arranging health care appointments with outside health care providers and reminding residents of such appointments as necessary; coordinating health care services with outside health care providers consistent with RCW 18.20.380; assisting the resident to obtain and maintain glasses, hearing aids, dentures, canes, crutches, walkers, wheelchairs, and assistive communication devices; observation of the resident for changes in overall functioning; blood pressure checks as scheduled; responding appropriately when there are observable or reported changes in the resident's physical, mental, or emotional functioning; or medication assistance as permitted under RCW 69.41.085 and as defined in RCW 69.41.010.

(9) "Legal representative" means a person or persons identified in RCW 7.70.065 who may act on behalf of the resident pursuant to the scope of their legal authority. The legal representative shall not be affiliated with the licensee, boarding home, or management company, unless the affiliated person is a family member of the resident.

(10) "Nonresident individual" means a person who resides in independent senior housing, independent living units in continuing care retirement communities, or in other similar living environments or in a boarding home and may receive one or more of the services listed in RCW 18.20.030(5)(~~but~~). A nonresident individual may not receive domiciliary care, as defined in this chapter, directly or indirectly by the ((facility)) boarding home and may not receive the items and services listed in subsection (8) of this section, except during the time the person is receiving adult day services as defined in this section.

(11) "Resident" means an individual who is not related by blood or marriage to the operator of the boarding home, and by reason of age or disability, chooses to reside in the boarding home and receives basic services and one or more of the services listed under general responsibility for the safety and well-being of the resident and may receive domiciliary care or respite care provided directly or indirectly by the boarding home and shall be permitted to receive hospice care through an outside service provider when arranged by the resident or the resident's legal representative under RCW 18.20.380.

(12) "Resident applicant" means an individual who is seeking admission to a licensed boarding home and who has completed and signed an application for admission, or such application for admission has been completed and signed in their behalf by their legal representative if any, and if not, then the designated representative if any.

(13) "Adult day services" means care and services provided to a nonresident individual by the boarding home on the boarding home premises, for a period of time not to exceed ten continuous hours, and does not involve an overnight stay.

NEW SECTION. Sec. 2. A new section is added to chapter 18.135 RCW to read as follows:

This chapter does not prohibit or restrict the performance of blood-drawing procedures by health care assistants in the residences of research study participants when such procedures have been authorized by the institutional review board of a comprehensive cancer center or nonprofit degree-granting institution of higher education and are conducted under the general supervision of a physician.

Sec. 3. RCW 18.135.040 and 1984 c 281 s 3 are each amended to read as follows:

A certification issued to a health care assistant pursuant to this chapter shall be authority to perform only the functions authorized in RCW 18.135.010 subject to proper delegation and supervision in the health care facility making the certification or under the supervision of the certifying health care practitioner in other health care facilities or in his or her office or in the residences of research study participants in accordance with section 2 of this act. No certification made by one health care facility or health care practitioner is transferrable to another health care facility or health care practitioner.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "settings;" strike the remainder of the title and insert "amending RCW 18.20.020 and 18.135.040; and adding a new section to chapter 18.135 RCW."

Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 21, 2006

SSB 6401 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Modifying definitions of charter licenses. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Uptegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

February 21, 2006

ESSB 6428 Prime Sponsor, Senate Committee On Water, Energy & Environment: Providing for electronic product recycling. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a convenient, safe, and environmentally sound system for the collection, transportation, and recycling of covered electronic products must be established. The legislature further finds that the system must encourage the design of electronic products that are less toxic and more recyclable. The legislature further finds that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the collection, transportation, and recycling system.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington materials management and financing authority created under section 28 of this act.

(2) "Authorized party" means a manufacturer who submits an individual independent plan or the entity authorized to submit an independent plan for more than one manufacturer.

(3) "Board" means the board of directors of the Washington materials management and financing authority created under section 29 of this act.

(4) "Collector" means an entity licensed to do business in the state that gathers unwanted covered electronic products from households, small businesses, school districts, small governments, and charities for the purpose of recycling and meets minimum standards that may be developed by the department.

(5) "Contract for services" means an instrument executed by the authority and one or more persons or entities that delineates collection, transportation, and recycling services, in whole or in part, that will be provided to the citizens of the state within service areas as described in the approved standard plan.

(6) "Covered electronic product" includes a cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally, a desktop computer, a laptop or a portable computer, or a cathode ray tube or flat panel television having a viewable area greater than four inches when measured diagonally that has been used in the state by any covered entity regardless of original point of purchase. "Covered electronic product" does not include: (a) A motor vehicle or replacement parts for use in motor vehicles or aircraft, or any computer, computer monitor, or television that is contained within, and is not separate from, the motor vehicle or aircraft; (b) monitoring and control instruments or systems; (c) medical devices; (d) products including materials intended for use as ingredients in those products as defined

in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) or the virus-serum-toxin act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts; (e) equipment used in the delivery of patient care in a health care setting; (f) a computer, computer monitor, or television that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or (g) hand-held portable voice or data devices used for commercial mobile services as defined in 47 U.S.C. Sec. 332 (d)(1).

(7) "Covered entity" means any household, charity, school district, small business, or small government located in Washington state.

(8) "Curbside service" means a collection service providing regularly scheduled pickup of covered electronic products from households or other covered entities in quantities generated from households.

(9) "Department" means the department of ecology.

(10) "Electronic product" includes a cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally; a desktop computer; a laptop or a portable computer; or a cathode ray tube or flat screen television having a viewable area greater than four inches when measured diagonally.

(11) "Equivalent share" means the weight in pounds of covered electronic products for which an individual manufacturer is responsible under this chapter as determined by the department under section 20 of this act.

(12) "Household" means a single detached dwelling unit or a single unit of a multiple dwelling unit and appurtenant structures.

(13) "Independent plan" means a plan for the collection, transportation, and recycling of unwanted covered electronic products that is developed, implemented, and financed by an individual manufacturer or by an authorized party.

(14) "Manufacturer" means any person, in business or no longer in business but having a successor in interest, who, irrespective of the selling technique used, including by means of distance or remote sale:

(a) Manufactures or has manufactured a covered electronic product under its own brand names for sale in or into this state;

(b) Assembles or has assembled a covered electronic product that uses parts manufactured by others for sale in or into this state under the assembler's brand names;

(c) Resells or has resold in or into this state under its own brand names a covered electronic product produced by other suppliers, including retail establishments that sell covered electronic products under their own brand names;

(d) Imports or has imported a covered electronic product into the United States that is sold in or into this state. However, if a company from whom an importer purchases or has purchased the merchandise performs activities conducted under the standards established for interstate commerce under the commerce clause of the United States Constitution, that company is deemed to be the manufacturer; or

(e) Manufactures or manufactured a cobranded product for sale in or into this state that carries the name of both the manufacturer and a retailer.

(15) "New entrant" means: (a) A manufacturer of televisions that have been sold in the state for less than ten years; or (b) a manufacturer of desktop computers, laptop and portable computers, or computer monitors that have been sold in the state for less than five years. However, a manufacturer of both televisions and computers or a manufacturer of both televisions and computer monitors that is deemed a new entrant under either only (a) or (b) of this subsection is not considered a new entrant for purposes of this chapter.

(16) "Orphan product" means a covered electronic product that lacks a manufacturer's brand or for which the manufacturer is no longer in business and has no successor in interest.

(17) "Plan's equivalent share" means the weight in pounds of covered electronic products for which a plan is responsible. A plan's equivalent share is equal to the sum of the equivalent shares of each manufacturer participating in that plan.

(18) "Plan's return share" means the sum of the return shares of each manufacturer participating in that plan.

(19) "Premium service" means services such as at-location system upgrade services provided to covered entities and at-home pickup services offered to households. "Premium service" does not include curbside service.

(20) "Processor" means an entity engaged in disassembling, dismantling, or shredding electronic products to recover materials contained in the electronic products and prepare those materials for reclaiming or reuse in new products in accordance with processing standards established by this chapter and by the department. A processor may also salvage parts to be used in new products.

(21) "Product type" means one of the following categories: Computer monitors; desktop computers; laptop and portable computers; and televisions.

(22) "Program" means the collection, transportation, and recycling activities conducted to implement an independent plan or the standard plan.

(23) "Program year" means each full calendar year after the program has been initiated.

(24) "Recycling" means transforming or remanufacturing unwanted electronic products, components, and byproducts into usable or marketable materials for use other than landfill disposal or incineration. "Recycling" does not include energy recovery or energy generation by means of combusting unwanted electronic products, components, and byproducts with or without other waste. Smelting of electronic materials to recover metals for reuse in conformance with all applicable laws and regulations is not considered disposal or energy recovery.

(25) "Retailer" means a person who offers covered electronic products for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer.

(26) "Return share" means the percentage of covered electronic products by weight identified for an individual manufacturer, as determined by the department under section 19 of this act.

(27) "Reuse" means any operation by which an electronic product or a component of a covered electronic product changes ownership and is used for the same purpose for which it was originally purchased.

(28) "Small business" means a business employing less than fifty people.

(29) "Small government" means a city in the state with a population less than fifty thousand, a county in the state with a population less than one hundred twenty-five thousand, and special purpose districts in the state.

(30) "Standard plan" means the plan for the collection, transportation, and recycling of unwanted covered electronic products developed, implemented, and financed by the authority on behalf of manufacturers participating in the authority.

(31) "Transporter" means an entity that transports covered electronic products from collection sites or services to processors or other locations for the purpose of recycling, but does not include any entity or person that hauls their own unwanted electronic products.

(32) "Unwanted electronic product" means a covered electronic product that has been discarded or is intended to be discarded by its owner.

(33) "White box manufacturer" means a person who manufactured unbranded covered electronic products offered for sale in the state within ten years prior to a program year for televisions or within five years prior to a program year for desktop computers, laptop or portable computers, or computer monitors.

NEW SECTION. Sec. 3. (1) A manufacturer must participate in an independent plan or the standard plan to implement and finance the collection, transportation, and recycling of covered electronic products.

(2) An independent plan or the standard plan must be implemented and fully operational no later than January 1, 2009.

(3) The manufacturers participating in an approved plan are responsible for covering all administrative and operational costs associated with the collection, transportation, and recycling of their plan's equivalent share of covered electronic products. If costs are passed on to consumers, it must be done without any fees at the time

the unwanted electronic product is delivered or collected for recycling. However, this does not prohibit collectors providing premium or curbside services from charging customers a fee for the additional collection cost of providing this service, when funding for collection provided by an independent plan or the standard plan does not fully cover the cost of that service.

(4) Nothing in this chapter changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste in the state of Washington, including curbside collection of residential recyclable materials, nor does this chapter change or limit the authority of a city or town to provide such service itself or by contract pursuant to RCW 81.77.020.

(5) Manufacturers are encouraged to collaborate with electronic product retailers, certificated waste haulers, processors, recyclers, charities, and local governments within the state in the development and implementation of their plans.

NEW SECTION. Sec. 4. (1) By January 1, 2007, and annually thereafter, each manufacturer must register with the department.

(2) A manufacturer must submit to the department with each registration or annual renewal a fee to cover the administrative costs of this chapter as determined by the department under section 23 of this act.

(3) The department shall review the registration or renewal application and notify the manufacturer if their registration does not meet the requirements of this section. Within thirty days of receipt of such a notification from the department, the manufacturer must file with the department a revised registration addressing the requirements noted by the department.

(4) The registration must include the following information:

(a) The name and contact information of the manufacturer submitting the registration;

(b) The manufacturer's brand names of covered electronic products, including all brand names sold in the state in the past, all brand names currently being sold in the state, and all brand names for which the manufacturer has legal responsibility under section 10 of this act;

(c) The method or methods of sale used in the state; and

(d) Whether the registrant will be participating in the standard plan or submitting an independent plan to the department for approval.

(5) The registrant shall submit any changes to the information provided in the registration to the department within fourteen days of such change.

(6) The department shall identify, using all reasonable means, manufacturers that are in business or that are no longer in business but that have a successor in interest by examining best available return share data and other pertinent data. The department shall notify manufacturers that have been identified and for whom an address has been found of the requirements of this chapter, including registration and plan requirements under this section and section 5 of this act.

NEW SECTION. Sec. 5. (1) A manufacturer must participate in the standard plan administered by the authority, unless the manufacturer obtains department approval for an independent plan for the collection, transportation, and recycling of unwanted electronic products.

(2) An independent plan may be submitted by an individual manufacturer or by a group of manufacturers, provided that:

(a) Each independent plan represents at least a five percent return share of covered electronic products; and

(b) The manufacturer is not a new entrant or a white box manufacturer.

(3) An individual manufacturer submitting an independent plan to the department is responsible for collecting, transporting, and recycling its equivalent share of covered electronic products.

(4)(a) Manufacturers collectively submitting an independent plan are responsible for collecting, transporting, and recycling the sum of the equivalent shares of each participating manufacturer.

(b) Each group of manufacturers submitting an independent plan must designate a party authorized to file the plan with the department on their behalf. A letter of certification from each of the

manufacturers designating the authorized party must be submitted to the department together with the plan.

(5) Each manufacturer in the standard plan or in an independent plan retains responsibility and liability under this chapter in the event that the plan fails to meet the manufacturer's obligations under this chapter.

NEW SECTION. Sec. 6. (1) All initial independent plans and the initial standard plan required under section 5 of this act must be submitted to the department by February 1, 2008. The department shall review each independent plan and the standard plan.

(2) The authority submitting the standard plan and each authorized party submitting an independent plan to the department must pay a fee to the department to cover the costs of administering and implementing this chapter. The department shall set the fees as described under section 23 of this act.

(3) The fees in subsection (2) of this section apply to the initial plan submission and plan updates and revisions required in section 7 of this act.

(4) Within ninety days after receipt of a plan, the department shall determine whether the plan complies with this chapter. If the plan is approved, the department shall send a letter of approval. If a plan is rejected, the department shall provide the reasons for rejecting the plan to the authority or authorized party. The authority or authorized party must submit a new plan within sixty days after receipt of the letter of disapproval.

(5) An independent plan and the standard plan must contain the following elements:

(a) Contact information for the authority or authorized party and a comprehensive list of all manufacturers participating in the plan and their contact information;

(b) A description of the collection, transportation, and recycling systems and service providers used, including a description of how the authority or authorized party will:

(i) Seek to use businesses within the state, including retailers, charities, processors, and collection and transportation services; and

(ii) Fairly compensate collectors for providing collection services;

(c) The method or methods for the reasonably convenient collection of all product types of covered electronic products in rural and urban areas throughout the state, including how the plan will provide for collection services in each county of the state and for a minimum of one collection site or alternate collection service for each city or town with a population greater than ten thousand. A collection site for a county may be the same as a collection site for a city or town in the county;

(d) A description of how the plan will provide service to small businesses, small governments, charities, and school districts in Washington;

(e) The processes and methods used to recycle covered electronic products including a description of the processing that will be used and the facility location;

(f) Documentation of audits of each processor used in the plan and compliance with processing standards established under section 25 of this act;

(g) A description of the accounting and reporting systems that will be employed to track progress toward the plan's equivalent share;

(h) A timeline describing startup, implementation, and progress towards milestones with anticipated results;

(i) A public information campaign to inform consumers about how to recycle their covered electronic products at the end of the product's life.

(6) The standard plan shall address how it will incorporate and fairly compensate registered collectors providing curbside or premium services such that they are not compensated at a lower rate for collection costs than the compensation offered other collectors providing drop-off collection sites in that geographic area.

(7) All transporters and collectors used to fulfill the requirements of this section must be registered as described in section 24 of this act.

NEW SECTION. Sec. 7. (1) An independent plan and the standard plan must be updated at least every five years and as required in (a) and (b) of this subsection.

(a) If the program fails to provide service in each county in the state or meet other plan requirements, the authority or authorized party shall submit to the department within sixty days of failing to provide service an updated plan addressing how the program will be adjusted to meet the program geographic coverage and collection service requirements established in section 9 of this act.

(b) The authority or authorized party shall notify the department of any modification to the plan. If the department determines that the authority or authorized party has significantly modified the program described in the plan, the authority or authorized party shall submit a revised plan describing the changes to the department within sixty days of notification by the department.

(2) Within sixty days after receipt of a revised plan, the department shall determine whether the revised plan complies with this chapter. If the revised plan is approved, the department shall send a letter of approval. If the revised plan is rejected, the department shall provide the reasons for rejecting the plan to the authority or authorized party. The authority or authorized party must submit a new plan revision within sixty days after receipt of the letter of disapproval.

(3) The authority or authorized parties may buy and sell collected covered electronic products with other programs without submitting a plan revision for review.

NEW SECTION. Sec. 8. (1) A manufacturer participating in an independent plan may join the standard plan by notifying the authority and the department of its intention at least five months prior to the start of the next program year.

(2) Manufacturers may not change from one plan to another plan during a program year.

(3) A manufacturer participating in the standard plan wishing to implement or participate in an independent plan may do so by complying with rules adopted by the department under section 23 of this act.

NEW SECTION. Sec. 9. (1) A program must provide collection services for covered electronic products of all product types that are reasonably convenient and available to all citizens of the state residing within its geographic boundaries, including both rural and urban areas. Each program must provide collection service in every county of the state. A program may provide collection services jointly with another plan or plans.

(a) For any city or town with a population of greater than ten thousand, each program shall provide a minimum of one collection site or alternate collection service described in subsection (3) of this section or a combination of sites and alternate service that together provide at least one collection opportunity for all product types. A collection site for a county may be the same as a collection site for a city or town in the county.

(b) Collection sites may include electronics recyclers and repair shops, recyclers of other commodities, reuse organizations, charities, retailers, government recycling sites, or other suitable locations.

(c) Collection sites must be staffed, open to the public at a frequency adequate to meet the needs of the area being served, and on an on-going basis.

(2) A program may limit the number of covered electronic products or covered electronic products by product type accepted per customer per day or per delivery at a collection site or service. All covered entities may use a collection site as long as the covered entities adhere to any restrictions established in the plans.

(3) A program may provide collection services in forms different than collection sites, such as curbside services, if those alternate services provide equal or better convenience to citizens and equal or increased recovery of unwanted covered electronic products.

(4) For rural areas without commercial centers or areas with widely dispersed population, a program may provide collection at the nearest commercial centers or solid waste sites, collection events, mail-back systems, or a combination of these options.

(5) For small businesses, small governments, charities, and school districts that may have large quantities of covered electronic

products that cannot be handled at collection sites or curbside services, a program may provide alternate services. At a minimum, a program must provide for processing of these large quantities of covered electronic products at no charge to the small businesses, small governments, charities, and school districts.

NEW SECTION. Sec. 10. Any person acquiring a manufacturer, or who has acquired a manufacturer, shall have all responsibility for the acquired company's covered electronic products, including covered electronic products manufactured prior to the effective date of this section, unless that responsibility remains with another entity per the purchase agreement and the acquiring manufacturer provides the department with a letter from the other entity accepting responsibility for the covered electronic products. Cobranding manufacturers may negotiate with retailers for responsibility for those products and must notify the department of the results of their negotiations.

NEW SECTION. Sec. 11. (1) An independent plan and the standard plan must implement and finance an auditable, statistically significant sampling of covered electronic products entering its program every program year. The information collected must include a list of the brand names of covered electronic products by product type, the number of covered electronic products by product type, the weight of covered electronic products that are identified for each brand name or that lack a manufacturer's brand, the total weight of the sample by product type, and any additional information needed to assign return share.

(2) The sampling must be conducted in the presence of the department or a third-party organization approved by the department. The department may, at its discretion, audit the methodology and the results.

(3) After the fifth program year, the department may reassess the sampling required in this section. The department may adjust the frequency at which manufacturers must implement the sampling or may adjust the frequency at which manufacturers must provide certain information from the sampling. Prior to making any changes, the department shall notify the public, including all registered manufacturers, and provide a comment period. The department shall notify all registered manufacturers of any such changes.

NEW SECTION. Sec. 12. (1) An independent plan and the standard plan must inform covered entities about where and how to reuse and recycle their covered electronic products at the end of the product's life, including providing a web site or a toll-free telephone number that gives information about the recycling program in sufficient detail to educate covered entities regarding how to return their covered electronic products for recycling.

(2) The department shall promote covered electronic product recycling by:

(a) Posting information describing where to recycle unwanted covered electronic products on its web site;

(b) Providing information about recycling covered electronic products through a toll-free telephone service; and

(c) Developing and providing artwork for use in flyers and signage to retailers upon request.

(3) Local governments shall promote covered electronic product recycling, including listings of local collection sites and services, through existing educational methods typically used by each local government.

(4) A retailer who sells new covered electronic products shall provide information to consumers describing where and how to recycle covered electronic products and opportunities and locations for the convenient collection or return of the products. This requirement can be fulfilled by providing the department's toll-free telephone number and web site. Remote sellers may include the information in a visible location on their web site as fulfillment of this requirement.

(5) Manufacturers, state government, local governments, retailers, and collection sites and services shall collaborate in the development and implementation of the public information campaign.

NEW SECTION. Sec. 13. (1) The electronic products recycling account is created in the custody of the state treasurer. All payments resulting from plans not reaching their equivalent share, as described in section 22 of this act, shall be deposited into the account. Any moneys collected for manufacturer registration fees, fees associated with reviewing and approving plans and plan revisions, and penalties levied under this chapter shall be deposited into the account.

(2) Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(3) Moneys in the account may be used solely by the department for the purposes of fulfilling department responsibilities specified in this chapter and for expenditures to the authority and authorized parties resulting from plans exceeding their equivalent share, as described in section 22 of this act. Funds in the account may not be diverted for any purpose or activity other than those specified in this section.

NEW SECTION. Sec. 14. (1) By March 1st of the second program year and each program year thereafter, the authority and each authorized party shall file with the department an annual report for the preceding program year.

(2) The annual report must include the following information:

(a) The total weight in pounds of covered electronic products collected and recycled, by county, during the preceding program year including documentation verifying collection and processing of that material. The total weight in pounds includes orphan products. The report must also indicate and document the weight in pounds received from each nonprofit charitable organization primarily engaged in the business of reuse and resale used by the plan. The report must document the weight in pounds that were received in large quantities from small businesses, small governments, charities and school districts as described in section 9(5) of this act;

(b) The collection services provided in each county and for each city with a population over ten thousand including a list of all collection sites and services operating in the state in the prior program year and the parties who operated them;

(c) A list of processors used, the weight of covered electronic products processed by each direct processor, and a description of the processes and methods used to recycle the covered electronic products including a description of the processing and facility locations. The report must also include a list of subcontractors who further processed or recycled unwanted covered electronic products, electronic components, or electronic scrap described in section 25(1)(b) of this act, including facility locations;

(d) Other documentation as established under section 25(1)(d) of this act;

(e) Educational and promotional efforts that were undertaken;

(f) The results of sampling and sorting as required in section 11 of this act, including a list of the brand names of covered electronic products by product type, the number of covered electronic products by product type, the weight of covered electronic products that are identified for each brand name or that lack a manufacturer's brand, and the total weight of the sample by product type;

(g) The list of manufacturers that are participating in the standard plan; and

(h) Any other information deemed necessary by the department.

(3) The department shall review each report within ninety days of its submission and shall notify the authority or authorized party of any need for additional information or documentation, or any deficiency in its program.

(4) All reports submitted to the department must be available to the general public through the internet. Proprietary information submitted to the department under this chapter is exempt from public disclosure under RCW 42.56.270.

NEW SECTION. Sec. 15. Nonprofit charitable organizations that qualify for a taxation exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) that are primarily engaged in the business of reuse and resale and that are used by a plan to collect covered electronic products shall file a report with the department by March 1st of the second program year

and each program year thereafter. The report must indicate and document the weight of covered electronic products sent for recycling during the previous program year attributed to each plan that the charitable organization is participating in.

NEW SECTION. Sec. 16. (1) Beginning January 1, 2007, no person may sell or offer for sale an electronic product to any person in the state unless the electronic product is labeled with the manufacturer's brand. The label must be permanently affixed and readily visible.

(2) In-state retailers in possession of unlabeled products on January 1, 2007, may exhaust their stock through sales to the public.

NEW SECTION. Sec. 17. No person may sell or offer for sale a covered electronic product to any person in this state unless the manufacturer of the covered electronic product has filed a registration with the department under section 4 of this act and is participating in an approved plan under section 5 of this act. A person that sells or offers for sale a covered electronic product in the state shall consult the department's web site for lists of manufacturers with registrations and approved plans prior to selling a covered electronic product in the state. A person is considered to have complied with this section if on the date the product was ordered from the manufacturer or its agent, the manufacturer was listed as having registered and having an approved plan on the department's web site.

NEW SECTION. Sec. 18. (1) The department shall maintain on its web site the following information:

(a) The names of the manufacturers and the manufacturer's brands that are registered with the department under section 4 of this act;

(b) The names of the manufacturers and the manufacturer's brands that are participating in an approved plan under section 5 of this act;

(c) The names and addresses of the collectors and transporters that are listed in registrations filed with the department under section 24 of this act;

(d) The names and addresses of the processors used to fulfill the requirements of the plans;

(e) Return and equivalent shares for all manufacturers.

(2) The department shall update this web site information promptly upon receipt of a registration or a report.

NEW SECTION. Sec. 19. (1) The department shall determine the return share for each manufacturer in the standard plan or an independent plan by dividing the weight of covered electronic products identified for each manufacturer by the total weight of covered electronic products identified for all manufacturers in the standard plan or an independent plan, then multiplying the quotient by one hundred.

(2) For the first program year, the department shall determine the return share for such manufacturers using all reasonable means and based on best available information regarding return share data from other states and other pertinent data.

(3) For the second and each subsequent program year, the department shall determine the return share for such manufacturers using all reasonable means and based on the most recent sampling of covered electronic products conducted in the state under section 11 of this act.

NEW SECTION. Sec. 20. (1) The department shall determine the total equivalent share for each manufacturer in the standard plan or an independent plan by dividing the return share percentage for each manufacturer by one hundred, then multiplying the quotient by the total weight in pounds of covered electronic products collected for that program year, allowing as needed for the additional credit authorized in subsection (3) of this section.

(2)(a) By June 1st of each program year, the department shall notify each manufacturer of the manufacturer's equivalent share of covered electronic products to be applied to the previous program year. The department shall also notify each manufacturer of how its equivalent share was determined.

(b) By June 1st of each program year, the department shall bill any authorized party or authority that has not attained its plan's equivalent share as determined under section 22 of this act. The authorized party or authority shall remit payment to the department within sixty days from the billing date.

(c) By September 1st of each program year, the department shall pay any authorized party or authority that exceeded its plan's equivalent share.

(3) Plans that utilize the collection services of nonprofit charitable organizations that qualify for a taxation exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) that are primarily engaged in the business of reuse and resale must be given an additional five percent credit to be applied toward a plan's equivalent share for pounds that are received for recycling from those organizations. The department may adjust the percentage of credit annually.

NEW SECTION. Sec. 21. (1) By June 1, 2007, the department shall notify each manufacturer of its preliminary return share of covered electronic products for the first program year.

(2) Preliminary return share of covered electronic products must be announced annually by June 1st of each program year for the next program year.

(3) Manufacturers may challenge the preliminary return share by written petition to the department. The petition must be received by the department within thirty days of the date of publication of the preliminary return shares.

(4) The petition must contain a detailed explanation of the grounds for the challenge, an alternative calculation, and the basis for such a calculation, documentary evidence supporting the challenge, and complete contact information for requests for additional information or clarification.

(5) Sixty days after the publication of the preliminary return share, the department shall make a final decision on return share, having fully taken into consideration any and all challenges to its preliminary calculations.

(6) A written record of challenges received and a summary of the bases for the challenges, as well as the department's response, must be published at the same time as the publication of the final return share.

(7) By August 1, 2007, the department shall publish the final return shares for the first program year. By August 1st of each program year, the department shall publish the final return shares for use in the coming program year.

NEW SECTION. Sec. 22. (1) For an independent plan and the standard plan, if the total weight in pounds of covered electronic products collected during a program year is less than the plan's equivalent share of covered electronic products for that year, then the authority or authorized party shall submit to the department a payment equal to the weight in pounds of the deficit multiplied by the reasonable collection, transportation, and recycling cost for covered electronic products and an administrative fee. Moneys collected by the department must be deposited in the electronic products recycling account.

(2) For an independent plan and the standard plan, if the total weight in pounds of covered electronic products collected during a program year is more than the plan's equivalent share of covered electronic products for that year, then the department shall submit to the authority or authorized party, a payment equal to the weight in pounds of the surplus multiplied by the reasonable collection, transportation, and recycling cost for covered electronic products.

(3) For purposes of this section, the initial reasonable collection, transportation, and recycling cost for covered electronic products is forty-five cents per pound and the administrative fee is five cents per pound.

(4) Fees assessed to the authority and manufacturers participating in the standard plan must include the costs associated with the department's determination of market share as described in section 30 of this act.

(5) The department may annually adjust the reasonable collection, transportation, and recycling cost for covered electronic products and the administrative fee described in this section. Prior

to making any changes in the fees described in this section, the department shall notify the public, including all registered manufacturers, and provide a comment period. The department shall notify all registered manufacturers of any changes to the reasonable collection, transportation, and recycling cost or the administrative fee by January 1st of the program year in which the change is to take place.

NEW SECTION. Sec. 23. (1) The department shall adopt rules to determine the process for manufacturers to change plans under section 8 of this act.

(2) The department shall establish annual registration and plan review fees for administering this chapter. An initial fee schedule must be established by rule and be adjusted no more often than once every two years. All fees charged must be based on factors relating to administering this chapter and be based on a sliding scale that is representative of annual sales of covered electronic products in the state. Fees must be established in amounts to fully recover and not to exceed expenses incurred by the department to implement this chapter.

(3) The department shall establish an annual process for local governments and local communities to report their satisfaction with the services provided by plans under this chapter. This information must be used by the department in reviewing plan updates and revisions.

(4) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

NEW SECTION. Sec. 24. Each collector and transporter of covered electronic products in the state must register annually with the department. The registration must include all identification requirements for licensure in the state and the geographic area of the state that they serve. The department shall develop a single form for registration of both collectors and transporters.

NEW SECTION. Sec. 25. (1)(a) The authority and each authorized party shall ensure that each processor used directly by the authority or the authorized party to fulfill the requirements of their respective standard plan or independent plan has provided the authority or the authorized party a written statement that the processor will comply with the requirements of this section.

(b) The international export of any unwanted covered electronic products or electronic components or electronic scrap derived from such products destined for disposal or recycling that are capable of leaching lead, cadmium, mercury, hexavalent chromium, or selenium or selenium compounds in concentrations above the limits listed in 40 C.F.R. Sec. 261.24 as of the effective date of this act shall be prohibited except for exports to:

(i) Countries that are members of the organization for economic cooperation and development;

(ii) Countries that are members of the European community; or

(iii) Countries that have entered into an agreement with the United States that allows for such exports.

(c) Any unwanted electronic products or electronic components derived from such products that are capable of leaching lead, cadmium, mercury, hexavalent chromium, or selenium or selenium compounds in concentrations exceeding the levels established in 40 C.F.R. Sec. 261.24 as of the effective date of this act and exported to countries that are not members of the organization for economic cooperation and development or the European community or with whom the United States has not entered into an agreement for such export for reuse, must be tested and labeled as fully functional or needing only repairs that do not result in the replacement of components capable of leaching these substances in concentrations exceeding the levels established in 40 C.F.R. Sec. 261.24 as of the effective date of this act.

(d) The department shall establish rules to implement this section, including any requirements necessary to ensure that full compliance is adequately documented.

(2) The department shall establish by rule performance standards for environmentally sound management for processors directly used to fulfill the requirements of an independent plan or the standard plan. Performance standards may include financial assurance to

ensure proper closure of facilities consistent with environmental standards.

(3) The department shall establish by rule guidelines regarding nonrecycled residual that may be properly disposed after covered electronic products have been processed.

(4) The department may audit processors that are utilized to fulfill the requirements of an independent plan or the standard plan.

(5) No plan or program required under this chapter may include the use of federal or state prison labor for processing.

NEW SECTION. Sec. 26. (1) No manufacturer may sell or offer for sale a covered electronic product in or into the state unless the manufacturer of the covered electronic product is participating in an approved plan. The department shall send a written warning to a manufacturer that does not have an approved plan or is not participating in an approved plan as required under section 5 of this act. The written warning must inform the manufacturer that it must participate in an approved plan within thirty days of the notice. Any violation after the initial written warning shall be assessed a penalty of up to ten thousand dollars for each violation.

(2) If the authority or any authorized party fails to implement their approved plan, the department must assess a penalty of up to five thousand dollars for the first violation along with notification that the authority or authorized party must implement its plan within thirty days of the violation. After thirty days, the authority or any authorized party failing to implement their approved plan must be assessed a penalty of up to ten thousand dollars for the second and each subsequent violation.

(3) Any person that does not comply with manufacturer registration requirements under section 4 of this act, education and outreach requirements under section 12 of this act, reporting requirements under section 14 of this act, labeling requirements under section 16 of this act, retailer responsibility requirements under section 17 of this act, collector or transporter registration requirements under section 24 of this act, or requirements under section 25 of this act, must first receive a written warning including a copy of the requirements under this chapter and thirty days to correct the violation. After thirty days, a person must be assessed a penalty of up to one thousand dollars for the first violation and up to two thousand dollars for the second and each subsequent violation.

(4) All penalties levied under this section must be deposited into the electronic products recycling account created under section 13 of this act.

(5) The department shall enforce this section.

NEW SECTION. Sec. 27. By December 31, 2012, the department shall provide a report to the appropriate committees of the legislature that includes the following information:

(1) For each of the preceding program years, the weight of covered electronic products recycled in the state by plan, by county, and in total;

(2) The performance of each plan in meeting its equivalent share, and payments received from and disbursed to each plan from the electronic products recycling account;

(3) A description of the various collection programs used to collect covered electronic products in the state;

(4) An evaluation of how the pounds per capita recycled of covered electronic products in the state compares to programs in other states;

(5) Comments received from local governments and local communities regarding satisfaction with the program, including accessibility and convenience of services provided by the plans;

(6) Recommendations on how to improve the statewide collection, transportation, and recycling system for convenient, safe, and environmentally sound recycling of electronic products; and

(7) An analysis of whether and in what amounts unwanted electronic products and electronic components and electronic scrap exported from Washington have been exported to countries that are not members of the organization for economic cooperation and development or the European union, and recommendations for addressing such exports.

NEW SECTION. Sec. 28. (1) The Washington materials management and financing authority is established as a public body corporate and politic, constituting an instrumentality of the state of Washington exercising essential governmental functions.

(2) The authority shall plan and implement a collection, transportation, and recycling program for manufacturers that have registered with the department their intent to participate in the standard program as required under section 4 of this act.

(3) Membership in the authority is comprised of registered participating manufacturers. Any manufacturer who does not qualify or is not approved to submit an independent plan, or whose independent plan has not been approved by the department, is a member of the authority.

(4) The authority shall act as a business management organization on behalf of the citizens of the state to manage financial resources and contract for services for collection, transportation, and recycling of covered electronic products.

(5) The authority's standard plan is responsible for collecting, transporting, and recycling the sum of the equivalent shares of each participating manufacturer. All new entrants and white box manufacturers must participate in the standard plan.

(6) The authority shall accept into the standard program covered electronic products from any registered collector who meets the requirements of this chapter. The authority shall compensate registered collectors for the reasonable costs associated with collection, but is not required to compensate nor restricted from compensating the additional collection costs resulting from the additional convenience offered to customers through premium and curbside services.

(7) Except as specifically allowed in this chapter, the authority shall operate without using state funds or lending the credit of the state or local governments.

(8) The authority shall develop innovative approaches to improve materials management efficiency in order to ensure and increase the use of secondary material resources within the economy.

NEW SECTION. Sec. 29. (1)(a) The authority is governed by a board of directors. The board of directors is comprised of eleven participating manufacturers, appointed by the director of the department. Five board positions are reserved for representatives of the top ten brand owners by return share of covered electronic products, and six board positions are reserved for representatives of other brands, including at least one board position reserved for a manufacturer who is also a retailer selling their own private label. The return share of covered electronic products used to determine the top ten brand owners for purposes of electing the board must be determined by the department by January 1, 2007.

(b) The board must have representation from both television and computer manufacturers.

(2) The board shall select from its membership the chair of the board and such other officers as it deems appropriate.

(3) A majority of the board constitutes a quorum.

(4) The directors of the department of community, trade, and economic development and the department of ecology, and the state treasurer serve as ex officio members. The state agency directors and the state treasurer serving in ex officio capacity may each designate an employee of their respective departments to act on their behalf in all respects with regard to any matter to come before the authority. Ex officio designations must be made in writing and communicated to the authority director.

(5) The board shall create its own bylaws in accordance with the laws of the state of Washington.

(6) Any member of the board may be removed for misfeasance, malfeasance, or willful neglect of duty after notice and a public hearing, unless the notice and hearing are expressly waived in writing by the affected member.

(7) The members of the board serve without compensation but are entitled to reimbursement, solely from the funds of the authority, for expenses incurred in the discharge of their duties under this chapter.

NEW SECTION. Sec. 30. (1) Manufacturers participating in the standard plan shall pay the authority to cover all administrative

and operational costs associated with the collection, transportation, and recycling of covered electronic products within the state of Washington incurred by the standard program operated by the authority to meet the standard plan's equivalent share obligation as described in section 28(5) of this act.

(2) The authority shall assess charges on each manufacturer participating in the standard plan and collect funds from each participating manufacturer for the manufacturer's share of the costs in subsection (1) of this section. Such shares must be based on current market share as determined by the department. The department shall use statistically valid methodologies to determine market share for those participating in the standard plan. The department shall include the cost of determining current market share in the fees charged to the authority and manufacturers participating in the standard plan as described in section 23(4) of this act. The authority's assignment of shares to manufacturers participating in the standard plan may not include nor be based on electronic products imported through the state and subsequently exported outside the state. Charges assessed under this section must not be formulated in such a way as to create incentives to divert imported electronic products to ports or distribution centers in other states. The authority shall adjust the charges to manufacturers participating in the standard plan as necessary in order to ensure that all costs associated with the identified activities are covered.

(3) Any manufacturer participating in the standard plan may appeal the determination of current market share by written petition to the director of the department. The petition must be received by the director of the department within thirty days of the publication of market share and must contain a detailed explanation and documentary evidence of the grounds for the appeal. Within sixty days of the publication of market share, the director of the department or the director's designee, shall review all appeals and shall make a final determination of market share having fully taken into consideration any and all challenges to its initial determination.

(4) Nothing in this section authorizes the authority to assess fees or levy taxes directly on the sale or possession of electronic products.

(5) If a manufacturer has not met its financial obligations as determined by the authority under this section, the authority shall notify the department that the manufacturer is no longer participating in the standard plan.

(6) The authority shall submit its plan for assessing charges on manufacturers participating in the standard plan to the department for review and approval along with the standard plan as provided in section 6 of this act.

(7) Any manufacturer participating in the standard plan may appeal an assessment of charges levied by the authority under this section to the director of the department. The director of the department or the director's designee shall review all appeals and shall reverse any assessments of charges if the director finds that the authority's determination was an arbitrary administrative decision or an abuse of administrative discretion. If the director of the department reverses an assessment of charges, the authority must redetermine the assessment.

NEW SECTION. Sec. 31. (1) The authority shall use any funds legally available to it for any purpose specifically authorized by this chapter to:

(a) Contract and pay for collecting, transporting, and recycling of covered electronic products and education and other services as identified in the standard plan;

(b) Pay for the expenses of the authority including, but not limited to, salaries, benefits, operating costs and consumable supplies, equipment, office space, and other expenses related to the costs associated with operating the authority;

(c) Pay into the electronic products recycling account amounts billed by the department to the authority for any deficit in reaching the standard plan's equivalent share as required under section 22 of this act; and

(d) Pay the department for the fees for submitting the standard plan and any plan revisions.

(2) If practicable, the authority shall avoid creating new infrastructure already available through private industry in the state.

(3) The authority may not receive an appropriation of state funds, other than:

(a) Funds that may be provided as a one-time loan to cover administrative costs associated with start up of the authority, such as electing the board of directors and conducting the public hearing for the operating plan, provided that no appropriated funds may be used to pay for collection, transportation, or recycling services; and

(b) Funds received from the department from the electronic products recycling account for exceeding the standard plan's equivalent share.

(4) The authority may receive additional sources of funding that do not obligate the state to secure debt.

(5) All funds collected by the authority under this chapter, including interest, dividends, and other profits, are and must remain under the complete control of the authority and its board of directors, be fully available to achieve the intent of this chapter, and be used for the sole purpose of achieving the intent of this chapter.

NEW SECTION. Sec. 32. (1) The board shall adopt a general operating plan of procedures for the authority. The board shall also adopt operating procedures for collecting funds from participating covered electronic manufacturers and for providing funding for contracted services. These operating procedures must be adopted by resolution prior to the authority operating the applicable programs.

(2) The general operating plan must include, but is not limited to: (a) Appropriate minimum reserve requirements to secure the authority's financial stability; and (b) appropriate standards for contracting for services.

(3) The board shall conduct at least one public hearing on the general operating plan prior to its adoption. The authority shall provide and make public a written response to all comments received by the public.

(4) The general operating plan must be adopted by resolution of the board. The board may periodically update the general operating plan as necessary, but must update the plan no less than once every four years. The general operating plan or updated plan must include a report on authority activities conducted since the commencement of authority operation or since the last reported general operating plan, whichever is more recent, including a statement of results achieved under the purposes of this chapter and the general operating plan. Upon adoption, the authority shall conduct its programs in observance of the objectives established in the general operating plan.

NEW SECTION. Sec. 33. (1) The authority shall employ a chief executive officer, appointed by the board, and a chief financial officer, as well as professional, technical, and support staff, appointed by the chief executive officer, necessary to carry out its duties.

(2) Employees of the authority are not classified employees of the state. Employees of the authority are exempt from state service rules and may receive compensation only from the authority at rates competitive with state service.

(3) The authority may retain its own legal counsel.

(4) The departments of ecology and community, trade, and economic development shall provide staff to assist in the creation of the authority. If requested by the authority, the departments of ecology and community, trade, and economic development shall also provide start-up support staff to the authority for its first twelve months of operation, or part thereof, to assist in the quick establishment of the authority. Staff expenses must be paid through funds collected by the authority and must be reimbursed to the departments from the authority's financial resources within the first twenty-four months of operation.

(5) In addition to accomplishing the activities specifically authorized in this chapter, the authority may:

(a) Maintain an office or offices;

(b) Make and execute all manner of contracts, agreements, and instruments and financing documents with public and private parties as the authority deems necessary, useful, or convenient to accomplish its purposes;

(c) Make expenditures as appropriate for paying the administrative costs and expenses of the authority in carrying out the provisions of this chapter;

(d) Give assistance to private and public bodies contracted to provide collection, transportation, and recycling services by providing information, guidelines, forms, and procedures for implementing their programs;

(e) Delegate, through contract, any of its powers and duties if consistent with the purposes of this chapter; and

(f) Exercise any other power the authority deems necessary, useful, or convenient to accomplish its purposes and exercise the powers expressly granted in this chapter.

NEW SECTION. Sec. 34. This chapter is void if a federal law, or a combination of federal laws, takes effect that establishes a national program for the collection and recycling of covered electronic products that substantially meets the intent of this chapter, including the creation of a financing mechanism for collection, transportation, and recycling of all covered electronic products from households, small businesses, school districts, small governments, and charities in the United States.

NEW SECTION. Sec. 35. A new section is added to chapter 43.19 RCW to read as follows:

(1) The department of general administration shall establish purchasing and procurement policies that establish a preference for electronic products that meet environmental performance standards relating to the reduction or elimination of hazardous materials.

(2) The department of general administration shall ensure that their surplus electronic products, other than those sold individually to private citizens, are managed only by registered transporters and by processors meeting the requirements of section 25 of this act.

(3) The department of general administration shall ensure that their surplus electronic products are directed to legal secondary materials markets by requiring a chain of custody record that documents to whom the products were initially delivered through to the end use manufacturer.

Sec. 36. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; ~~((and))~~

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter; and

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.-- RCW (sections 1 through 34 of this act) to implement chapter 70.-- RCW (sections 1 through 34 of this act).

NEW SECTION. Sec. 37. This act must be liberally construed to carry out its purposes and objectives.

NEW SECTION. Sec. 38. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 39. This act takes effect July 1, 2006.

NEW SECTION. Sec. 40. Sections 1 through 34 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 2 of the title, after "opportunities;" strike the remainder of the title and insert "amending RCW 42.56.270; adding a new section to chapter 43.19 RCW; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date."

Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Blake; Dickerson; Hunt and Kagi.

MINORITY recommendation: Do not pass. Signed by Representatives Buck, Ranking Minority Member; Kretz,

Assistant Ranking Minority Member; Chandler and Orcutt.

Referred to Committee on Appropriations.

February 22, 2006

ESB 6433 Prime Sponsor, Senator Kastama: Establishing the emergency management, preparedness, and assistance account. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that recent events, including the 9/11 terrorist acts, the tsunami in southeast Asia, Hurricanes Katrina and Rita in the gulf coast, outbreaks of avian flu, and the earthquake in Pakistan, have demonstrated the need for a coordinated, comprehensive all-hazards disaster plan involving citizens, industry, local governments, and the state. Washington state's topography, geography, location, and strategic and economic interests place the state at particular risk from both natural disasters and man-made disasters. In response, Washington state and its local governments have implemented nationally recognized all-hazards emergency management and disaster response plans. However, recent studies have revealed the lack of a secure funding source for resolving impediments to the ability of state and local programs to integrate and coordinate comprehensive disaster preparedness. In addition, local programs suffer disparities in funding and expertise, leaving troublesome gaps in a well-coordinated statewide all-hazards emergency management system.

Recognizing that all disasters are local disasters, the legislature therefore intends to strengthen state and local emergency response, mitigation, preparation, and coordination by establishing a stable source of funding with the intent that Washington state become the nationally recognized leader in emergency management. The funding will be dedicated to the development and coordination of state and local government emergency management programs by supporting joint training exercises, citizen and industry coordination with emergency management efforts, public education, and relationship building among local and state emergency management officials.

NEW SECTION. Sec. 2. The emergency management, preparedness, and assistance account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as provided in section 3 of this act.

NEW SECTION. Sec. 3. (1)(a) The department must use twenty percent of the funds appropriated from the emergency management, preparedness, and assistance account for the department's administration of this section, and to: Fund the department's assessment required by section 4 of this act; fund state agency activities, including military department activities, that develop and coordinate comprehensive emergency management plans; train elected and appointed state officials on state laws, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; administer periodic joint emergency management training exercises involving the military department and other state agencies; and implement state agency projects that will strengthen emergency response, mitigation, preparation, and coordination.

(b) From the remaining funds, the department shall pay for the study required in section 5 of this act, and the remainder must be allocated for grants to regional agencies, local governments, tribal governments, regional incident management teams, and private organizations to: Develop and coordinate comprehensive emergency management plans; train elected and appointed officials on state laws, ordinances, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster;

administer periodic joint emergency management training exercises; and implement projects that will strengthen emergency response, mitigation, preparation, and coordination.

(2) Projects funded under this section must include, but need not be limited to, projects that will promote statewide and neighborhood level public education on disaster preparedness and recovery issues, situate all weather radios in public buildings, enhance coordination of public sector and private sector relief efforts, and improve the training and operations capabilities of agencies assigned lead or support responsibilities in the state comprehensive emergency management plan.

(3) Grant funding may also be used as seed money to establish a dedicated, full-time emergency management director in every county that does not have such a director as of the effective date of this section.

(4) The department must establish criteria and procedures for competitive allocation of these funds by rule. At a minimum, the rules must:

(a) Establish preferential funding for projects and exercises addressing needs and recommendations identified by the department in the assessment conducted under section 4 of this act;

(b) Specify a formula that establishes a base grant allocation and weighted factors for funds to be allocated over the base grant amount for regional agencies, local governments, tribal governments, regional incident management teams, and private organizations with existing emergency management and preparedness programs that are located in a part of the state where the risk of exposure to disasters is deemed by the department to be particularly acute;

(c) Specify match requirements; and

(d) Include requirements that, at a minimum, a local emergency management agency have: A comprehensive emergency management plan or be a member of a joint local organization for emergency management; and a local director who works at least forty hours a week in that capacity, or have designated by ordinance or resolution an emergency management coordinator who works at least fifteen hours a week in that capacity.

(5) No more than five percent of any award made under subsection (1)(b) of this section may be used for administrative expenses.

(6) The distribution formula provided in this section may be adjusted proportionally when necessary to meet any matching requirements imposed as a condition of receiving federal disaster relief assistance or planning funds.

(7) Local governments and other recipients of funds under this section may not use the funds to supplant existing funding.

NEW SECTION. Sec. 4. Beginning in January 2008 and biennially thereafter, the department must conduct in conjunction with the emergency management council a strategic assessment of, and issue a report on, the ability of state, local, and tribal emergency management organizations to effectively provide for all phases of comprehensive emergency management. The assessment must:

(1) Evaluate state, local, and tribal emergency management capabilities and needs;

(2) Evaluate the ability of state, local, and tribal emergency management organizations to provide emergency management mitigation, preparedness, response, and recovery;

(3) Evaluate the effectiveness of the emergency management structure at the state, local, and tribal levels;

(4) Provide findings and make recommendations that increase the ability of state, local, and tribal emergency management organizations to meet current and future risks; and

(5) Detail where and for what purpose funds under section 3(1)(b) of this act have been distributed.

NEW SECTION. Sec. 5. The joint legislative audit and review committee must study and review the performance of programs implemented under this act. The committee must examine at least the following factors: The number and type of joint exercises conducted under section 3 of this act; the number of programs receiving grant money and the status of those programs; the coordination of comprehensive emergency management plans between state and local jurisdictions; the number of training programs administered; the

number of comprehensive emergency management or safety plans created using funds distributed under section 3 of this act; and the number of emergency preparedness officials created and trained with funds distributed under this act. The committee must provide a final report on this review by December 2008. Funds from the emergency management, preparedness, and assistance account may be provided to the committee for the purposes of conducting the study.

NEW SECTION. Sec. 6. Sections 2 through 4 of this act are each added to chapter 38.52 RCW."

Correct the title.

Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Referred to Committee on Appropriations.

February 21, 2006
SSB 6439 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Concerning coastal crab fisheries licenses. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.70.350 and 1994 c 260 s 10 are each amended to read as follows:

(1) The following restrictions apply to vessel designations and substitutions on Dungeness crab-coastal fishery licenses (~~and Dungeness crab-coastal class B fishery licenses~~):

(a) The holder of the license may not:

(i) Designate on the license a vessel the hull length of which exceeds ninety-nine feet (~~nor may the holder~~); or

(ii) Change vessel designation if the hull length of the vessel proposed to be designated exceeds the hull length (~~of the currently designated vessel~~) designated on the license on the effective date of this section by more than ten feet. However, if such vessel designation is the result of an emergency transfer, the applicable vessel length would be the most recent permanent vessel designation on the license prior to the effective date of this section;

(b) If the hull length of the vessel proposed to be designated is comparable to or exceeds by up to one foot the hull length of the currently designated vessel, the department may change the vessel designation no more than once in any two consecutive Washington state coastal crab seasons unless the currently designated vessel is lost or in disrepair such that it does not safely operate, in which case the department may allow a change in vessel designation;

(c) If the hull length of the vessel proposed to be designated exceeds by between one and ten feet the hull length of the (~~currently~~) designated vessel on the effective date of this section, the department may change the vessel designation no more than once ((in any five consecutive Washington state coastal crab seasons)) on or after the effective date of this section, unless a request is made by the license holder during a Washington state coastal crab season for an emergency change in vessel designation. If such an emergency request is made, the director may allow a temporary change in designation to another vessel, if the hull length of the other vessel does not exceed by more than ten feet the hull length of the currently designated vessel.

(2) For the purposes of this section, "hull length" means the length overall of a vessel's hull as shown by (~~United States coast guard documentation or~~) marine survey(;) or (~~for vessels that do not require United States coast guard documentation;~~) by manufacturer's specifications (~~or marine survey~~).

(3) By December 31, 2010, the department must, in cooperation with the coastal crab fishing industry, evaluate the effectiveness of this section and, if necessary, recommend any statutory changes to the appropriate committees of the senate and house of representatives."

Signed by Representatives B. Sullivan, Chairman; Uptegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler; Dickerson; Hunt; Kagi and Orcutt.

Passed to Committee on Rules for second reading.

February 21, 2006
SSB 6473 Prime Sponsor, Senate Committee On Water, Energy & Environment: Eliminating the requirement that telecommunications companies file price lists. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Sump and Takko.

Passed to Committee on Rules for second reading.

February 22, 2006
SB 6493 Prime Sponsor, Senator Kline: Revising the jurisdiction of drug courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Kirby; Springer; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Serben.

Passed to Committee on Rules for second reading.

February 21, 2006
ESSB 6508 Prime Sponsor, Senate Committee On Water, Energy & Environment: Developing minimum renewable fuel content requirements and fuel quality standards in an alternative fuels market. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is in the public interest to establish a market for alternative fuels in Washington. By requiring a growing percentage of our fuel supply to be renewable biofuel that meets appropriate fuel quality standards, we will reduce our dependence on imports of foreign oil, improve the health and quality of life for Washingtonians, and stimulate the creation of a new industry that benefits our farmers and rural communities. The legislature finds that it is in the public interest for the state to play a central role in spurring the market by purchasing an increasing amount of alternative fuels. The legislature agrees with national leaders that we must act now, and that the more than two years before the requirements of this act take effect is sufficient time

for feedstock and fuel providers to prepare for successful implementation.

NEW SECTION. Sec. 2. A new section is added to chapter 19.112 RCW to read as follows:

(1) Special fuel licensees under chapter 82.38 RCW, other than international fuel tax agreement licensees and special fuel distributors, shall provide evidence to the department of licensing that at least two percent of total annual diesel fuel sales are biodiesel fuel sales, six months after the director determines that feedstock grown in Washington state can satisfy a two-percent requirement, or the date November 30, 2008, has passed.

(2) Special fuel licensees under chapter 82.38 RCW, other than international fuel tax agreement licensees and special fuel distributors, shall provide evidence to the department of licensing that at least five percent of total annual diesel fuel sales are biodiesel fuel sales, six months after the director determines that both in-state oil seed crushing capacity and feedstock grown in Washington state can satisfy a three-percent requirement.

(3) For the purposes of this chapter, "biodiesel fuel" has the meaning provided in RCW 82.29A.135.

(4) The director and the director of licensing shall adopt rules for enforcing and carrying out the purposes of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 19.112 RCW to read as follows:

(1) Beginning December 1, 2008, all gasoline sold or offered for sale in Washington shall contain at least two percent denatured ethanol by volume.

(2) If the director of ecology determines that ethanol content greater than two percent will not jeopardize continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution in Washington and the director of agriculture determines that sufficient raw materials are available within Washington to support economical production of ethanol at higher levels, the director of agriculture may require by rule that all gasoline sold or offered for sale in Washington shall contain up to a maximum of ten percent of denatured ethanol by volume. The director of agriculture shall allow six months to meet the new minimum content requirement under this subsection.

(3) The director of agriculture shall adopt rules for enforcing and carrying out the purposes of this section.

Sec. 4. RCW 19.112.020 and 1990 c 102 s 3 are each amended to read as follows:

(1) This chapter shall be administered by the director or his or her authorized agent. ~~((For the purpose of administering this chapter:))~~

(2) The director, by rule, shall adopt standards for motor fuel and for biodiesel fuel or fuel blended with biodiesel fuel by adopting all or part of the standards set forth in the Annual Book of ASTM Standards and supplements ((thereto, and revisions thereof, are adopted)), amendments, or revisions thereof, all or part of the standards set forth in the National Institute of Standards and Technology (NIST) Handbook 130, Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality rules, and any supplements, amendments, or revisions thereof, together with applicable federal environmental protection agency standards. If a conflict exists between federal environmental protection agency standards, ASTM standards, or ((state)) NIST standards, for purposes of uniformity, federal environmental protection agency standards shall take precedence over ASTM and NIST standards. ((Any state standards adopted must be consistent with federal environmental protection agency standards and ASTM standards not in conflict with federal environmental protection agency standards.)) The department of agriculture shall not exceed ASTM standards for diesel.

(3) The director may establish a fuel testing laboratory or may contract with a laboratory for testing. The director may also adopt rules on false and misleading advertising, labeling and posting of prices, and the standards for, and identity of, motor fuels. The director shall require fuel pumps offering biodiesel and ethanol blends to be identified by a label stating the percentage of biodiesel or ethanol.

NEW SECTION. Sec. 5. A new section is added to chapter 19.112 RCW to read as follows:

The director shall establish a biofuels advisory committee to advise the director on implementing or suspending the minimum renewable fuel content requirements. The committee shall advise the director on applicability to all users; logistical, technical, and economic issues of implementation, including the potential for credit trading, compliance and enforcement provisions, and tracking and reporting requirements; and how the use of renewable fuel blends greater than two percent for ethanol could achieve the goals of this act. The director shall make recommendations to the legislature and the governor on the implementation or suspension of this act by September 1, 2007.

Sec. 6. RCW 43.19.642 and 2003 c 17 s 2 are each amended to read as follows:

(1) All state agencies are encouraged to use a fuel blend of twenty percent biodiesel and eighty percent petroleum diesel for use in diesel-powered vehicles and equipment.

(2) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(3) Effective June 1, 2009, all state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(4) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file quarterly reports with the department of general administration documenting any problems encountered with the use of the fuel and a description of how the problems were resolved.

NEW SECTION. Sec. 7. A new section is added to chapter 43.19 RCW to read as follows:

(1) The department of general administration must assist state agencies seeking to meet the biodiesel fuel mandates in RCW 43.19.642 by coordinating the purchase and delivery of biodiesel if requested by any state agency. The department may use long-term contracts of up to ten years to secure a sufficient and stable supply of biodiesel for use by state agencies.

(2) The department shall compile and analyze the reports submitted under RCW 43.19.642(4) and report its findings and recommendations to the governor and legislature within thirty days from the end of each reporting period. The governor shall consider these reports in determining whether to temporarily suspend minimum renewable fuel content requirements as authorized under section 8 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 19.112 RCW to read as follows:

The governor, by executive order, may suspend all or portions of the minimum renewable fuel content requirements in section 2 or 3 of this act, or both, based on a determination that such requirements are temporarily technically or economically infeasible.

NEW SECTION. Sec. 9. A new section is added to chapter 19.112 RCW to read as follows:

(1) By November 30, 2008, the director shall determine whether the state's diesel fuel supply is comprised of at least ten percent biodiesel made predominantly from Washington feedstock, and whether the goals of section 2 of this act have been achieved.

(2) By November 30, 2008, the director shall determine whether the state's gasoline fuel supply is comprised of at least twenty percent ethanol made predominantly from Washington feedstock, without jeopardizing continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution, and whether the goals of section 3 of this act have been achieved.

(3) By December 1, 2008, the director shall notify the governor and the legislature of the findings in subsections (1) and (2) of this section.

(4) If the findings from the director indicate that the goals of subsections (1) and (2) of this section, or both, have been achieved, then the governor shall issue an executive order declaring that section 2 or 3 of this act, or both, are no longer applicable.

NEW SECTION. Sec. 10. A new section is added to chapter 19.112 RCW to read as follows:

(1) If either or both of the goals in section 9 of this act are not achieved by November 30, 2008, the director shall monitor the state's diesel and gasoline fuel supply until such time as either or both of the goals are met.

(2) The director shall report to the governor and the legislature by November 30th of the year in which a goal is met.

(3) Following notification under this section that a goal has been met, the governor shall prepare executive request legislation repealing section 2 or 3 of this act, or both, as applicable.

NEW SECTION. Sec. 11. A new section is added to chapter 19.112 RCW to read as follows:

For the purposes of this chapter, "diesel" means special fuel as defined in RCW 82.38.020, and dyed special fuel as defined in 26 C.F.R. Sec. 48.4082-1T as of October 24, 2005.

NEW SECTION. Sec. 12. A new section is added to chapter 19.112 RCW to read as follows:

The director of the department of licensing shall establish rules to ensure that information submitted as required by this act can be combined or aggregated for reporting purposes by the department of licensing without releasing identifying individual company information."

Correct the title.

Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Ericks; Hudgins; P. Sullivan; Takko and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Haler, Assistant Ranking Minority Member; Hankins and Nixon.

Passed to Committee on Rules for second reading.

February 22, 2006

SSB 6528 Prime Sponsor, Senate Committee On Transportation: Permitting roadside tire chain businesses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

On page 1, line 19, after "traffic." insert "In issuing the permits, the department shall insure that the maximum practicable number of different individuals and entities receive permits, and that no one entity, to the extent practicable, is the sole permit holder for a particular location."

Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 22, 2006

SB 6545 Prime Sponsor, Senator Sheldon: Removing the minimum height requirement for the attachment of vehicle license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 22, 2006

SSB 6552 Prime Sponsor, Senate Committee On Transportation: Modifying commercial driver's license provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

On page 7, beginning on line 11, after "(1)" strike all material through line 14 and insert "Drivers of commercial motor vehicles shall obtain a commercial driver's license as required under this chapter ((by April 1, 1992. The director shall establish a program to convert all qualified commercial motor vehicle drivers by that date. After April 1, 1992;))."

On page 8, after line 18, insert the following:

"(3) The department shall to the extent possible enter into reciprocity agreements with adjoining states to allow the waivers described in subsection (1) of this section to apply to drivers holding commercial driver's licenses from those adjoining states."

Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 22, 2006

SB 6568 Prime Sponsor, Senator Regala: Modifying animal fighting provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 1, line 12, after "Knowingly" strike "or with the intent to,"

On page 1, line 13, after "spectator" insert "of"

On page 1, line 14, after "furtherance of" insert ";

Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 21, 2006
SSB 6570 Prime Sponsor, Senate Committee On Financial Institutions, Housing & Consumer Protection: Requiring lenders to consider retail installment contracts for the purchase of motor vehicles. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chairman; Ericks, Vice Chairman; Roach, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Newhouse; O'Brien; Santos; Serben; Simpson; Strow and Williams.

Passed to Committee on Rules for second reading.

February 23, 2006
SB 6576 Prime Sponsor, Senator Hargrove: Clarifying procedures for forwarding sex offender information. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

February 22, 2006
SSB 6579 Prime Sponsor, Senate Committee On Human Services & Corrections: Requiring parents be notified when a juvenile is taken into custody. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse; Lovick and Roberts.

Passed to Committee on Rules for second reading.

February 22, 2006
ESSB 6580 Prime Sponsor, Senate Committee On Human Services & Corrections: Creating work groups to evaluate issues relating to juvenile sex offenders and kidnapping offenders in schools. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse; Lovick and Roberts.

Passed to Committee on Rules for second reading.

February 22, 2006
ESB 6606 Prime Sponsor, Senator Fraser: Requiring standards for educational interpreters for students who are deaf or hard of hearing. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 21, 2006
SB 6637 Prime Sponsor, Senator Keiser: Concerning qualifications for adult family home providers. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.128.120 and 2002 c 223 s 1 are each amended to read as follows:

Each adult family home provider and each resident manager shall have the following minimum qualifications, except that only providers are required to meet the provisions of subsection (10) of this section:

- (1) Twenty-one years of age or older;
- (2) For those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins after September 1, 2001, a United States high school diploma or general educational development (GED) certificate or any English or translated government documentation of the following:
 - (a) Successful completion of government-approved public or private school education in a foreign country that includes an annual average of one thousand hours of instruction over twelve years or no less than twelve thousand hours of instruction;
 - (b) A foreign college, foreign university, or United States community college two-year diploma;
 - (c) Admission to, or completion of coursework at, a foreign university or college for which credit was granted;
 - (d) Admission to, or completion of coursework at, a United States college or university for which credits were awarded;
 - (e) Admission to, or completion of postgraduate coursework at, a United States college or university for which credits were awarded; or
 - (f) Successful passage of the United States board examination for registered nursing, or any professional medical occupation for which college or university education preparation was required;
- (3) Good moral and responsible character and reputation;
- (4) Literacy in the English language, however, a person not literate in the English language may meet the requirements of this subsection by assuring that there is a person on staff and available who is able to communicate or make provisions for communicating with the resident in his or her primary language and capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations and be able to read and understand resident care plans;
- (5) Management and administrative ability to carry out the requirements of this chapter;
- (6) Satisfactory completion of department-approved basic training and continuing education training as specified by the department in rule, based on recommendations of the community long-term care training and education steering committee and working in collaboration with providers, consumers, caregivers, advocates, family members, educators, and other interested parties in the rule-making process;
- (7) Satisfactory completion of department-approved, or equivalent, special care training before a provider may provide special care services to a resident;
- (8) Not been convicted of any crime listed in RCW 43.43.830 and 43.43.842; (~~and~~)
- (9) For those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins

after September 1, 2001, at least three hundred twenty hours of successful, direct caregiving experience obtained after age eighteen to vulnerable adults in a licensed or contracted setting prior to operating or managing an adult family home; and

(10) Prior to being granted a license, providers applying after January 1, 2007, must complete a department-approved forty-eight hour adult family home administration and business planning class. The department shall promote and prioritize bilingual capabilities within available resources and when materials are available for this purpose."

On page 1, line 1 of the title, after "providers;" strike the remainder of the title and insert "and amending RCW 70.128.120."

Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Condotta; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

Passed to Committee on Rules for second reading.

February 21, 2006

ESSB 6646 Prime Sponsor, Senate Committee On Water, Energy & Environment: Regarding outdoor burning in areas of small towns and cities. Reported by Committee on Natural Resources, Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives B. Sullivan, Chairman; Upthegrove, Vice Chairman; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake; Chandler and Orcutt.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson; Hunt and Kagi.

Passed to Committee on Rules for second reading.

February 22, 2006

SB 6674 Prime Sponsor, Senator Oke: Requiring that funds collected from construction of the second Tacoma Narrows bridge be deposited in the Tacoma Narrows toll bridge account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Erickson; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 22, 2006

SB 6762 Prime Sponsor, Senator Mulliken: Limiting the posting of hazards to motorcycles to paved roadways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner,

Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Erickson; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 21, 2006

ESSB 6776 Prime Sponsor, Senate Committee On Water, Energy & Environment: Prohibiting the unauthorized sale of telephone records. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; Nixon; P. Sullivan; Sump and Takko.

Passed to Committee on Rules for second reading.

February 22, 2006

SSB 6791 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Concerning liquor licenses issued to entities providing concession services on ferries. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6806 Prime Sponsor, Senate Committee On Judiciary: Establishing the domestic violence hope card study committee. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to study the advisability of providing to all recipients of protection orders, who are victims of domestic violence, wallet-size cards that would provide to law enforcement all information necessary to enforce the protection order.

NEW SECTION. Sec. 2. (1) The domestic violence hope card study committee is established to review the advisability of providing wallet-size cards bearing information regarding protection orders to victims of domestic violence within Washington state. The committee shall collaborate with the Washington state gender and justice commission and shall be composed of:

- (a) Two senators, one from each caucus in the senate;
- (b) Two representatives, one from each caucus in the house of representatives;
- (c) One representative of the Washington state attorney general's office;
- (d) One police chief appointed by the Washington association of sheriffs and police chiefs;

(e) One elected sheriff appointed by the Washington association of sheriffs and police chiefs;

(f) One representative of the Washington state patrol;

(g) One representative of the administrative office of the courts;

(h) One representative of a tribal government appointed by the governor;

(i) One representative of the Washington association of criminal defense lawyers;

(j) One representative of a statewide domestic violence advocacy group appointed by the governor;

(k) One representative who is an advocate for domestic violence victims on tribal lands appointed by the governor;

(l) One representative of the office of crime victims advocacy;

(m) One representative of the Washington association of prosecuting attorneys; and

(n) One representative of the Washington state association of county clerks.

(2) The committee shall review and analyze hope card programs operating in Washington state and other states. Specifically, the committee shall review:

(a) The practicality of requiring the statewide distribution of wallet-size cards to victims of domestic violence that document the existence of a protection order and provide identifying information regarding the respondent, including a photograph, and contents of a protection order in addition to contact information for the victim to utilize the court system, gain access to domestic violence services, and contact law enforcement;

(b) The information required to be provided to victims of domestic violence under current law;

(c) Whether victims of domestic violence are receiving this information;

(d) Whether any additional information should be included on the cards provided to domestic violence victims;

(e) Costs, administrative, and capital equipment issues involved with the implementation of such a program;

(f) How nonstate funds could be utilized to pay for the costs involved in implementation of such a program;

(g) How such a program could be implemented statewide;

(h) Confidentiality, privacy, and safety concerns that may arise in the implementation of such a program; and

(i) Any other issues the committee finds relevant to the distribution of hope cards to victims of domestic violence.

(3) Staff support shall be provided by the office of crime victims advocacy, senate committee services, and the office of program research.

(4) Legislative members of the study committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) A committee report, containing findings and proposed legislation, if any, shall be delivered to the full legislature not later than December 31, 2006.

NEW SECTION. Sec. 3. This act expires June 30, 2007."

Correct the title.

Signed by Representatives Dickerson, Chairman; Moeller, Vice Chairman; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse; Lovick and Roberts.

Passed to Committee on Rules for second reading.

February 22, 2006

2SSB 6823 Prime Sponsor, Senate Committee On Ways & Means: Modifying provisions relating to the distribution of beer and wine. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Referred to Committee on Appropriations.

February 23, 2006

SSB 6840 Prime Sponsor, Senate Committee On Water, Energy & Environment: Modifying energy efficiency provisions. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.260.020 and 2005 c 298 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Automatic commercial ice cube machine" means a factory-made assembly, not necessarily shipped in one package, consisting of a condensing unit and ice-making section operating as an integrated unit with means for making and harvesting ice cubes. It may also include integrated components for storing or dispensing ice, or both.

(2) "Ballast" means a device used with an electric discharge lamp to obtain necessary circuit conditions, such as voltage, current, and waveform, for starting and operating the lamp.

(3) "Commercial clothes washer" means a soft mount horizontal or vertical-axis clothes washer that: (a) Has a clothes container compartment no greater than 3.5 cubic feet in the case of a horizontal-axis product or no greater than 4.0 cubic feet in the case of a vertical-axis product; and (b) is designed for use by more than one household, such as in multifamily housing, apartments, or coin laundries.

(4) "Commercial prerinse spray valve" means a handheld device designed and marketed for use with commercial dishwashing and warewashing equipment and that sprays water on dishes, flatware, and other food service items for the purpose of removing food residue prior to their cleaning.

(5)(a) "Commercial refrigerators and freezers" means refrigerators, freezers, or refrigerator-freezers designed for use by commercial or institutional facilities for the purpose of storing or merchandising food products, beverages, or ice at specified temperatures that: (i) Incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single cabinet; and (ii) may be configured with either solid or transparent doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through cabinet.

(b) "Commercial refrigerators and freezers" does not include: (i) Products with 85 cubic feet or more of internal volume; (ii) walk-in refrigerators or freezers; (iii) consumer products that are federally regulated pursuant to 42 U.S.C. Sec. 6291 et seq.; (iv) products without doors; or (v) freezers specifically designed for ice cream.

(6) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.

(7) "Department" means the department of community, trade, and economic development.

(8) "High-intensity discharge lamp" means a lamp in which light is produced by the passage of an electric current through a vapor or gas, and in which the light-producing arc is stabilized by bulb wall temperature and the arc tube has a bulb wall loading in excess of three watts per square centimeter.

(9) ("Illuminated exit sign" means an internally illuminated sign that is designed to be permanently fixed in place to identify a building exit and consists of an electrically powered integral light

source that illuminates the legend "EXIT" and any directional indicators and provides contrast between the legend, any directional indicators, and the background.

~~((10))~~ (10)(a) "Low-voltage dry-type distribution transformer" means a distribution transformer that: (i) Has an input voltage of 600 volts or less; (ii) is air cooled; (iii) does not use oil as a coolant; and (iv) is rated for operation at a frequency of 60 hertz.

~~((b))~~ "Low-voltage dry-type transformer" does not include: (i) Transformers with multiple voltage taps, with the highest voltage tap equating at least twenty percent more than the lowest voltage tap; or (ii) transformers, such as those commonly known as drive transformers, rectifier transformers, auto transformers, uninterruptible power system transformers, impedance transformers, regulating transformers, sealed and nonventilating transformers, machine tool transformers, welding transformers, grounding transformers, or testing transformers, that are designed to be used in a special purpose application and are unlikely to be used in general purpose applications.

~~((11))~~ "Metal halide lamp" means a high-intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

~~((12))~~ (10) "Metal halide lamp fixture" means a light fixture designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

~~((13))~~ (11) "Pass-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on both the front and rear of the unit.

~~((14))~~ (12) "Probe-start metal halide ballast" means a ballast used to operate metal halide lamps which does not contain an igniter and which instead starts lamps by using a third starting electrode "probe" in the arc tube.

~~((15))~~ (13) "Reach-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors or lids, but does not include roll-in or roll-through cabinets or pass-through cabinets.

~~((16))~~ (14)(a) "Roll-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors that allow wheeled racks of product to be rolled into the unit.

(b) "Roll-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on two sides of the cabinet that allow wheeled racks of product to be rolled through the unit.

~~((17))~~ (15)(a) "Single-voltage external AC to DC power supply" means a device that: (i) Is designed to convert line voltage alternating current input into lower voltage direct current output; (ii) is able to convert to only one DC output voltage at a time; (iii) is sold with, or intended to be used with, a separate end-use product that constitutes the primary power load; (iv) is contained within a separate physical enclosure from the end-use product; (v) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and (vi) has a nameplate output power less than or equal to 250 watts.

(b) "Single-voltage external AC to DC power supply" does not include: (i) Products with batteries or battery packs that physically attach directly to the power supply unit; (ii) products with a battery chemistry or type selector switch and indicator light; or (iii) products with a battery chemistry or type selector switch and a state of charge meter.

~~((18))~~ (16) "State-regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service applications, that has an inner reflective coating on the outer bulb to direct the light, an E26 medium screw base, and a rated voltage or voltage range that lies at least partially within 115 to 130 volts, and that falls into one of the following categories:

(a) A bulged reflector or elliptical reflector bulb shape and which has a diameter which equals or exceeds 2.25 inches;

(b) A reflector, parabolic aluminized reflector, or similar bulb shape and which has a diameter of 2.25 to 2.75 inches.

~~((19))~~ "Torchiere" means a portable electric lighting fixture with a reflective bowl that directs light upward onto a ceiling so as to produce indirect illumination on the surfaces below. "Torchiere" may include downward directed lamps in addition to the upward, indirect illumination.

~~((20))~~ "Traffic signal module" means a standard (a) 8-inch or 200 mm or (b) 12-inch or 300 mm traffic signal indication, consisting of a light source, a lens, and all other parts necessary for operation.

~~((21))~~ (17) "Transformer" means a device consisting of two or more coils of insulated wire and that is designed to transfer alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.

~~((22))~~ (18)(a) "Unit heater" means a self-contained, vented fan-type commercial space heater that uses natural gas or propane, and that is designed to be installed without ducts within a heated space.

(b) "Unit heater" does not include any products covered by federal standards established pursuant to 42 U.S.C. Sec. 6291 et seq. or any product that is a direct vent, forced flue heater with a sealed combustion burner.

Sec. 2. RCW 19.260.030 and 2005 c 298 s 3 are each amended to read as follows:

(1) This chapter applies to the following types of new products sold, offered for sale, or installed in the state: (a) Automatic commercial ice cube machines; (b) commercial clothes washers; (c) commercial prerinse spray valves; (d) commercial refrigerators and freezers; (e) ~~((illuminated exit signs; (f) low-voltage dry-type distribution transformers; (g))~~ metal halide lamp fixtures; ~~((11))~~ (f) single-voltage external AC to DC power supplies; ~~((17))~~ (g) state-regulated incandescent reflector lamps; ~~((11))~~ (j) torchieres; ~~((k))~~ traffic signal modules; and ~~((11))~~ (h) unit heaters. This chapter applies equally to products whether they are sold, offered for sale, or installed as a stand-alone product or as a component of another product.

(2) This chapter does not apply to (a) new products manufactured in the state and sold outside the state, (b) new products manufactured outside the state and sold at wholesale inside the state for final retail sale and installation outside the state, (c) products installed in mobile manufactured homes at the time of construction ~~((17))~~ or (d) products designed expressly for installation and use in recreational vehicles.

Sec. 3. RCW 19.260.040 and 2005 c 298 s 4 are each amended to read as follows:

The legislature establishes the following minimum efficiency standards for the types of new products set forth in RCW 19.260.030.

(1)(a) Automatic commercial ice cube machines must have daily energy use and daily water use no greater than the applicable values in the following table:

Equipment type	Type of cooling	Harvest rate (lbs. ice/24 hrs.)	Maximum energy use (kWh/100 lbs.)	Maximum condenser water use (gallons/100 lbs. ice)
Ice-making head	water	<500	7.80 - .0055H	200 - .022H
		> =500<1436	5.58 - .0011H	200 - .022H
		> =1436	4.0	200 - .022H
Ice-making head	air	450	10.26 - .0086H	Not applicable
		> =450	6.89 - .0011H	Not applicable
Remote condensing but not remote compressor	air	<1000	8.85 - .0038	Not applicable
		> =1000	5.10	Not applicable
Remote condensing and remote compressor	air	<934	8.85 - .0038H	Not applicable
		> =934	5.3	Not applicable
Self-contained models	water	<200	11.40 - .0190H	191 - .0315H
		> =200	7.60	191 - .0315H
Self-contained models	air	<175	18.0 - .0469H	Not applicable
		> =175	9.8	Not applicable

Where H = harvest rate in pounds per twenty-four hours which must be reported within 5% of the tested value. "Maximum water use" applies only to water used for the condenser.

(b) For purposes of this section, automatic commercial ice cube machines shall be tested in accordance with ARI 810-2003 test method as published by the air-conditioning and refrigeration institute. Ice-making heads include all automatic commercial ice cube machines that are not split system ice makers or self-contained models as defined in ARI 810-2003.

(2) Commercial clothes washers must have a minimum modified energy factor of 1.26. For the purposes of this section, capacity and modified energy factor are defined and measured in accordance with the current federal test method for clothes washers as found at 10 C.F.R. Sec. 430.23.

(3) Commercial prerinse spray valves must have a flow rate equal to or less than 1.6 gallons per minute when measured in accordance with the American society for testing and materials' "Standard Test Method for Prerinse Spray Valves," ASTM F2324-03.

(4)(a) Commercial refrigerators and freezers must meet the applicable requirements listed in the following table:

Equipment Type	Doors	Maximum Daily Energy Consumption (kWh)
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators	Solid	0.10V + 2.04
	Transparent	0.12V + 3.34
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are "pulldown" refrigerators	Transparent	.126V + 3.51
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are freezers	Solid	0.40V + 1.38
	Transparent	0.75V + 4.10
Reach-in cabinets that are refrigerator-freezers with an AV of 5.19 or higher	Solid	0.27AV - 0.71

kWh = kilowatt hours

V = total volume (ft³)

AV = adjusted volume = [1.63 x freezer volume (ft³)] + refrigerator volume (ft³)

(b) For purposes of this section, "pulldown" designates products designed to take a fully stocked refrigerator with beverages at 90 degrees F and cool those beverages to a stable temperature of 38 degrees F within 12 hours or less. Daily energy consumption shall be measured in accordance with the American national standards institute/American society of heating, refrigerating and air-conditioning engineers test method 117-2002, except that the back-loading doors of pass-through and roll-through refrigerators and freezers must remain closed throughout the test, and except that the controls of all appliances must be adjusted to obtain the following product temperatures.

Product or compartment type	Integrated average product temperature in degrees Fahrenheit
Refrigerator	38 ± 2
Freezer	0 ± 2

~~(5) (Illuminated exit signs must have an input power demand of five watts or less per illuminated face. For the purposes of this section, input power demand is measured in accordance with the United States environmental protection agency's energy star exit sign program's conditions for testing, version 3.0. Illuminated exit signs must meet all applicable building and safety codes.~~

~~(6)(a) Low-voltage dry-type distribution transformers shall have efficiencies not less than the applicable values in the following table when tested at thirty-five percent of the rated output power:~~

Single-Phase		Three-Phase	
Rated power output in kVa	Minimum efficiency %	Rated power output in kVa	Minimum efficiency %
≥ 15	< 25	≥ 15	< 30
≥ 25	< 37.5	≥ 30	< 45
≥ 37.5	< 50	≥ 45	< 75
≥ 50	< 75	≥ 75	< 112.5
≥ 75	< 100	≥ 112.5	< 150
≥ 100	< 167	≥ 150	< 225
≥ 167	< 250	≥ 225	< 300
≥ 250	< 333	≥ 300	< 500
333		≥ 500	< 750
=	=	≥ 750	< 1000
=	=	1000	

kVa = kilovolt amperes

~~(b) For the purposes of this section, low-voltage dry-type distribution transformer efficiency is measured in accordance with the national electrical manufacturers association TP 2-1998 test method.~~

~~(7)) Metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall not contain a probe-start metal halide lamp ballast.~~

~~((8)) (6)(a) Single-voltage external AC to DC power supplies shall meet the requirements in the following table:~~

Nameplate output	Minimum Efficiency in Active Mode
< 1 Watt	0.49 * Nameplate Output
> or = 1 Watt and < or = 49 Watts	0.09 * Ln (Nameplate Output) + 0.49
> 49 Watts	0.84
	Maximum Energy Consumption in No-Load Mode
< 10 Watts	0.5 Watts
> or = 10 Watts and < or = 250 Watts	0.75 Watts

Where Ln (Nameplate Output) - Natural Logarithm of the nameplate output expressed in Watts

~~(b) For the purposes of this section, efficiency of single-voltage external AC to DC power supplies shall be measured in accordance with the United States environmental protection agency's "Test Method for Calculating the Energy Efficiency of Single-Voltage External AC to DC and AC to AC Power Supplies," by Ecos Consulting and Power Electronics Application Center, dated August 11, 2004.~~

~~((9)) (7)(a) State-regulated incandescent reflector lamps ((that are not 50 watt elliptical reflector lamps must meet the minimum efficacies in the following table:~~

Wattage	Minimum average lamp efficacy (lumens per watt)
40-50	10.5
51-66	11.0
67-85	12.5
86-115	14.0
116-155	14.5
156-205	15.0

~~(b) Lamp efficacy must be measured in accordance with the applicable federal test method as found at 10 C.F.R. Sec. 430.23.~~

~~(10) Torchieres may not use more than 190 watts. A torchiere is deemed to use more than 190 watts if any commercially available lamp or combination of lamps can be inserted in a socket and cause the torchiere to draw more than 190 watts when operated at full brightness.~~

~~(11)(a) Traffic signal modules must have maximum and nominal wattage that do not exceed the applicable values in the following table:~~

Module Type	Maximum Wattage (at 74°C)	Nominal Wattage (at 25°C)
12" red ball (or 300 mm circular)	17	11
8" red ball (or 200 mm circular)	13	8
12" red arrow (or 300 mm arrow)	12	9
12" green ball (or 300 mm circular)	15	15
8" green ball (or 200 mm circular)	12	12
12" green arrow (or 300 mm arrow)	11	11

mm = millimeter

~~(b) For the purposes of this section, maximum wattage and nominal wattage must be measured in accordance with and under the testing conditions specified by the institute for transportation engineers "Interim LED Purchase Specification, Vehicle Traffic Control Signal Heads, Part 2: Light Emitting Diode Vehicle Traffic Signal Modules.") shall meet the minimum average lamp efficacy requirements for federally regulated incandescent reflector lamps contained in 42 U.S.C. Sec. 6295(i)(1)(A).~~

~~(b) The following types of incandescent lamps are exempt from these requirements:~~

~~(i) Lamps rated at fifty watts or less of the following types: BR 30, ER 30, BR 40, and ER 40;~~

~~(ii) Lamps rated at sixty-five watts of the following types: BR 30, BR 40, and ER 40; and~~

~~(iii) R 20 lamps of forty-five watts or less.~~

~~((12)) (8) Unit heaters must be equipped with intermittent ignition devices and must have either power venting or an automatic flue damper.~~

Sec. 4. RCW 19.260.050 and 2005 c 298 s 5 are each amended to read as follows:

(1) ~~((On or after January 1, 2007,))~~ No new commercial prerinse spray valve, commercial clothes washer, commercial refrigerator or freezer, ~~((illuminated exit sign, low-voltage dry-type distribution transformer, single-voltage external AC to DC power supply,))~~ state-regulated incandescent reflector lamp, ~~((torchiere, traffic signal module,))~~ or unit heater manufactured on or after January 1, 2007, may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040. ~~((On or after January 1, 2008,))~~ No new automatic commercial ice cube machine, single-voltage external AC to DC power supply, or metal halide lamp fixtures manufactured on or after January 1, 2008, may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.

(2) On or after January 1, 2008, no new commercial prerinse spray valve, commercial clothes washer, commercial refrigerator or freezer, ~~((illuminated exit sign, low-voltage dry-type distribution transformer,))~~ single-voltage external AC to DC power supply, state-regulated incandescent reflector lamp, ~~((torchiere, traffic signal module,))~~ or unit heater manufactured on or after January 1, 2007, may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040. On or after January 1, 2009, no new automatic commercial ice cube machine or metal halide lamp fixtures manufactured on or after January 1, 2008, may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.

(3) Standards for metal halide lamp fixtures and state-regulated incandescent reflector lamps are effective on the dates in subsections (1) and (2) of this section."

Signed by Representatives Morris, Chairman; Kilmer, Vice Chairman; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Ericks; Hankins; Hudgins; P. Sullivan; Sump; Takko and Wallace.

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

The Speaker assumed the chair.

Passed to Committee on Rules for second reading.

SECOND READING

SB 6861 February 22, 2006
 Prime Sponsor, Senator Delvin: Requiring a study of competing interests of domestic water users. Reported by Committee on Economic Development, Agriculture & Trade

ENGROSSED SUBSTITUTE SENATE BILL NO. 6386, By Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Zarelli, Fairley, Fraser, Rockefeller, Shin and Brandland; by request of Governor Gregoire)

Making 2006 supplemental operating appropriations.

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Bailey; Blake; Buri; Chase; Clibborn; Grant; Haler; Holmquist; Kilmer; Kretz; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

The bill was read a second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendments (for amendment, see Journal Day 47th, February 23, 2006).

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn and McCoy.

With the consent of the House, amendments (906), (961), (962), (963), (967), (972), (990), (991) and (1000) were withdrawn.

Passed to Committee on Rules for second reading.

ESSB 6870 February 22, 2006
 Prime Sponsor, Senate Committee On Transportation: Funding the board of pilotage commissioners' training program. Reported by Committee on Transportation

Representative Eickmeyer moved the adoption of amendment (1002) to the committee amendment:

On page 13, line 28, after "(10)(a)" strike "\$600,000" and insert "\$297,000"

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; Takko; Upthegrove and Wood.

On page 13, line 29, after "team" strike "and" and insert "in coordination with"

On page 13, line 30, after "contract for" strike "a one-time" and insert "the initial phase of a two-part"

Passed to Committee on Rules for second reading.

ESJM 8019 February 22, 2006
 Prime Sponsor, Senator Shin: Requesting the United States trade representative to create a federal-state international trade policy commission. Reported by Committee on Economic Development, Agriculture & Trade

Representative Eickmeyer spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Nixon moved the adoption of amendment (959) to the committee amendment:

On page 22, line 3, strike "\$67,659,000" and insert "\$69,409,000"

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Bailey; Blake; Buri; Chase; Clibborn; Dunn; Grant; Haler; Holmquist; Kilmer; Kretz; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

On page 22, line 5, strike "\$45,556,000" and insert "\$45,806,000"

On page 28, line 14, strike all of subsection 24.

Renumber the remaining subsections consecutively.

On page 28, line 18, strike "\$1,500,000" and insert "\$1,750,000"

Passed to Committee on Rules for second reading.

Representatives Nixon and Anderson spoke in favor of the adoption of the amendment to the committee amendment.

Representative Kessler spoke against the adoption of the amendment to the committee amendment.

There being no objection, the bills, memorials and resolutions listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 3316, which was placed on the Second Reading calendar.

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be adoption of amendment (959) to the committee amendment to Engrossed Substitute Senate Bill No. 6386.

MOTION

On motion of Representative Santos, Representatives Hasegawa and Williams were excused.

ROLL CALL

The Clerk called the roll on the adoption of amendment (959) to the committee amendment to Engrossed Substitute Senate Bill No. 6386, and the amendment was not adopted by the following vote: Yeas - 44, Nays - 52, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Erickson, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schual-Berke, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 44.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Wood and Mr. Speaker - 52.

Excused: Representatives Hasegawa and Williams - 2.

Representative Conway moved the adoption of amendment (989) to the committee amendment:

On page 22, line 5, increase the general fund--state appropriation for fiscal year 2007 by \$200,000.

On page 23, line 8, correct the total.

On page 30, after line 16, insert the following:

"(42) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the safe and drug free schools program to help mitigate the effects of federal budget reductions."

On page 156, line 3, decrease the general fund--state appropriation for fiscal year 2007 by \$200,000.

On page 156, line 7, correct the total.

On page 157, line 18, strike "\$1,000,000" and insert "\$800,000"

Representative Conway spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Morris moved the adoption of amendment (977) to the committee amendment:

On page 22, line 5, increase the general fund--state appropriation for FY 07 by \$98,000

On page 23, line 8, correct the total.

On page 30, after line 16, insert the following:

"(42) \$98,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for grants to community-based organizations with expertise in public education relating to energy and clean air issues, for biofuels consumer education and outreach."

On page 214, line 7, reduce the general fund--state appropriation for FY 07 by \$98,000

On page 214, line 12, correct the total.

On page 217, line 28, strike all of subsection (17)

Representative Morris spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Alexander moved the adoption of amendment (968) to the committee amendment:

On page 22, line 38, decrease the Washington Housing Trust Account-State appropriation by \$670,000.

On page 23, line 8, correct the total.

On page 243, line 21, strike all of section 714

Renumber the remaining sections consecutively and correct internal references accordingly.

Representative Alexander spoke in favor of the adoption of the amendment to the committee amendment.

Representative Dunshee spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

Representative B. Sullivan moved the adoption of amendment (986) to the committee amendment:

On page 29, beginning on line 8, strike "a minimum of"

On page 29, line 10, after "with" insert "Snohomish and Pierce"

Representative B. Sullivan spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Jarrett moved the adoption of amendment (971) to the committee amendment:

On page 30, after line 16, insert the following:

"(42) \$20,000 of the general fund--state appropriation for fiscal year 2006 and \$480,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a land use task force. Funds may be used for policy, legal and financial research as directed by the task force, task force facilitation and outreach, and department expenses related to the task force.

(a) A joint legislative-executive task force is established for the purposes of gathering information, identifying issues, and developing recommendations on policy choices related to the effective implementation of the state's growth management act.

(b) The task force shall be comprised of two members of each of the major legislative caucuses from each of the house of

representatives and the senate as appointed by the president of the senate and the speaker of the house of representatives, the governor or the governor's designee, and the director of the department. Staff support shall be provided by the department and legislative staff.

(d) The task force shall convene its first meeting no later than May 1, 2006. The task force shall consult with local governments and other groups responsible for, affected by, or involved in the implementation of the growth management act. The task force may secure research and facilitation services, and may establish work teams or advisory groups, as needed, to support their work.

(e) The task force shall secure an independent assessment of the effectiveness of land use programs in Washington in achieving the goals of the state's growth management act. The assessment shall rely on available information and focus on key benchmarks for each goal of the act.

(f) By December 1, 2006, the task force shall issue a report with recommendations on legislative and executive actions that address, at a minimum, the following topics: (i) How science is identified and applied when local governments develop regulations to protect critical areas under the growth management act, and the relationship of those regulations to pre-existing land uses; (ii) A review of the appeals process for actions taken under the growth management act, including data on the number and outcome of cases, and any recommendations on needed improvements to the appeals process.

(g) By June 30, 2007, the task force shall issue a report with recommendations on legislative and executive actions that address, at a minimum, the following topics: (i) How to better meet the infrastructure and basic service needs of growing communities, including schools, local roads, fire and police service, and water, sewer and other utilities, with recommendations for financing these service and infrastructure needs; (ii) How to ensure that state roads provide a level of service consistent with the local growth management decisions; (iii) The effect of the vested rights doctrine on the achievement of the goals and requirements of the growth management act; (iv) The effect of the provisions for fully contained communities and master planned resorts on the achievement of the goals and requirements of the growth management act; (v) Performance measures for the ongoing evaluation of land use programs, based on the assessment conducted under subsection (e) of this section; and (vi) Any recommendations for additional topics that warrant continued work by the task force or by other groups.

(h) The legislature intends that the task force shall expire December 31, 2007. If ESSB 6427 (extending land use planning deadlines) is not enacted by April 30, 2006, this subsection (42) shall be null and void and the funds in this proviso revert to the department for other uses."

Representatives Jarrett and Simpson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Nixon moved the adoption of amendment (958) to the committee amendment:

On page 49, line 23, after "network," insert "The Department shall investigate the potential savings in operational costs of 211 emergency services network of using voice-over-IP technology to interconnect 211 call centers over existing state-operated high-speed data networks rather than over traditional or switched telephone circuits, and the potential cost savings of using Voice-over-IP-based PBX, ACD, and telephone technology in new call centers. The Department shall submit a report in electronic form to the appropriate committees of the legislature on the potential for savings on or before December 1, 2006."

Representatives Nixon and Morris spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Hinkle moved the adoption of amendment (978) to the committee amendment:

On page 54, after line 20, insert the following:

"(7) No state or federal funds appropriated in sections 202 through 212 of this act for Medicaid programs shall be expended except for clients meeting the verified social security number requirements set forth in 42 CFR 435(J) as of February 23, 2006."

Representatives Hinkle and Sommers spoke in favor of the adoption of the amendment to the committee amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be adoption of amendment (978) to the committee amendment to Engrossed Substitute Senate Bill No. 6386.

ROLL CALL

The Clerk called the roll on the adoption of amendment (978) to the committee amendment to Engrossed Substitute Senate Bill No. 6386, and the amendment was adopted by the following vote: Yeas - 94, Nays - 2, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Flannigan and Kirby - 2.

Excused: Representatives Hasegawa and Williams - 2.

Representative Simpson moved the adoption of amendment (992) to the committee amendment:

On page 79, line 8, increase the general fund--state appropriation for fiscal year 2007 by \$4,036,000

On page 79, line 10, increase the general fund--federal appropriation by \$4,036,000

On page 79, line 17, correct the total

On page 80, line 3, after "~~(\$153.50)~~" strike "\$156.61" and insert "\$158.55"

On page 83, line 21, after "(20)" strike "\$10,000,000" and insert "\$14,036,000"

On page 83, line 22, after "and" strike "\$10,000,000" and insert "\$14,036,000"

Representatives Simpson, Armstrong, Bailey, Hinkle, Ahern, McDonald, Skinner, Simpson (again), Curtis and Newhouse spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Cody, Fromhold, Schual-Berke and Dickerson spoke against the adoption of the amendment to the committee amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be adoption of amendment (992) to the committee amendment to Engrossed Substitute Senate Bill No. 6386.

ROLL CALL

The Clerk called the roll on the adoption of amendment (992) to the committee amendment to Engrossed Substitute Senate Bill No. 6386, and the amendment was adopted by the following vote: Yeas - 71, Nays - 25, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, DeBolt, Dunn, Dunshee, Ericks, Ericksen, Grant, Green, Haler, Hankins, Hinkle, Holmquist, Hudgins, Jarrett, Kilmer, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDonald, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Priest, Quall, Roach, Rodne, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Wallace, Walsh, Wood and Woods - 71.

Voting nay: Representatives Blake, Cody, Darneille, Dickerson, Eickmeyer, Flannigan, Fromhold, Haigh, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, McDermott, McIntire, Moeller, Ormsby, Pettigrew, Roberts, Santos, Schual-Berke, Sommers, Upthegrove and Mr. Speaker - 25.

Excused: Representatives Hasegawa and Williams - 2.

Representative Clibborn moved the adoption of amendment (996) to the committee amendment:

On page 89, line 3, increase the general fund--state appropriation for FY 2007 by \$3,000,000

On page 89, line 14, correct the total.

Representatives Clibborn and McDonald spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Clements moved the adoption of amendment (981) to the committee amendment:

On page 95, after line 3, insert the following:

"(26) No funds appropriated in this section shall be expended upon gender reassignment surgery or treatment."

Representative Clements spoke in favor of the adoption of the amendment to the committee amendment.

Representative Cody spoke against the adoption of the amendment to the committee amendment

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be adoption of amendment (981) to the committee amendment to Engrossed Substitute Senate Bill No. 6386.

ROLL CALL

The Clerk called the roll on the adoption of amendment (981) to the committee amendment to Engrossed Substitute Senate Bill No. 6386, and the amendment was adopted by the following vote: Yeas - 64, Nays - 32, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Kessler, Kilmer, Kretz, Kristiansen, Lantz, Linville, Lovick, McCune, McDonald, Miloscia, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Talcott, Wallace, Walsh and Woods - 64.

Voting nay: Representatives Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Flannigan, Fromhold, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kirby, McCoy, McDermott, McIntire, Moeller, Murray, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sommers, Takko, Tom, Upthegrove, Wood and Mr. Speaker - 32.

Excused: Representatives Hasegawa and Williams - 2.

With the consent of the House, amendment (1001) was withdrawn.

Representative Conway moved the adoption of amendment (995) to the committee amendment:

On page 97, line 24, increase the health services account--state appropriation by \$3,000,000.

On page 97, line 26, correct the total.

Representative Conway and Bailey spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The Speaker called upon Representative Lovick to preside.

Representative Hinkle moved the adoption of amendment (980) to the committee amendment:

On page 100, after line 38, insert the following:

"(16) \$9,542,000 of the health services account appropriation is provided solely for additional slots in the basic health plan for qualified individuals who are resident citizens, legal aliens, legal refugees, or legal asylees, and who provide valid social security numbers upon application for enrollment. Income eligibility requirements for the additional slots must be verified by the federal internal revenue service."

Representatives Hinkle, Clements, Armstrong and McDonald spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Cody and Simpson spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

Representative Ericksen moved the adoption of amendment (985) to the committee amendment:

On page 108, line 14, after "(veterans' innovations program)." insert the following:

"Of the amount appropriated in this subsection, \$50,000 is provided solely for a feasibility study on the use of medical vouchers for veterans that enable them to go to hospitals other than VA hospitals."

Representatives Ericksen, Morrell and Ericksen (again) spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The Speaker assumed the chair.

Representative Haler moved the adoption of amendment (979) to the committee amendment:

On page 108, after line 16, insert the following:

"(d) Amounts appropriated in this section may not be used for any purposes relating to public service announcements by statewide elected officials."

Representatives Haler and Kessler spoke in favor of the adoption of the amendment to the committee amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be adoption of amendment (979) to the committee amendment to Engrossed Substitute Senate Bill No. 6386.

ROLL CALL

The Clerk called the roll on the adoption of amendment (979) to the committee amendment to Engrossed Substitute Senate Bill No. 6386, and the amendment was adopted by the following vote: Yeas - 84, Nays - 12, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Clements, Clibborn, Cody, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kilmer, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Talcott, Tom, Wallace, Walsh, Wood, Woods, and Mr. Speaker - 84.

Voting nay: Representatives Chase, Conway, Darneille, Dickerson, Flannigan, Kagi, Kirby, McIntire, Moeller, Schual-Berke, Takko, and Upthegrove - 12.

Excused: Representatives Hasegawa and Williams - 2.

Representative Schual-Berke moved the adoption of amendment (994) to the committee amendment:

On page 109, line 16, increase the general fund--state appropriation for FY 2007 by \$2,000,000

On page 110, line 28, correct the total.

On page 117, after line 10, insert the following:

"(38) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for pandemic flu and communicable disease outbreak preparedness and response planning. Of the amounts provided: (a) \$120,000 is for activities by the department of health; (b) \$380,000 is for the department to distribute to local health jurisdictions for development of pandemic flu and communicable disease outbreak preparedness and response plans to be approved by the department; and (c) \$1,500,000 is for the department to distribute to local health jurisdictions for implementation of spending plans approved by the department. To the extent that federal funds are available for planning purposes, those funds shall be used first and all state funds shall be reserved for implementation purposes."

Representative Schual-Berke spoke in favor of the adoption of the amendment to the committee amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be adoption of amendment (994) to the committee amendment to Engrossed Substitute Senate Bill No. 6386.

ROLL CALL

The Clerk called the roll on the adoption of amendment (994) to the committee amendment to Engrossed Substitute Senate Bill No. 6386, and the amendment was adopted by the following vote: Yeas - 86, Nays - 10, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Appleton, Armstrong, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh and Wood - 84.

Voting nay: Representatives Alexander, Bailey, Chandler, Cox, DeBolt, Ericksen, Kirby, Newhouse, Schindler, and Talcott - 10.

Excused: Representatives Hasegawa and Williams - 2.

Representative B. Sullivan moved the adoption of amendment (969) to the committee amendment:

On page 129, line 17, strike "complete" and insert "continue"

Representative B. Sullivan spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative McIntire moved the adoption of amendment (966) to the committee amendment:

On page 129, after line 27, insert the following:

"(23) \$2,405,000 of the state toxics control account--state appropriation is provided solely to the department to implement the Cleanup Priority Act RCW 70.105E. The department may only use these funds in a manner consistent with the limitation of the Act in RCW 70.105E.040(1) and, shall not utilize any funds to apply the Cleanup Priority Act in any manner to substances which are not either dangerous wastes or hazardous substances released into the environment. The department shall issue explanatory statements, interpretive statements and rules for implementation of the cleanup priority act that do not: regulate medical or industrial isotope production or use, or otherwise expand the universe of substances regulated as dangerous or mixed wastes; or increase permit requirements for mixed wastes at United States Naval facilities, beyond those already regulated pursuant to the Hazardous Waste Management Act, RCW Chapter 70.105."

Representatives McIntire, Chase and Nixon spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Hankins and Haler spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

Representative Kessler moved the adoption of amendment (988) to the committee amendment:

On page 130, beginning on line 36, strike all of subsection (5) and insert the following:

"(5) Until July 1, 2007, the commission may not charge fees for general park access or parking. Funding of \$2,800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to compensate state parks and recreation commission for lost revenue from general park access or parking fees."

On page 255, after line 6, insert the following:

"NEW SECTION, Sec. 904. RCW 79A.05.070 and 2003 c 186 s 1 are each amended to read as follows:

The commission may:

(1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group shall agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. Until July 1, 2007, the commission may not charge fees for general park access or parking;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed forty years;

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose."

Renumber the remaining sections consecutively.

Representatives Kessler and Buck spoke in favor of the adoption of the amendment to the committee amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be adoption of amendment (988) to the committee amendment to Engrossed Substitute Senate Bill No. 6386.

ROLL CALL

The Clerk called the roll on the adoption of amendment (988) to the committee amendment to Engrossed Substitute Senate Bill No. 6386, and the amendment was adopted by the following vote: Yeas - 94, Nays - 2, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Straw, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Wood, Woods, and Mr. Speaker - 94.

Voting nay: Representatives Hudgins, and Kirby - 2.

Excused: Representatives Hasegawa and Williams - 2.

Representative Priest moved the adoption of amendment (999) to the committee amendment:

On page 160, line 22, increase the general fund--state appropriation for FY 2007 by \$1,140,022

On page 160, line 24, correct the total.

On page 168, line 16, before "hours" strike "February 19, 2006, at 21:30 hours" and insert "February 23, 2006, at 20:00"

On page 170, strike all material on lines 4 through 31 and insert the following:

format changed to accommodate tables

**Table Of Total Base Salaries For Certificated Instructional Staff
For School Year 2006-07**

Years of Service	<u>BA</u>	<u>BA+15</u>	<u>BA+30</u>	<u>BA+45</u>	<u>BA+90</u>	<u>BA+135</u>	<u>MA</u>	<u>MA+45</u>	MA+90 OR <u>Ph.D.</u>
0	31,545	32,398	33,281	34,165	37,003	38,832	37,820	40,660	42,490
1	31,811	32,672	33,561	34,480	37,334	39,144	38,051	40,906	42,715
2	32,054	32,917	33,812	34,797	37,629	39,448	38,281	41,113	42,932
3	32,467	33,338	34,243	35,259	38,086	39,949	38,678	41,503	43,367
4	32,871	33,782	34,691	35,743	38,586	40,463	39,095	41,938	43,816
5	33,290	34,204	35,123	36,233	39,065	40,980	39,518	42,352	44,266
6	33,719	34,614	35,564	36,729	39,548	41,473	39,952	42,771	44,694
7	34,475	35,383	36,345	37,574	40,435	42,412	40,764	43,624	45,603
8	35,580	36,538	37,523	38,853	41,753	43,803	42,043	44,943	46,993
9	35,580	37,734	38,768	40,146	43,113	45,234	43,335	46,304	48,424
10	35,580	37,734	40,028	41,506	44,512	46,703	44,696	47,703	49,893
11	35,580	37,734	40,028	42,905	45,977	48,212	46,095	49,168	51,401
12	35,580	37,734	40,028	44,260	47,481	49,783	47,549	50,671	52,973
13	35,580	37,734	40,028	44,260	49,022	51,392	49,055	52,212	54,582
14	35,580	37,734	40,028	44,260	50,570	53,062	50,604	53,862	56,252
15	35,580	37,734	40,028	44,260	51,886	54,442	51,920	55,262	57,715
16	35,580	37,734	40,028	44,260	52,923	55,530	52,958	56,367	58,869

On page 185, line 28, reduce general fund--state appropriation for FY 2007 by \$1,327,000.

On page 185, line 32, correct the total.

On page 187, after line 22, strike all language through line 25.

Representative Priest spoke in favor of the adoption of the amendment to the committee amendment.

Representative Santos spoke against the adoption of the amendment to the committee amendment

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be adoption of amendment (999) to the committee amendment to Engrossed Substitute Senate Bill No. 6386.

ROLL CALL

The Clerk called the roll on the adoption of amendment (999) to the committee amendment to Engrossed Substitute Senate Bill No. 6386, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 53, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 43.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Wood and Mr. Speaker - 53.

Excused: Representatives Hasegawa and Williams - 2.

Representative Anderson moved the adoption of amendment (997) to the committee amendment:

On page 160, line 22, strike "\$4,281,383,000" and insert "\$4,276,672,000"

On page 160, line 24, correct the total.

On page 168, beginning on line 15, strike "~~(March 18, 2005, at 10:00)~~ February 19, 2006, at 21:30" and insert "March 18, 2005, at 10:00"

Beginning on page 169, line 17, strike all material through line 31 on page 170 and insert the following:

**"K-12 Salary Allocation Schedule For Certificated Instructional Staff
2006-07 School Year**

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,900	31,735	32,599	33,466	36,247	38,038	37,046	39,827	41,620
1	31,316	32,162	33,038	33,942	36,752	38,534	37,458	40,268	42,048
2	31,712	32,566	33,451	34,426	37,228	39,028	37,873	40,674	42,475
3	32,121	32,983	33,878	34,883	37,679	39,523	38,266	41,060	42,905
4	32,521	33,421	34,321	35,362	38,174	40,031	38,678	41,491	43,348
5	32,935	33,840	34,748	35,846	38,649	40,543	39,097	41,900	43,794
6	33,360	34,245	35,185	36,337	39,127	41,031	39,526	42,315	44,218
7	34,107	35,005	35,957	37,173	40,003	41,960	40,330	43,159	45,116
8	35,201	36,148	37,123	38,439	41,307	43,336	41,594	44,464	46,492
9		37,332	38,355	39,718	42,654	44,751	42,873	45,810	47,908
10			39,601	41,063	44,038	46,205	44,219	47,194	49,361
11				42,448	45,487	47,698	45,603	48,644	50,853
12				43,788	46,975	49,252	47,042	50,131	52,409
13					48,499	50,844	48,532	51,655	54,000
14					50,031	52,496	50,065	53,287	55,652
15					51,333	53,862	51,366	54,673	57,099
16 or more					52,359	54,938	52,393	55,766	58,241"

On page 183, line 22, strike "\$186,144,000" and insert "\$190,957,000"

Correct the total.

Representatives Anderson and Priest spoke in favor of the adoption of the amendment to the committee amendment.

Representative Fromhold spoke against the adoption of the amendment to the committee amendment

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be adoption of amendment (997) to the committee amendment to Engrossed Substitute Senate Bill No. 6386.

ROLL CALL

The Clerk called the roll on the adoption of amendment (997) to the committee amendment to Engrossed Substitute Senate Bill No. 6386, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 53, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 43.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Wood and Mr. Speaker - 53.

Excused: Representatives Hasegawa and Williams - 2.

Representative Talcott moved the adoption of amendment (998) to the committee amendment:

On page 160, line 22, strike "\$4,281,383,000" and insert "\$4,276,672,000"

On page 160, line 24, correct the total.

On page 168, beginning on line 15, strike "~~(March 18, 2005, at 10:00)~~ February 19, 2006, at 21:30" and insert "March 18, 2005, at 10:00"

Beginning on page 169, line 17, strike all material through line 31 on page 170 and insert the following:

**"K-12 Salary Allocation Schedule For Certificated Instructional Staff
2006-07 School Year**

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,900	31,735	32,599	33,466	36,247	38,038	37,046	39,827	41,620
1	31,316	32,162	33,038	33,942	36,752	38,534	37,458	40,268	42,048

FORTY SEVENTH DAY - FEBRUARY 24, 2006

705

2	31,712	32,566	33,451	34,426	37,228	39,028	37,873	40,674	42,475
3	32,121	32,983	33,878	34,883	37,679	39,523	38,266	41,060	42,905
4	32,521	33,421	34,321	35,362	38,174	40,031	38,678	41,491	43,348
5	32,935	33,840	34,748	35,846	38,649	40,543	39,097	41,900	43,794
6	33,360	34,245	35,185	36,337	39,127	41,031	39,526	42,315	44,218
7	34,107	35,005	35,957	37,173	40,003	41,960	40,330	43,159	45,116
8	35,201	36,148	37,123	38,439	41,307	43,336	41,594	44,464	46,492
9		37,332	38,355	39,718	42,654	44,751	42,873	45,810	47,908
10			39,601	41,063	44,038	46,205	44,219	47,194	49,361
11				42,448	45,487	47,698	45,603	48,644	50,853
12				43,788	46,975	49,252	47,042	50,131	52,409
13					48,499	50,844	48,532	51,655	54,000
14					50,031	52,496	50,065	53,287	55,652
15					51,333	53,862	51,366	54,673	57,099
16 or more					52,359	54,938	52,393	55,766	58,241"

On page 185, line 28, increase the general fund--state appropriation for FY 2007 by \$300,000

Correct the total.

On page 188, line 33, strike "\$338,000" and insert "~~(\$338,000)~~ \$638,000"

On page 196, line 23, increase the general fund--state appropriation for FY 2007 by \$4,411,000

Correct the total.

Representatives Talcott, Cox and Anderson spoke in favor of the adoption of the amendment to the committee amendment.

Representative Hunter spoke against the adoption of the amendment to the committee amendment

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be adoption of amendment (998) to the committee amendment to Engrossed Substitute Senate Bill No. 6386.

ROLL CALL

The Clerk called the roll on the adoption of amendment (998) to the committee amendment to Engrossed Substitute Senate Bill No. 6386, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 53, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 43.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Wood and Mr. Speaker - 53.

Excused: Representatives Hasegawa and Williams - 2.

Representative Talcott moved the adoption of amendment (1003) to the committee amendment:

On page 187, line 22, strike "\$1,327,000" and insert "\$1,027,000"

On page 188, line 34, after "2006 and" strike "\$338,000" and insert "~~(\$338,000)~~ \$638,000"

Representatives Talcott, Tom, Curtis, Shabro, Priest and Talcott (again) spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Santos, P. Sullivan and Sommers spoke against the adoption of the amendment to the committee amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be adoption of amendment (1003) to the committee amendment to Engrossed Substitute Senate Bill No. 6386.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1003) to Engrossed Substitute Senate Bill No. 6386, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Green, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kagi, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Schual-Berke, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 46.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hudgins, Hunt, Hunter, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Wood and Mr. Speaker - 50.

Excused: Representatives Hasegawa and Williams - 2.

The Speaker called upon Representative Lovick to preside.

Representative Kenney moved the adoption of amendment (993) to the committee amendment:

On page 205, line 14, increase the general fund--state appropriation for FY 07 by \$2,400,000

On page 205, line 21, correct the total.

On page 207, line 33, after "2006" insert ",\$2,400,000 of the general fund--state appropriation for fiscal year 2007, and"

On page 208, line 3, after "same amount." insert "Beginning in fiscal year 2007, the state board shall determine the method of allocating to the community and technical colleges the appropriations granted for academic employee increments, provided that the amount of the appropriation attributable to the proportionate share of the part-time faculty salary base shall only be accessible for part-time faculty."

Representatives Kenney, Cox, Lantz and Jarrett spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Dunn moved the adoption of amendment (975) to the committee amendment:

On page 205, line 14, reduce the general fund--state appropriation for FY 07 by \$400,000

On page 205, line 21, correct the total.

On page 207, line 33, after "2006" insert ",\$1,000,000 of the general fund--state appropriation for fiscal year 2007,"

On page 208, line 3, after "same amount." insert "Beginning in fiscal year 2007, the state board shall determine the method of allocating to the community and technical colleges the appropriations granted for academic employee increments, provided that the amount of the appropriation attributable to the proportionate share of the part-time faculty salary base shall only be accessible for part-time faculty."

On page 209, line 13, strike all of subsection (17)

Renumber remaining subsections consecutively and correct internal references accordingly.

Representative Dunn spoke in favor of the adoption of the amendment to the committee amendment.

Representative Morris spoke against the adoption of the amendment to the committee amendment

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (975) to the committee amendment to Engrossed Substitute Senate Bill No. 6386.

ROLL CALL

The Clerk called the roll on the adoption of amendment (975) to the committee amendment to Engrossed Substitute Senate Bill No. 6386, and the amendment was not adopted by the following vote: Yeas - 39, Nays - 57, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Skinner, Strow, Sump, and Tom - 39.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Shabro, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Talcott, Upthegrove, Wallace, Walsh, Wood, Woods, and Mr. Speaker - 57.

Excused: Representatives Hasegawa and Williams - 2.

Representative Ericksen moved the adoption of amendment (984) to the committee amendment:

On page 210, line 7, reduce the general fund--state appropriation for FY 07 by \$25,000

On page 210, line 17, correct the total.

On page 213, line 9, after "(14)" strike "\$100,000" and insert "\$75,000"

On page 214, line 7, reduce the general fund--state appropriation for FY 07 by \$25,000

On page 214, line 12, correct the total.

On page 216, line 31, after "(10)" strike "\$100,000" and insert "\$75,000"

On page 221, line 18, increase the general fund--state appropriation for FY 07 by \$50,000

On page 221, line 23, correct the total.

On page 224, after line 9, insert the following:

"(10) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the Washington State Institute for

public policy to conduct a study comparing this state with others in the following categories:

(a) Which states have a constitutional spending limit? Identify states with constitutional spending limits and describe the components of those limits. Determine whether legislatures having constitutional spending limits are more or less likely to exceed spending limits than those having statutory limits.

(b) Which states have a constitutionally protected reserve fund? Determine if in states where reserve funds are in the constitution if it puts a state in a more fiscally stable position in times of downturns.

(c) Which states constitutionally require a 60 percent vote to raise taxes? Determine if in states where there is a 60 percent requirement if taxes are less likely to be raised.

(d) Which states have a "sunshine law" requiring a minimum time of public exposure of acts making appropriations before such legislation may be voted on? Evaluate the impacts of such provisions on public awareness of and participation in the budget process and in enhancing the accountability of budget policy making."

Representatives Ericksen and Anderson spoke in favor of the adoption of the amendment to the committee amendment.

POINT OF ORDER

Representative Hunt: "I would ask the gentleman to not impugn the motives of the members of this body."

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "The Speaker would remind the members to please speak to the amendment in front of you."

Representative Anderson (continued) spoke in favor of the adoption of the amendment to the committee amendment.

Representative McIntire spoke against the adoption of the amendment to the committee amendment.

The Speaker assumed the chair.

Representatives Orcutt and Serben spoke in favor of the adoption of the amendment to the committee amendment.

POINT OF ORDER

Representative Wallace: "Mr. Speaker, will you please remind the gentleman that we should not impugn the motives or the honesty or integrity of the body."

SPEAKER'S RULING

Mr. Speaker: "The Speaker would ask the gentleman to confine your remarks to the amendment at hand."

Representative Serben (continued) spoke in favor the adoption of the amendment to the committee amendment.

SPEAKER'S RULING

Mr. Speaker: "Representative Serben, your remarks about honesty are impugning the members."

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be adoption of amendment (984) to Engrossed Substitute Senate Bill No. 6386.

ROLL CALL

The Clerk called the roll on the adoption of amendment (984) to Engrossed Substitute Senate Bill No. 6386, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 53, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 43.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Wood and Mr. Speaker - 53.

Excused: Representatives Hasegawa and Williams - 2.

Representative Chandler moved the adoption of amendment (973) to the committee amendment:

On page 242, line 15, strike all of section 712

Renumber the remaining sections and correct internal references accordingly.

Representatives Chandler and Ericksen spoke in favor of the adoption of the amendment to the committee amendment.

Representative Grant spoke against the adoption of the amendment to the committee amendment

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be adoption of amendment (973) to the committee amendment to Engrossed Substitute Senate Bill No. 6386.

ROLL CALL

The Clerk called the roll on the adoption of amendment (973) to the committee amendment to Engrossed Substitute Senate Bill No. 6386, and the amendment was not adopted by the following vote: Yeas - 34, Nays - 62, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Jarrett, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Sump, Talcott and Woods - 34.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia,

Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Wood and Mr. Speaker - 62.

Excused: Representatives Hasegawa and Williams - 2.

Representative Bailey moved the adoption of amendment (974) to the committee amendment:

On page 244, beginning on line 15, strike all of section 716

Renumber the remaining sections consecutively, and correct any internal references accordingly.

Remove all appropriations made in this act from the Pension Funding Stabilization Account--State.

Correct the totals in each section of this act for any removal of appropriations from the Pension Funding Stabilization Account--State.

Beginning on page 244, line 27, strike all of section 717

Renumber the remaining sections consecutively, and correct any internal references accordingly.

Representatives Bailey, Alexander, Armstrong and Buri spoke in favor of the adoption of the amendment to the committee amendment.

Representative Fromhold spoke against the adoption of the amendment to the committee amendment

An electronic roll call vote was requested and the request was granted.

The Speaker called upon Representative Lovick to preside.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (974) to the committee amendment to Engrossed Substitute Senate Bill No. 6386.

ROLL CALL

The Clerk called the roll on the adoption of amendment (974) to the committee amendment to Engrossed Substitute Senate Bill No. 6386, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 53, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 43.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Wood and Mr. Speaker - 53.

Excused: Representatives Hasegawa and Williams - 2.

MOTION

On motion of Representative Hunt, the House immediately reconsidered the vote on amendment (959) to the committee amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6386.

RECONSIDERATION

The Speaker (Representative Lovick presiding) stated the question before the House to be the vote on amendment (959) to the committee amendment to Engrossed Substitute Senate Bill No. 6386 on reconsideration.

ROLL CALL

The Clerk called the roll on amendment (959) to the committee amendment to Engrossed Substitute Senate Bill No. 6386 on reconsideration and the amendment failed the House by the following vote: Yeas - 45, Nays - 51, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, Linville, McCune, McDonald, Morris, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 45.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Wood and Mr. Speaker - 51.

Excused: Representatives Hasegawa and Williams - 2.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sommers, Quall, Kenney and McIntire spoke in favor of passage of the bill.

Representatives Alexander, Clements and Armstrong, spoke against the passage of the bill.

POINT OF ORDER

Representative Alexander: "Mr. Speaker, I think that the gentleman is not only impugning the members, he is impugning the accuracy of those numbers. I can validate those numbers and have validated those numbers."

SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "The Speaker would just say to the gentleman from the 20th that the numbers that the member referred to are a matter for debate, not for the Speaker's ruling."

Representatives McIntire (continued) spoke in favor of passage of the bill.

Representative Ericksen spoke against the passage of the bill.

POINT OF ORDER

Representative Hunt: "I would ask that the gentlemen not impugn the members' motives, and that the gentleman discuss the bill."

SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "The Speaker believes that the member from the 42nd was speaking humorously and the Speaker would ask the members' indulgence. Your point is not well taken. Representative Ericksen, would you please confine your remarks to the bill in front of you."

Representatives Ericksen (continued), Roach, Ahern, Orcutt, Bailey, Curtis, Strow, Jarrett, Serben and DeBolt spoke against the passage of the bill.

Representatives Kagi and Kessler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6386, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6386, as amended by the House and the bill passed the House by the following vote: Yeas - 53, Nays - 43, Excused - 2.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Wood and Mr. Speaker - 53.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 43.

Excused: Representatives Hasegawa and Williams - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6386, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

**REPORTS OF STANDING COMMITTEES
SUPPLEMENTAL 1**

February 23, 2006

SSB 5141 Prime Sponsor, Senate Committee On Ways & Means: Providing for early intervention services

for children with disabilities. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Dunn; Haler and Pettigrew.

Referred to Committee on Appropriations.

February 23, 2006

ESSB 5360 Prime Sponsor, Senate Committee On Early Learning, K-12 & Higher Education: Studying performance and funding of running start students. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: Do pass as amended:

On page 2, line 5, after "instruction" strike ", with the assistance of" and insert "and"

On page 2, line 6, after "colleges" strike "and" and insert ", in consultation with"

Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri; Dunn; Fromhold; Hasegawa; Ormsby; Priest; Roberts and Sommers.

Referred to Committee on Appropriations.

February 22, 2006

SB 5439 Prime Sponsor, Senator Roach: Authorizing background checks on gubernatorial appointees. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt; McDermott; Miloscia; Schindler and Sump.

Passed to Committee on Rules for second reading.

February 23, 2006

ESSB 5849 Prime Sponsor, Senate Committee On Early Learning, K-12 & Higher Education: Requiring cyberbullying to be included in school district harassment prevention policies. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Haigh; Hunter; McDermott; Santos; Shabro; Tom and Wallace.

MINORITY recommendation: Signed by Representatives Anderson, Assistant Ranking Minority Member; Curtis.

Passed to Committee on Rules for second reading.

February 22, 2006

SSB 6133 Prime Sponsor, Senate Committee On Agriculture & Rural Economic Development: Licensing Christmas tree growers. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Appleton; Blake; Chase; Clibborn; Grant; McCoy; Morrell; Quall; P. Sullivan and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Bailey; Buri; Dunn; Haler; Holmquist; Kilmer; Kretz; Newhouse and Strow.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6144 Prime Sponsor, Senate Committee On Human Services & Corrections: Changing registration requirements for sex offenders coming from outside the state who establish or reestablish Washington residency. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Sec. 2. RCW 9A.44.130 and 2005 c 380 s 1 are each amended to read as follows:

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person.

(b) Any adult or juvenile who is required to register under (a) of this subsection:

(i) Who is attending, or planning to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW shall, within ten days of enrolling or prior to arriving at the school to attend classes, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the school, and the sheriff shall promptly notify the principal of the school;

(ii) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution;

(iii) Who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or

by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or

(iv) Whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution.

(c) Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, or a public or private school regulated under Title 28A RCW or chapter 72.40 RCW on September 1, 2006, must notify the county sheriff immediately.

(d) The sheriff shall notify the school's principal or institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(e)(i) A principal receiving notice under this subsection must disclose the information received from the sheriff under (b) of this subsection as follows:

(A) If the student who is required to register as a sex offender is classified as a risk level II or III, the principal shall provide the information received to every teacher of any student required to register under (a) of this subsection and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record;

(B) If the student who is required to register as a sex offender is classified as a risk level I, the principal shall provide the information received only to personnel who, in the judgment of the principal, for security purposes should be aware of the student's record.

(ii) Any information received by a principal or school personnel under this subsection is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(2) This section may not be construed to confer any powers pursuant to RCW (~~4.24.500~~) 4.24.550 upon the public safety department of any public or private school or institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register.

Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the

state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within ~~((thirty))~~ three business days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes for offenses committed before, on, or after February 28, 1990, or Washington state for offenses committed before, on, or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed before, on, or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

When an offender registers under this subsection (4)(a)(v), the county sheriff shall provide written notice to the offender that he or she is subject to Washington law for any new felony he or she commits within the state. The county sheriff shall require that the offender sign the notice and shall retain the signed copy of the notice as verification that the offender has received it. The county sheriff shall give a copy of the signed notice to the offender for his or her retention. The fact that an offender has or has not received the notice required under this subsection does not prohibit, or in any way limit, the ability of Washington or any other jurisdiction to prosecute the offender for any crimes committed in this state. The notice must be in at least ten point type and must be in substantially the following form:

NOTICE

AS A NEW OR RETURNING RESIDENT OF WASHINGTON STATE, YOU ARE SUBJECT TO WASHINGTON LAW FOR ANY NEW FELONY YOU COMMIT WITHIN THE STATE. ANY PRIOR CONVICTIONS YOU HAVE FROM OTHER JURISDICTIONS MAY AFFECT THE MANNER IN WHICH YOU ARE SENTENCED IN WASHINGTON. FOR EXAMPLE, YOUR SENTENCE FOR A NEW FELONY COMMITTED IN WASHINGTON COULD BE LIFE WITHOUT THE POSSIBILITY OF PAROLE IF YOUR CRIMINAL HISTORY INCLUDES A CONVICTION FROM WASHINGTON OR ANY OTHER JURISDICTION THAT WOULD BE CONSIDERED A "STRIKE" UNDER WASHINGTON'S PERSISTENT OFFENDER LAW. A LIST OF STRIKE OFFENSES MAY BE FOUND IN THE DEFINITION OF "PERSISTENT OFFENDER" IN RCW 9.94A.030.

SIGNATURE:

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within

twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

(vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a

preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (9)(b); and (iii) any federal or out-of-state conviction for an offense that under

the laws of this state would be classified as a kidnapping offense under this subsection (9)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(10)(a) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11)(a) A person who knowingly fails to register or who moves within the state without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(12) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section.

NEW SECTION. **Sec. 3.** This act takes effect September 1, 2006."

Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6171 Prime Sponsor, Senate Committee On Ways & Means: Creating a demonstration project to help prepare bilingual and special education teachers. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri; Dunn; Fromhold; Hasegawa; Ormsby; Priest; Roberts and Sommers.

Referred to Committee on Appropriations.

February 23, 2006

2SSB 6172 Prime Sponsor, Senate Committee On Ways & Means: Increasing penalties for specified sex

offenses. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.68A.090 and 2003 c 53 s 42 and 2003 c 26 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person who communicates with a minor for immoral purposes, or a person who communicates with someone the person believes to be a minor for immoral purposes, is guilty of a gross misdemeanor.

(2) A person who communicates with a minor for immoral purposes is guilty of a class C felony punishable according to chapter 9A.20 RCW if the person has previously been convicted under this section or of a felony sexual offense under chapter 9.68A, 9A.44, or 9A.64 RCW or of any other felony sexual offense in this or any other state or if the person communicates with a minor or with someone the person believes to be a minor for immoral purposes through the sending of an electronic communication.

Sec. 2. RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN
EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076)
X	Child Molestation 1 (RCW 9A.44.083) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Kidnapping 1 (RCW 9A.40.020) Leading Organized Crime (RCW 9A.82.060(1)(a)) Malicious explosion 3 (RCW 70.74.280(3)) Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Assault of a Child 2 (RCW 9A.36.130) Explosive devices prohibited (RCW 70.74.180) Hit and Run--Death (RCW 46.52.020(4)(a)) Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050) Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

	Malicious placement of an explosive 2 (RCW 70.74.270(2)) Robbery 1 (RCW 9A.56.200) Sexual Exploitation (RCW 9.68A.040) Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
VIII	Arson 1 (RCW 9A.48.020) Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050) Manslaughter 2 (RCW 9A.32.070) Promoting Prostitution 1 (RCW 9A.88.070) Theft of Ammonia (RCW 69.55.010) Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
VII	Burglary 1 (RCW 9A.52.020) Child Molestation 2 (RCW 9A.44.086) Civil Disorder Training (RCW 9A.48.120) Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050) Drive-by Shooting (RCW 9A.36.045) Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050) Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c)) Introducing Contraband 1 (RCW 9A.76.140) Malicious placement of an explosive 3 (RCW 70.74.270(3)) Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675) Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060) Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)) Use of a Machine Gun in Commission of a Felony (RCW 9.41.225) Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
VI	Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a)) Bribery (RCW 9A.68.010) Incest 1 (RCW 9A.64.020(1)) Intimidating a Judge (RCW 9A.72.160) Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130) Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b)) <u>Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.070)</u> Rape of a Child 3 (RCW 9A.44.079) Theft of a Firearm (RCW 9A.56.300) Unlawful Storage of Ammonia (RCW 69.55.020)
V	Abandonment of dependent person 1 (RCW 9A.42.060)

- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(3))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Abandonment of dependent person 2 (RCW 9A.42.070)
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)

- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody (RCW 72.09.310)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Voyeurism (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(4))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
- Unlawful Production of Payment Instruments (RCW 9A.56.320)
- Unlawful Trafficking in Food Stamps (RCW 9.91.142)
- Unlawful Use of Food Stamps (RCW 9.91.144)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Sec. 3.** RCW 9.68A.070 and 1990 c 155 s 1 are each amended to read as follows:
A person who knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct is guilty of a class ((E)) B felony.
- Sec. 4.** RCW 9.94A.030 and 2005 c 436 s 1 are each amended to read as follows:
Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.
(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.
(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.
(3) "Commission" means the sentencing guidelines commission.
(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.
(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.
(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.
(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.
(8) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.
(9) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(10) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(11) "Confinement" means total or partial confinement.

(12) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(13) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(14) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(21) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(22) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(23) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(24) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(25) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(26) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(27) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(28) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(29) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1)(a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1)(a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)(a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1)(d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(30) "Nonviolent offense" means an offense which is not a violent offense.

(31) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(32) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(33) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (33)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in

(b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(34) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(35) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(36) "Public school" has the same meaning as in RCW 28A.150.010.

(37) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(38) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(39) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(40) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(41) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW ~~(9.68A.070 or)~~ 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(42) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(43) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(44) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(45) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(46) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(47) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(48) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(49) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(50) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(51) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 5. RCW 9.94A.030 and 2003 c 53 s 55 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the

legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(9) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(10) "Confinement" means total or partial confinement.

(11) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(12) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(13) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former

version of the sentencing reform act remains part of the defendant's criminal history.

(14) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(15) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(16) "Department" means the department of corrections.

(17) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(18) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(19) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(20) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(21) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(22) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(23) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(24) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(25) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(26) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(27) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(28) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1)(a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1)(a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)(a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1)(d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(29) "Nonviolent offense" means an offense which is not a violent offense.

(30) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court

jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(31) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(32) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (32)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(33) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(34) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(35) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(36) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(37) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(38) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW ((9.68A.070 or) 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense under (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(39) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(40) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(41) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(42) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(43) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(44) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(45) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of

intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(46) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(47) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(48) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

NEW SECTION. Sec. 6. Section 4 of this act expires July 1, 2006.

NEW SECTION. Sec. 7. Section 5 of this act takes effect July 1, 2006.

NEW SECTION. Sec. 8. If specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 2 of this act is null and void."

Correct the title.

Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Referred to Committee on Appropriations.

February 22, 2006

SSB 6185 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Modifying the family and medical leave act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 23, 2006

2SSB 6193 Prime Sponsor, Senate Committee On Ways & Means: Requiring surveys of health professions work force supply and demographics. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that people of color experience significant disparities from the general population in education, employment, healthy living conditions, access to health care, and other social determinants of health. The legislature intends to address barriers to gender-appropriate and culturally and linguistically appropriate health care and health education materials, including increasing the number of female and minority health care providers, through expanded recruiting, education, and retention programs. The legislature finds that before developing a work force that is representative of the diversity of the state's population, relevant and accurate data on health care professionals, students in health care professions, and recipients of health services must first be collected.

NEW SECTION. Sec. 2. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department, in collaboration with the work force training and education coordinating board, shall distribute survey questions for the purpose of gathering data related to work force supply and demographics to all health care providers who hold a license to practice a health profession. The department shall adopt a schedule for distributing surveys by profession so that each profession is surveyed every two years. In developing the survey, the department shall seek advice from researchers that are likely to use the survey data.

(2)(a) At a minimum, the survey shall include questions related to understanding the following characteristics of individuals in the health care work force:

- (i) Specialty;
- (ii) Birthdate and gender;
- (iii) Race and ethnicity;
- (iv) Hours in practice per week;
- (v) Practice statistics, including hours spent in direct patient care;
- (vi) Zip codes of the location where the provider practices;
- (vii) Years in practice, years in practice in Washington, location and years in practice in other jurisdictions;
- (viii) Education and training background, including the location and types of education and training received; and
- (ix) Type of facilities where the provider practices.

(b) The department may approve proposals for the distribution of surveys containing additional data elements to selected health care professions if it determines that there is a legitimate research interest in obtaining the information, the additional burden on members of the health care profession is not unreasonable, the effect on survey response rates is not unreasonable, and there are funds available. The department may accept funds through contracts, grants, donations, or other forms of contributions to support more detailed surveys.

(3) The department must make a public data set available that meets the confidentiality requirements of subsection (5) of this section. The department may respond to requests for data and other information from the registry for special studies and analysis pursuant to a data-sharing agreement. Any use of the data by the requestor must comply with the confidentiality requirements of subsection (5) of this section. The department may require requestors to pay any or all of the reasonable costs associated with such requests that may be approved.

(4) The failure to complete or return the survey may not be grounds to withhold, fail to renew, or revoke a license or to impose any other disciplinary sanctions against a credentialed health care provider.

(5) The department must process the surveys that it receives in such a way that the identity of individual providers remains confidential. Data elements related to the identification of individual providers are confidential and are exempt from RCW 42.56.040 through 42.56.570 and 42.17.350 through 42.17.450, except as provided in a data-sharing agreement approved by the department pursuant to subsection (3) of this section.

(6) By July 1, 2009, the department shall provide a report to the appropriate committees of the legislature on the effectiveness of using a survey to obtain information on the supply of health care professionals, the distribution and use of the information obtained by the surveys by employers and health professions education and

training programs and the extent to which the surveys have alleviated identified shortages of trained health care providers.

NEW SECTION. Sec. 3. Section 1 of this act takes effect July 1, 2006.

NEW SECTION. Sec. 4. This act expires January 1, 2012."

Correct the title.

Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Appleton; Bailey; Clibborn; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta.

Referred to Committee on Appropriations.

February 23, 2006

ESB 6194 Prime Sponsor, Senator Franklin: Requiring multicultural education for health professionals. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that women and people of color experience significant disparities from the general population in education, employment, healthy living conditions, access to health care, and other social determinants of health. The legislature finds that it shall be a priority for the state to develop the knowledge, attitudes, and practice skills of health professionals and those working with diverse populations to achieve a greater understanding of the relationship between culture and health and gender and health.

NEW SECTION. Sec. 2. A new section is added to chapter 43.70 RCW to read as follows:

(1) For the purposes of this section, "multicultural health" means the provision of health care services with the knowledge and awareness of the causes and effects of the determinants of health that lead to disparities in health status between different genders and racial and ethnic populations and the practice skills necessary to respond appropriately.

(2) The department, in consultation with the disciplining authorities as defined in RCW 18.130.040, shall establish, within available department general funds, an ongoing multicultural health awareness and education program as an integral part of its health professions regulation. The purpose of the education program is to raise awareness and educate health care professionals regarding the knowledge, attitudes, and practice skills necessary to care for diverse populations to achieve a greater understanding of the relationship between culture and health. The disciplining authorities having the authority to offer continuing education may provide training in the dynamics of providing culturally competent, multicultural health care to diverse populations. Any such education shall be developed in collaboration with education programs that train students in that health profession. No funds from the health professions account may be utilized to fund activities under this section unless the disciplining authority authorizes expenditures from its proportions of the account. A disciplining authority may defray costs by authorizing a fee to be charged for participants or materials relating to any sponsored program.

(3) By July 1, 2008, each education program with a curriculum to train health professionals for employment in a profession credentialed by a disciplining authority under chapter 18.130 RCW

shall integrate into the curriculum instruction in multicultural health as part of its basic education preparation curriculum. The department may not deny the application of any applicant for a credential to practice a health profession on the basis that the education or training program that the applicant successfully completed did not include integrated multicultural health curriculum as part of its basic instruction."

Correct the title.

Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell; Schual-Berke and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey and Condotta.

Passed to Committee on Rules for second reading.

February 23, 2006

2SSB 6197 Prime Sponsor, Senate Committee On Ways & Means: Creating the governor's interagency coordinating council on health disparities. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.20 RCW to read as follows:

The legislature finds that women and people of color experience significant disparities from men and the general population in education, employment, healthful living conditions, access to health care, and other social determinants of health. The legislature finds that these circumstances coupled with lower, slower, and less culturally appropriate and gender appropriate access to needed medical care result in higher rates of morbidity and mortality for women and persons of color than observed in the general population. Health disparities are defined by the national institute of health as the differences in incidence, prevalence, mortality, and burden of disease and other adverse health conditions that exist among specific population groups in the United States.

It is the intent of the Washington state legislature to create the healthiest state in the nation by striving to eliminate health disparities in people of color and between men and women. In meeting the intent of this act, the legislature creates the governor's interagency coordinating council on health disparities. This council shall create an action plan and statewide policy to include health impact reviews that measure and address other social determinants of health that lead to disparities as well as the contributing factors of health that can have broad impacts on improving status, health literacy, physical activity, and nutrition.

Sec. 2. RCW 43.20.025 and 1989 1st ex.s. c 9 s 208 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commissions" means the Washington state commission on African-American affairs established in chapter 43.113 RCW, the Washington state commission on Asian Pacific American affairs established in chapter 43.117 RCW, the Washington state commission on Hispanic affairs established in chapter 43.115 RCW, and the governor's office of Indian affairs.

(2) "Consumer representative" means any person who is not an elected official, who has no fiduciary obligation to a health facility or other health agency, and who has no material financial interest in the rendering of health services.

~~((2))~~ (3) "Council" means the (health care access and cost control) governor's interagency coordinating council on health disparities, convened according to this chapter.

~~((3))~~ (4) "Department" means the department of health.

~~((4))~~ (5) "Health disparities" means the difference in incidence, prevalence, mortality, or burden of disease and other adverse health conditions, including lack of access to proven health care services that exists between specific population groups in Washington state.

(6) "Health impact review" means a review of a legislative or budgetary proposal completed according to the terms of this chapter that determines the extent to which the proposal improves or exacerbates health disparities.

(7) "Secretary" means the secretary of health, or the secretary's designee.

~~((5))~~ (8) "Local health board" means a health board created pursuant to chapter 70.05, 70.08, or 70.46 RCW.

~~((6))~~ (9) "Local health officer" means the legally qualified physician appointed as a health officer pursuant to chapter 70.05, 70.08, or 70.46 RCW.

~~((7))~~ (10) "Social determinants of health" means those elements of social structure most closely shown to affect health and illness, including at a minimum, early learning, education, socioeconomic standing, safe housing, gender, incidence of violence, convenient and affordable access to safe opportunities for physical activity, healthy diet, and appropriate health care services.

(11) "State board" means the state board of health created under chapter 43.20 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 43.20 RCW to read as follows:

(1) In collaboration with staff whom the office of financial management may assign, and within funds made expressly available to the state board for these purposes, the state board shall assist the governor by convening and providing assistance to the council. The council shall include one representative from each of the following groups: Each of the commissions, the state board, the department, the department of social and health services, the employment security department, the department of community, trade, and economic development, the department of corrections, the health care authority, the department of labor and industries, the department of agriculture, the department of ecology, the higher education coordinating board, the office of the insurance commissioner, the office of the superintendent of public instruction, the department of early learning, the department of transportation, the state board for community and technical colleges, the work force training and education coordinating board, and two members of the public who will represent the interests of health care consumers. The council is a class one group under RCW 43.03.220. The two public members shall be paid per diem and travel expenses in accordance with RCW 43.03.050 and 43.03.060. The council shall reflect diversity in race, ethnicity, and gender. The governor or the governor's designee shall chair the council.

(2) The council shall promote and facilitate communication, coordination, and collaboration among relevant state agencies and communities of color, and the private sector and public sector, to address health disparities. The council shall conduct public hearings, inquiries, studies, or other forms of information gathering to understand how the actions of state government ameliorate or contribute to health disparities. All state agencies must cooperate with the council's efforts.

(3) The council with assistance from the state board, shall assess through public hearings, review of existing data, and other means, and recommend initiatives for improving the availability of culturally appropriate health literature and interpretive services within public and private health-related agencies.

(4) In order to assist with its work, the council shall establish advisory committees to include members from local communities.

(5) The advisory committee shall reflect diversity in race, ethnicity, and gender.

NEW SECTION. Sec. 4. A new section is added to chapter 43.20 RCW to read as follows:

The council shall consider in its deliberations and by 2012, create an action plan for eliminating health disparities. The action

plan must address, but is not limited to, the following diseases, conditions, and health indicators: Diabetes, asthma, infant mortality, HIV/AIDS, heart disease, strokes, breast cancer, cervical cancer, prostate cancer, chronic kidney disease, sudden infant death syndrome (SIDS), mental health, women's health issues, smoking cessation, oral disease, and immunization rates of children and senior citizens. The action plan shall be updated biannually. The council shall meet as often as necessary but not less than six times per calendar year. The council shall report its progress with the action plan to the governor and the legislature no later than January 15, 2008. A second report shall be presented no later than January 15, 2010, and a third report from the council shall be presented to the governor and the legislature no later than January 15, 2012. Thereafter, the governor and legislature shall require progress updates from the council every four years in odd-numbered years. The action plan shall recognize the need for flexibility.

NEW SECTION. Sec. 5. A new section is added to chapter 43.20 RCW to read as follows:

The state board shall, to the extent that funds are available expressly for this purpose, complete health impact reviews, in collaboration with the council, and with assistance that shall be provided by any state agency of which the board makes a request.

(1) A health impact review may be initiated by a written request submitted according to forms and procedures proposed by the council and approved by the state board before December 1, 2006.

(2) Any state legislator or the governor may request a review of any proposal for a state legislative or budgetary change. Upon receiving a request for a health impact review from the governor or a member of the legislature during a legislative session, the state board shall deliver the health impact review to the requesting party in no more than ten days.

(3) The state board may limit the number of health impact reviews it produces to retain quality while operating within its available resources.

(4) A state agency may decline a request to provide assistance if complying with the request would not be feasible while operating within its available resources.

(5) Upon delivery of the review to the requesting party, it shall be a public document, and shall be available on the state board's web site.

(6) The review shall be based on the best available empirical information and professional assumptions available to the state board within the time required for completing the review. The review should consider direct impacts on health disparities as well as changes in the social determinants of health.

(7) The state board and the department shall collaborate to obtain any federal or private funding that may become available to implement the state board's duties under this chapter. If the department receives such funding, the department shall allocate it to the state board and affected agencies to implement its duties under this chapter, and any state general funds that may have been appropriated but are no longer needed by the state board shall lapse to the state general fund.

NEW SECTION. Sec. 6. A new section is added to chapter 43.20 RCW to read as follows:

The state board and the department shall collaborate to obtain any federal or private funding that may become available to implement the state board's duties under this chapter. If the department receives such funding, the department shall allocate it to the state board to implement its duties under this chapter, and any state general funds that may have been appropriated but are no longer needed by the state board shall lapse to the state general fund.

NEW SECTION. Sec. 7. A new section is added to chapter 44.28 RCW to read as follows:

The joint committee shall conduct a review of the governor's interagency coordinating council on health disparities and its functions. The review shall be substantially the same as a sunset review under chapter 43.131 RCW. The joint committee shall present its findings to appropriate committees of the legislature by December 1, 2016."

Correct the title.

Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Bailey; Condotta and Skinner.

Referred to Committee on Appropriations.

February 23, 2006

E2SSB 6239 Prime Sponsor, Senate Committee On Ways & Means: Changing provisions relating to controlled substances. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

**"PART I
SUBSTANCE ABUSE REDUCTION**

NEW SECTION. Sec. 101. A new section is added to chapter 70.96A RCW to read as follows:

(1) Any county that has imposed the sales and use tax authorized by RCW 82.14.460 may seek a state appropriation of up to one hundred thousand dollars annually beginning in fiscal year 2008 and ending in fiscal year 2010. The funds shall be used to provide additional support to counties for mental health or substance abuse treatment for persons with methamphetamine addiction. Local governments receiving funds under this section may not use the funds to supplant existing funding.

(2) Counties receiving funding shall: (a) Provide a financial plan for the expenditure of any potential funds prior to funds being awarded; (b) report annually to the appropriate committees of the legislature regarding the number of clients served, services provided, and a statement of expenditures; and (c) expend no more than ten percent for administrative costs or for information technology.

NEW SECTION. Sec. 102. A new section is added to chapter 72.09 RCW to read as follows:

(1) Through June 30, 2010, it is the intent of the legislature to provide one hundred additional placements for therapeutic drug and alcohol treatment in the state's correctional institutions, above the level of placements provided on January 1, 2006.

(2) This section expires June 30, 2010.

NEW SECTION. Sec. 103. It is the intent of the legislature to provide an annual combined level of state and federal funding for multijurisdictional drug task forces and local government drug prosecution assistance at a minimum of four million dollars.

NEW SECTION. Sec. 104. (1) It is the intent of the legislature to provide assistance for jurisdictions enforcing illegal drug laws that have historically been underserved by federally funded state narcotics task forces and are considered to be major transport areas of narcotics traffickers.

NEW SECTION. Sec. 105. Three pilot enforcement areas shall be established for a period of four fiscal years, beginning July 1, 2006, and ending June 30, 2010, with one in the southwestern region of the state, comprising of Pacific, Wahkiakum, Lewis, Grays Harbor, and Cowlitz counties; one in the southeastern region of the state, comprising of Walla Walla, Columbia, Garfield, and Asotin counties; and one in the northeastern part of the state, comprising of Stevens,

Ferry, Pend Oreille, and Lincoln counties. The counties comprising a specific pilot area shall coordinate with each other to establish and implement a regional strategy to enforce illegal drug laws.

NEW SECTION. Sec. 106. It is the intent of the legislature to provide funding of no less than one million five hundred seventy-five thousand dollars annually. The funding is to be divided equally among the three pilot enforcement areas. This funding is intended to provide a minimum of four additional sheriff deputies for each pilot area, two deputy prosecutors who will support the counties that are included in the pilot area, a court clerk, and clerical staff to serve the pilot area. It is the intent of the legislature that those counties that have not previously received significant federal narcotics task force funding shall be allocated funding for at least one additional sheriff's deputy. Counties are encouraged to utilize drug courts and treatment programs, and to share resources that operate in the region through the use of interlocal agreements. The funding appropriated for this purpose must not be used to supplant existing funding and cannot be used for any purpose other than the enforcement of illegal drug laws.

The criminal justice training commission shall allocate funds to the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs. The Washington association of prosecuting attorneys is responsible for administration of the funding and programs for the prosecution of crimes and court proceedings. The Washington association of sheriffs and police chiefs shall administer the funds provided for law enforcement.

NEW SECTION. Sec. 107. The Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, and the Washington association of county officials shall jointly develop measures to determine the efficacy of the programs in the pilot areas. These measures shall include comparison of arrest rates before the implementation of this act and after, reduction of recidivism, and any other factors that are determined to be relevant to evaluation of the programs. The organizations named in this section shall present their findings to the legislature by December 1, 2008.

Sec. 108. RCW 2.28.170 and 2005 c 504 s 504 are each amended to read as follows:

(1) Counties may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing felony and nonfelony offenders, ~~whether adult or juvenile~~, by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(i) Exhaust all federal funding that is available to support the operations of its drug court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services.

(b) Any county that establishes a drug court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The drug court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from substance abuse treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

Sec. 109. RCW 26.44.020 and 2000 c 162 s 19 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed, excluding conduct permitted under RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(15) "Negligent treatment or maltreatment" means an act or omission that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety, including but not limited to conduct prohibited under RCW 9A.42.100. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment.

(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral

to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

Sec. 110. RCW 26.44.020 and 2005 c 512 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(15) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child ~~((do [does]))~~ does not constitute negligent treatment or maltreatment in and of ~~((themselves [itself]))~~ itself.

(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

Sec. 111. RCW 26.44.195 and 2005 c 512 s 6 are each amended to read as follows:

(1) If the department, upon investigation of a report that a child has been abused or neglected as defined in this chapter, determines that the child has been subject to negligent treatment or maltreatment, the department may offer services to the child's parents, guardians, or legal custodians to: (a) Ameliorate the conditions that endangered the welfare of the child; or (b) address or treat the effects of mistreatment or neglect upon the child.

(2) When evaluating whether the child has been subject to negligent treatment or maltreatment, evidence of a parent's substance abuse as a contributing factor to a parent's failure to provide for a child's basic health, welfare, or safety shall be given great weight.

(3) If the child's parents, guardians, or legal custodians are available and willing to participate on a voluntary basis in in-home services, and the department determines that in-home services on a voluntary basis are appropriate for the family, the department may offer such services.

(4) In cases where the department has offered appropriate and reasonable services under subsection (1) of this section, and the parents, guardians, or legal custodians refuse to accept or fail to obtain available and appropriate treatment or services, or are unable or unwilling to participate in or successfully and substantially complete the treatment or services identified by the department, the

department may initiate a dependency proceeding under chapter 13.34 RCW on the basis that the negligent treatment or maltreatment by the parent, guardian, or legal custodian constitutes neglect. When evaluating whether to initiate a dependency proceeding on this basis, the evidence of a parent's substance abuse as a contributing factor to the negligent treatment or maltreatment shall be given great weight.

(5) Nothing in this section precludes the department from filing a dependency petition as provided in chapter 13.34 RCW if it determines that such action is necessary to protect the child from abuse or neglect.

~~((6) Nothing in this section shall be construed to create in any person an entitlement to services or financial assistance in paying for services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or if the child or family is not eligible for such services.))~~

Sec. 112. RCW 74.34.020 and 2003 c 230 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

(c) "Mental abuse" means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(d) "Exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(3) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(4) "Department" means the department of social and health services.

(5) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, boarding homes; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed by the department.

(6) "Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person's profit or advantage.

(7) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

(8) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

(9) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

(10) "Permissive reporter" means any person, employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

(11) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

(12) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

(13) "Vulnerable adult" includes a person:

- (a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or
- (b) Found incapacitated under chapter 11.88 RCW; or
- (c) Who has a developmental disability as defined under RCW 71A.10.020; or
- (d) Admitted to any facility; or
- (e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or
- (f) Receiving services from an individual provider.

NEW SECTION. Sec. 113. The department of community, trade, and economic development shall review federal, state, and local funding sources and funding levels available to local meth action teams through the Washington state methamphetamine initiative to determine whether funding is adequate to accomplish the mission of the meth action teams. The department shall also review the funding levels for drug task forces in the state of Washington to determine whether they may require additional resources to successfully interdict drug trafficking organizations and clandestine labs statewide. The department shall report findings and recommendations to the legislature by November 1, 2006.

NEW SECTION. Sec. 114. The department of social and health services shall consult with faith-based organizations to discuss the appropriate role that such organizations may have in filling support service delivery needs for persons with chemical dependency disorders. The department shall report findings and recommendations to the legislature by November 1, 2006.

NEW SECTION. Sec. 115. The agency council on coordinated transportation shall adopt, as a part of its strategic program, a plan to increase access by recovering addicts to existing special needs transportation services already offered by medicaid brokerages and

local transportation coalitions. The council may also implement an awareness campaign through department of corrections community corrections officers and service providers licensed by the department of social and health services division of alcohol and substance abuse to promote to recovering addicts seeking treatment the use of special needs transportation services, the council web site, and the statewide trip planner. The council shall report back to the legislature regarding the implementation of these strategies by November 1, 2006.

NEW SECTION. Sec. 116. The department of social and health services, in consultation with the attorney general, shall report to the legislature by January 15, 2007, on the status of ongoing multimedia campaigns to prevent methamphetamine use and underage drinking, and promote treatment, within the state of Washington.

PART II CLEANUP OF CONTAMINATED PROPERTY

Sec. 201. RCW 64.44.010 and 1999 c 292 s 2 are each amended to read as follows:

The words and phrases defined in this section shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

(1) "Authorized contractor" means a person who decontaminates, demolishes, or disposes of contaminated property as required by this chapter who is certified by the department as provided for in RCW 64.44.060.

(2) "Contaminated" or "contamination" means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards. Property that at one time was contaminated but has been satisfactorily decontaminated according to procedures established by the state board of health is not "contaminated."

(3) "Department" means the department of health.

(4) "Hazardous chemicals" means the following substances (~~(used in)~~) associated with the manufacture of illegal drugs: (a) Hazardous substances as defined in RCW 70.105D.020(~~(-and)~~); (b) precursor substances as defined in RCW 69.43.010 which the state board of health, in consultation with the state board of pharmacy, has determined present an immediate or long-term health hazard to humans; and (c) the controlled substance or substances being manufactured, as defined in RCW 69.50.101.

(~~(4)~~) (5) "Officer" means a local health officer authorized under chapters 70.05, 70.08, and 70.46 RCW.

(~~(5)~~) (6) "Property" means any real or personal property, (site, structure, or part of a structure which) or segregable part thereof, that is involved in or affected by the unauthorized manufacture or storage of hazardous chemicals. This includes but is not limited to single-family residences, units of multiplexes, condominiums, apartment buildings, boats, motor vehicles, trailers, manufactured housing, (or) any shop, booth, (or) garden, or storage shed, and all contents of the items referenced in this subsection. As used in this chapter, "property" does not include any facility defined in RCW 70.62.210 that holds a current license under RCW 70.62.220.

Sec. 202. RCW 64.44.020 and 1999 c 292 s 3 are each amended to read as follows:

Whenever a law enforcement agency becomes aware that property has been contaminated by hazardous chemicals, that agency shall report the contamination to the local health officer. The local health officer shall (~~(post)~~) cause a posting of a written warning on the premises within one working day of notification of the contamination and shall inspect the property within fourteen days after receiving the notice of contamination. The warning shall inform the potential occupants that hazardous chemicals may exist on, or have been removed from, the premises and that entry is unsafe. If a property owner believes that a tenant has contaminated property that was being leased or rented, and the property is vacated or abandoned, then the property owner shall contact the local health officer about the possible contamination. Local health officers or boards may

charge property owners reasonable fees for inspections of suspected contaminated property requested by property owners.

A local health officer may enter, inspect, and survey at reasonable times any properties for which there are reasonable grounds to believe that the property has become contaminated. If the property is contaminated, the local health officer shall post a written notice declaring that the officer intends to issue an order prohibiting use of the property as long as the property is contaminated.

If access to the property is denied, a local health officer in consultation with law enforcement may seek a warrant for the purpose of conducting administrative inspections and seizure of property as defined in RCW 69.50.505. A superior, district, or municipal court within the jurisdiction of the property may, based upon probable cause that the property is contaminated, issue warrants for the purpose of conducting administrative inspections and seizure of property as defined in RCW 69.50.505.

Local health officers must report all cases of contaminated property to the state department of health. The department may make the list of contaminated properties available to health associations, landlord and realtor organizations, prosecutors, and other interested groups. The department shall promptly update the list of contaminated properties to remove those which have been decontaminated according to provisions of this chapter.

The local health officer may determine when the services of an authorized contractor are necessary.

Sec. 203. RCW 64.44.070 and 1999 c 292 s 8 are each amended to read as follows:

(1) The state board of health shall promulgate rules and standards for carrying out the provisions in this chapter in accordance with chapter 34.05 RCW, the administrative procedure act. The local board of health and the local health officer are authorized to exercise such powers as may be necessary to carry out this chapter. The department shall provide technical assistance to local health boards and health officers to carry out their duties under this chapter.

(2) The department shall adopt rules for decontamination of a property used as an illegal drug laboratory and methods for the testing of ground water, surface water, soil, and septic tanks for contamination. The rules shall establish decontamination standards for hazardous chemicals, including but not limited to methamphetamine, lead, mercury, and total volatile organic compounds. The department shall also adopt rules pertaining to independent third party sampling to verify satisfactory decontamination of property deemed contaminated and unfit for use. For the purposes of this section, an independent third party sampler is a person who is not an employee, agent, representative, partner, joint venturer, shareholder, or parent or subsidiary company of the clandestine drug laboratory decontamination contractor, the contractor's company, or property owner.

NEW SECTION. Sec. 204. The department of community, trade, and economic development shall report to the legislature on the feasibility of providing incentives and protections to landlords to encourage housing rentals to recovering substance abusers or those convicted of drug crimes. A final report must be submitted to the appropriate committees of the legislature by January 1, 2007.

PART III CRIMINAL SANCTIONS AND PROCEDURE

Sec. 301. RCW 9.94A.533 and 2003 c 53 s 58 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in

RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.605. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Sec. 302. RCW 9.94A.660 and 2005 c 460 s 1 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(c) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(d) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(e) The standard sentence range for the current offense is greater than one year; and

(f) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a sentence under this section may be made by the court, the offender, or the state. If the sentencing court determines that the offender is eligible for this alternative, the court may order an examination of the offender. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from drug addiction;

(b) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;

(c) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and

(d) Whether the offender and the community will benefit from the use of the alternative.

(3) The examination report must contain:

(a) Information on the issues required to be addressed in subsection (2) of this section; and

(b) A proposed treatment plan that must, at a minimum, contain:

(i) A proposed treatment provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services;

(ii) The recommended frequency and length of treatment, including both residential chemical dependency treatment and treatment in the community;

(iii) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and

(iv) Recommended crime-related prohibitions and affirmative conditions.

(4) After receipt of the examination report, if the court determines that a sentence under this section is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under subsection (5) of this section or a residential chemical dependency treatment-based alternative under subsection (6) of this section. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

(5) The prison-based alternative shall include:

(a) A period of total confinement in a state facility for one-half of the midpoint of the standard sentence range or twelve months, whichever is greater. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections;

(b) The remainder of the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services. If the department finds that conditions have been willfully violated, the offender may be reclassified to serve the

remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court;

(c) Crime-related prohibitions including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.715 to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

(6) The residential chemical dependency treatment-based alternative shall include:

(a) A term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months. If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody. The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the plan under subsection (3)(b) of this section. The department may impose conditions and sanctions as authorized in RCW 9.94A.715 (2), (3), (6), and (7), 9.94A.737, and 9.94A.740. The court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;

(b) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment. At the hearing, the court may:

(i) Authorize the department to terminate the offender's community custody status on the expiration date determined under (a) of this subsection; or

(ii) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

(iii) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.715;

(c) If the court imposes a term of total confinement under (b)(iii) of this subsection, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the terms of total confinement and community custody.

(7) If the court imposes a sentence under this section, the court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court may impose any of the following conditions:

(a) Devote time to a specific employment or training;

(b) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(c) Report as directed to a community corrections officer;

(d) Pay all court-ordered legal financial obligations;

(e) Perform community restitution work;

(f) Stay out of areas designated by the sentencing court;

(g) Such other conditions as the court may require such as affirmative conditions.

(8)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the terms of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.

(9) If an offender sentenced to the prison-based alternative under subsection (5) of this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

(10) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(11) Costs of examinations and preparing treatment plans under subsections (2) and (3) of this section may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350.

Sec. 303. RCW 9.94A.500 and 2000 c 75 s 8 are each amended to read as follows:

(1) Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing.

Except in cases where the defendant shall be sentenced to a term of total confinement for life without the possibility of release or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, the court may order the department to complete a risk assessment report. If available before sentencing, the report shall be provided to the court.

Unless specifically waived by the court, the court shall order the department to complete a chemical dependency screening report before imposing a sentence upon a defendant who has been convicted of a violation of the uniform controlled substances act under chapter 69.50 RCW ~~(or)~~, a criminal solicitation to commit such a violation under chapter 9A.28 RCW, or any felony where the court finds that the offender has a chemical dependency that has contributed to his or her offense. In addition, the court shall, at the time of plea or conviction, order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. If the court determines that the defendant may be a mentally ill person as defined in RCW 71.24.025, although the defendant has not established that at the time of the crime he or she lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court shall order the department to complete a presentence report before imposing a sentence.

The court shall consider the risk assessment report and presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed.

If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all risk assessment reports and presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks

shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

(2) To prevent wrongful disclosure of information related to mental health services, as defined in RCW 71.05.445 and ((71.34.225)) 71.34.345, a court may take only those steps necessary during a sentencing hearing or any hearing in which the department presents information related to mental health services to the court. The steps may be taken on motion of the defendant, the prosecuting attorney, or on the court's own motion. The court may seal the portion of the record relating to information relating to mental health services, exclude the public from the hearing during presentation or discussion of information relating to mental health services, or grant other relief to achieve the result intended by this subsection, but nothing in this subsection shall be construed to prevent the subsequent release of information related to mental health services as authorized by RCW 71.05.445, ((71.34.225)) 71.34.345, or 72.09.585. Any person who otherwise is permitted to attend any hearing pursuant to chapter 7.69 or 7.69A RCW shall not be excluded from the hearing solely because the department intends to disclose or discloses information related to mental health services.

NEW SECTION. Sec. 304. The Washington institute for public policy shall conduct a study of criminal sentencing provisions of neighboring states for all crimes involving methamphetamine. The institute shall report to the legislature on any criminal sentencing increases necessary under Washington law to reduce or remove any incentives methamphetamine traffickers and manufacturers may have to locate in Washington. The report shall be completed by January 1, 2007.

NEW SECTION. Sec. 305. The Washington institute for public policy shall conduct a study of the drug offender sentencing alternative. The institute shall study recidivism rates for offenders who received substance abuse treatment while in confinement as compared to offenders who received treatment in the community or received no treatment. The institute shall report to the legislature by January 1, 2007.

PART IV MISCELLANEOUS

NEW SECTION. Sec. 401. Part headings used in this act are no part of the law.

NEW SECTION. Sec. 402. If specific funding for the purposes of section 113 of this act, referencing this act and section 113 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 113 of this act is null and void.

NEW SECTION. Sec. 403. Section 109 of this act expires January 1, 2007.

NEW SECTION. Sec. 404. Sections 110 and 111 of this act take effect January 1, 2007."

Correct the title.

Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Referred to Committee on Appropriations.

February 22, 2006

SSB 6257 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Exempting guest services or crowd management employees from the requirements of chapter 18.170 RCW. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

On page 2, line 2, after "officer" insert ". For purposes of this subsection, "guest services or crowd management employees" include ushers, ticket takers, parking lot attendants, and other persons employed to perform similar job duties as identified by department rules adopted in consultation with interested parties"

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6308 Prime Sponsor, Senate Committee On Human Services & Corrections: Creating a joint select committee on offenders programs, sentencing, and supervision. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that "good time" should be productive time, especially for those incarcerated in Washington's criminal justice facilities. The legislature finds that it is important to the safety of the public and to rehabilitation of offenders that changes be considered to other programs offered in prisons and in the community. The legislature further finds that reforms to sentencing and supervision of offenders returning to the community may enhance public safety, lower recidivism, and reduce crime and victimization. Therefore, the legislature intends to create a joint legislative task force on offenders programs, sentencing, and supervision to provide findings and recommendations for the 2007 legislative session.

NEW SECTION. Sec. 2. (1) A joint legislative task force on offenders programs, sentencing, and supervision is established, with members as provided in this subsection.

(a) The president of the senate shall appoint two members from each of the two largest caucuses of the senate, with at least one member being a member of the senate human services and corrections committee;

(b) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives, with at least one member being a member of the house criminal justice and corrections committee;

(c) The governor shall appoint the following members:

(i) The attorney general, or the attorney general's designee;

(ii) The secretary of corrections, or the secretary's designee;

(iii) The executive director of the sentencing guidelines commission, or the director's designee;

(d) In addition, the joint legislative task force, where feasible, may consult with individuals representing the following:

(i) Superior court judges;

(ii) Mental health treatment providers who provide alcohol and substance abuse counseling;

(iii) Mental health treatment providers who provide medical assistance services to offenders;

(iv) Counties;

(v) Cities;

(vi) Crime victims;

(vii) Prosecuting attorneys;

(viii) Criminal defense lawyers;

(ix) Faculty members who educate incarcerated offenders;

(x) Faculty members who educate released offenders;

(xi) Community corrections officers;

(xii) Labor organizations representing correctional officers who work in adult correctional facilities;
 (xiii) Multifamily housing;
 (xiv) City local law enforcement;
 (xv) County law enforcement;
 (xvi) Ex-offenders;
 (xvii) A faith-based organization that provides outreach or services to offenders;
 (xviii) Washington businesses; and
 (xix) Nonprofit organizations providing work force training to released offenders.

(2) The joint legislative task force shall be cochaired by a legislative member from the senate and a legislative member from the house of representatives, as chosen by the task force.

(3) The joint legislative task force shall review and make recommendations regarding:

(a) The type of offender that would benefit most in terms of personal achievement, responsibility, and community safety, by having the opportunity to receive enhanced training and education while in prison;

(b) The types of training and educational programs that would provide the greatest return on investment with regard to offender achievement, responsibility, and community;

(c) Changes to the sentencing law and policies related to "good time" or early release, that would encourage incarcerated offenders to participate in training and programs that will increase the likelihood that they will be able to support themselves when they leave prison and reduce recidivism;

(d) A method for evaluating the return on the investment and determining from frontline department of corrections staff and community partners, whether the changes are improving personal responsibility on the part of the offender and reducing crime in the community; and

(e) Changes to community supervision that would provide greater safety to the public and incentives for prisons in adhering to treatment, educational goals, and reducing recidivism.

(4) The joint legislative task force shall present a report of its findings and recommendations to the governor and the appropriate committees of the legislature, including any proposed legislation, by November 15, 2006.

(5) The joint legislative task force may, where feasible, consult with individuals from the public and private sector in carrying out its duties under this section.

(6)(a) The joint legislative task force shall use legislative facilities, and staff support shall be provided by senate committee services, the house of representatives office of program research, and the Washington state institute for public policy. The department of corrections and the sentencing guidelines commission shall cooperate with the joint legislative task force, and shall provide information as the task force reasonably requests.

(b) Nonlegislative members of the joint legislative task force shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(c) Legislative members of the joint legislative task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(d) The expenses of the joint legislative task force shall be paid jointly by the senate and the house of representatives.

(7) This section expires December 1, 2006."

Correct the title.

Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

February 23, 2006

2SSB 6319 Prime Sponsor, Senate Committee On Ways & Means: Changing provisions for sex offender

registration. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Referred to Committee on Appropriations.

February 23, 2006

SSB 6320 Prime Sponsor, Senate Committee On Human Services & Corrections: Revising the model policy for disclosure of sex offender information. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Referred to Committee on Appropriations.

February 23, 2006

SSB 6322 Prime Sponsor, Senate Committee On Human Services & Corrections: Relating to electronic monitoring of sex offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.713 and 2001 2nd sp.s. c 12 s 304 are each amended to read as follows:

(1) When an offender is sentenced under RCW 9.94A.712, the department shall assess the offender's risk of recidivism and shall recommend to the board any additional or modified conditions of the offender's community custody based upon the risk to community safety. In addition, the department shall make a recommendation with regard to, and the board may require the offender to participate in, rehabilitative programs, or otherwise perform affirmative conduct, and obey all laws. The department may recommend and the board may impose electronic monitoring as a condition of community custody for the offender. The department shall, with available resources, carry out any monitoring imposed under this section using the most appropriate technology given the individual circumstances of the offender. As used in this section, "electronic monitoring" means the monitoring of an offender using an electronic offender tracking system including, but not limited to, a system using radio frequency or active or passive global positioning technology. The board must consider and may impose department-recommended conditions.

(2) The department may not recommend and the board may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court-imposed conditions. The board shall notify the offender in writing of any such conditions or modifications.

(3) In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(4) If an offender violates conditions imposed by the court, the department, or the board during community custody, the board or the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.95.435.

(5) By the close of the next business day, after receiving notice of a condition imposed by the board or the department, an offender may request an administrative hearing under rules adopted by the board. The condition shall remain in effect unless the hearing examiner finds that it is not reasonably related to any of the following:

- (a) The crime of conviction;
- (b) The offender's risk of reoffending; or
- (c) The safety of the community.

(6) An offender released by the board under RCW 9.95.420 shall be subject to the supervision of the department until the expiration of the maximum term of the sentence. The department shall monitor the offender's compliance with conditions of community custody imposed by the court, department, or board, and promptly report any violations to the board. Any violation of conditions of community custody established or modified by the board shall be subject to the provisions of RCW 9.95.425 through 9.95.440.

(7) If the department finds that an emergency exists requiring the immediate imposition of conditions of release in addition to those set by the board under RCW 9.95.420 and subsection (1) of this section in order to prevent the offender from committing a crime, the department may impose additional conditions. The department may not impose conditions that are contrary to those set by the board or the court and may not contravene or decrease court-imposed or board-imposed conditions. Conditions imposed under this subsection shall take effect immediately after notice to the offender by personal service, but shall not remain in effect longer than seven working days unless approved by the board under subsection (1) of this section within seven working days.

Sec. 2. RCW 9.94A.715 and 2003 c 379 s 6 are each amended to read as follows:

(1) When a court sentences a person to the custody of the department for a sex offense not sentenced under RCW 9.94A.712, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range established under RCW 9.94A.850 or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2), whichever is longer. The community custody shall begin: (a) Upon completion of the term of confinement; (b) at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.728 (1) and (2); or (c) with regard to offenders sentenced under RCW 9.94A.660, upon failure to complete or administrative termination from the special drug offender sentencing alternative program. Except as provided in RCW 9.94A.501, the department shall supervise any sentence of community custody imposed under this section.

(2)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to subsection (6) of this section.

(b) As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department under RCW 9.94A.720. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. In addition, the department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws. The department may impose electronic monitoring as a condition of community custody for an offender sentenced to a term of community custody under this section pursuant to a conviction for a sex offense. The department shall, with available resources, carry out any electronic

monitoring imposed under this section using the most appropriate technology given the individual circumstances of the offender. As used in this section, "electronic monitoring" means the monitoring of an offender using an electronic offender tracking system including, but not limited to, a system using radio frequency or active or passive global positioning system technology.

(c) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(3) If an offender violates conditions imposed by the court or the department pursuant to this section during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.737 and 9.94A.740.

(4) Except for terms of community custody under RCW 9.94A.670, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(5) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.631 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(6) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection.

(7) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (a) The crime of conviction; (b) the offender's risk of reoffending; or (c) the safety of the community.

NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW to read as follows:

Local governments, their subdivisions and employees, the department of corrections and its employees, and the Washington association of sheriffs and police chiefs and its employees are immune from civil liability for damages arising from incidents involving offenders who are placed on electronic monitoring, unless it is shown that an employee acted with gross negligence or bad faith."

Correct the title.

Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Referred to Committee on Appropriations.

February 23, 2006
SSB 6325 Prime Sponsor, Senate Committee On Human Services & Corrections: Establishing residence restrictions for sex offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Kirby and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Strow.

Passed to Committee on Rules for second reading.

February 23, 2006
2SSB 6326 Prime Sponsor, Senate Committee On Ways & Means: Providing a source of funding for customized work force training. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Fromhold; Hasegawa; Ormsby; Priest; Roberts and Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri and Dunn.

Referred to Committee on Appropriations.

February 23, 2006
SSB 6336 Prime Sponsor, Senate Committee On Human Services & Corrections: Requesting a federal exemption regarding the definition of income for public assistance. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The department of social and health services shall seek exemptions and waivers from and amendments to federal statutes, rules, and regulations necessary to exempt housing allowances and housing vouchers received by military personnel from income when determining eligibility for food benefits and for medical assistance programs that provide nurse home visitation services to pregnant women and infants. The department shall report to the legislature by September 1, 2007, regarding the efforts and progress made in obtaining exemptions and waivers under this section.

NEW SECTION. Sec. 2. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Dunn; Haler and Pettigrew.

Referred to Committee on Appropriations.

February 23, 2006
SB 6344 Prime Sponsor, Senator Kline: Monitoring personal information collected by state agencies. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt and McDermott.

Passed to Committee on Rules for second reading.

February 23, 2006
SSB 6359 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Ensuring employers do not evade their contribution rate. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 22, 2006
SSB 6362 Prime Sponsor, Senate Committee On Government Operations & Elections: Modifying voter registration provisions. Reported by Committee on State Government Operations & Accountability

MAJORITY recommendation: Do pass as amended:

On page 4, line 27, after "attorney" strike all material through "day" on line 28 and insert "at any time"

On page 4, line 29, after "day" insert "regarding a voter who presents himself or herself to vote at the poll site"

Signed by Representatives Haigh, Chairman; Green, Vice Chairman; Hunt; McDermott and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Schindler and Sump.

Passed to Committee on Rules for second reading.

February 23, 2006
ESSB 6366 Prime Sponsor, Senate Committee On Ways & Means: Concerning preparation and response to pandemic influenza. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that certain threats to public health do not respect the jurisdictional boundaries of local public health districts and departments. Such threats require an efficient, well-coordinated response by local health jurisdictions in order to protect the health of local residents as well as the health of all Washingtonians. These threats place demands on public health to be more vigilant than ever and to respond quickly and decisively. Rapid responses of substantial magnitude are no longer a goal for the future, but a necessity for preserving the health of society.

For over a decade, the public health improvement plan process has brought state and local health jurisdictions together to achieve a partnership that has produced standards of quality and best practices that are a national model. The standards developed by the public health improvement partnership have focused largely on formal documentation of administrative processes by state and local health jurisdictions. This is the necessary first step to measuring the performance of public health, but is not yet sufficient for measuring the outcomes of these improvements in public health operations. Performance measures are needed immediately to ascertain the extent to which the residents of the state of Washington have a consistent and adequate level of protection from communicable diseases including a pandemic disease outbreak.

The legislature recognizes the magnitude of the demands placed on public health in today's society and the strides that it has made toward holding itself accountable for the way in which it performs. The legislature finds that enhanced funding and enhanced performance measures are immediately necessary in order for public health to perform at levels that will protect all of the residents of Washington.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Local health jurisdiction" means a local health department as established under chapter 70.05 RCW, a combined city-county health department as established under chapter 70.08 RCW, or a health district established under chapter 70.05 or 70.46 RCW.

(3) "Performance measure" means a standard that establishes a benchmark against which a local health jurisdiction's performance can be measured that is as closely associated with a desired outcome as possible.

(4) "Secretary" means the secretary of health.

NEW SECTION. Sec. 3. The secretary shall:

(1) By June 15, 2006, establish a template, consistent with requirements and performance standards established by the United States department of health and human services, to define preparedness activities that should be undertaken prior to a pandemic disease outbreak or other communicable disease outbreak; describe the response, coordination, and decision-making structure among all local public health, health care, and response organizations; and define the roles and responsibilities of all local public health, health care, and response organizations during all phases of a pandemic disease outbreak or other communicable disease outbreak. The template shall be used by each local health jurisdiction to assess their capacity to respond to a pandemic disease outbreak or other communicable disease outbreak that poses a significant risk of a statewide health hazard. The template must include explicit criteria and performance or outcome measures related to the activities identified in section 5 of this act, and reflect the relative priorities among the activities for purposes of local health jurisdiction planning and implementation efforts. The performance measures included in the template must provide a means to assess operations of the department and each local health jurisdiction with respect to providing an adequate and consistent level of statewide protection for the residents of the state in the event of a pandemic disease outbreak or other communicable disease outbreak. In developing these measures, the secretary shall consider performance measures

developed by government agencies and private organizations. The secretary shall attempt to develop these performance measures in categories consistent with the process standards applicable to protection from communicable disease as identified in the public health improvement plan under RCW 43.70.520 and 43.70.580, to the extent that these measures are consistent with federal standards defined by the United States department of health and human services;

(2) Develop a process for assessing the compliance of the department and each local health jurisdiction with the performance measures developed under subsection (1) of this section at least biannually;

(3) Develop a process for distributing the funds provided in section 8(2) of this act on or before July 1, 2006, to local health jurisdictions for development of their pandemic flu and communicable disease outbreak preparedness and response plans, based upon a formula developed by the secretary;

(4) Develop a process for approving or rejecting pandemic flu and communicable disease outbreak preparedness and response plans developed by local health jurisdictions under section 5 of this act by November 30, 2006.

NEW SECTION. Sec. 4. Each local health jurisdiction must substantially comply with the performance measures established under section 3 of this act by July 1, 2007, and maintain such substantial compliance.

NEW SECTION. Sec. 5. By December 1, 2006, each jurisdiction shall submit a pandemic flu and communicable disease outbreak preparedness and response plan in consultation with appropriate public and private sector partners, including departments of emergency management, law enforcement, school districts, hospitals and medical professionals, tribal governments, and business organizations. The plan shall include the specific activities that it will undertake to meet the standards included in the template developed by the secretary under section 3 of this act by June 30, 2007, and a detailed explanation of the expenditures needed to implement the plan. At a minimum, each plan shall address:

(1) Public education and citizen preparedness, including improvements in the ability of the public to employ universal infectious disease prevention practices, maintain emergency supplies, and respond to a community public health emergency;

(2)(a) Disease surveillance, investigation, and rapid response, including health care provider compliance with reportable conditions requirements;

(b) Investigation and analysis of reported illness or outbreaks; and

(c) Disease control response;

(3) Communications systems, including improving effectiveness of communication, the availability of specialized communications equipment, and access by health officials and community leaders to mass media outlets;

(4) Medical system mobilization, including improving the linkages and coordination of emergency responses across health care organizations, contracts with community facilities to serve as emergency alternative sites during an emergency, availability of trained personnel, conducting practice drills and access to medical supplies and equipment, plans and protocols to rapidly administer vaccine to large populations and monitor vaccine effectiveness and safety, and guidelines for the appropriate use of medications to treat and prevent influenza or other communicable diseases;

(5) Community-level disease containment capability including increasing adherence to public health advisories, voluntary social isolation during disease outbreaks, and health officer orders related to quarantines;

(6) Maintenance of social order and essential public services, including improving linkages with the local emergency incident command structure and maintenance of essential service and the development of the legal documents necessary to facilitate and support the necessary government response.

Upon approval of a local health jurisdiction's pandemic flu and communicable disease outbreak preparedness and response plan by the secretary, the secretary shall distribute funds provided in section

8(3) of this act for implementation of the plan, based upon a formula developed by the secretary.

NEW SECTION. Sec. 6. The department shall provide implementation support and assistance to a local health jurisdiction when the secretary or the local health jurisdiction has significant concerns regarding a jurisdiction's progress toward implementing its plan. Nothing in this section is intended to limit the authority of the secretary to act under RCW 43.70.130(4).

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 8. (1) The sum of three hundred thousand dollars is appropriated for fiscal year 2007, from the general fund to the department of health for activities by the department necessary to implement this act.

(2) The sum of one million dollars is appropriated for the fiscal year 2007, from the general fund to the department of health for distribution to local health jurisdictions for development of pandemic flu and communicable disease outbreak preparedness and response plans approved by the department as provided in section 5 of this act.

(3) The sum of four million dollars is appropriated for the fiscal year 2007, from the general fund to the department of health for distribution to local health jurisdictions for implementation of spending plans approved by the department under section 4 of this act.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Cody, Chairman; Campbell, Vice Chairman; Appleton; Clibborn; Green; Lantz; Moeller; Morrell and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander; Bailey; Condotta and Skinner.

Referred to Committee on Appropriations.

February 23, 2006

SSB 6367 Prime Sponsor, Senate Committee On Government Operations & Elections: Requiring voluntary measures be included in critical area development regulations. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there is a broadly held ethic among the citizens of the state that includes appreciation of nature and environmental values, and that citizens are willing to voluntarily undertake activities to protect and enhance environmental values at their homes and gardens, on land on which they live or work, and in their communities. The legislature finds that voluntary activities can be invaluable toward achieving the overall goal of protecting and enhancing the environment and that such activities should be given recognition as highly valued endeavors.

The legislature finds that there are successful programs that can be used as models, such as the "Shore Stewards Guide for Shoreline Living" jointly prepared by university extension faculty and local

governments, that provide information on a broad array of actions that citizens can undertake that fits their unique conditions and interests. The legislature finds that better enabling citizens to undertake voluntary activities can result in improved protection for the environment and enhance environmental quality and our quality of life.

The purpose of this act is to encourage counties and cities to expand the availability and use of nonregulatory measures for existing and nonconforming uses as a component of ordinances under RCW 36.70A.130 adopted after the effective date of this section and to encourage an increase in the information and resources to the public to foster voluntary activities by citizens to improve their environment.

Sec. 2. RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture,

forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources. Measures to protect critical areas should also include voluntary measures, incentives, and educational programs, to the extent to which such voluntary approaches can be effective; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area shall be subject to the requirements of (d)(iv) of this subsection, but shall not be subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale

businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(~~((14))~~) (15). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(~~((14))~~) (15). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the department of transportation's six-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance

except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the six-year improvement program developed by the department of transportation as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

(c) The transportation element described in this subsection (6), and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, RCW 35.58.2795 for public transportation systems, and RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element shall include: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, work force, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an

evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130."

Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

February 22, 2006

SSB 6377 Prime Sponsor, Senate Committee On Agriculture & Rural Economic Development: Changing the regulation of milk and milk products. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that chapter 15.36 RCW includes the regulation of raw milk and raw milk products including arrangements known as "cow shares" in which one or more individuals purchase one or more shares in a milk-producing animal in return for a portion of the milk that is produced. The legislature also finds that the agencies charged with protecting public health and safety need to have strong enforcement mechanisms and be able to respond rapidly, comprehensively, and effectively. It is not the intent of this act to prohibit either the sale of raw milk or cow share or similar arrangements by producers and processors who are properly licensed under chapter 15.36 RCW.

Sec. 2. RCW 15.36.012 and 1999 c 291 s 1 are each amended to read as follows:

For the purpose of this chapter:

"Adulterated milk" means milk that is deemed adulterated under appendix L of the PMO.

"Colostrum milk" means milk produced within ten days before or until practically colostrum free after parturition.

"DMO" means supplement I, the recommended sanitation ordinance for grade A condensed and dry milk products and condensed and dry whey, to the PMO published by the United States public health service, food and drug administration.

"Dairy farm" means a place or premises where one or more cows, goats, or other mammals are kept, a part or all of the milk or milk products from which is sold or offered for sale (~~to a milk processing plant, transfer station, or receiving station~~).

"Dairy technician" means any person who takes samples of milk or cream or fluid derivatives thereof, on which sample tests are to be made as a basis of payment, or who grades, weighs, or measures milk or cream or the fluid derivatives thereof, the grade, weight, or measure to be used as a basis of payment, or who operates equipment wherein milk or products thereof are pasteurized.

"Degrade" means the lowering in grade from grade A to grade C.

"Department" means the state department of agriculture.

"Director" means the director of agriculture of the state of Washington or the director's duly authorized representative.

"Grade A milk processing plant" means any milk processing plant that meets all of the standards of the PMO to process grade A pasteurized milk or milk products.

"Grade A pasteurized milk" means grade A raw milk that has been pasteurized.

"Grade A raw milk" means raw milk produced upon dairy farms conforming with all of the items of sanitation contained in the PMO, in which the bacterial plate count does not exceed twenty thousand per milliliter and the coliform count does not exceed ten per milliliter as determined in accordance with RCW 15.36.201.

"Grade A raw milk for pasteurization" means raw milk produced upon dairy farms conforming with all of the same items of sanitation contained in the PMO of grade A raw milk, and the bacterial plate count, as delivered from the farm, does not exceed eighty thousand per milliliter as determined in accordance with RCW 15.36.201.

"Grade C milk" is milk that violates any of the requirements for grade A milk but that is not deemed to be adulterated.

"Milk" means the lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy cows, goats, or other mammals.

"Milk hauler" means a person who transports milk or milk products in bulk to or from a milk processing plant, receiving station, or transfer station.

"Milk processing" means the handling, preparing, packaging, or processing of milk in any manner in preparation for sale as food, as defined in chapter 69.04 RCW. Milk processing does not include milking or producing milk on a dairy farm that is shipped to a milk processing plant for further processing.

"Milk processing plant" means a place, premises, or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, aseptically processed, bottled, or prepared for distribution, except an establishment that merely receives the processed milk products and serves them or sells them at retail.

"Milk products" means the product of a milk manufacturing process.

"Misbranded milk" means milk or milk products that carries a grade label unless such grade label has been awarded by the director and not revoked, or that fails to conform in any other respect with the statements on the label.

"Official laboratory" means a biological, chemical, or physical laboratory that is under the direct supervision of the state or a local regulatory agency.

"Officially designated laboratory" means a commercial laboratory authorized to do official work by the department, or a milk industry laboratory officially designated by the department for the examination of grade A raw milk for pasteurization and commingled milk tank truck samples of raw milk for antibiotic residues and bacterial limits.

"PMO" means the grade "A" pasteurized milk ordinance published by the United States public health service, food and drug administration.

"Pasteurized" means the process of heating every particle of milk or milk product in properly designed and operated equipment to the temperature and time standards specified in the PMO.

"Person" means an individual, partnership, firm, corporation, company, trustee, or association.

"Producer" means a person or organization who operates a dairy farm and provides, sells, or offers milk for sale ~~((to a milk processing plant, receiving station, or transfer station))~~.

"Receiving station" means a place, premises, or establishment where raw milk is received, collected, handled, stored, or cooled and prepared for further transporting.

"Sale" means selling, offering for sale, holding for sale, preparing for sale, ~~distributing, dispensing, delivering, supplying,~~ trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

"Transfer station" means any place, premises, or establishment where milk or milk products are transferred directly from one milk tank truck to another.

"Wash station" means a place, facility, or establishment where milk tanker trucks are cleaned in accordance with the standards of the PMO.

Sec. 3. RCW 15.36.111 and 1999 c 291 s 6 are each amended to read as follows:

(1) The director shall inspect all dairy farms and all milk processing plants prior to issuance of a license under this chapter and at a frequency determined by the director by rule: PROVIDED, That the director may accept the results of periodic industry inspections of producer dairies if such inspections have been officially checked periodically and found satisfactory. In case the director discovers the violation of any item of grade requirement, he or she shall make a second inspection after a lapse of such time as he or she deems necessary for the defect to be remedied, but not before the lapse of three days, and the second inspection shall be used in determining compliance with the grade requirements of this chapter. Whenever there is any violation of the same requirement of this chapter on the second inspection, the director may initiate proceedings to degrade, suspend the license, or assess a civil penalty.

(2) One copy of the inspection report detailing the grade requirement violations shall be posted by the director in a conspicuous place upon an inside wall of the milk tank room or a mutually agreed upon location on a dairy farm or given to an operator of the milk processing plant, and said inspection report shall not be defaced or removed by any person except the director. Another copy of the inspection report shall be filed with the records of the director.

(3) Every milk producer and milk processing plant shall permit the director access to all parts of the establishment during the working hours of the producer or milk processing plant, which shall at a minimum include the hours from 8 a.m. to 5 p.m., and every milk processing plant shall furnish the director, upon his or her request, for official use only, samples of any milk product for laboratory analysis, ~~and a true statement of the actual quantities of milk and milk products of each grade purchased and sold ((together with a list of all sources, records of inspections and tests, and recording thermometer charts)).~~

(4) The director shall have access to all parts of a dairy farm or facility that is not licensed as a milk producer or milk processing plant if the director has information that the dairy farm or facility is engaged in activities that require a license under this chapter. The director shall have access during the working hours of the dairy farm or facility, which shall at a minimum include the hours from 8 a.m. to 5 p.m. The director shall have the authority to take samples of milk or any milk products and water and environmental samples for laboratory analysis. For all establishments subject to this subsection and subsection (3) of this section, the director shall have access to records including, but not limited to, customer lists, milk production records, temperature records, and records of inspections and tests.

(5) If the director is denied access to a dairy farm or milk processing plant, the director may apply to a court of competent jurisdiction for a search warrant authorizing access to the property and facilities for purposes of conducting tests and inspections, taking samples, and examining records. To show that access is denied, the director shall file with the court an affidavit or declaration containing a description of his or her attempts to notify and locate the owner or the owner's agent and to secure consent. Upon application, the court may issue a search warrant for the purposes requested.

Sec. 4. RCW 15.36.511 and 1999 c 291 s 24 are each amended to read as follows:

(1) It is unlawful for any person to:

~~((1))~~ (a) Interfere with or obstruct any person in the performance of official duties under this chapter;

~~((2))~~ (b) Employ a tester, sampler, weigher, grader, or pasteurizer who is not licensed as a dairy technician;

~~((3))~~ (c) Alter or tamper with a seal placed by the director; ~~((or~~

~~((4))~~ (d) Alter or tamper with a sample of milk or milk products taken or sealed by the director; or

(e) Operate as a milk producer or milk processing plant without obtaining a license from the director.

(2) Except as provided under RCW ~~((15.35.131))~~ 15.36.131, it is unlawful for a milk processing plant to accept milk from a person not licensed as a producer or milk processor.

NEW SECTION. Sec. 5. A new section is added to chapter 15.36 RCW to read as follows:

The director may issue a cease and desist order to any person whom the director has reason to believe is engaged in an activity for which a license is required by this chapter. The person to whom such

notice is issued may request an adjudicative proceeding to contest the order.

NEW SECTION. Sec. 6. A new section is added to chapter 15.36 RCW to read as follows:

(1) When the director has probable cause to believe that milk or milk products are being sold, distributed, stored, or transported in violation of this chapter or rules adopted under this chapter, the director may issue and serve upon the owner or custodian of the milk or milk products a written notice of embargo and order prohibiting the sale of the milk or milk products. If the owner or custodian is not available for service, the director may attach the notice of embargo and order prohibiting sale to the container holding the milk or milk products. The milk or milk products shall not be sold, used, or removed until this chapter has been complied with and the milk or milk products have been released from embargo under conditions specified by the director in writing.

(2) The department may issue a destruction and disposal order covering any embargoed milk or milk products. The destruction and disposal shall occur at the cost of the owner or custodian.

(3) The person to whom the notice of embargo and order prohibiting sale was issued or the person to whom a destruction or disposal order was issued may request an adjudicative proceeding to contest the order.

(4) A state court shall not allow the recovery of damages from an administrative action under this section if the court finds there was probable cause for the action.

NEW SECTION. Sec. 7. A new section is added to chapter 15.36 RCW to read as follows:

(1) It is unlawful for any person to sell raw milk from a dairy farm that is not licensed as a milk producer or a milk processing plant under this chapter.

(2) The sale of raw milk from a dairy farm that is not licensed as a milk producer and a milk processing plant under this chapter constitutes:

- (a) For the first offense, a misdemeanor; and
- (b) For the second and subsequent offenses, a gross misdemeanor punishable according to chapter 9A.20 RCW.

(3) Neither the issuance of a cease and desist order nor payment of a civil penalty relieves the person so selling raw milk from criminal prosecution, but the remedy of a cease and desist order or civil penalty is in addition to any criminal liability.

NEW SECTION. Sec. 8. (1) The legislature finds that small-scale dairies have varying degrees of familiarity with statutory and regulatory requirements and the range of acceptable methods they can use to meet those requirements. The legislature therefore directs the department of agriculture to convene a work group to identify and help resolve obstacles faced by small-scale dairies in their efforts to become licensed as milk producers and milk processing plants.

(2) The director of the department of agriculture shall include in the work group representatives of small-scale and conventional dairies, public health officials, the cooperative extension, industry associations, consumers, and other stakeholders as the director deems appropriate. Representatives from the department's food safety and small farms direct marketing programs shall staff the work group.

- (3) The work group shall:
 - (a) Identify barriers to small-scale dairies in achieving licensing;
 - (b) Examine potential solutions to those barriers that are size-appropriate and economically feasible;
 - (c) Identify sources of technical assistance and information on best management practices; and
 - (d) Recommend other actions that will assist small-scale dairies to become licensed.

(4) By December 1, 2006, the department of agriculture and representatives of the work group shall report on their work and recommendations to appropriate standing committees of the legislature.

NEW SECTION. Sec. 9. The sum of thirty thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal

year ending June 30, 2007, from the general fund to the department of agriculture for the purposes of section 8 of this act."

Correct the title.

Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Skinner, Assistant Ranking Minority Member; Appleton; Bailey; Chase; Clibborn; Grant; Haler; Kilmer; Kretz; McCoy; Morrell; Newhouse; Quall; Strow and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Kristiansen, Ranking Minority Member; Blake; Buri; Dunn; Holmquist and Wallace.

Passed to Committee on Rules for second reading.

February 23, 2006

ESSB 6396 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Modifying the accumulation and use of sick leave accrued by part-time faculty. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: Do pass as amended:

On page 2, after line 33, strike all of section 2

Correct the title.

On page 3, after line 1, insert:
"NEW SECTION. Sec. 2. This act applies only to leave accumulated on or after the effective date of this act."

Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri; Dunn; Fromhold; Hasegawa; Ormsby; Priest; Roberts and Sommers.

Referred to Committee on Appropriations.

February 23, 2006

SSB 6406 Prime Sponsor, Senate Committee On Human Services & Corrections: Including assault of a child in the second degree in the list of two-strike offenses. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

February 23, 2006

SB 6411 Prime Sponsor, Senator Doumit: Allowing six-year long collective bargaining agreements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

On page 1, beginning on line 17, after "majority" strike "vote of the public employees within the bargaining unit" and insert "(vote

~~of the public employees within the bargaining unit)) of the valid ballots cast"~~

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6417 Prime Sponsor, Senate Committee On Judiciary: Changing provisions relating to animal cruelty. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

February 23, 2006

ESSB 6427 Prime Sponsor, Senate Committee On Government Operations & Elections: Concerning schedules for the review of comprehensive plans and development regulations. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. There is a statewide interest in maintaining coordinated planning as called for in the legislative findings of the growth management act, RCW 36.70A.010. It is the intent of the legislature that smaller, slower-growing counties and cities be provided with flexibility in meeting the requirements to review local plans and development regulations in RCW 36.70A.130, while ensuring coordination and consistency with the plans of neighboring cities and counties.

Sec. 2. RCW 36.70A.130 and 2005 c 423 s 6 and 2005 c 294 s 2 are each reenacted and amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section or in accordance with the provisions of subsections (5) and (8) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; ~~(and)~~

(iv) Until June 30, 2006, the designation of recreational lands under RCW 36.70A.1701. A county amending its comprehensive plan pursuant to this subsection (2)(a)(iv) may not do so more frequently than every eighteen months; and

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.031(2), provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter. Except as provided in subsections (5) and (8) of this section, the schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a schedule established by the department under subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the date established in the applicable schedule: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the date established in the applicable schedule as of that date.

(c) A city that is subject to a schedule established by the department under subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the date established in the applicable schedule: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the date established in the applicable schedule as of that date.

(d) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities (~~(in compliance)~~): (a) Complying with the schedules in this section (~~(and those counties and cities)~~); (b) demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas; or (c) complying with the extension provisions of subsection (5)(b) or (c) of this section may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical areas is (~~deemed to be~~) making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8) Except as provided in subsection (5)(b) and (c) of this section:

(a) Counties and cities required to satisfy the requirements of this section according to the schedule established by subsection

(4)(b) through (d) of this section may comply with the requirements of this section for development regulations that protect critical areas one year after the dates established in subsection (4)(b) through (d) of this section(-);

(b) Counties and cities complying with the requirements of this section one year after the dates established in subsection (4)(b) through (d) of this section for development regulations that protect critical areas shall be deemed in compliance with the requirements of this section(-); and

(c) This subsection (8) applies only to the counties and cities specified in subsection (4)(b) through (d) of this section, and only to the requirements of this section for development regulations that protect critical areas that must be satisfied by December 1, 2005, December 1, 2006, and December 1, 2007.

(9) Notwithstanding subsection (8) of this section and the substantial progress provisions of subsections (7) and (10) of this section, only those counties and cities complying with the schedule in subsection (4) of this section, or the extension provisions of subsection (5)(b) or (c) of this section, may receive preferences for grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030.

(10) Until December 1, 2005, and notwithstanding subsection (7) of this section, a county or city subject to the time periods in subsection (4)(a) of this section demonstrating substantial progress towards compliance with the schedules in this section for its comprehensive land use plan and development regulations may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. A county or city that is fewer than twelve months out of compliance with the schedules in this section for its comprehensive land use plan and development regulations is deemed to be making substantial progress towards compliance."

Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

February 23, 2006

2SSB 6460 Prime Sponsor, Senate Committee On Ways & Means: Increasing penalties for crimes committed with sexual motivation. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Referred to Committee on Appropriations.

February 23, 2006

E2SSB 6480 Prime Sponsor, Senate Committee On Transportation: Modifying public works apprenticeship utilization requirements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse.

Passed to Committee on Rules for second reading.

February 23, 2006

2SSB 6497 Prime Sponsor, Senate Committee On Ways & Means: Revising felony sentence ranges. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that statutorily granted judicial discretion in sentencing has been limited by appellate court decisions requiring jury findings prior to imposing sentences above the standard sentence ranges. The legislature further finds that expanding the sentencing ranges is the most appropriate method of increasing judicial discretion while retaining commensurate and appropriate punishment for similarly situated offenders as well as assuring the frugal use of state and local government resources. The legislature intends to provide judges with increased discretion and decrease the need to impose exceptional sentences. The legislature further intends that sentencing courts have the authority and power to adopt suitable processes of proceeding in cases where exceptional sentences are appropriate to the extent that such procedures are mandated by the United States Constitution or Washington state Constitution.

Sec. 2. RCW 9.94A.510 and 2002 c 290 s 10 are each amended to read as follows:

((TABLE 1 Sentencing Grid

Table with columns: SERIOUSNESS LEVEL (0-9 or more), OFFENDER SCORE (0-10 or more). Rows include categories like XV Life Sentence without Parole/Death Penalty, XIV 14y4m, XIII 12y, XII 9y, XI 7y6m, X 7y, IX 7y6m, VIII 2y.

Table with columns: SERIOUSNESS LEVEL (0-9 or more), OFFENDER SCORE (0-10 or more). Rows include categories like VIII 18m, VII 15y, VI 9m, V 6m, IV 6m, III 6m, II 6m, I 6m.

TABLE 1 Sentencing Grid

Table with columns: SERIOUSNESS LEVEL (0-9 or more), OFFENDER SCORE (0-10 or more). Rows include categories like XV 240-411, XIV 123-298, XIII 123-298, XII 93-500, XI 78-442, X 51-312, IX 31-270, VIII 21-225, VII 15-180, VI 12+-157, V 6-72.

	<u>12</u>	<u>19</u>	<u>19</u>	<u>22</u>	<u>35</u>	<u>51</u>	<u>64</u>	<u>79</u>	<u>96</u>	<u>111</u>	<u>120</u>
IV	<u>3-</u>	<u>6-</u>	<u>12+-</u>	<u>13-</u>	<u>15-</u>	<u>22-</u>	<u>33-</u>	<u>43-</u>	<u>53-</u>	<u>63-</u>	<u>63-</u>
	<u>9</u>	<u>12</u>	<u>19</u>	<u>19</u>	<u>22</u>	<u>35</u>	<u>51</u>	<u>66</u>	<u>83</u>	<u>97</u>	<u>120</u>
III	<u>1-</u>	<u>3-</u>	<u>4-</u>	<u>9-</u>	<u>12+-</u>	<u>17-</u>	<u>22-</u>	<u>33-</u>	<u>43-</u>	<u>51-</u>	<u>51-</u>
	<u>3</u>	<u>8</u>	<u>12</u>	<u>12</u>	<u>19</u>	<u>24</u>	<u>35</u>	<u>51</u>	<u>67</u>	<u>79</u>	<u>120</u>
II	<u>0-90</u>	<u>2-</u>	<u>3-</u>	<u>4-</u>	<u>12+-</u>	<u>14-</u>	<u>17-</u>	<u>22-</u>	<u>33-</u>	<u>43-</u>	<u>43-</u>
	<u>Days</u>	<u>6</u>	<u>9</u>	<u>12</u>	<u>19</u>	<u>20</u>	<u>24</u>	<u>35</u>	<u>51</u>	<u>67</u>	<u>120</u>
I	<u>0-60</u>	<u>0-90</u>	<u>2-</u>	<u>2-</u>	<u>3-</u>	<u>4-</u>	<u>12+-</u>	<u>14-</u>	<u>17-</u>	<u>22-</u>	<u>22-</u>
	<u>Days</u>	<u>Days</u>	<u>5</u>	<u>6</u>	<u>8</u>	<u>12</u>	<u>19</u>	<u>20</u>	<u>24</u>	<u>35</u>	<u>60</u>

Numbers in the first and second horizontal rows of each seriousness category ((represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows)) represent standard sentence ranges in months, or in days if so designated. 12 + equals one year and one day.

Sec. 3. RCW 9.94A.535 and 2005 c 68 s 3 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

(1) Mitigating Circumstances - Court to Consider

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(i) The offender score due to other current offenses, as opposed to prior offenses, results in a presumptive sentence that is clearly excessive.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

~~((a))~~ The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

~~((b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.~~

~~(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.~~

~~(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.)~~

(3) Aggravating Circumstances - Considered by a Jury - Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a sentence above the standard range. Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

(p) The offense involved an invasion of the victim's privacy.

(q) The defendant demonstrated or displayed an egregious lack of remorse.

(r) The offense involved a destructive and foreseeable impact on persons other than the victim.

(s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

(t) The defendant committed the current offense shortly after being released from incarceration.

(u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

(v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

(w) The defendant committed the offense against a victim who was acting as a good samaritan.

(x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

(z) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(aa) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(bb) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

Sec. 4. RCW 9.94A.537 and 2005 c 68 s 4 are each amended to read as follows:

(1) At any time prior to trial or entry of the guilty plea if substantial rights of the defendant are not prejudiced, the state may give notice that it is seeking a sentence above the standard sentencing range. The notice shall state aggravating circumstances upon which the requested sentence will be based.

(2) The facts supporting aggravating circumstances shall be proved to a jury beyond a reasonable doubt. The jury's verdict on the aggravating factor must be unanimous, and by special interrogatory. If a jury is waived, proof shall be to the court beyond a reasonable doubt, unless the defendant stipulates to the aggravating facts. A jury may be empaneled to find aggravating facts if the defendant pleads guilty to the underlying crime but not to the aggravating factor.

(3) Evidence regarding any facts supporting aggravating circumstances under RCW 9.94A.535(3) (a) through (y) shall be presented to the jury during the trial of the alleged crime, unless the state alleges the aggravating circumstances listed in RCW 9.94A.535(3) (e)(iv), (h)(i), (o), or (t). If one of these aggravating circumstances is alleged, the trial court may conduct a separate proceeding if the evidence supporting the aggravating fact is not part of the res geste of the charged crime, if the evidence is not otherwise admissible in trial of the charged crime, and if the court finds that the probative value of the evidence to the aggravated fact is substantially outweighed by its prejudicial effect on the jury's ability to determine guilt or innocence for the underlying crime.

(4) If the court conducts a separate proceeding to determine the existence of aggravating circumstances, the proceeding shall immediately follow the trial on the underlying conviction, if possible. If any person who served on the jury is unable to continue, the court shall substitute an alternate juror.

(5) If the jury finds, unanimously and beyond a reasonable doubt, one or more of the facts alleged by the state in support of an aggravated sentence, the court may sentence the offender pursuant to RCW 9.94A.535 to a term of confinement up to the maximum allowed under RCW 9A.20.021 for the underlying conviction if it finds, considering the purposes of this chapter, that the facts found are substantial and compelling reasons justifying an exceptional sentence.

(6) If the defendant enters a guilty plea to the charged crime or the case is remanded for a new sentencing hearing, the court may empanel a jury for the purpose of considering any aggravating circumstances alleged by the state. The trial on the aggravating circumstances should occur within ninety days of the entry of the guilty plea, or the filing of an appellate court mandate. Upon a showing of good cause, the court may extend the time for the trial on aggravating circumstances. The time limit for holding a sentencing hearing, set forth in RCW 9.94A.500, shall not begin to run until the jury renders a verdict on the aggravating circumstances.

Sec. 5. RCW 9.94A.850 and 2005 c 282 s 19 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop

and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first-time offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The administrative office of the courts shall provide the commission with available data on diversion, including the use of youth court programs, and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing, and, if available, the impact that diversions, such as youth courts, have on racial disproportionality in juvenile prosecution, adjudication, and sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community restitution, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter, except as provided in RCW 9.94A.517, are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than ~~((seventy-five))~~ sixty percent of the maximum term in the range, except that for murder in the second degree in seriousness level XIV under RCW 9.94A.510, the minimum term in the range shall be no less than fifty percent of the maximum term in the range and except that for any offense with an offender score of ten or more, the minimum term in the range shall be no less than twenty-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5)(a) Not later than December 31, 1999, the commission shall propose to the legislature the initial community custody ranges to be included in sentences under RCW 9.94A.715 for crimes committed on or after July 1, 2000. Not later than December 31 of each year, the commission may propose modifications to the ranges. The ranges shall be based on the principles in RCW 9.94A.010, and shall take into account the funds available to the department for community

custody. The minimum term in each range shall not be less than one-half of the maximum term.

(b) The legislature may, by enactment of a legislative bill, adopt or modify the community custody ranges proposed by the commission. If the legislature fails to adopt or modify the initial ranges in its next regular session after they are proposed, the proposed ranges shall take effect without legislative approval for crimes committed on or after July 1, 2000.

(c) When the commission proposes modifications to ranges pursuant to this subsection, the legislature may, by enactment of a bill, adopt or modify the ranges proposed by the commission for crimes committed on or after July 1 of the year after they were proposed. Unless the legislature adopts or modifies the commission's proposal in its next regular session, the proposed ranges shall not take effect.

(6) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW."

Correct the title.

Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Referred to Committee on Appropriations.

February 23, 2006

SSB 6502 Prime Sponsor, Senate Committee On Human Services & Corrections: Creating a statewide automated victim information and notification system. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that notifying victims of crime when their offender is released from incarceration, transferred, or served with a protective order is vital to enhancing the safety and mental well-being of a victim. In recognition of the victim's needs, some Washington state local governments have implemented a victim notification system. However, only a few local governments have implemented these systems which are presently not connected to an interoperable statewide system.

The legislature has learned that nineteen states have passed legislation to implement a statewide interoperable victim notification system. The legislature has also learned that the statewide city and county jail booking and reporting system, as created by RCW 36.28A.040, could efficiently be enhanced to include a statewide automated victim information and notification system. It is the intent of this act to provide victims throughout our state with the knowledge they need to secure their physical and mental well-being.

Sec. 2. RCW 36.28A.040 and 2001 c 169 s 3 are each amended to read as follows:

(1) No later than July 1, 2002, the Washington association of sheriffs and police chiefs shall implement and operate an electronic statewide city and county jail booking and reporting system. The system shall serve as a central repository and instant information source for offender information and jail statistical data. The system ~~((shall))~~ may be placed on the Washington state justice information network and be capable of communicating electronically with every Washington state city and county jail and with all other Washington state criminal justice agencies as defined in RCW 10.97.030.

(2) After the Washington association of sheriffs and police chiefs has implemented an electronic jail booking system as described in subsection (1) of this section, if a city or county jail or law enforcement agency receives state or federal funding to cover the entire cost of implementing or reconfiguring an electronic jail booking system, the city or county jail or law enforcement agency

shall implement or reconfigure an electronic jail booking system that is in compliance with the jail booking system standards developed pursuant to subsection (4) of this section.

(3) After the Washington association of sheriffs and police chiefs has implemented an electronic jail booking system as described in subsection (1) of this section, city or county jails, or law enforcement agencies that operate electronic jail booking systems, but choose not to accept state or federal money to implement or reconfigure electronic jail booking systems, shall electronically forward jail booking information to the Washington association of sheriffs and police chiefs. At a minimum the information forwarded shall include the name of the offender, vital statistics, the date the offender was arrested, the offenses arrested for, the date and time an offender is released or transferred from a city or county jail, and if available, the mug shot. The electronic format in which the information is sent shall be at the discretion of the city or county jail, or law enforcement agency forwarding the information. City and county jails or law enforcement agencies that forward jail booking information under this subsection are not required to comply with the standards developed under subsection (4)(b) of this section.

(4) The Washington association of sheriffs and police chiefs shall appoint, convene, and manage a statewide jail booking and reporting system standards committee. The committee shall include representatives from the Washington association of sheriffs and police chiefs correction committee, the information service board's justice information committee, the judicial information system, at least two individuals who serve as jailers in a city or county jail, and other individuals that the Washington association of sheriffs and police chiefs places on the committee. The committee shall have the authority to:

(a) Develop and amend as needed standards for the statewide jail booking and reporting system and for the information that must be contained within the system. At a minimum, the system shall contain:

(i) The offenses the individual has been charged with;

(ii) Descriptive and personal information about each offender booked into a city or county jail. At a minimum, this information shall contain the offender's name, vital statistics, address, and mugshot;

(iii) Information about the offender while in jail, which could be used to protect criminal justice officials that have future contact with the offender, such as medical conditions, acts of violence, and other behavior problems;

(iv) Statistical data indicating the current capacity of each jail and the quantity and category of offenses charged;

(v) The ability to communicate directly and immediately with the city and county jails and other criminal justice entities; and

(vi) The date and time that an offender was released or transferred from a local jail;

(b) Develop and amend as needed operational standards for city and county jail booking systems, which at a minimum shall include the type of information collected and transmitted, and the technical requirements needed for the city and county jail booking system to communicate with the statewide jail booking and reporting system;

(c) Develop and amend as needed standards for allocating grants to city and county jails or law enforcement agencies that will be implementing or reconfiguring electronic jail booking systems.

(5) ~~((By January 1, 2001, the standards committee shall complete the initial standards described in subsection (4) of this section, and the standards shall be placed into a report and provided to all Washington state city and county jails, all other criminal justice agencies as defined in RCW 10.97.030, the chair of the Washington state senate human services and corrections committee, and the chair of the Washington state house of representatives criminal justice and corrections committee.))~~ (a) A statewide automated victim information and notification system shall be added to the city and county jail booking and reporting system. The system shall:

(i) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when any of the following events affect an offender housed in any Washington state city or county jail or department of corrections facility:

(A) Is transferred or assigned to another facility;

(B) Is transferred to the custody of another agency outside the state;

(C) Is given a different security classification;

(D) Is released on temporary leave or otherwise;

(E) Is discharged;

(F) Has escaped; or

(G) Has been served with a protective order that was requested by the victim;

(ii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when an offender has:

(A) An upcoming court event where the victim is entitled to be present, if the court information is made available to the statewide automated victim information and notification system administrator at the Washington association of sheriffs and police chiefs;

(B) An upcoming parole, pardon, or community supervision hearing; or

(C) A change in the offender's parole, probation, or community supervision status including:

(I) A change in the offender's supervision status; or

(II) A change in the offender's address;

(iii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when a sex offender has:

(A) Updated his or her profile information with the state sex offender registry; or

(B) Become noncompliant with the state sex offender registry;

(iv) Permit a registered victim to receive the most recent status report for an offender in any Washington state city and county jail, department of corrections, or sex offender registry by calling the statewide automated victim information and notification system on a toll-free telephone number or by accessing the statewide automated victim information and notification system via a public web site. All registered victims calling the statewide automated victim information and notification system will be given the option to have live operator assistance to help use the program on a twenty-four hour, three hundred sixty-five day per year basis;

(v) Permit a crime victim to register, or registered victim to update, the victim's registration information for the statewide automated victim information and notification system by calling a toll-free telephone number or by accessing a public web site; and

(vi) Ensure that the offender information contained within the statewide automated victim information and notification system is updated frequently to timely notify a crime victim that an offender has been released or discharged or has escaped. However, the failure of the statewide automated victim information and notification system to provide notice to the victim does not establish a separate cause of action by the victim against state officials, local officials, law enforcement officers, or any related correctional authorities.

(b) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or units of government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to the statewide automated victim information and notification system and the jail booking and reporting system as described in this section, so long as the release was without gross negligence. The immunity provided under this subsection applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(c) Participation in the statewide automated victim information and notification program satisfies any obligation to notify the crime victim of an offender's custody status and the status of the offender's upcoming court events so long as:

(i) Information making offender and case data available is provided on a timely basis to the statewide automated victim information and notification program; and

(ii) Information a victim submits to register and participate in the victim notification system is only used for the sole purpose of victim notification.

(d) Automated victim information and notification systems in existence and operational as of the effective date of this act shall not be required to participate in the statewide system.

NEW SECTION. Sec. 3. In Washington any vendor contracted to provide a statewide automated victim notification service must deliver the service with a minimum of 99.95-percent availability and with less than an average of one-percent notification errors as a result of the vendor's technology."

Correct the title.

Signed by Representatives O'Brien, Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Dameille, Vice Chairman; P a s s e d t o Committee on Appropriations.

February 23, 2006

SSB 6519 Prime Sponsor, Senate Committee On Human Services & Corrections: Requiring level III sex offenders to report to law enforcement every three months. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Dameille, Vice Chairman; P a s s e d t o Committee on Rules for second reading.

February 22, 2006

SSB 6540 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Concerning the processing of liquor licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

On page 5, beginning on line 17, after "of the application to" strike "churches, schools, and public institutions" and insert "~~((churches, schools, and public institutions))~~ public institutions identified by the board as appropriate to receive such notice, churches, and schools"

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6555 Prime Sponsor, Senate Committee On Ways & Means: Providing research and services for special purpose districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Referred to Committee on Appropriations.

February 23, 2006

SSB 6613 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Prohibiting internet gambling. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6617 Prime Sponsor, Senate Committee On Agriculture & Rural Economic Development: Regarding the contents of farm plans prepared by conservation districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 89.08 RCW to read as follows:

(1) Conservation districts, before developing a farm plan, shall inform the landowner or operator in writing of the types of information that is subject to disclosure to the public under chapter 42.56 RCW. Before completion of the final draft of a farm plan, the district shall send the final draft farm plan to the requesting landowner or operator for verification of the information. The final farm plan shall not be disclosed by the conservation district until the requesting owner or operator confirms the information in the farm plan and a signed copy of the farm plan is received by the conservation district.

(2) For the purposes of this section and RCW 42.56.270, "farm plan" means a plan prepared by a conservation district in cooperation with a landowner or operator for the purpose of conserving, monitoring, or enhancing renewable natural resources. Farm plans include, but are not limited to, provisions pertaining to:

- (a) Developing and prioritizing conservation objectives;
- (b) Taking an inventory of soil, water, vegetation, livestock, and wildlife;
- (c) Implementing conservation measures, including technical assistance provided by the district;
- (d) Developing and implementing livestock nutrient management measures;
- (e) Developing and implementing plans pursuant to business and financial objectives; and
- (f) Recording, or records of, decisions.

Sec. 2. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; ~~(and)~~

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter; and

(13)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit.

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.17.31923 (as recodified by House Bill No. 2520) and 90.64.190.

NEW SECTION. Sec. 3. Section 2 of this act takes effect July 1, 2006."

Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

February 23, 2006

E2SSB 6630 Prime Sponsor, Senate Committee On Ways & Means: Establishing the community protection program for persons with developmental disabilities. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The department of social and health services is providing a structured, therapeutic environment for persons who are eligible for placement in the community protection program in order for them to live safely and successfully in the community while minimizing the risk to public safety.

The legislature approves of steps already taken by the department to create a community protection program within the division of developmental disabilities.

NEW SECTION. Sec. 2. Sections 3 through 8 of this act apply to a person:

(1)(a) Who has been charged with or convicted of a crime and meets the following criteria:

(i) Has been convicted of one of the following:

(A) A crime of sexual violence as defined in chapter 9A.44 or 71.09 RCW including, but not limited to, rape, rape of a child, and child molestation;

(B) Sexual acts directed toward strangers, individuals with whom a relationship has been established or promoted for the primary purpose of victimization, or persons of casual acquaintance with whom no substantial personal relationship exists; or

(C) One or more violent offenses, as defined by RCW 9.94A.030; and

(ii) Constitutes a current risk to others as determined by a qualified professional. Charges or crimes that resulted in acquittal must be excluded; or

(b) Who has not been charged with and/or convicted of a crime, but meets the following criteria:

(i) Has a history of stalking, violent, sexually violent, predatory, and/or opportunistic behavior which demonstrates a likelihood to commit a violent, sexually violent, and/or predatory act; and

(ii) Constitutes a current risk to others as determined by a qualified professional; and

(2) Who has been determined to have a developmental disability as defined by RCW 71A.10.020(3).

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessment" means the written opinion of a qualified professional stating, at a minimum:

(a) Whether a person meets the criteria established in section 2 of this act;

(b) What restrictions are necessary.

(2) "Certified community protection program intensive supported living services" means access to twenty-four-hour supervision, instruction, and support services as identified in the person's plan of care.

(3) "Community protection program" means services specifically designed to support persons who meet the criteria of section 2 of this act.

(4) "Constitutes a risk to others" means a determination of a person's risk and/or dangerousness based upon a thorough assessment by a qualified professional.

(5) "Department" means the department of social and health services.

(6) "Developmental disability" means that condition defined in RCW 71A.10.020(3).

(7) "Disclosure" means providing copies of professional assessments, incident reports, legal documents, and other information

pertaining to community protection issues to ensure the provider has all relevant information. Polygraph and plethysmograph reports are excluded from disclosure.

(8) "Division" means the division of developmental disabilities.

(9) "Managed successfully" means that a person supported by a community protection program does not engage in the behavior identified in section 2 of this act.

(10) "Opportunistic behavior" means an act committed on impulse, which is not premeditated.

(11) "Predatory" means acts directed toward strangers, individuals with whom a relationship has been established or promoted for the primary purpose of victimization, or casual acquaintances with whom no substantial personal relationship exists. Predatory behavior may be characterized by planning and/or rehearsing the act, stalking, and/or grooming the victim.

(12) "Qualified professional" means a person with at least three years' prior experience working with individuals with developmental disabilities, and: (a) If the person being assessed has demonstrated sexually aggressive or sexually violent behavior, that person must be assessed by a qualified professional who is a certified sex offender treatment provider, or affiliate sex offender treatment provider working under the supervision of a certified sex offender treatment provider; or (b) If the person being assessed has demonstrated violent, dangerous, or aggressive behavior, that person must be assessed by a licensed psychologist or psychiatrist who has received specialized training in the treatment of or has at least three years' prior experience treating violent or aggressive behavior.

(13) "Treatment team" means the program participant and the group of people responsible for the development, implementation, and monitoring of the person's individualized supports and services. This group may include, but is not limited to, the case resource manager, therapist, residential provider, employment/day program provider, and the person's legal representative and/or family, provided the person consents to the family member's involvement.

(14) "Violent offense" means any felony defined as a violent offense in RCW 9.94A.030.

(15) "Waiver" means the community-based funding under section 1915 of Title XIX of the federal social security act.

NEW SECTION. Sec. 4. (1) Prior to receiving services through the community protection program, a person must first receive an assessment of risk and/or dangerousness by a qualified professional. The assessment must be consistent with the guidelines for risk assessments and psychosexual evaluations developed by the department. The person requesting services and the person's legal representative have the right to choose the qualified professional who will perform the assessment from a list of state contracted qualified professionals. The assessment must contain, at a minimum, a determination by the qualified professional whether the person can be managed successfully in the community with reasonably available safeguards and that lesser restrictive residential placement alternatives have been considered and would not be reasonable for the person seeking services. The department may request an additional evaluation by a qualified professional evaluator who is contracted with the state.

(2) Any person being considered for placement in the community protection program and his or her legal representative must be informed in writing of the following: (a) Limitations regarding the services that will be available due to the person's community protection issues; (b) disclosure requirements as a condition of receiving services other than case management; (c) the requirement to engage in therapeutic treatment may be a condition of receiving certain services; (d) anticipated restrictions that may be provided including, but not limited to intensive supervision, limited access to television viewing, reading material, videos; (e) the right to accept or decline services; (f) the anticipated consequences of declining services such as the loss of existing services and removal from waiver services; (g) the right to an administrative fair hearing in accordance with department and division policy; (h) the requirement to sign a preplacement agreement as a condition of receiving community protection intensive supported living services; (i) the right to retain current services during the pendency of any challenge

to the department's decision; (j) the right to refuse to participate in the program.

(3)(a) If the department determines that a person is appropriate for placement in the community protection program, the individual and his or her legal representative shall receive in writing a determination by the department that the person meets the criteria for placement within the community protection program.

(b) If the department determines that a person cannot be managed successfully in the community protection program with reasonably available safeguards, the department must notify the person and his or her legal representative in writing.

NEW SECTION. Sec. 5. (1) Individuals receiving services through the department's community protection waiver retain all appeal rights provided for in RCW 71A.10.050. In addition, such individuals have a right to an administrative hearing pursuant to chapter 34.05 RCW to appeal the following decisions by the department:

(a) Termination of community protection waiver eligibility;

(b) Assigment of the applicant to the community protection waiver;

(c) Denial of a request for less restrictive community residential placement.

(2) Final administrative decisions may be appealed pursuant to the provisions of RCW 34.05.510.

(3) The secretary shall adopt rules concerning the procedure applicable to requests for hearings under this section and governing the conduct thereof.

(4) When the department takes any action described in subsection (1) of this section it shall give notice as provided by RCW 71A.10.060. The notice must include a statement advising the person enrolled on the community protection waiver of the right to an adjudicative proceeding and the time limits for filing an application for an adjudicative proceeding. Notice must also include a statement advising the recipient of the right to file a petition for judicial review of a final administrative decision as provided in chapter 34.05 RCW.

(5) Nothing in this section creates an entitlement to placement on the community protection waiver nor does it create a right to an administrative hearing on department decisions denying placement on the community protection waiver.

NEW SECTION. Sec. 6. (1) Community protection program participants shall have appropriate opportunities to receive services in the least restrictive manner and in the least restrictive environments possible. When considering requests or recommendations for lessening program restrictions, reducing supervision, or terminating services, careful consideration to the safety and welfare of both the individual and the community must be given.

(2) There must be a review by the treatment team every ninety days to assess each participant's progress, evaluate use of less restrictive measures, and make changes in the participant's program as necessary. The team must review all restrictions and recommend reductions if appropriate. The therapist must write a report annually evaluating the participant's risk of offense and/or risk of behaviors that are dangerous to self or others. The department shall have rules in place describing this process. If a treatment team member has reason to be concerned that circumstances have changed significantly, the team member may request that a complete reassessment be conducted at any time.

NEW SECTION. Sec. 7. A participant who demonstrates success in complying with reduced restrictions and remains free of offenses that may indicate a relapse for at least twelve months, may be considered for placement in a less restrictive community residential setting.

The process to move a participant to a less restrictive residential placement shall include, at a minimum:

(1) Written verification of the person's treatment progress, compliance with reduced restrictions, an assessment of low risk of reoffense, and a recommendation as to suitable placement by the treatment team;

(2) Development of a gradual phase out plan by the treatment team, projected over a reasonable period of time and includes specific criteria for evaluating reductions in restrictions, especially supervision;

(3) The absence of any incidents that may indicate relapse for a minimum of twelve months;

(4) A written plan that details what supports and services, including the level of supervision the person will receive from the division upon exiting the community protection program;

(5) An assessment consistent with the guidelines for risk assessments and psychosexual evaluations developed by the division, conducted by a qualified professional. At a minimum, the assessment shall include:

(a) An evaluation of the participant's risk of reoffense and/or dangerousness; and

(b) An opinion as to whether or not the person can be managed successfully in a less restrictive community residential setting;

(6) Recommendation by the treatment team that the participant is ready to move to a less restrictive community residential placement.

NEW SECTION. Sec. 8. The department shall develop and maintain rules, guidelines, or policy manuals, as appropriate, for implementing and maintaining the community protection program under this chapter.

Sec. 9. RCW 71.09.020 and 2003 c 216 s 2 and 2003 c 50 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, federally approved renal dialysis center or facility, or federally approved blood bank.

(3) "Health care practitioner" means an individual or firm licensed or certified to engage actively in a regulated health profession.

(4) "Health care services" means those services provided by health professionals licensed pursuant to RCW 18.120.020(4).

(5) "Health profession" means those licensed or regulated professions set forth in RCW 18.120.020(4).

(6) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092. A less restrictive alternative may not include placement in the community protection program as pursuant to section 4 of this act.

(7) "Likely to engage in predatory acts of sexual violence if not confined in a secure facility" means that the person more probably than not will engage in such acts if released unconditionally from detention on the sexually violent predator petition. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

(8) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(9) "Predatory" means acts directed towards: (a) Strangers; (b) individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or (c) persons of casual acquaintance with whom no substantial personal relationship exists.

(10) "Recent overt act" means any act or threat that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act.

(11) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special

commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, public and private youth camps, and others identified by the department following the hearings on a potential site required in RCW 71.09.315. For purposes of this chapter, "school bus stops" does not include bus stops established primarily for public transit.

(12) "Secretary" means the secretary of social and health services or the secretary's designee.

(13) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.

(14) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established pursuant to RCW 71.09.250(1)(a)(i) and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.

(15) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

(16) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

(17) "Total confinement facility" means a secure facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a total confinement facility by the secretary.

Sec. 10. RCW 71.09.060 and 2001 c 286 s 7 are each amended to read as follows:

(1) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. In determining whether or not the person would be likely to engage in predatory acts of sexual violence if not confined in a secure facility, the fact finder may consider only placement conditions and voluntary treatment options that would exist for the person if unconditionally released from detention on the sexually violent predator petition. The community protection program under section 4 of this act may not be considered as a placement condition or treatment option available to the person if unconditionally released from detention on a sexually

violent predator petition. When the determination is made by a jury, the verdict must be unanimous.

If, on the date that the petition is filed, the person was living in the community after release from custody, the state must also prove beyond a reasonable doubt that the person had committed a recent overt act. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated as provided in RCW 71.09.020((67))(15)(c), the state must prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated as defined in RCW 9.94A.030.

If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of social and health services for placement in a secure facility operated by the department of social and health services for control, care, and treatment until such time as: (a) The person's condition has so changed that the person no longer meets the definition of a sexually violent predator; or (b) conditional release to a less restrictive alternative as set forth in RCW 71.09.092 is in the best interest of the person and conditions can be imposed that would adequately protect the community.

If the court or unanimous jury decides that the state has not met its burden of proving that the person is a sexually violent predator, the court shall direct the person's release.

If the jury is unable to reach a unanimous verdict, the court shall declare a mistrial and set a retrial within forty-five days of the date of the mistrial unless the prosecuting agency earlier moves to dismiss the petition. The retrial may be continued upon the request of either party accompanied by a showing of good cause, or by the court on its own motion in the due administration of justice provided that the respondent will not be substantially prejudiced. In no event may the person be released from confinement prior to retrial or dismissal of the case.

(2) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to or has been released pursuant to RCW 10.77.090(4), and his or her commitment is sought pursuant to subsection (1) of this section, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal under RCW 10.77.090(4) that the person committed the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on his or her own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, it shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

(3) The state shall comply with RCW 10.77.220 while confining the person pursuant to this chapter, except that during all court proceedings the person shall be detained in a secure facility. The department shall not place the person, even temporarily, in a facility on the grounds of any state mental facility or regional habilitation center because these institutions are insufficiently secure for this population.

(4) A court has jurisdiction to order a less restrictive alternative placement only after a hearing ordered pursuant to RCW 71.09.090 following initial commitment under this section and in accord with the provisions of this chapter.

NEW SECTION. Sec. 11. Sections 2 through 8 of this act are each added to chapter 71A.12 RCW."

Correct the title.

Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Haler and Pettigrew.

MINORITY recommendation: Without recommendation.
Signed by Representatives Dunn.

Passed to Committee on Rules for second reading.

February 23, 2006

ESSB 6635 Prime Sponsor, Senate Committee On Human Services & Corrections: Changing provisions relating to adoption. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.33.045 and 1995 c 270 s 8 are each amended to read as follows:

(1) An adoption shall not be delayed or denied on the basis of the race, color, or national origin of the adoptive parent or the child involved. However, when the department or an agency considers whether a placement option is in a child's best interests, the department or agency may consider the cultural, ethnic, or racial background of the child and the capacity of prospective adoptive parents to meet the needs of a child of this background. This provision shall not apply to or affect the application of the Indian Child Welfare Act of 1978, 25 U.S.C. Sec. 1901 et seq.

(2) The department shall create standardized training to be provided to all department employees involved in the placement of a child to assure compliance with Title IV of the civil rights act of 1964 and the multiethnic placement act of 1994, as amended by the interethnic adoption provisions of the small business job protection act of 1996. Such training shall be open to agency employees on a space-available basis.

Sec. 2. RCW 26.33.300 and 1991 c 3 s 288 are each amended to read as follows:

The department of health shall be a depository for statistical data concerning adoption. It shall furnish to the clerk of each county a data card which shall include the data required for the purposes of federal reporting requirements as well as disclosure of all fees, costs, and expenses paid by the petitioner. The data card shall be completed and filed with the clerk on behalf of each petitioner. The clerk shall forward the completed cards to the department of health which shall compile and summarize the data and ((publish reports summarizing the data)) provide a report annually to the legislature beginning December 31, 2006. A birth certificate shall not be issued showing the petitioner as the parent of any child adopted in the state of Washington until a data card has been completed and filed.

NEW SECTION. Sec. 3. The department of health shall, in consultation with adoption advocates, representatives of adoption agencies, adoption attorneys, child-placing agencies, birth and adoptive parents and adapters, federally recognized tribes, and representatives of the superior court judges:

(1) Review the fees associated with children adopted out of the foster care system who are dependents of the state of Washington. The review shall include a determination of whether fees or any other factors are barriers to adoptions of children out of the foster care system; and

(2) Study accreditation standards developed for adoption agencies, including the standards developed by the council on accreditation for children and family services. The department shall brief the legislature by January 1, 2007, on recommendations related to accreditation standards and reducing any barriers that may exist pertaining to the adoption of children who are dependents of the state of Washington.

Sec. 4. RCW 26.33.400 and 1991 c 136 s 6 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, "advertisement" means communication by newspaper, radio, television, handbills, placards or other print, broadcast, or the electronic medium. This definition applies throughout this section.

(2) No person or entity shall cause to be published for circulation, or broadcast on a radio or television station, within the geographic borders of this state, an advertisement of a child or children offered or wanted for adoption, or shall hold himself or herself out through such advertisement as having the ability to place, locate, dispose, or receive a child or children for adoption unless such person or entity is:

(a) A duly authorized agent, contractee, or employee of the department or a children's agency or institution licensed by the department to care for and place children;

(b) A person who has a completed preplacement report as set forth in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable recommendation as to the fitness of the person to be an adoptive parent, or such person's duly authorized uncompensated agent, or such person's attorney who is licensed to practice in the state. Verification of compliance with the requirements of this section shall consist of a written declaration by the person or entity who prepared the preplacement report.

Nothing in this section prohibits an attorney licensed to practice in Washington state from advertising his or her availability to practice or provide services related to the adoption of children.

(3)(a) A violation of subsection (2) of this section is a matter affecting the public interest (~~for the purpose of applying chapter 19.86 RCW. A violation of subsection (2) of this section is not reasonable in relation to the development and preservation of business. A violation of subsection (2) of this section)~~ and constitutes an unfair or deceptive act or practice in trade or commerce for the purpose of applying chapter 19.86 RCW.

(b) The attorney general may bring an action in the name of the state against any person violating the provisions of this section in accordance with the provisions of RCW 19.86.080.

(c) Nothing in this section applies to any radio or television station or any publisher, printer, or distributor of any newspaper, magazine, billboard, or other advertising medium which accepts advertising in good faith without knowledge of its violation of any provision of this section after an attempt to verify the advertising is in compliance with this section.

NEW SECTION. Sec. 5. RCW 26.33.410 (Advertisements--Exemption) and 1989 c 255 s 2 are each repealed."

Correct the title.

Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Dunn; Haler and Pettigrew.

Passed to Committee on Rules for second reading.

February 22, 2006

ESB 6661 Prime Sponsor, Senator Rasmussen: Establishing the Washington beer commission. Reported by Committee on Economic Development, Agriculture & Trade

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature declares that:

(1) Marketing is a dynamic and changing part of Washington agriculture and a vital element in expanding the state economy;

(2) The sale in this state and export to other states and abroad of beer made in this state contribute substantial benefits to the economy

of the state and provide a large number of jobs and sizeable tax revenues;

(3) The production of beer in this state is a new and important segment of Washington agriculture that has potential for greater contribution to the economy of the state if it undergoes continued development; and

(4) The general welfare of the people of this state will be served by continued development of the activities of the production of beer, that will improve the tax bases of local communities where agricultural land and processing facilities are located, and reduce the need for state and federal funding of local services. The industries are therefore affected with the public interest.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affected producer" means any producer who is subject to this chapter.

(2) "Beer" means any malt beverage or malt liquor as the terms are defined in chapter 66.04 RCW.

(3) "Commission" means the Washington beer commission.

(4) "Department" means the department of agriculture.

(5) "Director" means the director of the department or the director's duly authorized representative.

(6) "Fiscal year" means the twelve-month period beginning with January 1st of any year and ending December 31st.

(7) "Producer" means any person or other entity licensed under Title 66 RCW to produce beer within Washington state and who produces less than one hundred thousand barrels of beer annually per location.

(8) "Referendum" means a vote by affected producers that is conducted by secret ballot.

NEW SECTION. Sec. 3. The history, economy, culture, and future of Washington state's agriculture involve the beer industry. In order to develop and promote beer as part of an existing comprehensive scheme to regulate those products, the legislature declares that:

(1) It is vital to the continued economic well-being of the citizens of this state and their general welfare that beer produced in Washington state be properly promoted;

(2) It is in the overriding public interest that support for the Washington beer industry be clearly expressed and that beer be promoted individually, and as part of a comprehensive industry to:

(a) Enhance the reputation and image of Washington state's agriculture industry;

(b) Protect the public by educating the public in reference to the quality, care, and methods used in the production of beer;

(c) Increase the knowledge of the qualities and value of Washington's beer; and

(d) Support and engage in programs or activities that benefit the production, handling, processing, marketing, and uses of beer;

(3) This chapter is enacted in the exercise of the police powers of this state to protect the health, peace, safety, and general welfare of the people of this state; and

(4) The production and marketing of beer is a highly regulated industry and this chapter and the rules adopted under it are only one aspect of the regulated industry. Other laws applicable to the beer industry include:

(a) The organic food products act, chapter 15.86 RCW;

(b) The wholesale distributors and suppliers of malt beverages, chapter 19.126 RCW;

(c) Weights and measures, chapter 19.94 RCW;

(d) Title 66 RCW, alcoholic beverage control;

(e) Title 69 RCW, food, drugs, cosmetics, and poisons;

(f) 21 C.F.R. as it relates to general manufacturing practices, food labeling, food standards, food additives, and pesticide tolerances;

(g) Chapter 69.07 RCW, Washington food processing act;

(h) 27 U.S.C. Secs. 201 through 211, 213 through 219a, and 122A;

(i) 27 C.F.R. Parts 1, 6, 9, 10, 12, 16, 240, 251, and 252; and

(j) Rules under Title 314 WAC.

NEW SECTION. Sec. 4. (1) Subject to the referendum conducted under section 5 of this act, there is created an agricultural commodity commission, to be known as the Washington beer commission. The commission shall be comprised of seven voting members; six members shall be producers and one voting member shall be the director.

(2) Five voting members of the commission constitute a quorum for the transaction of any commission business.

(3) Each producer member shall be a citizen and resident of this state and over the age of twenty-one. Each producer member must be engaged in producing beer, and must, during his or her term of office, derive a substantial portion of income from the production of beer, or have a substantial investment in the production of beer as an owner, lessee, partner, or the manager or executive officer of such a corporation. No more than one board member may be part of the same person as defined by RCW 15.04.010. These qualifications apply throughout each member's term of office but do not apply to the director.

(4) The producer members shall serve three-year terms. Of the initial voting members, two members shall be appointed for a one-year term, two members shall be appointed for a two-year term, and two members shall be appointed for a three-year term.

NEW SECTION. Sec. 5. (1) Upon receipt of a petition containing the signatures of five beer producers from a statewide Washington state craft brewing trade association or other affected producers to implement this chapter and to determine producer participation in the commission and assessment under this chapter, the director shall:

(a) Conduct a referendum of beer producers. The requirements of assent or approval of the referendum are met if:

(i) At least fifty-one percent by numbers of affected producers participating in the referendum vote affirmatively; and

(ii) Thirty percent of the affected producers and thirty percent of the production have been represented in the referendum to determine assent or approval of participation and assessment. The referendum shall be conducted within sixty days of receipt of the petition; and

(b) Establish a list of beer producers from information provided by the petitioners, by obtaining information on beer producers from applicable producer organizations or associations or other sources identified as maintaining the information. In establishing a current list of beer producers and their individual production, the director shall use the beer producer's name, mailing address, and production by the producer in the preceding fiscal year. Information on each producer shall be mailed to each beer producer on record with the director for verification. All corrections shall be filed with the director within twenty days from the date of mailing. The list of affected producers shall be kept in a file by the director. The list shall be certified as a true representation of the referendum mailing list. Inadvertent failure to notify an affected producer does not invalidate a proceeding conducted under this chapter. The director shall provide the commission the list of affected producers after assent in a referendum as provided in this section.

(2) If the director determines that the requisite assent has been given in the referendum conducted under subsection (1) of this section, the director shall:

(a) Within sixty days after assent of the referendum held, appoint the members of the commission; and

(b) Direct the commission to put into force the assessment as provided for in section 14 of this act.

(3) If the director determines that the requisite assent has not been given in the referendum conducted under subsection (1) of this section, the director shall take no further action to implement or enforce this chapter.

(4) Upon completion of the referendum conducted under subsection (1) of this section, the department shall tally the results of the vote and provide the results to affected producers. If an affected producer disputes the results of a vote, that producer within sixty days from the announced results, shall provide in writing a statement of why the vote is disputed and request a recount. Once the vote is tallied and distributed, all disputes are resolved, and all matters in a vote are finalized, the individual ballots may be destroyed.

(5) Before conducting the referendum provided for in subsection (1) of this section, the director may require the petitioners to deposit with him or her an amount of money as the director deems necessary to defray the expenses of conducting the referendum. The director shall provide the petitioners an estimate of expenses that may be incurred to conduct a referendum before any service takes place. Petitioners shall deposit funds with the director to pay for expenses incurred by the department. The commission shall reimburse petitioners the amount paid to the department when funds become available. However, if for any reason the referendum process is discontinued, the petitioners shall reimburse the department for expenses incurred by the department up until the time the process is discontinued.

(6) The director is not required to hold a referendum under subsection (1) of this section more than once in any twelve-month period.

NEW SECTION. Sec. 6. (1) The director shall appoint the producer members of the commission. In making appointments, no later than ninety days before an expiration of a commission member's term, the director shall call for recommendations for commission member positions, and the director shall take into consideration recommendations made by a statewide Washington state craft brewing trade association or other affected producers. In appointing persons to the commission, the director shall seek a balanced representation on the commission that reflects the composition of the beer producers throughout the state on the basis of beer produced and geographic location. Information on beer production by geographic location shall be provided by the commission upon the director's request.

(2) If a position on the commission becomes vacant due to resignation, disqualification, death, or for any other reason, the commission shall notify the director and the unexpired term shall immediately be filled by appointment by the director.

(3) Each member or employee of the commission shall be reimbursed for actual travel expenses incurred in carrying out this chapter as defined by the commission in rule. Otherwise if not defined in rule, reimbursement for travel expenses shall be at the rates allowed by RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 7. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission and, except to the extent of such assets, no liability for the debts or actions of the commission exists against either the state of Washington or any subdivision or instrumentality thereof or against any member, employee, or agent of the commission or the state of Washington in his or her individual capacity. Except as otherwise provided in this chapter, neither the commission members, nor its employees, may be held individually responsible for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No person or employee may be held individually responsible for any act or omission of any other commission members. The liability of the commission members shall be several and not joint, and no member is liable for the default of any other member. This provision confirms that commission members have been and continue to be, state officers or volunteers for purposes of RCW 4.92.075 and are entitled to the defenses, indemnifications, limitations of liability, and other protections and benefits of chapter 4.92 RCW.

NEW SECTION. Sec. 8. The commission shall:

(1) Elect a chair and officers. The officers must include a treasurer who is responsible for all receipts and disbursements by the commission and the faithful discharge of whose duties shall be guaranteed by a bond at the sole expense of the commission. The commission must adopt rules for its own governance that provide for the holding of an annual meeting for the election of officers and the transaction of other business and for other meetings the commission may direct;

(2) Do all things reasonably necessary to effect the purposes of this chapter. However, the commission has no rule-making power except as provided in this chapter;

(3) Employ and discharge managers, secretaries, agents, attorneys, and employees and engage the services of independent contractors;

(4) Retain, as necessary, the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general;

(5) Receive donations of beer from producers for promotional purposes under subsections (6) and (7) of this section and for fund-raising purposes under subsection (8) of this section. Donations of beer for promotional purposes may only be disseminated without charge;

(6) Engage directly or indirectly in the promotion of Washington beer, including, without limitation, the acquisition in any lawful manner and the dissemination without charge of beer. This dissemination is not deemed a sale for any purpose and the commission is not deemed a producer, supplier, or manufacturer, or the clerk, servant, or agent of a producer, supplier, distributor, or manufacturer. This dissemination without charge shall be for agricultural development or trade promotion, and not for fund-raising purposes under subsection (8) of this section. Dissemination for promotional purposes may include promotional hosting and must in the good faith judgment of the commission be in the aid of the marketing, advertising, sale of beer, or of research related to such marketing, advertising, or sale;

(7) Promote Washington beer by conducting unique beer tastings without charge;

(8) Beginning July 1, 2007, fund the Washington beer commission through sponsorship of up to twelve beer festivals annually at which beer may be sold to festival participants. For this purpose, the commission would qualify for issue of a special occasion license as an exception to WAC 314-05-020 but must comply with laws under Title 66 RCW and rules adopted by the liquor control board under which such events may be conducted;

(9) Participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, regulation, distribution, sale, or use of beer including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission;

(10) Acquire and transfer personal and real property, establish offices, incur expenses, and enter into contracts, including contracts for the creation and printing of promotional literature. The contracts are not subject to chapter 43.78 RCW, and are cancelable by the commission unless performed under conditions of employment that substantially conform to the laws of this state and the rules of the department of labor and industries. The commission may create debt and other liabilities that are reasonable for proper discharge of its duties under this chapter;

(11) Maintain accounts with one or more qualified public depositories as the commission may direct, for the deposit of money, and expend money for purposes authorized by this chapter by drafts made by the commission upon such institutions or by other means;

(12) Cause to be kept and annually closed, in accordance with generally accepted accounting principles, accurate records of all receipts, disbursements, and other financial transactions, available for audit by the state auditor;

(13) Create and maintain a list of producers and disseminate information among and solicit the opinions of producers with respect to the discharge of the duties of the commission, directly or by arrangement with trade associations or other instrumentalities;

(14) Employ, designate as an agent, act in concert with, and enter into contracts with any person, council, commission, or other entity to promote the general welfare of the beer industry and particularly to assist in the sale and distribution of Washington beer in domestic and foreign commerce. The commission shall expend money necessary or advisable for this purpose and to pay its proportionate share of the cost of any program providing direct or indirect assistance to the sale and distribution of Washington beer in domestic or foreign commerce, employing and paying for vendors of professional services of all kinds;

(15) Sue and be sued as a commission, without individual liability for acts of the commission within the scope of the powers conferred upon it by this chapter; and

(16) Serve as liaison with the liquor control board on behalf of the commission and not for any individual producer.

NEW SECTION. Sec. 9. (1) The commission shall develop and submit to the director for approval any plans, programs, and projects concerning the following:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for advertising, promotion, and education programs related to beer; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that the marketing of beer may be encouraged, expanded, improved, or made more efficient.

(2) The director shall review the commission's advertising or promotion program to ensure that no false claims are being made concerning beer.

(3) The commission, before the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget on a fiscal period basis.

(4) The director shall strive to review and make a determination of all submissions described in this section in a timely manner.

NEW SECTION. Sec. 10. The commission exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges the commission, with oversight by the director, to speak on behalf of the Washington state government with regard to the marketing and promotion of Washington produced beer.

NEW SECTION. Sec. 11. The commission may create, provide for, and conduct a comprehensive and extensive research, promotional, and educational campaign as sales and market conditions reasonably require. It shall investigate and ascertain the needs of producers, conditions of markets, and degree of public awareness of products, and take into account this information in the discharge of its duties under this chapter.

NEW SECTION. Sec. 12. The commission shall adopt as major objectives of its research, promotional, and educational campaign goals that serve the needs of producers. The goals may include efforts to:

(1) Establish Washington beer as a major factor in markets everywhere;

(2) Promote Washington breweries as tourist attractions;

(3) Encourage favorable reporting of Washington beer and breweries in the press throughout the world;

(4) Establish Washington beer in markets everywhere as a major source of premium beer;

(5) Encourage favorable legislative and regulatory treatment of Washington beer in markets everywhere;

(6) Encourage promotion of Washington agriculture related to beer production, specifically hops, malting barley, and wheat grown in the state; and

(7) Foster economic conditions favorable to investment in the production of Washington beer.

NEW SECTION. Sec. 13. (1) The commission shall prepare a list of all affected producers from information available from the liquor control board, the department, or the producers' association. This list must contain the names and addresses of affected producers within this state and the amount, by barrelage, of beer produced during the period designated by the commission. A qualified person may, at any time, have his or her name placed upon the list by delivering or mailing the information to the commission. This list shall be corrected and brought up-to-date in accordance with evidence and information available to the commission by December 31st of each year. For the purposes of giving notice and holding referendums, the list updated before the date for issuing notices or ballots is the list of all producers entitled to notice, to assent or

dissent, or to vote. Inadvertent failure to notify a producer does not invalidate a proceeding conducted under this chapter.

(2) It is the responsibility of affected producers to ensure that their correct address is filed with the commission. It is also the responsibility of affected producers to submit production data to the commission as prescribed by this chapter.

(3) The commission shall develop a reporting system to document that the affected producers in this state are reporting quantities of beer produced and are paying the assessment as provided in section 14 of this act.

NEW SECTION. Sec. 14. (1) Pursuant to referendum in accordance with section 5 of this act, there is levied, and the commission shall collect, upon beer produced by an affected producer, an annual assessment of ten cents per barrel of beer produced, up to ten thousand barrels per location.

(2) The commission shall adopt rules prescribing the time, place, and method for payment and collection of this assessment and provide for the collection of assessments from affected producers who ship directly out-of-state.

(3) The commission may reduce the assessment per affected producer based upon in-kind contributions to the commission.

NEW SECTION. Sec. 15. The commission shall deposit money collected under section 14 of this act in a separate account in the name of the commission in any bank that is a state depository. All expenditures and disbursements made from this account under this chapter may be made without the necessity of a specific legislative appropriation. RCW 43.01.050 does not apply to this account or to the money received, collected, or expended as provided in this chapter.

NEW SECTION. Sec. 16. An assessment levied in an amount determined by the commission under section 14 of this act constitutes a personal debt of every person assessed or who otherwise owes the assessment, and the assessment is due and payable to the commission when payment is called for by the commission. If a producer fails to pay the commission the full amount of the assessment by the date due, the commission may add to the unpaid assessment an amount not exceeding ten percent of the assessment to defray the cost of enforcing its collection. If the person fails to pay an assessment, the commission may bring a civil action for collection against the person or persons in a court of competent jurisdiction. The action shall be tried and judgment rendered as in any other cause of action for a debt due and payable.

NEW SECTION. Sec. 17. (1) Under RCW 42.56.380, certain agricultural business records, commission records, and department of agriculture records relating to the commission and producers of agricultural commodities are exempt from public disclosure.

(2) Financial and commercial information and records submitted to either the department or the commission for the purpose of administering this chapter may be shared between the department and the commission. They may also be used, if required, in any suit or administrative hearing involving this chapter.

(3) This section does not prohibit:

(a) The issuance of general statements based upon the reports of persons subject to this chapter as long as the statements do not identify the information furnished by any person; or

(b) The publication by the director or the commission of the name of any person violating this chapter and a statement of the manner of the violation by that person.

NEW SECTION. Sec. 18. (1) All costs incurred by the department, including the adoption of rules and other actions necessary to carry out this chapter, shall be reimbursed by the commission.

(2) The director may provide by rule for a method to fund staff support for all commodity boards or commissions in accordance with RCW 43.23.033 if a position is not directly funded by the legislature and costs are related to the specific activity undertaken on behalf of an individual commodity board or commission. The commission

shall provide funds to the department according to the rules adopted by the director.

NEW SECTION. Sec. 19. County and state law enforcement officers, the liquor control board and its enforcement agents, and employees of the department shall enforce this chapter.

NEW SECTION. Sec. 20. (1) Any prosecution brought under this chapter may be instituted in any county in which the defendant or any defendant resides, or in which the violation was committed, or in which the defendant or any defendant has his or her principal place of business.

(2) The superior courts may enforce this chapter and the rules and regulations of the commission issued hereunder, and may prevent and restrain violations thereof.

NEW SECTION. Sec. 21. This act shall be liberally construed to effectuate its purposes.

Sec. 22. RCW 66.44.800 and 1987 c 452 s 17 are each amended to read as follows:

(1) Nothing contained in chapter 15.88 RCW shall affect the compliance by the Washington wine commission with this chapter.

(2) Nothing contained in chapter 15.-- RCW (sections 1 through 21 of this act) shall affect the compliance by the Washington beer commission with this chapter.

NEW SECTION. Sec. 23. A new section is added to chapter 66.12 RCW to read as follows:

The Washington beer commission created under section 4 of this act may purchase or receive donations of beer or malt beverages from any brewery, in any state, or in any country and may use such beer or malt beverages for any promotional purposes as outlined in section 8 of this act. Beer and malt beverages that are furnished to the commission under this section that are used within the state are subject to the taxes imposed under RCW 66.24.290. No license, permit, or bond is required of the Washington beer commission under this title for promotional activities conducted under chapter 15.-- RCW (sections 1 through 21 of this act).

Sec. 24. RCW 15.04.200 and 1987 c 452 s 16 are each amended to read as follows:

(1) Under the authority of Article VIII of the state Constitution as amended, agricultural commodity commission expenditures for agricultural development or trade promotion and promotional hosting by an agricultural commodities commission under chapters 15.24, 15.28, 15.44, 15.65, 15.66, 15.88, 15.-- (sections 1 through 21 of this act), and 16.67 RCW shall be pursuant to specific budget items as approved by the agricultural commodity commission at the annual public hearings on the agricultural commodity commission budget.

(2) Agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents or commissioners. The rules shall identify officials and agents authorized to make expenditures and the objectives of the expenditures. Individual agricultural commodity commission commissioners shall make promotional hosting expenditures, or seek reimbursements for these expenditures, only in those instances where the expenditures have been approved by the agricultural commodity commission. All payments and reimbursements shall be identified and supported on vouchers.

(3) Agricultural commodity commissions shall be exempt from the requirements of RCW 43.01.090 and 43.19.500 and chapter 43.82 RCW.

Sec. 25. RCW 42.17.31907 and 2002 c 313 s 66 are each amended to read as follows:

The following agricultural business records and commodity board and commission records are exempt from the disclosure requirements of this chapter:

(1) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44,

15.65, 15.66, 15.74, 15.88, 15.100, 15.-- (sections 1 through 21 of this act), and 16.67 RCW or required by the department of agriculture to administer these chapters or the department's programs;

(2) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture; and

(3) Financial and commercial information and records supplied by persons (a) to the department of agriculture for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; (b) to the department of agriculture or commodity boards or commissions formed under chapter 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, 15.-- (sections 1 through 21 of this act), or 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information.

Sec. 26. RCW 42.56.380 and 2005 c 274 s 418 are each amended to read as follows:

The following information relating to agriculture and livestock is exempt from disclosure under this chapter:

(1) Business-related information under RCW 15.86.110;

(2) Information provided under RCW 15.54.362;

(3) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, 15.-- (sections 1 through 21 of this act), and 16.67 RCW or required by the department of agriculture to administer these chapters or the department's programs;

(4) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture;

(5) Financial and commercial information and records supplied by persons (a) to the department of agriculture for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; or (b) to the department of agriculture or commodity boards or commissions formed under chapter 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, 15.-- (sections 1 through 21 of this act), or 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information;

(6) Except under RCW 15.19.080, information obtained regarding the purchases, sales, or production of an individual American ginseng grower or dealer;

(7) Information that can be identified to a particular business and that is collected under section 3(1), chapter 235, Laws of 2002; and

(8) Financial statements provided under RCW 16.65.030(1)(d).

Sec. 27. RCW 43.23.033 and 2002 c 313 s 78 are each amended to read as follows:

(1) The director may provide by rule for a method to fund staff support for all commodity boards and commissions if a position is not directly funded by the legislature.

(2) Staff support funded under this section and RCW 15.65.047(1)(c), 15.66.055(3), 15.24.215, 15.26.265, 15.28.320, 15.44.190, 15.88.180, section 18 of this act, and 16.67.190 shall be limited to one-half full-time equivalent employee for all commodity boards and commissions.

Sec. 28. RCW 66.28.010 and 2004 c 160 s 9 and 2004 c 62 s 1 are each reenacted and amended to read as follows:

(1)(a) No manufacturer, importer, distributor, or authorized representative, or person financially interested, directly or indirectly, in such business; whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business,

unless the retail business is owned by a corporation in which a manufacturer or importer has no direct stock ownership and there are no interlocking officers and directors, the retail license is held by a corporation that is not owned directly or indirectly by a manufacturer or importer, the sales of liquor are incidental to the primary activity of operating the property as a hotel, alcoholic beverages produced by the manufacturer or importer or their subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation or the retail licensee; nor shall any manufacturer, importer, distributor, or authorized representative own any of the property upon which such licensed persons conduct their business; nor shall any such licensed person, under any arrangement whatsoever, conduct his or her business upon property in which any manufacturer, importer, distributor, or authorized representative has any interest unless title to that property is owned by a corporation in which a manufacturer has no direct stock ownership and there are no interlocking officers or directors, the retail license is held by a corporation that is not owned directly or indirectly by the manufacturer, the sales of liquor are incidental to the primary activity of operating the property either as a hotel or as an amphitheater offering live musical and similar live entertainment activities to the public, alcoholic beverages produced by the manufacturer or any of its subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation of the retail licensee. Except as provided in subsection (3) of this section, no manufacturer, importer, distributor, or authorized representative shall advance moneys or moneys' worth to a licensed person under an arrangement, nor shall such licensed person receive, under an arrangement, an advance of moneys or moneys' worth. "Person" as used in this section only shall not include those state or federally chartered banks, state or federally chartered savings and loan associations, state or federally chartered mutual savings banks, or institutional investors which are not controlled directly or indirectly by a manufacturer, importer, distributor, or authorized representative as long as the bank, savings and loan association, or institutional investor does not influence or attempt to influence the purchasing practices of the retailer with respect to alcoholic beverages. Except as otherwise provided in this section, no manufacturer, importer, distributor, or authorized representative shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer, importer, distributor, or authorized representative sell at retail any liquor as herein defined. A corporation granted an exemption under this subsection may use debt instruments issued in connection with financing construction or operations of its facilities.

(b) Nothing in this section shall prohibit a licensed domestic brewery or microbrewery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the brewery premises and nothing in this section shall prohibit a domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.05 RCW, and beer and wine that is not produced by the brewery or winery shall be purchased from a licensed beer or wine distributor.

(c) Nothing in this section shall prohibit a licensed distiller, domestic brewery, microbrewery, domestic winery, or a lessee of a licensed domestic brewer, microbrewery, or domestic winery, from being licensed as a spirits, beer, and wine restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a spirits, beer, and wine restaurant premises on the property on which the primary manufacturing facility of the licensed distiller, domestic brewer, microbrewery, or domestic winery is located or on contiguous property owned or leased by the licensed distiller, domestic brewer, microbrewery, or domestic winery as prescribed by rules adopted by the board pursuant to chapter 34.05 RCW.

(d) Nothing in this section prohibits retail licensees with a caterer's endorsement issued under RCW 66.24.320 or 66.24.420 from operating on a domestic winery premises.

(e) Until July 1, 2007, nothing in this section prohibits a nonprofit statewide organization of microbreweries formed for the purpose of promoting Washington's craft beer industry as a trade association registered as a 501(c) with the internal revenue service from holding a special occasion license to conduct up to six beer festivals.

(2) Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.05 RCW manufacturers, distributors, and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stockroom inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

(3)(a) This section does not prohibit a manufacturer, importer, or distributor from providing services to a special occasion licensee for: (i) Installation of draft beer dispensing equipment or advertising, (ii) advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event, or (iii) a special occasion licensee from receiving any such services as may be provided by a manufacturer, importer, or distributor. Nothing in this section shall prohibit a retail licensee, or any person financially interested, directly or indirectly, in such a retail licensee from having a financial interest, direct or indirect, in a business which provides, for a compensation commensurate in value to the services provided, bottling, canning or other services to a manufacturer, so long as the retail licensee or person interested therein has no direct financial interest in or control of said manufacturer.

(b) A person holding contractual rights to payment from selling a liquor distributor's business and transferring the license shall not be deemed to have a financial interest under this section if the person (i) lacks any ownership in or control of the distributor, (ii) is not employed by the distributor, and (iii) does not influence or attempt to influence liquor purchases by retail liquor licensees from the distributor.

(c) The board shall adopt such rules as are deemed necessary to carry out the purposes and provisions of subsection (3)(a) of this section in accordance with the administrative procedure act, chapter 34.05 RCW.

(4) A license issued under RCW 66.24.395 does not constitute a retail license for the purposes of this section.

(5) A public house license issued under RCW 66.24.580 does not violate the provisions of this section as to a retailer having an interest directly or indirectly in a liquor-licensed manufacturer.

NEW SECTION. Sec. 29. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 30. Sections 1 through 21 of this act constitute a new chapter in Title 15 RCW.

NEW SECTION. Sec. 31. Section 25 of this act expires July 1, 2006.

NEW SECTION. Sec. 32. Section 26 of this act takes effect July 1, 2006."

Correct the title.

Signed by Representatives Linville, Chairman; Pettigrew, Vice Chairman; Kristiansen, Ranking Minority Member; Appleton; Bailey; Blake; Buri; Chase; Clibborn; Dunn; Grant; Haler; Holmquist; Kilmer; Kretz; McCoy; Morrell; Newhouse; Quall; Strow; P. Sullivan and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Skinner, Assistant Ranking Minority Member;

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6676 Prime Sponsor, Senate Committee On Judiciary: Prohibiting fraudulent filings of vehicle reports of sale. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6697 Prime Sponsor, Senate Committee On Early Learning, K-12 & Higher Education: Establishing technology priorities for institutions of higher education. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri; Fromhold; Hasegawa; Ormsby; Priest; Roberts and Sommers.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6717 Prime Sponsor, Senate Committee On Human Services & Corrections: Extending the joint task force on criminal background check processes. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

February 23, 2006

SB 6720 Prime Sponsor, Senator Brandland: Revising reporting requirements for criminal history record information. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Darneille, Vice Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

Passed to Committee on Rules for second reading.

February 22, 2006
SSB 6728 Prime Sponsor, Senate Committee On Water, Energy & Environment: Regarding a seller's disclosure of information concerning unimproved real property zoned residential. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that providing prospective purchasers with information about prior uses and the potential presence of toxic contamination on unimproved real property that is intended to be developed for residential use allows prospective purchasers to evaluate the risks, if any, associated with a prospective purchase of the property. The legislature recognizes that the purchase of unimproved property zoned for residential use may include risks to purchasers, especially purchasers without expertise in real estate development. Therefore, this act creates a task force to review and recommend methods to inform prospective purchasers of the presence of toxic contamination on unimproved residential real property.

NEW SECTION. Sec. 2. (1) The office of the attorney general shall convene a task force to study issues related to the residential real property disclosure statement required under chapter 64.06 RCW and methods to disclose information to prospective purchasers of unimproved real property zoned for residential use. The office of the attorney general may include in the task force stakeholders representing the Washington real estate industry, real property purchasers having experience with undisclosed toxic contamination on unimproved residential real property, consumer protection organizations, the residential construction industry, the department of ecology, and the department of licensing. The office of the attorney general may invite interested legislators to participate.

(2) The task force shall:

(a) Recommend improvements to methods for purchasers of unimproved real property zoned for residential use to obtain information about material conditions relating to the property, including information regarding prior industrial uses of property and the presence of buried industrial waste, utility poles and equipment, and similar material that may contain toxic contaminants;

(b) Recommend additional methods to inform purchasers of potential toxic contamination on unimproved residential real property prior to a sale;

(c) Recommend forms, sources of information, and practices used in transactions involving both improved and unimproved real property zoned for residential use in other states that provide information to the purchaser about conditions of unimproved property;

(d) Identify potential sources of information relevant to conditions of unimproved property zoned for residential use. These sources may include, but are not limited to, existing real estate forms, regulatory agencies, local governments, property inspections, and environmental audits; and

(e) Recommend methods, such as notice provisions, that could be used in transactions of unimproved real property zoned for residential use.

(3) The task force shall report its findings and recommendations to the appropriate committees of the legislature by January 1, 2007.

(4) This section expires January 1, 2007."

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Crouse; Holmquist; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Assistant Ranking Minority Member;

Passed to Committee on Rules for second reading.

February 23, 2006
SB 6731 Prime Sponsor, Senator Fraser: Prohibiting sellers of travel from promoting travel for sex tourism. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

On page 2, line 9, after "be" insert "patronizing a prostitute or promoting"

On page 2, line 23, after "the" strike "ability" and insert "availability"

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

February 23, 2006
ESB 6741 Prime Sponsor, Senator Stevens: Regarding the joint task force on the administration and delivery of services to children. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended:

On page 3, beginning on line 13, after "services." strike everything through "force." on line 15.

Signed by Representatives Kagi, Chairman; Roberts, Vice Chairman; Walsh, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Darneille; Dickerson; Dunn; Haler and Pettigrew.

Passed to Committee on Rules for second reading.

February 23, 2006
SB 6766 Prime Sponsor, Senator Schmidt: Regarding the national guard conditional scholarship. Reported by Committee on Higher Education & Workforce Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Sells, Vice Chairman; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri; Dunn; Fromhold; Hasegawa; Ormsby; Priest; Roberts and Sommers.

Passed to Committee on Rules for second reading.

February 23, 2006
SSB 6775 Prime Sponsor, Senate Committee On Human Services & Corrections: Creating the crime of criminal trespass against children. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to give public and private entities that provide services to children the tools necessary to prevent convicted child sex offenders from contacting children when those children are within the legal boundaries of the covered public and private entities.

NEW SECTION. Sec. 2. A new section is added to chapter 9A.44 RCW to read as follows:

As used in this section and sections 3 and 4 of this act:

(1) "Covered entity" means any public facility or private facility whose primary purpose, at any time, is to provide for the education, care, or recreation of a child or children, including but not limited to community and recreational centers, playgrounds, schools, swimming pools, and state or municipal parks.

(2) "Child" means a person under the age of eighteen, unless the context clearly indicates that the term is otherwise defined in statute.

(3) "Public facility" means a facility operated by a unit of local or state government, or by a nonprofit organization.

(4) "Schools" means public and private schools, but does not include home-based instruction as defined in RCW 28A.225.010.

(5) "Covered offender" means a person who is eighteen years of age or older, who is not under the jurisdiction of the juvenile rehabilitation authority or currently serving a special sex offender disposition alternative, whose risk level classification has been assessed at a risk level II or a risk level III pursuant to RCW 72.09.345, and who, at any time, has been convicted of one or more of the following offenses:

(a) Rape of a child in the first, second, and third degree; child molestation in the first, second, and third degree; indecent liberties against a child under age fifteen; sexual misconduct with a minor in the first and second degree; incest in the first and second degree; luring with sexual motivation; possession of depictions of minors engaged in sexually explicit conduct; dealing in depictions of minors engaged in sexually explicit conduct; bringing into the state depictions of minors engaged in sexually explicit conduct; sexual exploitation of a minor; communicating with a minor for immoral purposes; patronizing a juvenile prostitute;

(b) Any felony in effect at any time prior to the effective date of this act that is comparable to an offense listed in (a) of this subsection, including, but not limited to, statutory rape in the first and second degrees and carnal knowledge;

(c) Any felony offense for which:

(i) There was a finding that the offense was committed with sexual motivation; and

(ii) The victim of the offense was less than sixteen years of age at the time of the offense;

(d) An attempt, conspiracy, or solicitation to commit any of the offenses listed in (a) through (c) of this subsection;

(e) Any conviction from any other jurisdiction which is comparable to any of the offenses listed in (a) through (d) of this subsection.

NEW SECTION. Sec. 3. A new section is added to chapter 9A.44 RCW to read as follows:

(1) An owner, employee, or agent of a covered entity may order a covered offender from the legal premises of a covered entity as provided under this section. To do this, the owner, employee, or agent of a covered entity must first personally serve on the covered offender a written notice that informs the covered offender that:

(a) The covered offender must leave the legal premises of the covered entity and may not return without the written permission of the covered entity; and

(b) If the covered offender refuses to leave the legal boundaries of the covered entity, or thereafter returns and enters within the legal boundaries of the covered entity, the offender may be charged and prosecuted for a felony offense as provided in section 4 of this act.

(2) An owner, employee, or agent of a covered entity shall be immune from civil liability for damages arising from ejecting a covered offender from a covered entity or from failing to eject a covered offender from a covered entity.

NEW SECTION. Sec. 4. A new section is added to chapter 9A.44 RCW to read as follows:

(1) A person is guilty of the crime of criminal trespass against children if he or she:

(a) Is a covered offender as defined in section 2 of this act;

(b) Receives written notice that complies with the requirements of section 3 of this act that he or she is not permitted to remain upon or reenter the legal boundaries of the covered entity; and

(c) Remains upon or reenters the legal boundaries of the covered entity without the written permission of the covered entity.

(2) Criminal trespass against children is a class C felony.

Sec. 5. RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
X	Child Molestation 1 (RCW 9A.44.083)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Assault of a Child 2 (RCW 9A.36.130)
	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run-Death (RCW 46.52.020(4)(a))
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Malicious placement of an explosive 2 (RCW 70.74.270(2))

	Robbery 1 (RCW 9A.56.200)		Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
	Sexual Exploitation (RCW 9.68A.040)		Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)		Child Molestation 3 (RCW 9A.44.089)
VIII	Arson 1 (RCW 9A.48.020)		Criminal Mistreatment 1 (RCW 9A.42.020)
	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)		Custodial Sexual Misconduct 1 (RCW 9A.44.160)
	Manslaughter 2 (RCW 9A.32.070)		Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
	Promoting Prostitution 1 (RCW 9A.88.070)		Extortion 1 (RCW 9A.56.120)
	Theft of Ammonia (RCW 69.55.010)		Extortionate Extension of Credit (RCW 9A.82.020)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)		Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
VII	Burglary 1 (RCW 9A.52.020)		Incest 2 (RCW 9A.64.020(2))
	Child Molestation 2 (RCW 9A.44.086)		Kidnapping 2 (RCW 9A.40.030)
	Civil Disorder Training (RCW 9A.48.120)		Perjury 1 (RCW 9A.72.020)
	Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)		Persistent prison misbehavior (RCW 9.94.070)
	Drive-by Shooting (RCW 9A.36.045)		Possession of a Stolen Firearm (RCW 9A.56.310)
	Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)		Rape 3 (RCW 9A.44.060)
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))		Rendering Criminal Assistance 1 (RCW 9A.76.070)
	Introducing Contraband 1 (RCW 9A.76.140)		Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
	Malicious placement of an explosive 3 (RCW 70.74.270(3))		Sexually Violating Human Remains (RCW 9A.44.105)
	Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)		Stalking (RCW 9A.46.110)
	Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)		Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
	Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))	IV	Arson 2 (RCW 9A.48.030)
	Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)		Assault 2 (RCW 9A.36.021)
	Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)		Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
VI	Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))		Assault by Watercraft (RCW 79A.60.060)
	Bribery (RCW 9A.68.010)		Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
	Incest 1 (RCW 9A.64.020(1))		Cheating 1 (RCW 9.46.1961)
	Intimidating a Judge (RCW 9A.72.160)		Commercial Bribery (RCW 9A.68.060)
	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)		Counterfeiting (RCW 9.16.035(4))
	Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))		<u>Criminal Trespass Against Children (second or subsequent offense) (section 4 of this act)</u>
	Rape of a Child 3 (RCW 9A.44.079)		Endangerment with a Controlled Substance (RCW 9A.42.100)
	Theft of a Firearm (RCW 9A.56.300)		Escape 1 (RCW 9A.76.110)
	Unlawful Storage of Ammonia (RCW 69.55.020)		Hit and Run--Injury (RCW 46.52.020(4)(b))
V	Abandonment of dependent person 1 (RCW 9A.42.060)		Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
			Identity Theft 1 (RCW 9.35.020(2))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)	Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
Influencing Outcome of Sporting Event (RCW 9A.82.070)	Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Malicious Harassment (RCW 9A.36.080)	Perjury 2 (RCW 9A.72.030)
Residential Burglary (RCW 9A.52.025)	Possession of Incendiary Device (RCW 9.40.120)
Robbery 2 (RCW 9A.56.210)	Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Theft of Livestock 1 (RCW 9A.56.080)	Promoting Prostitution 2 (RCW 9A.88.080)
Threats to Bomb (RCW 9.61.160)	Securities Act violation (RCW 21.20.400)
Trafficking in Stolen Property 1 (RCW 9A.82.050)	Tampering with a Witness (RCW 9A.72.120)
Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))	Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))	Theft of Livestock 2 (RCW 9A.56.083)
Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))	Trafficking in Stolen Property 2 (RCW 9A.82.055)
Unlawful transaction of insurance business (RCW 48.15.023(3))	Unlawful Imprisonment (RCW 9A.40.040)
Unlicensed practice as an insurance professional (RCW 48.17.063(3))	Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))	Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)	Willful Failure to Return from Work Release (RCW 72.65.070)
Willful Failure to Return from Furlough (RCW 72.66.060)	II Computer Trespass 1 (RCW 9A.52.110)
III Abandonment of dependent person 2 (RCW 9A.42.070)	Counterfeiting (RCW 9.16.035(3))
Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))	Escape from Community Custody (RCW 72.09.310)
Assault of a Child 3 (RCW 9A.36.140)	Health Care False Claims (RCW 48.80.030)
Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))	Identity Theft 2 (RCW 9.35.020(3))
Burglary 2 (RCW 9A.52.030)	Improperly Obtaining Financial Information (RCW 9.35.010)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)	Malicious Mischief 1 (RCW 9A.48.070)
Criminal Gang Intimidation (RCW 9A.46.120)	Possession of Stolen Property 1 (RCW 9A.56.150)
Criminal Mistreatment 2 (RCW 9A.42.030)	Theft 1 (RCW 9A.56.030)
Custodial Assault (RCW 9A.36.100)	Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))	Trafficking in Insurance Claims (RCW 48.30A.015)
Escape 2 (RCW 9A.76.120)	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
Extortion 2 (RCW 9A.56.130)	Unlawful Practice of Law (RCW 2.48.180)
Harassment (RCW 9A.46.020)	Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
Intimidating a Public Servant (RCW 9A.76.180)	I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
Introducing Contraband 2 (RCW 9A.76.150)	False Verification for Welfare (RCW 74.08.055)
Malicious Injury to Railroad Property (RCW 81.60.070)	Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a
Mental Health Advance Directive
(RCW 9A.60.060)

Malicious Mischief 2 (RCW
9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW
9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without
Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property
(valued at two
hundred fifty dollars or more but
less than one thousand five
hundred dollars) (RCW
9A.56.096(5)(b))

Transaction of insurance business
beyond the scope of licensure
(RCW 48.17.063(4))

Unlawful Issuance of Checks or Drafts
(RCW 9A.56.060)

Unlawful Possession of Fictitious
Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of
Financial Fraud (RCW
9A.56.320)

Unlawful Possession of Payment
Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal
Identification Device (RCW
9A.56.320)

Unlawful Production of Payment
Instruments (RCW 9A.56.320)

Unlawful Trafficking in Food Stamps
(RCW 9.91.142)

Unlawful Use of Food Stamps (RCW
9.91.144)

Vehicle Prowl 1 (RCW 9A.52.095)

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives O'Brien, Chairman; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby; Strow and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Darneille, Vice Chairman;

Passed to Committee on Rules for second reading.

February 23, 2006
ESSB 6802 Prime Sponsor, Senate Committee On Water, Energy & Environment: Regarding air pollution control authority boards. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chairman; Clibborn, Vice Chairman; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan; Takko and Woods.

Passed to Committee on Rules for second reading.

February 23, 2006
ESSB 6821 Prime Sponsor, Senate Committee On Early Learning, K-12 & Higher Education: Creating a work group to explore the creation of college and career readiness centers. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; P. Sullivan, Vice Chairman; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis; Haigh; Hunter; McDermott; Priest; Santos; Shabro; Tom and Wallace.

Passed to Committee on Rules for second reading.

February 22, 2006
ESSB 6885 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Modifying unemployment insurance provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Hudgins; Kenney and McCoy.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse and Holmquist.

Passed to Committee on Rules for second reading.

February 23, 2006
SSCR 8417 Prime Sponsor, Senate Committee On Labor, Commerce, Research & Development: Establishing a committee on gambling policy setting. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Crouse; Hudgins; Kenney and McCoy.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES SUPPLEMENTAL 2

February 23, 2006
ESB 5160 Prime Sponsor, Senator Eide: Restricting use of wireless communications devices in moving motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.20.055 and 2005 c 314 s 303 are each amended to read as follows:

(1) **Driver's instruction permit.** The department may issue a driver's instruction permit with or without a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid a fee of twenty dollars, and meets the following requirements:

- (a) Is at least fifteen and one-half years of age; or
- (b) Is at least fifteen years of age and:
 - (i) Has submitted a proper application; and
 - (ii) Is enrolled in a traffic safety education program offered, approved, and accredited by the superintendent of public instruction or offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW, that includes practice driving.

(2) **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in:

- (a) A traffic safety education course as defined by RCW 28A.220.020(2); or
- (b) A course of instruction offered by a licensed driver training school as defined by RCW 46.82.280(1).

The department may require proof of registration in such a course as it deems necessary.

(3) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

- (a) The person has immediate possession of the permit; ~~((and))~~
- (b) The person is not using a wireless communication device, unless the person is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property; and
- (c) An approved instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver. For purposes of this subsection (3), "wireless communication device" means a hand-held portable voice or data device used for commercial mobile services as defined in 47 U.S.C. Sec. 332(d)(1).

(4) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

- (a) The department may issue one additional one-year permit.
- (b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.
- (c) A person applying to renew an instruction permit must submit the application to the department in person.

Sec. 2. RCW 46.20.075 and 2000 c 115 s 2 are each amended to read as follows:

(1) An intermediate license authorizes the holder to drive a motor vehicle under the conditions specified in this section. An applicant for an intermediate license must be at least sixteen years of age and:

- (a) Have possessed a valid instruction permit for a period of not less than six months;
- (b) Have passed a driver licensing examination administered by the department;
- (c) Have passed a course of driver's education in accordance with the standards established in RCW 46.20.100;
- (d) Present certification by his or her parent, guardian, or employer to the department stating (i) that the applicant has had at least fifty hours of driving experience, ten of which were at night, during which the driver was supervised by a person at least twenty-one years of age who has had a valid driver's license for at least three years, and (ii) that the applicant has not been issued a notice of traffic infraction or cited for a traffic violation that is pending at the time of the application for the intermediate license;
- (e) Not have been convicted of or found to have committed a traffic violation within the last six months before the application for the intermediate license; and

(f) Not have been adjudicated for an offense involving the use of alcohol or drugs during the period the applicant held an instruction permit.

(2) For the first six months after the issuance of an intermediate license or until the holder reaches eighteen years of age, whichever occurs first, the holder of the license may not operate a motor vehicle that is carrying any passengers under the age of twenty who are not members of the holder's immediate family as defined in RCW 42.17.020. For the remaining period of the intermediate license, the holder may not operate a motor vehicle that is carrying more than three passengers who are under the age of twenty who are not members of the holder's immediate family.

(3) The holder of an intermediate license may not operate a motor vehicle between the hours of 1 a.m. and 5 a.m. except when the holder is accompanied by a parent, guardian, or a licensed driver who is at least twenty-five years of age.

(4) The holder of an intermediate license may not operate a motor vehicle while using a wireless communication device unless the holder is using the device to:

- (a) Report illegal activity;
 - (b) Summon medical or other emergency help; or
 - (c) Prevent injury to a person or property.
- (5) It is a traffic infraction for the holder of an intermediate license to operate a motor vehicle in violation of the restrictions imposed under this section.

~~((5))~~ (6) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense, except in the case of a violation of the restriction on the use of wireless communication devices, which is a primary infraction and need not be accompanied by the suspected violation of some other offense.

~~((6))~~ (7) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if necessary for agricultural purposes.

~~((7))~~ (8) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if, for the twelve-month period following the issuance of the intermediate license, he or she:

- (a) Has not been involved in an automobile accident; and
- (b) Has not been convicted or found to have committed a traffic offense described in chapter 46.61 RCW or violated restrictions placed on an intermediate licensee under this section.

(9) For purposes of this section, "wireless communication device" means a hand-held portable voice or data device used for commercial mobile services as defined in 47 U.S.C. Sec. 332(d)(1).

NEW SECTION. Sec. 3. This act takes effect July 1, 2006."

Correct the title.

Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Appleton; Clibborn; Dickerson; Flannigan; Hudgins; Jarrett; Kilmer; Lovick; Sells; Simpson; B. Sullivan; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Buck; Curtis; Ericksen; Hankins; Holmquist; Morris; Nixon; Rodne; Schindler; Shabro and Takko.

Passed to Committee on Rules for second reading.

February 23, 2006

ESB 5179 Prime Sponsor, Senator Morton: Studying forest health issues. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A work group is created to study opportunities to improve the forest health issues enumerated in RCW 76.06.140 that are facing forest land in Washington and to help the commissioner of public lands develop a strategic plan under section 3, chapter 218, Laws of 2004. The work group may, if deemed necessary, identify and focus on regions of the state where forest health issues enumerated in section 1 of this act are the most critical.

(2)(a) The work group is comprised of individuals selected on the basis of their knowledge of forests, forest ecology, or forest health issues and, if determined by the commissioner of public lands to be necessary, should represent a mix of individuals with knowledge regarding specific regions of the state. Members of the work group shall be appointed by the commissioner of public lands, unless otherwise specified, and shall include:

(i) The commissioner of public lands or the commissioner's designee, who shall serve as chair;

(ii) A representative of a statewide industrial timber landowner's group;

(iii) A landowner representative from the small forest landowner advisory committee established in RCW 76.13.110;

(iv) A representative of a college within a state university that specializes in forestry or natural resources science;

(v) A representative of an environmental organization;

(vi) A representative of a county that has within its borders state-owned forest lands that are known to suffer from the forest health deficiencies enumerated in RCW 76.06.140;

(vii) A representative of the Washington state department of fish and wildlife;

(viii) A forest hydrologist, an entomologist, and a fire ecologist, if available;

(ix) A representative of the governor appointed by the governor; and

(x) A representative of a professional forestry organization.

(b) In addition to the membership of the work group outlined in this section, the commissioner of public lands shall also invite the full and equal participation of:

(i) A representative of a tribal government located in a region of the state where the forest health issues enumerated in RCW 76.06.140 are present; and

(ii) A representative of both the United States forest service and the United States fish and wildlife service stationed to work primarily in Washington.

(3) The work group shall:

(a) Determine whether the goals and requirements of chapter 76.06 RCW are being met with regard to the identification, designation, and reduction of significant forest insect and disease threats to public and private forest resources, and whether the provisions of chapter 76.06 RCW are the most effective and appropriate way to address forest health issues;

(b) Study what incentives could be used to assist landowners with the costs of creating and maintaining forest health;

(c) Identify opportunities and barriers for improved prevention of losses of public and private resources to forest insects, diseases, wind, and fire;

(d) Assist the commissioner in developing a strategic plan under section 3, chapter 218, Laws of 2004 for increasing forest resistance and resilience to forest insects, disease, wind, and fire in Washington;

(e) Develop funding alternatives for consideration by the legislature;

(f) Explore possible opportunities for the state to enter into cooperative agreements with the federal government, or other avenues for the state to provide input on the management of federally owned land in Washington;

(g) Develop recommendations for the proper treatment of infested and fire and wind damaged forests on public and private lands within the context of working with interdisciplinary teams under the forest practices act to ensure that forest health is achieved with the protection of fish, wildlife, and other public resources;

(h) Analyze the state noxious weed control statutes and procedures (chapter 17.10 RCW) and the extreme hazard regulations

adopted under the forest protection laws, to determine if the policies and procedures of these laws are applicable, or could serve as a model to support improved forest health; and

(i) Recommend whether the work group should be extended beyond the time that the required report has been submitted.

(4) The work group shall submit to the department of natural resources and the appropriate standing committees of the legislature, no later than December 30, 2006, its findings and recommendations for legislation that is necessary to implement the findings.

(5) The department of natural resources shall provide technical and staff support from existing staff for the work group created by this section.

(6) The work group is required to hold a minimum of five meetings, at diverse locations throughout the state, to gather public input regarding the group's proposed legislation.

(7) This section expires June 30, 2007.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2006, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 23, 2006

ESB 5232 Prime Sponsor, Senator Oke: Requiring a turkey tag to hunt for turkey. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 5236 Prime Sponsor, Senate Committee On Ways & Means: Providing additional funding to the prevailing wage program of the department of labor and industries by discontinuing the transfer of moneys from the public works administration account to the general fund-state account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott;

McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 23, 2006

2SSB 5333 Prime Sponsor, Senate Committee On Government Operations & Elections: Modifying requirements for voter-approved regular property tax levies. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.55.050 and 2003 1st sp.s. c 24 s 4 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection ~~((3)(b))~~ (2) of this section. The ballot title of the proposition shall state the dollar rate proposed and shall clearly state ~~((any))~~ the conditions, if any, which are applicable under subsection ~~((3))~~ (4) of this section.

(2) Subject to statutory dollar limitations, a proposition placed before the voters under this section may authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years. Elections for this purpose must be held at a primary or general election. The title of each ballot measure must state the specific purposes for which the proposed annual increases during the specified period of up to six consecutive years shall be used.

(3) After a levy authorized pursuant to this section is made, the dollar amount of such levy shall be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, except as provided in subsection ~~((3) and (4))~~ (5) of this section.

~~((3))~~ (4) If expressly stated, a proposition placed before the voters under subsection (1) or (2) of this section may:

(a) Limit the period for which the increased levy is to be made;

~~(b) ((Subject to statutory dollar limitations in RCW 84.52.043, authorize annual increases in levies for any county, city, or town for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years. Elections for this purpose must be held at a primary or general election. The title of each ballot measure must state the specific purposes for which the proposed levy increase shall be used, and funds raised under this levy shall not supplant existing funds used for these purposes;~~

~~(e))~~ Limit the purpose for which the increased levy is to be made, but if the limited purpose includes making redemption payments on bonds, the period for which the increased levies are made shall not exceed nine years;

~~((4))~~ (c) Set the levy at a rate less than the maximum rate allowed for the district; or

~~((e) Provide that the maximum allowable dollar amount of the final annual levy of the period specified in the measure shall be used to compute the limitations provided for in this chapter on levy increases occurring after the expiration of the period; or~~

~~(f))~~ (d) Include any combination of the conditions in this subsection.

~~((4))~~ (5) Except as otherwise provided in an approved ballot measure under this section, after the expiration of a limited period under subsection (4)(a) of this section or the satisfaction of a limited purpose under subsection (4)(b) of this section, whichever comes first, subsequent levies shall be computed as if:

(a) The limited proposition under subsection ~~((3))~~ (4) of this section had not been approved; and

(b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the limited proposition."

Correct the title.

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway; Ericks; Hasegawa and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta and Shabro.

Passed to Committee on Rules for second reading.

February 23, 2006

ESSB 5385 Prime Sponsor, Senate Committee On Natural Resources, Ocean & Recreation: Creating the Washington invasive species council. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) The land, water, and other resources of Washington are being severely impacted by the invasion of an increasing number of harmful invasive plant and animal species.

(2) These impacts are resulting in damage to Washington's environment and causing economic hardships.

(3) The multitude of public and private organizations with an interest in controlling and preventing the spread of harmful invasive species in Washington need a mechanism for cooperation, communication, collaboration, and developing a statewide plan of action to meet these threats.

NEW SECTION. Sec. 2. (1) There is created the Washington invasive species council to exist until December 31, 2011. Staff support to the council shall be provided by the committee and from the agencies represented on the council. For administrative purposes, the council shall be located within the committee.

(2) The purpose of the council is to provide policy level direction, planning, and coordination for combating harmful invasive species throughout the state and preventing the introduction of others that may be potentially harmful.

(3) The council is a joint effort between local, tribal, state, and federal governments, as well as the private sector and nongovernmental interests. The purpose of the council is to foster cooperation, communication, and coordinated approaches that

support local, state, and regional initiatives for the prevention and control of invasive species.

(4) For the purposes of this chapter, "invasive species" include nonnative organisms that cause economic or environmental harm and are capable of spreading to new areas of the state. "Invasive species" does not include domestic livestock, intentionally planted agronomic crops, or nonharmful exotic organisms.

NEW SECTION. Sec. 3. (1) Membership in the council includes a representative from the following entities:

(a) The department of agriculture, represented by the director or the director's designee;

(b) The department of fish and wildlife, represented by the director or the director's designee;

(c) The department of ecology, represented by the director or the director's designee;

(d) The department of natural resources, represented by the commissioner or the commissioner's designee;

(e) The department of transportation, represented by the secretary or the secretary's designee;

(f) The Washington state noxious weed control board, appointed by the board;

(g) A county located east of the crest of the Cascade mountains, appointed by the other members of the council; and

(h) A county located west of the crest of the Cascade mountains, appointed by the other members of the council.

(2) The councilmembers may add members to the council as the councilmembers deem appropriate to accomplish its goals.

(3) The council must invite one representative each from the United States department of agriculture, the United States fish and wildlife service, the United States environmental protection agency, and the United States coast guard to participate on the council in a nonvoting, ex officio capacity.

(4) A representative of the office of the governor must convene the first meeting of the council and serve as chair until the council selects a chair. At the first meeting of the council, the council shall address issues including, but not limited to, voting methods, meeting schedules, and the need for and use of advisory and technical committees.

NEW SECTION. Sec. 4. The council's goals are to:

(1) Minimize the effects of harmful invasive species on Washington's citizens and ensure the economic and environmental well-being of the state;

(2) Serve as a forum for identifying and understanding invasive species issues from all perspectives;

(3) Serve as a forum to facilitate the communication, cooperation, and coordination of local, tribal, state, federal, private, and nongovernmental entities for the prevention, control, and management of nonnative invasive species;

(4) Serve as an avenue for public outreach and for raising public awareness of invasive species issues;

(5) Develop and implement a statewide invasive species strategic plan as described in this chapter;

(6) Review the current funding mechanisms and levels for state agencies to manage noxious weeds on the lands under their authority;

(7) Make recommendations for legislation necessary to carry out the purposes of this chapter;

(8) Establish criteria for the prioritization of invasive species response actions and projects; and

(9) Utilizing the process described in subsection (8) of this section, select at least one project per year from the strategic plan for coordinated action by the Washington invasive species councilmember entities.

NEW SECTION. Sec. 5. (1) The council shall develop and periodically update a statewide strategic plan for addressing invasive species. The strategic plan should incorporate the reports and activities of the aquatic nuisance species committee, the state noxious weed control board, and other appropriate reports and activities. In addition, the council must coordinate with the biodiversity council created in Executive Order 04-02 to ensure that a statewide strategy for the control of invasive species is integrated into the thirty-year

strategy for biodiversity conservation that the biodiversity council must submit to the legislature in 2007.

(2) The strategic plan must, at a minimum, address:

(a) Statewide coordination and intergovernmental cooperation;

(b) Prevention of new biological invasions through deliberate or unintentional introduction;

(c) Inventory and monitoring of invasive species;

(d) Early detection of and rapid response to new invasions;

(e) Control, management, and eradication of established populations of invasive species;

(f) Projects that can be implemented during the period covered by the strategic plan for the control, management, and eradication of new or established populations of invasive species;

(g) Revegetation, reclamation, or restoration of native species following control or eradication of invasive species;

(h) Tools that can be made available to assist state agencies that are responsible for managing public land to control invasive noxious weeds and recommendations as to how the agencies should be held responsible for the failure to control invasive noxious weeds;

(i) Research and public education;

(j) Funding and resources available for invasive species prevention, control, and management; and

(k) Recommendations for legislation necessary to carry out the purposes of this chapter.

(3) The strategic plan must be updated at least once every three years following its initial development. The strategic plan must be submitted to the governor and appropriate committees of the legislature by September 15th of each applicable year. The council shall complete the initial strategic plan within two years of the effective date of this section.

(4) Each state department and agency named to the council shall, consistent with state law, make best efforts to implement elements of the completed plan that are applicable to the department or agency.

NEW SECTION. Sec. 6. (1) The council shall submit an annual report of its activities to the governor and the relevant policy committees of the senate and house of representatives by December 15th of each year. The annual report must include an evaluation of progress made in the preceding year to implement or carry out the strategic plan and an identification of projects from the strategic plan that will be a focus for the following year.

(2) Prior to the start of the 2011 legislative session, the council must prepare a report to the appropriate committees of the legislature that makes recommendations as to the extension or modification of the council.

NEW SECTION. Sec. 7. The council may establish advisory and technical committees that it considers necessary to aid and advise the council in the performance of its functions. The committees may be continuing or temporary committees. The council shall determine the representation, membership, terms, and organization of the committees and appoint their members.

NEW SECTION. Sec. 8. The invasive species council account is created in the custody of the state treasurer. All receipts from appropriations, gifts, grants, and donations must be deposited into the account. Expenditures from the account may be used only to carry out the purposes of the council. The account is subject to allotment procedures under chapter 43.88 RCW and the approval of the director of the committee is required for expenditures. All expenditures must be directed by the council.

Sec. 9. RCW 79A.25.010 and 1989 c 237 s 2 are each amended to read as follows:

Definitions: As used in this chapter:

(1) "Marine recreation land" means any land with or without improvements which (a) provides access to, or in whole or in part borders on, fresh or salt water suitable for recreational use by watercraft, or (b) may be used to create, add to, or make more usable, bodies of water, waterways, or land, for recreational use by watercraft.

(2) "Public body" means any county, city, town, port district, park and recreation district, metropolitan park district, or other

municipal corporation which is authorized to acquire or improve public outdoor recreation land, and shall also mean Indian tribes now or hereafter recognized as such by the federal government for participation in the land and water conservation program.

(3) "Tax on marine fuel" means motor vehicle fuel tax which is (a) tax on fuel used in, or sold or distributed for use in, any watercraft, (b) refundable pursuant to chapter 82.36 RCW, and (c) paid to the director of licensing with respect to taxable sales, distributions, or uses occurring on or after December 3, 1964.

(4) "Watercraft" means any boat, vessel, or other craft used for navigation on or through water.

(5) "Committee" means the interagency committee for outdoor recreation.

(6) "Director" means the director of the interagency committee for outdoor recreation.

(7) "Council" means the Washington invasive species council created in section 2 of this act.

NEW SECTION. Sec. 10. Section 8 of this act expires December 31, 2011.

NEW SECTION. Sec. 11. Sections 1 through 8 of this act are each added to chapter 79A.25 RCW."

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Conway; Ericks; Hasegawa and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta and Shabro.

Passed to Committee on Rules for second reading.

February 23, 2006

ESSB 6166 Prime Sponsor, Senate Committee On Financial Institutions, Housing & Consumer Protection: Regulating mortgage brokers and loan originators. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6188 Prime Sponsor, Senate Committee On Health & Long-Term Care: Providing health benefit plans offering coverage for prostate cancer screening. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.05 RCW to read as follows:

(1) Each plan offered to public employees and their covered dependents under this chapter that is not subject to the provisions of Title 48 RCW and is issued or renewed after December 31, 2006,

shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced registered nurse practitioner, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of the health care authority to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services. This section shall not apply to medicare supplemental policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION. Sec. 2. A new section is added to chapter 48.20 RCW to read as follows:

(1) Each disability insurance policy issued or renewed after December 31, 2006, that provides coverage for hospital or medical expenses shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced registered nurse practitioner, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services. This section shall not apply to medicare supplemental policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION. Sec. 3. A new section is added to chapter 48.21 RCW to read as follows:

(1) Each group disability insurance policy issued or renewed after December 31, 2006, that provides coverage for hospital or medical expenses shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced registered nurse practitioner, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services. This section shall not apply to medicare supplemental policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION. Sec. 4. A new section is added to chapter 48.44 RCW to read as follows:

(1) Each health care service contract issued or renewed after December 31, 2006, that provides coverage for hospital or medical expenses shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced registered nurse practitioner, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of a contractor to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services. This section shall not apply to medicare supplemental policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION. Sec. 5. A new section is added to chapter 48.46 RCW to read as follows:

(1) Each health maintenance agreement issued or renewed after December 31, 2006, that provides coverage for hospital or medical expenses shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced registered nurse practitioner, or physician assistant.

(2) All services must be provided by the health maintenance organization or rendered upon a referral by the health maintenance organization.

(3) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of a health maintenance organization to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services. This section shall not apply to medicare supplemental policies or supplemental contracts covering a specified disease or other limited benefits.

NEW SECTION. Sec. 6. A new section is added to chapter 48.125 RCW to read as follows:

(1) Each self-funded multiple employer welfare arrangement established, operated, providing benefits, or maintained in this state after December 31, 2006, that provides coverage for hospital or medical expenses shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced registered nurse practitioner, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of a self-funded multiple employer welfare arrangement to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services.

NEW SECTION. Sec. 7. A new section is added to chapter 70.47 RCW to read as follows:

(1) Any schedule of benefits established or renewed by the Washington basic health plan after December 31, 2006, shall provide coverage for prostate cancer screening, provided that the screening is delivered upon the recommendation of the patient's physician, advanced registered nurse practitioner, or physician assistant.

(2) This section shall not be construed to prevent the application of standard policy provisions applicable to other benefits, such as deductible or copayment provisions. This section does not limit the authority of the health care authority to negotiate rates and contract with specific providers for the delivery of prostate cancer screening services.

NEW SECTION. Sec. 8. A new section is added to chapter 74.09 RCW to read as follows:

The department shall provide coverage for prostate cancer screening under this chapter, provided that the screening is delivered upon the recommendation of the patient's physician, advanced registered nurse practitioner, or physician assistant."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Buri; Clements; Cody; Conway; Darneille; Dunshee; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 23, 2006

ESSB 6244 Prime Sponsor, Senate Committee On Water, Energy & Environment: Changing provisions relating to oil spill prevention, preparedness, and response. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 88.46 RCW to read as follows:

(1) The department's rules authorized under RCW 88.46.160 and this section shall be scaled to the risk posed to people and to the environment, and be categorized by type of transfer, volume of oil, frequency of transfers, and such other risk factors as identified by the department.

(2) The rules may require prior notice be provided before an oil transfer, regulated under this chapter, occurs in situations defined by the department as posing a higher risk. The notice may include the time, location, and volume of the oil transfer. The rules may not require prior notice when marine fuel outlets are transferring less than three thousand gallons of oil in a single transaction to a ship that is not a covered vessel and the transfers are scheduled less than four hours in advance.

(3) The department may require semiannual reporting of volumes of oil transferred to ships by a marine fuel outlet.

(4) The rules may require additional measures to be taken in conjunction with the deployment of containment equipment or with the alternatives to deploying containment equipment. However, these measures must be scaled appropriately to the risks posed by the oil transfer.

(5) The rules shall include regulations to enhance the safety of oil transfers over water originating from vehicles transporting oil over private roads or highways of the state.

NEW SECTION. Sec. 2. A new section is added to chapter 88.46 RCW to read as follows:

In addition to other inspection authority provided for in this chapter and chapter 90.56 RCW, the department may conduct inspections of oil transfer operations regulated under RCW 88.46.160 or section 1 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 88.46 RCW to read as follows:

If the director believes a person has violated or is violating or creates a substantial potential to violate the provisions of any rules adopted under this chapter, the director may institute such actions as authorized under RCW 88.46.070 (2) and (3).

NEW SECTION. Sec. 4. A new section is added to chapter 88.46 RCW to read as follows:

The department shall by rule adopt procedures to determine the adequacy of contingency plans approved under RCW 88.46.060. The rules shall require random practice drills without prior notice that will test the adequacy of the responding entities. The rules may provide for unannounced practice drills of individual contingency plans. The department shall review and publish a report on the drills, including an assessment of response time and available equipment and personnel compared to those listed in the contingency plans relying on the responding entities, and requirements, if any, for changes in the plans or their implementation. The department may require additional drills and changes in arrangements for implementing approved plans which are necessary to ensure their effective implementation.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Buri; Clements; Cody; Conway; Darneille; Dunshee; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6247 Prime Sponsor, Senate Committee On Transportation: Providing uniform administration of locally imposed motor vehicle excise taxes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 23, 2006

ESSB 6255 Prime Sponsor, Senate Committee On Early Learning, K-12 & Higher Education: Improving student performance through student-centered planning. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 23, 2006

SB 6280 Prime Sponsor, Senator Regala: Removing the irrevocable dedication requirement for exemption from property taxes for nonprofit entities. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6287 Prime Sponsor, Senate Committee On Transportation: Authorizing special parking privileges for the legally blind. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

On page 1, after line 3, insert the following:

"NEW SECTION. Sec. • The legislature reaffirms its recognition that legal blindness does not affect the physical ability to walk, nor does it limit the ability to participate and contribute in employment and all aspects of life as an equal and productive citizen. Furthermore, for a legally blind individual with appropriate training

in travel skills, any limitations on that individual's mobility are not resolved by the granting of special parking privileges. However, for some individuals, including the newly blind and those in transition, the availability of special parking privileges could prove to be an appropriate benefit if those individuals choose to avail themselves of the opportunity."

Renumber the remaining section consecutively and correct the title.

Signed by Representatives Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Murray, Chairman; Morris.

Passed to Committee on Rules for second reading.

February 23, 2006

SB 6338 Prime Sponsor, Senator Haugen: Regarding the property tax exemption for seniors and for persons retired due to disability. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6369 Prime Sponsor, Senate Committee On Ways & Means: Providing excise tax exemptions for water services provided by small water systems. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Ahern; Condotta; Ericks; Hasegawa and Santos.

Passed to Committee on Rules for second reading.

February 23, 2006

SB 6412 Prime Sponsor, Senator Doumit: Increasing the number of superior court judges in Clallam and Cowlitz counties. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Buri; Clements; Cody; Conway; Darneille; Dunshee; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; McDermott; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Without recommendation.
Signed by Representatives Anderson, Assistant Ranking
Minority Member.

Passed to Committee on Rules for second reading.

February 23, 2006

SB 6415 Prime Sponsor, Senator Pridemore: Allowing
interpreters to assist hearing impaired persons
during driver's license examinations. Reported by
Committee on Transportation

MAJORITY recommendation: Do pass as amended:

On page 2, beginning on line 2, strike "and at the applicant's
expense" and insert "from a list provided by the department of
licensing"

Signed by Representatives Murray, Chairman; Wallace,
Vice Chairman; Woods, Ranking Minority Member;
Skinner, Assistant Ranking Minority Member; Appleton;
Buck; Clibborn; Curtis; Dickerson; Erickson; Flannigan;
Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick;
Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson;
B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 23, 2006

ESSB 6475 Prime Sponsor, Senate Committee On Early
Learning, K-12 & Higher Education:
Authorizing alternative methods of assessment
and appeal processes for the certificate of
academic achievement. Reported by Committee
on Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the
following:

"NEW SECTION. Sec. 1. A new section is added to chapter
28A.655 RCW to read as follows:

(1) The legislature has made a commitment to rigorous academic
standards for receipt of a high school diploma. The primary way that
students will demonstrate that they meet the standards in reading,
writing, mathematics, and science is through the Washington
assessment of student learning. Only objective assessments that are
comparable in rigor to the state assessment are authorized as an
alternative assessment. Before seeking an alternative assessment, the
legislature expects students to make a genuine effort to meet state
standards, through retaking the Washington assessment of student
learning; regular and consistent attendance at school; and
participation in extended learning and other assistance programs.

(2) Under RCW 28A.655.061, beginning in the 2006-07 school
year, the superintendent of public instruction shall implement three
objective alternative assessment methods as provided in this section
for students to demonstrate achievement of the state standards in
content areas in which the student has not yet met the standard on the
high school Washington assessment of student learning. A student
may access an alternative if the student meets applicable eligibility
criteria in RCW 28A.655.061 and other eligibility criteria established
by the superintendent of public instruction, including but not limited
to a ninety-five percent minimum attendance criterion and required
participation in the remediation or supplemental instruction contained
in the student learning plan developed under RCW 28A.655.061. A
school district may waive the attendance and remediation requirement
for special, unavoidable circumstances.

(3) For the purposes of this section, "applicant" means a student
seeking to use one of the alternative assessment methods in this
section.

(4) The primary alternative assessment method shall be a
combination of the applicant's grades in applicable courses and the
applicant's highest score on the high school Washington assessment
of student learning, as provided in this subsection.

(a) Using guidelines prepared by the superintendent of public
instruction, a school district shall identify the group of students in the
same school as the applicant who took the same high school courses
as the applicant in the applicable content area. From the group of
students identified in this manner, the district shall select the
comparison cohort that shall be those students who met or slightly
exceeded the state standard on the Washington assessment of student
learning.

(b) The district shall compare the applicant's grades in high
school courses in the applicable content area to the grades of students
in the comparison cohort for the same high school courses. If the
applicant's grades are above the median grades of the comparison
cohort, the applicant shall be deemed to have met the state standard
on the alternative assessment.

(c) An applicant may not use the alternative assessment under
this subsection (4) if there are fewer than six students in the
comparison cohort.

(5) The superintendent of public instruction shall also develop
an alternative assessment method that shall be an evaluation of a
collection of work samples prepared and submitted by the applicant,
as provided in this subsection and, for career and technical
applicants, the additional requirements of subsection (6) of this
section. The collection of work samples may be implemented as an
alternative assessment if there are fewer than six students in the
applicant's comparison cohort under subsection (4) of this section or
if the applicant is enrolled in a career and technical program
approved under section 2 of this act. The collection of work samples
may be implemented as an alternative assessment for other applicants
only if formally approved by the legislature through the omnibus
appropriations act, statute, or concurrent resolution.

(a) The superintendent of public instruction shall develop
guidelines for the types and number of work samples in each content
area that may be submitted as a collection of evidence that the
applicant has met the state standard in that content area. Work
samples may be collected from academic, career and technical, or
remedial courses and may include performance tasks as well as
written products.

(b) The superintendent shall develop protocols for submission
of the collection of work samples that include affidavits from the
applicant's teachers and school district that the samples are the work
of the applicant and a requirement that a portion of the samples be
prepared under the direct supervision of a classroom teacher.

(c) The superintendent shall develop uniform scoring criteria for
evaluating the collection of work samples. Collections shall be
scored at the state level or regionally by a panel of educators selected
and trained by the superintendent to ensure objectivity, reliability,
and rigor in the evaluation. An educator may not score work samples
submitted by applicants from the educator's school district. If the
panel awards an applicant's collection of work samples the minimum
required score, the applicant shall be deemed to have met the state
standard on the alternative assessment.

(6)(a) For students enrolled in a career and technical education
program approved under section 2 of this act, the superintendent of
public instruction shall develop guidelines for a collection of work
samples that evidences that the collection:

(i) Is relevant to the student's particular career and technical
program;

(ii) Focuses on the application of academic knowledge and skills
within the program;

(iii) Includes completed activities or projects where
demonstration of academic knowledge is inferred; and

(iv) Is related to the essential academic learning requirements
and state standards that students must meet to earn a certificate of
academic achievement or certificate of individual achievement, but
also represents the knowledge and skills that successful individuals

in the career and technical field of the approved program are expected to possess.

(b) To meet the state standard on the alternative assessment under this subsection (6), an applicant must also attain the state or nationally recognized certificate or credential associated with the approved career and technical program.

(c) The superintendent shall consult with community and technical colleges, employers, the work force training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create an appropriate collection of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards.

(7) The superintendent of public instruction shall study the feasibility of using existing mathematics assessments in languages other than English as an additional alternative assessment option. The study shall include an estimation of the cost of translating the tenth grade mathematics assessment into other languages and scoring the assessments should they be implemented.

(8) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments; and

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who: (i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or (ii) have special, unavoidable circumstances.

(9) The superintendent of public instruction may adopt rules to implement this section.

NEW SECTION. Sec. 2. A new section is added to chapter 28C.04 RCW to read as follows:

The superintendent of public instruction shall develop a list of approved career and technical education programs that qualify for the objective alternative assessment for career and technical students developed under section 1 of this act. Programs on the list must meet the following minimum criteria:

(1) Lead to a certificate or credential that is state or nationally recognized by trades, industries, or other professional associations as necessary for employment or advancement in that field;

(2) Require a sequenced progression of multiple courses, both exploratory and preparatory, that are vocationally intensive and rigorous; and

(3) Have a high potential for providing the program completer with gainful employment or entry into a postsecondary work force training program.

NEW SECTION. Sec. 3. By September 2006, the superintendent of public instruction shall report the following, in detail, to the education committees of the legislature:

(1) Results of the pilot testing of the alternative assessments authorized under section 1 of this act;

(2) The proposed guidelines, protocols, and procedures to be used by the superintendent in implementing the alternative assessments, particularly the collection of evidence;

(3) A description of the training to be provided for school districts, educators serving on scoring panels, and teachers assisting students with collections of evidence;

(4) Preliminary results of the feasibility study in section 1(7) of this act; and

(5) Updated estimates of the number of students likely to be eligible or apply for either alternative assessment method.

Sec. 4. RCW 28A.655.061 and 2004 c 19 s 101 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection ~~((1+))~~ (10) of this section, one or more objective alternative assessments for a student to

demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection ~~((1+))~~ (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has retaken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement. ~~((The student's transcript shall note whether the certificate of academic achievement was acquired by means of the Washington assessment of student learning or by an alternative assessment.))~~

(4) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

~~((Beginning with the graduating class of 2006, the highest scale score and level achieved in each content area on the high school Washington assessment of student learning shall be displayed on a student's transcript. In addition, beginning with the graduating class of 2008, each student shall receive a scholar's designation on his or her transcript for each content area in which the student achieves level four the first time the student takes that content area assessment.))~~

~~(8))~~ Beginning in 2006, school districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

~~((9))~~ (8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

~~((10))~~ (9) Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006,

opportunities to retake the assessment at least twice a year shall be available to each school district.

~~((H))~~ (10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

~~((H))~~ (b) After formal approval by the legislature of the score required for this purpose, a student's score on the mathematics portion of the preliminary scholastic assessment test (PSAT), the scholastic assessment test (SAT), or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met the mathematics standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the mathematics portion of the PSAT, SAT, or ACT to meet the state standard for mathematics and shall submit the proposed scores, along with any subsequent revisions, to the legislature for formal approval through the appropriations act or by statute or concurrent resolution. The state board of education shall submit the first proposed scores to the legislature by December 1, 2006.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

~~((H))~~ (12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection ~~((H))~~ (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. This requirement shall be phased in as follows:

(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection ~~((H))~~ (12)(a) shall have a plan.

(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection ~~((H))~~ (12)(a) shall have a plan.

(iii) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

(iv) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of a student described in this subsection ~~((H))~~ (12)(b) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student

was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.655 RCW to read as follows:

Subject to the availability of funds appropriated for this purpose, school districts shall reimburse students for the cost of taking the tests in RCW 28A.655.061(10)(b) when the students take the tests for the purpose of using the mathematics results as an objective alternative assessment.

Sec. 6. RCW 28A.305.220 and 2004 c 19 s 108 are each amended to read as follows:

(1) The state board of education shall develop for use by all public school districts a standardized high school transcript. The state board of education shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include ~~((the following information:~~

~~— (a) The highest scale score and level achieved in each content area on the high school Washington assessment of student learning or other high school measures successfully completed by the student as provided by RCW 28A.655.061 and 28A.155.045;~~

~~— (b) All scholar designations as provided by RCW 28A.655.061;~~

~~— (c) a notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement ((by means of the Washington assessment of student learning or by an alternative assessment)).~~

(3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act and section 5 of this act, referencing this act and section 5 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 5 of this act is null and void."

Correct the title.

Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 23, 2006
SSB 6527 Prime Sponsor, Senate Committee On Transportation: Extending the negotiation period for the Milwaukee Road trail. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

On page 1, line 11, after "over" insert "the"

On page 1, line 11, after "corridor" insert "between Ellensburg and Lind"

On page 2, line 13, after "commission" insert "as of the effective date of this act"

On page 2, line 24, after "over" insert "the"

On page 2, line 25, after "corridor" insert "between Ellensburg and Lind"

Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Clibborn; Curtis; Dickerson; Erickson; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 23, 2006

ESB 6537 Prime Sponsor, Senator Kohl-Welles: Modifying requirements for the direct sale of wine to Washington state consumers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Clements; Cody; Conway; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 23, 2006

SB 6549 Prime Sponsor, Senator Benson: Modifying commercial vehicle provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Clibborn; Curtis; Dickerson; Erickson; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 23, 2006

ESSB 6566 Prime Sponsor, Senate Committee On Transportation: Revising commute trip reduction provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.94.524 and 1991 c 202 s 11 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "A major employer" means a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for at least twelve continuous months during the year.

(2) "Major worksite" means a building or group of buildings that are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights of way, and at which there are one hundred or more full-time employees (~~of one or more employers~~), who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays, for at least twelve continuous months.

(3) (~~"Commute trip reduction zones" mean areas, such as census tracts or combinations of census tracts, within a jurisdiction that are characterized by similar employment density, population density, level of transit service, parking availability, access to high occupancy vehicle facilities, and other factors that are determined to affect the level of single occupancy vehicle commuting.~~

(4)) "Major employment installation" means a military base or federal reservation, excluding tribal reservations, at which there are one hundred or more full-time employees, who begin their regular workday between 6:00 a.m. and 9:00 a.m. on weekdays, for at least twelve continuous months during the year.

(4) "Person hours of delay" means the daily person hours of delay per mile in the peak period of 6:00 a.m. to 9:00 a.m., as calculated using the best available methodology by the department of transportation.

(5) "Commute trip" means trips made from a worker's home to a worksite during the peak period of 6:00 a.m. to 9:00 a.m. on weekdays.

~~((5))~~ (6) "Proportion of single-occupant vehicle commute trips" means the number of commute trips made by single-occupant automobiles divided by the number of full-time employees.

~~((6))~~ (7) "Commute trip vehicle miles traveled per employee" means the sum of the individual vehicle commute trip lengths in miles over a set period divided by the number of full-time employees during that period.

~~((7))~~ (8) "Base year" means the ~~((year January 1, 1992, through December 31, 1992, on which goals for vehicle miles traveled and single-occupant vehicle trips shall be based. Base year goals may be determined using the 1990 journey-to-work census data projected to the year 1992 and shall be consistent with the growth management act. The task force shall establish a method to be used by jurisdictions to determine reductions of vehicle miles traveled))~~ twelve-month period commencing when a major employer is determined to be participating by the local jurisdiction, on which commute trip reduction goals shall be based.

(9) "Growth and transportation efficiency center" means a defined, compact, mixed-use urban area that contains jobs or housing and supports multiple modes of transportation. For the purpose of funding, a growth and transportation efficiency center must meet minimum criteria established by the commute trip reduction board under RCW 70.94.537, and must be certified by a regional transportation planning organization as established in RCW 47.80.020.

(10)(a) "Affected urban growth area" means:

(i) An urban growth area, designated pursuant to RCW 36.70A.110, whose boundaries contain a state highway segment exceeding the one hundred person hours of delay threshold calculated by the department of transportation, and any contiguous urban growth areas; and

(ii) An urban growth area, designated pursuant to RCW 36.70A.110, containing a jurisdiction with a population over seventy thousand that adopted a commute trip reduction ordinance before the year 2000, and any contiguous urban growth areas.

(b) Affected urban growth areas will be listed by the department of transportation in the rules for this act using the criteria identified in (a) of this subsection.

(11) "Certification" means a determination by a regional transportation planning organization that a locally designated growth and transportation efficiency center program meets the minimum

criteria developed in a collaborative regional process and the rules established by the department of transportation.

Sec. 2. RCW 70.94.527 and 1997 c 250 s 2 are each amended to read as follows:

(1) Each county ~~((with a population over one hundred fifty thousand, and each city or town within those counties containing a major employer shall, by October 1, 1992, adopt by ordinance and implement a commute trip reduction plan for all major employers. The plan shall be developed in cooperation with local transit agencies, regional transportation planning organizations as established in RCW 47.80.020, major employers, and the owners of and employers at major worksites))~~ containing an urban growth area, as defined by RCW 36.70A.110, and each city within an urban growth area with a state highway segment exceeding the one hundred person hours of delay threshold calculated by the department of transportation, as well as those counties and cities located in any contiguous urban growth areas, shall adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area by a date specified by the commute trip reduction board. Jurisdictions located within an urban growth area with a population greater than seventy thousand that adopted a commute trip reduction ordinance before the year 2000, as well as any jurisdiction within contiguous urban growth areas, shall also adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area by a date specified by the commute trip reduction board. Jurisdictions containing a major employment installation in a county with an affected growth area, as defined by RCW 36.70A.110, shall adopt a commute trip reduction plan and ordinance for major employers in the major employment installation by a date specified by the commute trip reduction board. The ordinance shall establish the requirements for major employers and provide an appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of the ordinance, may obtain waiver or modification of those requirements. The plan shall be designed to achieve reductions in the proportion of single-occupant vehicle commute trips and ((the commute trip vehicle miles traveled per employee by employees of major public and private sector employers in the jurisdiction)) be consistent with the rules established by the department of transportation. The county, city, or town shall submit its adopted plan to the regional transportation planning organization. The county, city, or town plan shall be included in the regional commute trip reduction plan for regional transportation planning purposes, consistent with the rules established by the department of transportation in RCW 70.94.537.

(2) All other counties, ~~((and))~~ cities, and towns ~~((in those counties;))~~ may adopt and implement a commute trip reduction plan consistent with department of transportation rules established under RCW 70.94.537. Tribal governments are encouraged to adopt a commute trip reduction plan for their lands. State investment in voluntary commute trip reduction plans shall be limited to those areas that meet criteria developed by the commute trip reduction board.

(3) The department of ecology may, after consultation with the department of transportation, as part of the state implementation plan for areas that do not attain the national ambient air quality standards for carbon monoxide or ozone, require municipalities other than those identified in subsection (1) of this section to adopt and implement commute trip reduction plans if the department determines that such plans are necessary for attainment of said standards.

(4) A commute trip reduction plan shall be consistent with the ~~((guidelines))~~ rules established under RCW 70.94.537 and shall include but is not limited to (a) goals for reductions in the proportion of single-occupant vehicle commute trips ~~((and the commute trip vehicle miles traveled per employee))~~ consistent with the state goals established by the commute trip reduction board under RCW 70.94.537 and the regional commute trip reduction plan goals established in the regional commute trip reduction plan; (b) ~~((designation of commute trip reduction zones; (c)))~~ a description of the requirements for major public and private sector employers to implement commute trip reduction programs; ~~((d))~~ (c) a commute trip reduction program for employees of the county, city, or town; ~~((e))~~ a review of local parking policies and ordinances as they relate

to employers and major worksites and any revisions necessary to comply with commute trip reduction goals and guidelines; (f) an appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain waiver or modification of those requirements; and ~~((g))~~ and (d) means, consistent with rules established by the department of transportation, for determining base year values ~~((of the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee))~~ and progress toward meeting commute trip reduction plan goals ~~((on an annual basis. Goals which are established shall take into account existing transportation demand management efforts which are made by major employers. Each jurisdiction shall ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year. The goals for miles traveled per employee for all major employers shall not be less than a fifteen percent reduction from the worksite base year value or the base year value for the commute trip reduction zone in which their worksite is located by January 1, 1995, twenty percent reduction from the base year values by January 1, 1997, twenty-five percent reduction from the base year values by January 1, 1999, and a thirty-five percent reduction from the base year values by January 1, 2005.~~

~~((5))~~ (5) A county, city, or town may, as part of its commute trip reduction plan, require commute trip reduction programs for employers with ten or more full-time employees at major worksites in federally designated nonattainment areas for carbon monoxide and ozone. The county, city or town shall develop the programs in cooperation with affected employers and provide technical assistance to the employers in implementing such programs). The plan shall be developed in consultation with local transit agencies, the applicable regional transportation planning organization, major employers, and other interested parties.

~~((6))~~ (5) The commute trip reduction plans adopted by counties, cities, and towns under this chapter shall be consistent with and may be incorporated in applicable state or regional transportation plans and local comprehensive plans and shall be coordinated, and consistent with, the commute trip reduction plans of counties, cities, or towns with which the county, city, or town has, in part, common borders or related regional issues. Such regional issues shall include assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction. Counties, cities, ~~((or))~~ and towns adopting commute trip reduction plans may enter into agreements through the interlocal cooperation act or by resolution or ordinance as appropriate with other jurisdictions, local transit agencies, transportation management associations or other private or nonprofit providers of transportation services, or regional transportation planning organizations to coordinate the development and implementation of such plans. Transit agencies shall work with counties, cities, and towns as a part of their six-year transit development plan established in RCW 35.58.2795 to take into account the location of major employer worksites when planning and prioritizing transit service changes or the expansion of public transportation services, including rideshare services. Counties, cities, or towns adopting a commute trip reduction plan shall review it annually and revise it as necessary to be consistent with applicable plans developed under RCW 36.70A.070. Regional transportation planning organizations shall review the local commute trip reduction plans during the development and update of the regional commute trip reduction plan.

(6) Each affected regional transportation planning organization shall adopt a commute trip reduction plan for its region consistent with the rules and deadline established by the department of transportation under RCW 70.94.537. The plan shall include, but is not limited to: (a) Regional program goals for commute trip reduction in urban growth areas and all designated growth and transportation efficiency centers; (b) a description of strategies for achieving the goals; (c) a sustainable financial plan describing projected revenues and expenditures to meet the goals; (d) a description of the way in which progress toward meeting the goals will be measured; and (e) minimum criteria for growth and transportation efficiency centers. (i) Regional transportation planning

organizations shall review proposals from local jurisdictions to designate growth and transportation efficiency centers and shall determine whether the proposed growth and transportation efficiency center is consistent with the criteria defined in the regional commute trip reduction plan. (ii) Growth and transportation efficiency centers certified as consistent with the minimum requirements by the regional transportation planning organization shall be identified in subsequent updates of the regional commute trip reduction plan. These plans shall be developed in collaboration with all affected local jurisdictions, transit agencies, and other interested parties within the region. The plan will be reviewed and approved by commute trip reduction board as established under RCW 70.94.537. Regions without an approved regional commute trip reduction plan shall not be eligible for state commute trip reduction program funds.

The regional commute trip reduction plan shall be consistent with and incorporated into transportation demand management components in the regional transportation plan as required by RCW 47.80.030.

(7) Each ((county, city, or town)) regional transportation planning organization implementing a regional commute trip reduction program shall, ((within thirty days submit a summary of its plan along with certification of adoption)) consistent with the rules and deadline established by the department of transportation, submit its plan as well as any related local commute trip reduction plans and certified growth and transportation efficiency center programs, to the commute trip reduction ((task force)) board established under RCW 70.94.537. The commute trip reduction board shall review the regional commute trip reduction plan and the local commute trip reduction plans. The regional transportation planning organization shall collaborate with the commute trip reduction board to evaluate the consistency of local commute trip reduction plans with the regional commute trip reduction plan. Local and regional plans must be approved by the commute trip reduction board in order to be eligible for state funding provided for the purposes of this chapter.

(8) Each ((county, city, or town)) regional transportation planning organization implementing a regional commute trip reduction program shall submit an annual progress report to the commute trip reduction ((task force)) board established under RCW 70.94.537. The report shall be due ((July 1, 1994, and each July 1st thereafter through July 1, 2006)) at the end of each state fiscal year for which the program has been implemented. The report shall describe progress in attaining the applicable commute trip reduction goals ((for each commute trip reduction zone)) and shall highlight any problems being encountered in achieving the goals. The information shall be reported in a form established by the commute trip reduction ((task force)) board.

(9) Any waivers or modifications of the requirements of a commute trip reduction plan granted by a jurisdiction shall be submitted for review to the commute trip reduction ((task force)) board established under RCW 70.94.537. The commute trip reduction ((task force)) board may not deny the granting of a waiver or modification of the requirements of a commute trip reduction plan by a jurisdiction but they may notify the jurisdiction of any comments or objections.

(10) ((Each county, city, or town implementing a commute trip reduction program shall count commute trips eliminated through work-at-home options or alternate work schedules as one and two-tenths vehicle trips eliminated for the purpose of meeting trip reduction goals.

—((11) Each county, city, or town implementing a commute trip reduction program shall ensure that employers that have modified their employees' work schedules so that some or all employees are not scheduled to arrive at work between 6:00 a.m. and 9:00 a.m. are provided credit when calculating single-occupancy vehicle use and vehicle miles traveled at that worksite. This credit shall be awarded if implementation of the schedule change was an identified element in that worksite's approved commute trip reduction program or if the schedule change occurred because of impacts associated with chapter 36.70A RCW, the growth management act.

—((12)) Plans implemented under this section shall not apply to commute trips for seasonal agricultural employees.

(((13))) (11) Plans implemented under this section shall not apply to construction worksites when the expected duration of the construction project is less than two years.

(12) If an affected urban growth area has not previously implemented a commute trip reduction program, and the state has funded solutions to state highway deficiencies to address the area's exceeding the person hours of delay threshold, the affected urban growth area shall be exempt from the duties of this section for a period not exceeding two years.

NEW SECTION. Sec. 3. A new section is added to chapter 70.94 RCW to read as follows:

Nothing in this act preempts the ability of state employees to collectively bargain over commute trip reduction issues, including parking fees under chapter 41.80 RCW, or the ability of private sector employees to collectively bargain over commute trip reduction issues if previously such issues were mandatory subjects of collective bargaining.

NEW SECTION. Sec. 4. A new section is added to chapter 70.94 RCW to read as follows:

(1) A county, city, or town may, as part of its commute trip reduction plan, designate existing activity centers listed in its comprehensive plan or new activity centers as growth and transportation efficiency centers and establish a transportation demand management program in the designated area.

(a) The transportation demand management program for the growth and transportation efficiency center shall be developed in consultation with local transit agencies, the applicable regional transportation planning organization, major employers, and other interested parties.

(b) In order to be eligible for state funding provided for the purposes of this section, designated growth and transportation efficiency centers shall be certified by the applicable regional transportation organization to: (i) Meet the minimum land use and transportation criteria established in collaboration among local jurisdictions, transit agencies, the regional transportation planning organization, and other interested parties as part of the regional commute trip reduction plan; and (ii) have established a transportation demand management program that includes the elements identified in (c) of this subsection and is consistent with the rules established by the department of transportation in RCW 70.94.537(2). If a designated growth and transportation efficiency center is denied certification, the local jurisdiction may appeal the decision to the commute trip reduction board.

(c) Transportation demand management programs for growth and transportation efficiency centers shall include, but are not limited to: (i) Goals for reductions in the proportion of single-occupant vehicle trips that are more aggressive than the state program goal established by the commute trip reduction board; (ii) a sustainable financial plan demonstrating how the program can be implemented to meet state and regional trip reduction goals, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing techniques consistent with chapter 47.29 RCW, including public/private partnerships, to finance needed facilities, services, and programs; (iii) a proposed organizational structure for implementing the program; (iv) a proposal to measure performance toward the goal and implementation progress; and (v) an evaluation to which local land use and transportation policies apply, including parking policies and ordinances, to determine the extent that they complement and support the trip reduction investments of major employers. Each of these program elements shall be consistent with the rules established under RCW 70.94.537.

(d) A designated growth and transportation efficiency center shall be consistent with the land use and transportation elements of the local comprehensive plan.

(e) Transit agencies, local governments, and regional transportation planning organizations shall identify certified growth and transportation efficiency centers as priority areas for new service and facility investments in their respective investment plans.

(2) A county, city, or town that has established a growth and transportation efficiency center program shall support vehicle trip

reduction activities in the designated area. The implementing jurisdiction shall adopt policies, ordinances, and funding strategies that will lead to attainment of program goals in those areas.

Sec. 5. RCW 70.94.531 and 1997 c 250 s 3 are each amended to read as follows:

(1) State agency worksites are subject to the same requirements under this section and RCW 70.94.534 as private employers.

(2) Not more than ~~((six months))~~ ninety days after the adoption of ~~((the))~~ a jurisdiction's commute trip reduction plan ~~((by a jurisdiction))~~, each major employer in that jurisdiction shall perform a baseline measurement consistent with the rules established by the department of transportation under RCW 70.94.537. Not more than ninety days after receiving the results of the baseline measurement, each major employer shall develop a commute trip reduction program and shall submit a description of that program to the jurisdiction for review. The program shall be implemented not more than ((six months)) ninety days after ((submission to)) approval by the jurisdiction.

~~((2))~~ (3) A commute trip reduction program of a major employer shall consist of, at a minimum (a) designation of a transportation coordinator and the display of the name, location, and telephone number of the coordinator in a prominent manner at each affected worksite; (b) regular distribution of information to employees regarding alternatives to single-occupant vehicle commuting; (c) ~~((an annual))~~ a regular review of employee commuting and reporting of progress toward meeting the single-occupant vehicle reduction goals to the county, city, or town consistent with the method established in the commute trip reduction plan and the rules established by the department of transportation under RCW 70.94.537; and (d) implementation of a set of measures designed to achieve the applicable commute trip reduction goals adopted by the jurisdiction. Such measures may include but are not limited to:

(i) Provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles;

(ii) Instituting or increasing parking charges for single-occupant vehicles;

(iii) Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;

(iv) Provision of subsidies for transit fares;

(v) Provision of vans for van pools;

(vi) Provision of subsidies for car pooling or van pooling;

(vii) Permitting the use of the employer's vehicles for car pooling or van pooling;

(viii) Permitting flexible work schedules to facilitate employees' use of transit, car pools, or van pools;

(ix) Cooperation with transportation providers to provide additional regular or express service to the worksite;

(x) Construction of special loading and unloading facilities for transit, car pool, and van pool users;

(xi) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;

(xii) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facility;

(xiii) Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their homes;

(xiv) Establishment of a program of alternative work schedules such as compressed work week schedules which reduce commuting; and

(xv) Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi services.

~~((3))~~ (4) Employers or owners of worksites may form or utilize existing transportation management associations or other transportation-related associations authorized by RCW 35.87A.010 to assist members in developing and implementing commute trip reduction programs.

~~((4))~~ (5) Employers shall make a good faith effort towards achievement of the goals identified in RCW 70.94.527(4)(~~((g))~~) (d).

Sec. 6. RCW 70.94.534 and 1997 c 250 s 4 are each amended to read as follows:

(1) Each jurisdiction implementing a commute trip reduction plan under this chapter or as part of a plan or ordinance developed under RCW 36.70A.070 shall review each employer's initial commute trip reduction program to determine if the program is likely to meet the applicable commute trip reduction goals. The employer shall be notified by the jurisdiction of its findings. If the jurisdiction finds that the program is not likely to meet the applicable commute trip reduction goals, the jurisdiction will work with the employer to modify the program as necessary. The jurisdiction shall complete review of each employer's initial commute trip reduction program within ~~((three months))~~ ninety days of receipt.

(2) Employers implementing commute trip reduction programs are expected to undertake good faith efforts to achieve the goals outlined in RCW 70.94.527(4). Employers are considered to be making a good faith effort if the following conditions have been met:

(a) The employer has met the minimum requirements identified in RCW 70.94.531; ~~((and))~~

(b) The employer has notified the jurisdiction of its intent to substantially change or modify its program and has either received the approval of the jurisdiction to do so or has acknowledged that its program may not be approved without additional modifications;

(c) The employer has provided adequate information and documentation of implementation when requested by the jurisdiction; and

(d) The employer is working collaboratively with its jurisdiction to continue its existing program or is developing and implementing program modifications likely to result in improvements to the program over an agreed upon length of time.

(3) Each jurisdiction shall ~~((annually))~~ review at least once every two years each employer's progress and good faith efforts toward meeting the applicable commute trip reduction goals. If an employer makes a good faith effort, as defined in this section, but is not likely to meet the applicable commute trip reduction goals, the jurisdiction shall work collaboratively with the employer to make modifications to the commute trip reduction program. Failure of an employer to reach the applicable commute trip reduction goals is not a violation of this chapter.

(4) If an employer fails to make a good faith effort and fails to meet the applicable commute trip reduction goals, the jurisdiction shall work collaboratively with the employer to propose modifications to the program and shall direct the employer to revise its program within thirty days to incorporate those modifications or modifications which the jurisdiction determines to be equivalent.

(5) Each jurisdiction implementing a commute trip reduction plan pursuant to this chapter may impose civil penalties, in the manner provided in chapter 7.80 RCW, for failure by an employer to implement a commute trip reduction program or to modify its commute trip reduction program as required in subsection (4) of this section. No major employer may be held liable for civil penalties for failure to reach the applicable commute trip reduction goals. No major employer shall be liable for civil penalties under this chapter if failure to achieve a commute trip reduction program goal was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith.

(6) Jurisdictions shall notify major employers of the procedures for applying for goal modification or exemption from the commute trip reduction requirements based on the guidelines established by the commute trip reduction ~~((task force))~~ board authorized under RCW 70.94.537.

Sec. 7. RCW 70.94.537 and 1997 c 250 s 5 are each amended to read as follows:

(1) A ~~((twenty-eight))~~ sixteen member state commute trip reduction ~~((task force))~~ board is established as follows:

(a) The secretary of the department of transportation or the secretary's designee who shall serve as chair;

~~((The director of the department of ecology or the director's designee;~~

~~((The director of the department of community, trade, and economic development or the director's designee;~~

~~(d) The director of the department of general administration or the director's designee;~~

~~(e) Three representatives from) One representative from the office of the governor or the governor's designee;~~

~~(c) The director or the director's designee of one of the following agencies, to be determined by the governor:~~

~~(i) Department of general administration;~~

~~(ii) Department of ecology;~~

~~(iii) Department of community, trade, and economic development;~~

~~(d) Three representatives from cities and towns or counties appointed by the governor for staggered four-year terms from a list ((of at least six)) recommended by the association of Washington cities or the Washington state association of counties;~~

~~((f) Three representatives from cities and towns appointed by the governor from a list of at least six recommended by the association of Washington cities;~~

~~(g) Three)) (e) Two representatives from transit agencies appointed by the governor for staggered four-year terms from a list ((of at least six)) recommended by the Washington state transit association;~~

~~((h) Twelve)) (f) Two representatives from participating regional transportation planning organizations appointed by the governor for staggered four-year terms;~~

~~(g) Four representatives of employers at or owners of major worksites in Washington, or transportation management associations, business improvement areas, or other transportation organizations representing employers, appointed by the governor ((from a list recommended by the association of Washington business or other statewide business associations representing major employers, provided that every affected county shall have at least one representative; and~~

~~(i) Three)) for staggered four-year terms; and~~

~~(h) Two citizens appointed by the governor for staggered four-year terms.~~

Members of the commute trip reduction ((task force)) board shall serve without compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members appointed by the governor shall be compensated in accordance with RCW 43.03.220. The ((task force)) board has all powers necessary to carry out its duties as prescribed by this chapter. ((The task force shall be dissolved on July 1, 2006;))

(2) By March 1, ((1992)) 2007, the ((commute trip reduction task force)) department of transportation shall establish ((guidelines)) rules for commute trip reduction plans and implementation procedures. The commute trip reduction board shall advise the department on the content of the rules. The ((guidelines)) rules are intended to ensure consistency in commute trip reduction plans and goals among jurisdictions while fairly taking into account differences in employment and housing density, employer size, existing and anticipated levels of transit service, special employer circumstances, and other factors the ((task force)) board determines to be relevant. The ((guidelines)) rules shall include:

(a) Guidance criteria for ((establishing commute trip reduction zones)) growth and transportation efficiency centers;

(b) ((Methods and information requirements for determining base year values of the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee)) Data measurement methods and procedures for determining the efficacy of commute trip reduction activities and progress toward meeting commute trip reduction plan goals;

(c) Model commute trip reduction ordinances;

(d) Methods for assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction;

(e) An appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain a waiver or modification of those requirements and criteria for determining eligibility for waiver or modification;

(f) ((Methods to ensure that employers shall receive full credit for the results of transportation demand management efforts and

commute trip reduction programs which have been implemented by major employers prior to the base year;

~~(g) Alternative commute trip reduction goals for major employers which cannot meet the goals of this chapter because of the unique nature of their business;~~

~~(h) Alternative commute trip reduction goals for major employers whose worksites change and who contribute substantially to traffic congestion in a trip reduction zone; and~~

~~(i) Methods to insure that employers receive credit for scheduling changes enacted pursuant to the criteria identified in RCW 70.94.527(11);~~

~~(3)) Establishment of a process for determining the state's affected areas, including criteria and procedures for regional transportation planning organizations in consultation with local jurisdictions to propose to add or exempt urban growth areas;~~

~~(g) Listing of the affected areas of the program to be done every four years as identified in subsection (5) of this section;~~

~~(h) Establishment of a criteria and application process to determine whether jurisdictions that voluntarily implement commute trip reduction are eligible for state funding;~~

~~(i) Guidelines and deadlines for creating and updating local commute trip reduction plans, including guidance to ensure consistency between the local commute trip reduction plan and the transportation demand management strategies identified in the transportation element in the local comprehensive plan, as required by RCW 36.70A.070.~~

~~(j) Guidelines for creating and updating regional commute trip reduction plans, including guidance to ensure the regional commute trip reduction plan is consistent with and incorporated into transportation demand management components in the regional transportation plan;~~

~~(k) Methods for regional transportation planning organizations to evaluate and certify that designated growth and transportation efficiency center programs meet the minimum requirements and are eligible for funding;~~

~~(l) Guidelines for creating and updating growth and transportation efficiency center programs; and~~

~~(m) Establishment of statewide program goals. The goals shall be designed to achieve substantial reductions in the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee, at a level that is projected to improve the mobility of people and goods by increasing the efficiency of the state highway system.~~

(3) The board shall create a state commute trip reduction plan that shall be updated every four years as discussed in subsection (5) of this section. The state commute trip reduction plan shall include, but is not limited to: (a) Statewide commute trip reduction program goals that are designed to substantially improve the mobility of people and goods; (b) identification of strategies at the state and regional levels to achieve the goals and recommendations for how transportation demand management strategies can be targeted most effectively to support commute trip reduction program goals; (c) performance measures for assessing the cost-effectiveness of commute trip reduction strategies and the benefits for the state transportation system; and (d) a sustainable financial plan. The board shall review and approve regional commute trip reduction plans, and work collaboratively with regional transportation planning organizations in the establishment of the state commute trip reduction plan.

(4) The ((task force)) board shall work with affected jurisdictions, major employers, and other parties to develop and implement a public awareness campaign designed to increase the effectiveness of local commute trip reduction programs and support achievement of the objectives identified in this chapter.

~~((4) The task force shall assess the commute trip reduction options available to employers other than major employers and make recommendations to the legislature by October 1, 1992. The recommendations shall include the minimum size of employer who shall be required to implement trip reduction programs and the appropriate methods those employers can use to accomplish trip reduction goals;))~~

(5) The board shall evaluate and update the commute trip reduction program plan and recommend changes to the rules every

four years, with the first assessment report due July 1, 2011, to ensure that the latest data methodology used by the department of transportation is incorporated into the program and to determine which areas of the state should be affected by the program. The board shall review the definition of a major employer no later than December 1, 2009. The board shall regularly identify urban growth areas that are projected to be affected by this act in the next four-year period and may provide advance planning support to the potentially affected jurisdictions.

(6) The ~~((task force))~~ board shall review progress toward implementing commute trip reduction plans and programs and the costs and benefits of commute trip reduction plans and programs and shall make recommendations to the legislature and the governor by December 1, ~~((1995, December 1, 1999, December 1, 2001, December 1, 2003, and December 1, 2005))~~ 2009, and every two years thereafter. In assessing the costs and benefits, the ~~((task force))~~ board shall consider the costs of not having implemented commute trip reduction plans and programs with the assistance of the transportation performance audit board authorized under chapter 44.75 RCW. The ~~((task force))~~ board shall examine other transportation demand management programs nationally and incorporate its findings into its recommendations to the legislature. The recommendations shall address the need for continuation, modification, or termination or any or all requirements of this chapter. ~~((The recommendations made December 1, 1995, shall include recommendations regarding extension of the requirements of this chapter to employers with fifty or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous months.))~~

(7) The board shall invite personnel with appropriate expertise from state, regional, and local government, private, public, and nonprofit providers of transportation services, and employers or owners of major worksites in Washington to act as a technical advisory group. The technical advisory group shall advise the board on the implementation of local and regional commute trip reduction plans and programs, program evaluation, program funding allocations, and state rules and guidelines.

Sec. 8. RCW 70.94.541 and 1996 c 186 s 515 are each amended to read as follows:

(1) ~~((A technical assistance team shall be established under the direction of the department of transportation and include representatives of the department of ecology.))~~ The ~~((team))~~ department of transportation shall provide staff support to the commute trip reduction ~~((task force))~~ board in carrying out the requirements of RCW 70.94.537 ~~((and to the department of general administration in carrying out the requirements of RCW 70.94.551)).~~

(2) The ~~((team))~~ department of transportation shall provide technical assistance to regional transportation planning organizations, counties, cities, and towns, the department of general administration, other state agencies, and other employers in developing and implementing commute trip reduction plans and programs. The technical assistance shall include: (a) Guidance in ~~((determining base and subsequent year values of single-occupant vehicle commuting proportion and commute trip reduction vehicle miles traveled to be used in determining progress in attaining plan goals))~~ single measurement methodology and practice to be used in determining progress in attaining plan goals; (b) developing model plans and programs appropriate to different situations; and (c) providing consistent training and informational materials for the implementation of commute trip reduction programs. Model plans and programs, training, and informational materials shall be developed in cooperation with representatives of regional transportation planning organizations, local governments, transit agencies, and employers.

(3) In carrying out this section the department of transportation may contract with statewide associations representing cities, towns, and counties to assist cities, towns, and counties in implementing commute trip reduction plans and programs.

Sec. 9. RCW 70.94.544 and 2001 c 74 s 1 are each amended to read as follows:

A portion of the funds made available for the purposes of this chapter shall be used to fund the commute trip reduction ~~((task force))~~ board in carrying out the responsibilities of RCW ~~((70.94.544))~~ 70.94.537, and the ~~((interagency technical assistance team))~~ department of transportation, including the activities authorized under RCW 70.94.541(2), and to assist regional transportation planning organizations, counties, cities, and towns implementing commute trip reduction plans. The commute trip reduction board shall determine the allocation of program funds made available for the purposes of this chapter to regional transportation planning organizations, counties, cities, and towns implementing commute trip reduction plans. If state funds for the purposes of this chapter are provided to those jurisdictions implementing voluntary commute trip reduction plans, the funds shall be disbursed based on criteria established by the commute trip reduction board under RCW 70.94.537.

Sec. 10. RCW 70.94.547 and 1991 c 202 s 18 are each amended to read as follows:

The legislature hereby recognizes the state's crucial leadership role in establishing and implementing effective commute trip reduction programs. Therefore, it is the policy of the state that the department of general administration and other state agencies, including institutions of higher education, shall aggressively develop substantive programs to reduce commute trips by state employees. Implementation of these programs will reduce energy consumption, congestion in urban areas, and air and water pollution associated with automobile travel.

Sec. 11. RCW 70.94.551 and 1997 c 250 s 6 are each amended to read as follows:

(1) The director of ~~((general administration, with the concurrence of an interagency task force established for the purposes of this section, shall coordinate a commute trip reduction plan for state agencies which are phase 1 major employers by January 1, 1993))~~ the department of general administration may coordinate an interagency board for the purpose of developing policies or guidelines that promote consistency among state agency commute trip reduction programs required by RCW 70.94.527 and 70.94.531. The ~~((task force))~~ board shall include representatives of the departments of transportation ~~((and)),~~ ecology, and community, trade, and economic development and such other departments and interested groups as the director of the department of general administration determines to be necessary ~~((to be generally representative of state agencies. The state agency plan shall be consistent with the requirements of RCW 70.94.527 and 70.94.531 and shall be developed in consultation with state employees, local and regional governments, local transit agencies, the business community, and other interested groups. The plan shall consider and recommend)).~~ Policies and guidelines shall be applicable to all state agencies including but not limited to policies and guidelines regarding parking and parking charges, employee incentives for commuting by other than single-occupant automobiles, flexible and alternative work schedules, alternative worksites, and the use of state-owned vehicles for car and van pools and guaranteed rides home. The ~~((plan))~~ policies and guidelines shall also consider the costs and benefits to state agencies of achieving commute trip reductions and consider mechanisms for funding state agency commute trip reduction programs. ~~((The department shall, within thirty days, submit a summary of its plan along with certification of adoption to the commute trip reduction task force established under RCW 70.94.537.))~~

(2) ~~((Not more than three months after the adoption of the commute trip reduction plan, each state agency shall, for each facility which is a major employer, develop a commute trip reduction program. The program shall be designed to meet the goals of the commute trip reduction plan of the county, city, or town or, if there is no local commute trip reduction plan, the state. The program shall be consistent with the policies of the state commute trip reduction plan and RCW 70.94.531. The agency shall submit a description of that program to the local jurisdiction implementing a commute trip reduction plan or, if there is no local commute trip reduction plan, to the department of general administration. The program shall be~~

implemented not more than three months after submission to the department. Annual reports required in RCW 70.94.531(2)(c) shall be submitted to the local jurisdiction implementing a commute trip reduction plan and to the department of general administration. An agency which is not meeting the applicable commute trip reduction goals shall, to the extent possible, modify its program to comply with the recommendations of the local jurisdiction or the department of general administration.

~~((3))~~ State agencies sharing a common location ~~((may))~~ in affected urban growth areas where the total number of state employees is one hundred or more shall, with assistance from the department of general administration, develop and implement a joint commute trip reduction program ~~((or may delegate the development and implementation of the commute trip reduction program to the department of general administration))~~. The worksite shall be treated as specified in RCW 70.94.531 and 70.94.534.

~~((4))~~ (3) The department of general administration ~~((in consultation with the state technical assistance team))~~ shall review the initial commute trip reduction program of each state agency subject to the commute trip reduction plan for state agencies to determine if the program is likely to meet the applicable commute trip reduction goals and notify the agency of any deficiencies. If it is found that the program is not likely to meet the applicable commute trip reduction goals, the ~~((team))~~ department of general administration will work with the agency to modify the program as necessary.

~~((5))~~ For each agency subject to the state agency commute trip reduction plan, the department of general administration in consultation with the technical assistance team shall annually review progress toward meeting the applicable commute trip reduction goals. If it appears an agency is not meeting or is not likely to meet the applicable commute trip reduction goals, the team shall work with the agency to make modifications to the commute trip reduction program.

~~((6))~~ (4) Each state agency implementing a commute trip reduction plan shall report at least once per year to its agency director on the performance of the agency's commute trip reduction program as part of the agency's quality management, accountability, and performance system as defined by RCW 43.17.385. The reports shall assess the performance of the program, progress toward state goals established under RCW 70.94.537, and recommendations for improving the program.

(5) The department of general administration shall review the agency performance reports defined in subsection (4) of this section and submit ~~((an annual progress))~~ a biennial report for state agencies subject to ~~((the state agency commute trip reduction plan to the commute trip reduction task force established under RCW 70.94.537. The report shall be due April 1, 1993, and each April 1st through 2006. The report shall report progress in attaining the applicable commute trip reduction goals for each commute trip reduction zone and shall highlight any problems being encountered in achieving the goals))~~ this chapter to the governor and incorporate the report in the commute trip reduction board report to the legislature as directed in RCW 70.94.537(6). The report shall include, but is not limited to, an evaluation of the most recent measurement results, progress toward state goals established under RCW 70.94.537, and recommendations for improving the performance of state agency commute trip reduction programs. The information shall be reported in a form established by the commute trip reduction ~~((task force))~~ board."

Correct the title.

Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6594 Prime Sponsor, Senate Committee On Ways & Means: Conforming Washington's tax structure to the streamlined sales and use tax agreement. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern.

Passed to Committee on Rules for second reading.

February 23, 2006

SSB 6618 Prime Sponsor, Senate Committee On Early Learning, K-12 & Higher Education: Requiring a study to explore options to augment the current educational assessment system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In 1993 the Washington legislature laid out a vision of a revitalized school system in Washington state. Envisioned was a comprehensive assessment system committed to high academic standards for all of its students. The Washington assessment of student learning was created as a tool to measure whether students were reaching the high academic standards. The legislature continues to support this assessment as a part of a comprehensive assessment system. Recently some alternative assessments have been developed. The legislature finds that there is interest in exploring why some students have not been able to meet the state standards and whether additional alternative methods, options, procedures, or performance measures could be used to augment the current system.

NEW SECTION. Sec. 2. (1) The Washington state institute for public policy shall conduct a study to explore options to augment the current system of assessments to provide additional opportunities for students to demonstrate that they have met the state learning standards. The study is limited to:

(a) A review and statistical analysis of Washington assessment of student learning data to increase understanding of the students who did not meet the standard in one or more areas of assessment, identify the characteristics of those students, and identify possible barriers to student success or possible causes of the lack of success;

(b) A review and identification of additional alternative assessment options that could be used to augment the current assessment system. In identifying the alternative assessment options, the institute shall include a review of alternative assessments used in other states as well as those that have been developed and those that have been proposed in Washington. The institute shall examine the use of national tests as well as career skill certification exams in their review of possible alternative assessment options. For each of the identified alternative assessment options, the study shall at a minimum include:

(i) An estimation of the costs for implementation;

(ii) A review of the cultural appropriateness;

(iii) Whether the alternative assessment reliably measures a student's ability to meet state learning standards in one or more of the required content areas;

(iv) Whether the alternative assessment is in compliance with RCW 28A.655.061(1); and

(v) Any challenges to implementation for each of the identified alternative assessment options, including any legislative action necessary for implementation;

(c) A review and identification of additional alternative methods, procedures, or combinations of performance measures, including those proposed in Washington, to assess whether students have met the state learning standards. For each of the identified alternative methods, procedures, or performance measures, the study shall at a minimum include:

(i) An estimation of the costs for implementation;

(ii) A review of the cultural appropriateness;

(iii) Whether the method, procedure, or performance measure reliably measures a student's ability to meet state learning standards in one or more of the required content areas;

(iv) Whether the method, procedure, or performance measure is in compliance with RCW 28A.655.061(1);

(v) Any challenges to implementation for each of the identified methods, procedures, or performance measures, including any legislative action necessary for implementation; and

(vi) Whether the procedures or methods could be standardized across the state.

(2) The Washington state institute for public policy shall provide an interim report to the legislature by December 1, 2006, and a final report by December 1, 2007. The interim report shall include a preliminary statistical analysis of the information required under subsection (1)(a) of this section and shall include recommendations on at least two alternative assessment options, alternative methods, procedures, or performance measures that were reviewed under subsection (1)(b) and (c) of this section. The final study shall include suggestions for any follow-up studies that the legislature could undertake to continue to build on the information obtained in this study.

(3) The institute shall consult, at a minimum, with nationally recognized experts on assessments including representatives from nationally recognized centers for multicultural education, representatives of the office of the superintendent of public instruction, educators, counselors, parents, the business community, classified employees, career and technical organizations, representatives of federally recognized Washington tribes, representatives of cultural, linguistic, and racial minority groups, and the community of persons with disabilities in developing the initial list of possible alternative assessment options, alternative assessment methods, procedures, or performance measures to be reviewed under subsection (1)(b) and (c) of this section.

(4) The office of the superintendent of public instruction and school districts shall provide the institute with access to all necessary data to conduct the studies in this act.

NEW SECTION. Sec. 3. This act shall be known as the Governor Booth Gardner Act."

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Buri; Cody; Conway; Darneille; Dunshee; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; McDermott; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Assistant Ranking Minority Member; Clements.

Passed to Committee on Rules for second reading.

February 23, 2006

ESSB 6679 Prime Sponsor, Senate Committee On Transportation: Introducing federal law preemption in regulating train speeds.

(REVISED FOR ENGROSSED: Revising the provisions regulating train speeds.) Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 23, 2006

ESSB 6800 Prime Sponsor, Senate Committee On Transportation: Refining the roles of the transportation commission and department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.01.031 and 1988 c 167 s 11 are each amended to read as follows:

(1) There is created a department of state government to be known as the department of transportation.

(2) All powers, duties, and functions vested by law in the department of highways, the state highway commission, the transportation commission, the director of highways, the Washington toll bridge authority, the aeronautics commission, the director of aeronautics, and the canal commission, and the transportation related powers, duties, and functions of the (~~planning and community affairs agency~~) department of community, trade, and economic development, are transferred to the jurisdiction of the department, except those powers, duties, and functions which are expressly retained or directed elsewhere (~~in this or in any other act of the 1977 legislature~~).

(3) The board of pilotage commissioners is transferred to the jurisdiction of the department for its staff support and administration(~~(- PROVIDED, That)~~). Nothing in this section shall be construed as transferring any policy making powers of the board of pilotage commissioners to the transportation commission or the department of transportation.

Sec. 2. RCW 47.01.051 and 1977 ex.s. c 151 s 5 are each amended to read as follows:

There is hereby created a transportation commission, which shall consist of seven members appointed by the governor, with the consent of the senate. (~~The present five members of the highway commission shall serve as five initial members of the transportation commission until their terms of office as highway commission members would have expired. The additional two members provided herein for the transportation commission shall be appointed for initial terms to expire on June 30, 1982, and June 30, 1983. Thereafter~~) All terms for commission members appointed after the effective date of this act shall be for (~~six~~) four years. No elective state official or state officer (~~or state employee~~) shall be a member of the commission, and not more than four members of the commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party. At the time of appointment or thereafter during their respective terms of office, four members of the commission shall reside in the western part of the state and three members shall reside in the eastern part of the state as divided north and south by the summit of the Cascade mountains. No more than two members of the commission shall reside in the same county. Commissioners (~~shall not~~) may be

removed from office by the governor before the expiration of their terms (~~unless for a disqualifying change of residence or for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the superior court of the state of Washington in and for Thurston county upon petition and show cause proceedings duly brought therefor in said court and directed to the commissioner in question. No member shall be appointed for more than two consecutive terms~~) for cause.

Sec. 3. RCW 47.01.061 and 2005 c 319 s 4 are each amended to read as follows:

(1) The commission shall meet at such times as it deems advisable (~~but at least once every month. It may adopt its own rules and regulations and may establish its own procedure~~). It shall act collectively in harmony with recorded resolutions or motions adopted by majority vote of at least four members. The commission may appoint an administrative secretary (~~and shall elect one of its members chairman for a term of one year~~). The governor shall appoint the chair of the commission. The (~~chairman shall be able to~~) chair may vote on all matters before the commission. The commission may (~~from time to time~~) retain planners, consultants, and other technical personnel to advise it in the performance of its duties.

(2) The commission shall submit to each regular session of the legislature held in an odd-numbered year and to the office of financial management its own budget proposal necessary for the commission's operations (~~separate from that proposed for the department~~).

(3) Each member of the commission shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested by a majority vote of the commission or by the (~~secretary of transportation~~) chair, but in no event shall a commissioner be compensated in any year for more than one hundred twenty days, except the (~~chairman of the commission~~) chair who may be paid compensation for not more than one hundred fifty days. Service on the commission shall not be considered as service credit for the purposes of any public retirement system.

(4) Each member of the commission shall disclose any actual or potential conflict of interest, if applicable under the circumstance, regarding any commission business.

Sec. 4. RCW 47.01.071 and 2005 c 319 s 5 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) (~~To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate the policies shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the commission shall:~~

~~(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;~~

~~(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;~~

~~(c) Propose a transportation policy for the state;~~

~~(d) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature;~~

~~(e) To integrate the statewide transportation plan with the needs of the elderly and handicapped, and to coordinate federal and state programs directed at assisting local governments to answer such needs;~~

~~(2) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;~~

~~(3) In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;~~

~~(4) To (prepare a) review, consider, and gather public input on the statewide comprehensive and balanced statewide transportation plan (which shall be based on the transportation policy adopted by the governor and the legislature and applicable state and federal laws. The plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation, prior to each regular session of the legislature during an even-numbered year thereafter.~~

~~The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities) prepared by the department as provided in RCW 47.01.101(12);~~

~~(5) (3) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;~~

~~(6) To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;~~

~~(7) (4) To adopt such rules (regulations, and policy directives) as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;~~

~~(8) (5) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;~~

~~(9) (6) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.~~

Sec. 5. RCW 47.01.075 and 2005 c 319 s 6 are each amended to read as follows:

(1) The transportation commission shall provide a forum (~~for the development of) to gather public input regarding transportation policy in Washington state, including input on the statewide comprehensive transportation plan.~~ It may recommend to the secretary of transportation, the governor, and the legislature means for obtaining appropriate citizen (~~and professional~~) involvement in (~~all~~) transportation policy formulation (~~and other matters related to the powers and duties of the department~~). It may (~~further~~) hold hearings and explore ways to improve the mobility of the citizenry. (~~At least every five years, the commission shall convene regional forums to gather citizen input on transportation issues.~~

~~(2) Every two years, in coordination with the development of the state biennial budget, the commission shall prepare the statewide multimodal transportation progress report that outlines the transportation priorities of the ensuing biennium. The report must:~~

~~(a) Consider the citizen input gathered at the forums;~~

~~(b) Be developed with the assistance of state transportation-related agencies and organizations;~~

~~(c) Be developed with the input from state, local, and regional jurisdictions, transportation service providers, and key transportation stakeholders;~~

~~(d) Be considered by the secretary of transportation and other state transportation-related agencies in preparing proposed agency budgets and executive request legislation;~~

~~(e) Be submitted by the commission to the governor by October 1st of each even-numbered year for consideration by the governor.~~

~~(3) In fulfilling its responsibilities under this section, the commission may create ad hoc committees or other such committees of limited duration as necessary.~~

~~(4))~~ (2) In order to promote a better transportation system, the commission ~~((shall offer policy guidance and))~~ may make recommendations to the governor and the legislature in key issue areas, including but not limited to:

- (a) Transportation finance;
- (b) Preserving, maintaining, and operating the statewide transportation system;
- (c) Transportation infrastructure needs;
- (d) Promoting best practices for adoption and use by transportation-related agencies and programs;
- (e) Transportation efficiencies that will improve service delivery and/or coordination;
- (f) Improved planning and coordination among transportation agencies and providers; and
- (g) Use of intelligent transportation systems and other technology-based solutions.

Sec. 6. RCW 47.01.091 and 1977 ex.s. c 151 s 9 are each amended to read as follows:

The secretary shall establish such advisory councils as are necessary to carry out the purposes of this ~~((1977 amendatory act))~~ title, and to insure adequate public participation in the planning and development of transportation facilities. Members of such councils shall serve at the pleasure of the secretary and may receive per diem and necessary expenses, in accordance with RCW 43.03.050 and 43.03.060, as now or hereafter amended.

Sec. 7. RCW 47.01.101 and 2005 c 319 s 7 are each amended to read as follows:

The secretary shall have the authority and it shall be his or her duty:

- (1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;
- (2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;
- (3) To designate and establish such transportation district, region, or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;
- (4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;
- (5) To adopt all department rules that are subject to the adoption procedures contained in the state administrative procedure act ~~((except rules subject to adoption by the commission pursuant to statute));~~
- (6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;
- (7) To provide, under contract or interagency agreement, ~~((full))~~ staff support on a reimbursable basis to the commission to assist it in carrying out its functions, powers, and duties;
- (8) To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation;
- (9) To advise the governor, the office of financial management, and the legislature with respect to matters under the jurisdiction of the department; ~~((and))~~
- (10) To exercise all other powers and perform all other duties as are now or hereafter provided by law;
- (11) To integrate government performance and accountability tools in the planning, coordination, and performance of its duties, including, but not limited to, performance reviews, performance-based budgeting, and quality assessments; and
- (12) To prepare a comprehensive and balanced statewide transportation plan which shall be based on the transportation policy adopted by the legislature, applicable state and federal laws, and the biennial priorities of government as adopted by the governor. The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities. The

secretary shall ensure that local and regional transportation issues are integrated and considered in the plan. The plan shall be submitted to the commission for its review and for it to gather public input.

Sec. 8. RCW 47.01.250 and 1998 c 245 s 92 are each amended to read as follows:

~~((The chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing are designated as official consultants to the transportation commission so that the goals and activities of their respective agencies which relate to transportation are fully coordinated with other related responsibilities of the department of transportation. In this capacity, the chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing shall consult with the transportation commission and the secretary of transportation on the implications and impacts on the transportation related functions and duties of their respective agencies of any proposed comprehensive transportation plan, program, or policy.))~~

In order to develop fully integrated, balanced, and coordinated transportation plans, programs, and budgets the chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing shall consult with the secretary of transportation on the matter of relative priorities during the development of their respective agencies' plans, programs, and budgets as they pertain to transportation activities.

Sec. 9. RCW 47.01.280 and 2005 c 319 s 121 are each amended to read as follows:

(1) Upon receiving an application for improvements to an existing state highway or highways pursuant to RCW 43.160.074 from the community economic revitalization board, the ~~((transportation commission))~~ department shall, in a timely manner, determine whether or not the proposed state highway improvements:

- (a) Meet the safety and design criteria of the department of transportation;
- (b) Will impair the operational integrity of the existing highway system; and
- (c) Will affect any other improvements planned by the department ~~((and~~
- ~~((d) Will be consistent with its policies developed pursuant to RCW 47.01.074)).~~

(2) Upon completion of its determination of the factors contained in subsection (1) of this section and any other factors it deems pertinent, the ~~((transportation commission))~~ department shall forward its approval, as submitted or amended or disapproval of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed development. If the ~~((transportation commission))~~ department disapproves any proposed improvements, it shall specify its reasons for disapproval.

(3) Upon notification from the board of an application's approval pursuant to RCW 43.160.074, the ~~((transportation commission))~~ department shall ~~((direct the department of transportation to))~~ carry out the improvements in coordination with the applicant.

Sec. 10. RCW 47.05.021 and 2005 c 319 s 8 are each amended to read as follows:

(1) The department shall conduct periodic analyses of the entire state highway system ~~((and~~ report to the ~~((commission))~~ office of financial management and the chairs of the transportation committees of the senate and house of representatives, any subsequent recommendations to subdivide, classify, and subclassify all designated state highways into the following three functional classes:

- (a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial statewide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) The ~~((transportation commission))~~ department shall adopt a functional classification of highways. The ~~((commission))~~ department shall consider ~~((the recommendations of the department and testimony))~~ comments from the public and local municipalities. The ~~((commission))~~ department shall give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of the route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service which shall include public transportation;

(h) Reasonable spacing depending upon population density; and

(i) System continuity.

(3) The ~~((transportation commission))~~ department or the legislature shall designate state highways of statewide significance under RCW 47.06.140. If the ~~((commission))~~ department designates a state highway of statewide significance, it shall submit a list of such facilities for adoption by the legislature. This statewide system shall include at a minimum interstate highways and other statewide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The ~~((transportation commission))~~ department shall designate a freight and goods transportation system. This statewide system shall include state highways, county roads, and city streets. The ~~((commission))~~ department, in cooperation with cities and counties, shall review and make recommendations to the legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods.

Sec. 11. RCW 47.05.030 and 2005 c 319 s 9 are each amended to read as follows:

The ~~((transportation commission))~~ department, in consultation with the office of financial management, shall ~~((adopt))~~ develop a comprehensive ~~((ten-year))~~ sixteen-year investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. The ~~((adopted ten-year))~~ sixteen-year investment program must be forwarded as a recommendation to the governor and the legislature. In the specification of investment program objectives and performance measures, the ~~((transportation commission, in consultation with the Washington state))~~ department ~~((of transportation;))~~ shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The analysis process must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. ~~((The investment program must be revised based on directions by the office of financial management.))~~ The investment program must be based upon the needs identified in the state-owned highway component of the statewide comprehensive transportation plan ~~((as defined in RCW 47.01.071(3))).~~

(1) The preservation program consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life-cycle costing. The preservation program must require use of the most cost-effective pavement surfaces, considering:

(a) Life-cycle cost analysis;

(b) Traffic volume;

(c) Subgrade soil conditions;

(d) Environmental and weather conditions;

(e) Materials available; and

(f) Construction factors.

The comprehensive ~~((ten-year))~~ sixteen-year investment program for preservation must identify projects for two years and an investment plan for the remaining eight years.

(2) The improvement program consists of investments needed to address identified deficiencies on the state highway system to increase mobility, address congestion, and improve safety, support for the economy, and protection of the environment. The ~~((ten-year))~~ sixteen-year investment program for improvements must identify projects for two years and major deficiencies proposed to be addressed in the ~~((ten-year))~~ sixteen-year period giving consideration to relative benefits and life-cycle costing. The ~~((transportation commission))~~ program shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate.

The ~~((transportation commission))~~ department shall ~~((approve and present))~~ submit the comprehensive ~~((ten-year))~~ sixteen-year investment program to the governor and the legislature as directed by the office of financial management.

Sec. 12. RCW 47.05.035 and 2005 c 319 s 10 are each amended to read as follows:

(1) The department shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in.

(3) In developing program objectives and performance measures, the department shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the department shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.

(4) The department shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

(a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;

(b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;

(c) The continuity of future transportation development with those improvements previously programmed; and

(d) The availability of dedicated funds for a specific type of work.

(5) The ~~((commission))~~ office of financial management shall review the results of the department's findings and shall consider those findings in the development of the ~~((ten-year))~~ sixteen-year program.

Sec. 13. RCW 47.05.051 and 2005 c 319 s 11 are each amended to read as follows:

~~((H))~~ The comprehensive ~~((ten-year))~~ sixteen-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide ~~((multimodal))~~ comprehensive transportation plan ~~((as defined in RCW 47.01.071(4)))~~ and priority selection systems that incorporate the following criteria:

~~((A))~~ (1) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

~~((i))~~ (a) Extending the service life of the existing highway system, including using the most cost-effective pavement surfaces, considering:

- ~~((A))~~ (i) Life-cycle cost analysis;
- ~~((B))~~ (ii) Traffic volume;
- ~~((C))~~ (iii) Subgrade soil conditions;
- ~~((D))~~ (iv) Environmental and weather conditions;
- ~~((E))~~ (v) Materials available; and
- ~~((F))~~ (vi) Construction factors;

~~((ii))~~ (b) Ensuring the structural ability to carry loads imposed upon highways and bridges; and

~~((iii))~~ (c) Minimizing life-cycle costs. ~~((The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the ten-year program.~~

~~((b))~~ (2) Priority programming for the improvement program must be based primarily upon the following, not necessarily in order of importance:

- ~~((i))~~ (a) Traffic congestion, delay, and accidents;
- ~~((ii))~~ (b) Location within a heavily traveled transportation corridor;

~~((iii))~~ (c) Except for projects in cities having a population of less than five thousand persons, synchronization with other potential transportation projects, including transit and multimodal projects, within the heavily traveled corridor; and

~~((iv))~~ (d) Use of benefit/cost analysis wherever feasible to determine the value of the proposed project.

~~((c))~~ (3) Priority programming for the improvement program may also take into account:

~~((i))~~ (a) Support for the state's economy, including job creation and job preservation;

~~((ii))~~ (b) The cost-effective movement of people and goods;

~~((iii))~~ (c) Accident and accident risk reduction;

~~((iv))~~ (d) Protection of the state's natural environment;

~~((v))~~ (e) Continuity and systematic development of the highway transportation network;

~~((vi))~~ (f) Consistency with local comprehensive plans developed under chapter 36.70A RCW including the following if they have been included in the comprehensive plan:

~~((A))~~ (i) Support for development in and revitalization of existing downtowns;

~~((B))~~ (ii) Extent that development implements local comprehensive plans for rural and urban residential and nonresidential densities;

~~((C))~~ (iii) Extent of compact, transit-oriented development for rural and urban residential and nonresidential densities;

~~((D))~~ (iv) Opportunities for multimodal transportation; and

~~((E))~~ (v) Extent to which the project accommodates planned growth and economic development;

~~((vi))~~ (g) Consistency with regional transportation plans developed under chapter 47.80 RCW;

~~((vii))~~ (h) Public views concerning proposed improvements;

~~((ix))~~ (i) The conservation of energy resources;

~~((x))~~ (j) Feasibility of financing the full proposed improvement;

~~((xi))~~ (k) Commitments established in previous legislative sessions;

~~((xii))~~ (l) Relative costs and benefits of candidate programs.

~~((d))~~ Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.

~~((e))~~ Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.

~~((2))~~ The commission may depart from the priority programming established under subsection (1) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.

~~((3))~~ The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.)

Sec. 14. RCW 36.57A.191 and 2003 c 363 s 304 are each amended to read as follows:

As a condition of receiving state funding, a public transportation benefit area authority shall submit a maintenance and preservation management plan for certification by the ~~((transportation commission or its successor entity))~~ department of transportation's office of transit mobility. The plan must inventory all transportation system assets within the direction and control of the authority, and provide a preservation plan based on lowest life-cycle cost methodologies.

Sec. 15. RCW 36.78.121 and 2003 c 363 s 307 are each amended to read as follows:

The county road administration board, or its successor entity, shall establish a standard of good practice for maintenance of transportation system assets. This standard must be implemented by all counties no later than December 31, 2007. The board shall develop a model maintenance management system for use by counties. The board shall develop rules to assist the counties in the implementation of this system. Counties shall annually submit their maintenance plans to the board. The board shall compile the county data regarding maintenance management and annually submit it to the ~~((transportation commission or its successor entity))~~ department of transportation's office of transit mobility.

Sec. 16. RCW 36.79.120 and 1988 c 26 s 6 are each amended to read as follows:

Counties receiving funds from the rural arterial trust account for construction of arterials and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas shall provide such matching funds as established by rules recommended by the board, subject to review, revision, and final approval by the ~~((state))~~ department of transportation ((commission)). Matching requirements shall be established after appropriate studies by the board, taking into account financial resources available to counties to meet arterial needs.

Sec. 17. RCW 36.79.130 and 1983 1st ex.s. c 49 s 13 are each amended to read as follows:

Not later than November 1st of each even-numbered year the board shall prepare and present to the ~~((state))~~ department of transportation ((commission)) a recommended budget for expenditures from the rural arterial trust account during the ensuing biennium. The budget shall contain an estimate of the revenues to be credited to the rural arterial trust account.

The ~~((state transportation commission))~~ department shall review the budget as recommended, revise the budget as it deems proper, and include the budget as revised as a separate section of the transportation budget which it shall submit to the governor pursuant to chapter 43.88 RCW.

Sec. 18. RCW 36.120.020 and 2002 c 56 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional transportation investment district.

(2) "Department" means the Washington state department of transportation.

(3) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, ~~((its successor entity))~~ the department, or the legislature.

(4) "Lead agency" means a public agency that by law can plan, design, and build a transportation project and has been so designated by the district.

(5) "Regional transportation investment district" or "district" means a municipal corporation whose boundaries are coextensive with two or more contiguous counties and that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.

(6) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created under RCW 36.120.030 to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.

(7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.

(8) "Transportation project" means:

(a) A capital improvement or improvements to a highway that has been designated, in whole or in part, as a highway of statewide significance, including an extension, that:

(i) Adds a lane or new lanes to an existing state or federal highway; or

(ii) Repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.

(b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, and may include the following associated multimodal capital improvements:

(i) Approaches to highways of statewide significance;

(ii) High-occupancy vehicle lanes;

(iii) Flyover ramps;

(iv) Park and ride lots;

(v) Bus pullouts;

(vi) Vans for vanpools;

(vii) Buses; and

(viii) Signalization, ramp metering, and other transportation system management improvements.

(c) A capital improvement or improvements to all or a portion of a city street, county road, or existing highway or the creation of a new highway that intersects with a highway of statewide significance, if all of the following conditions are met:

(i) The project is included in a plan that makes highway improvement projects that add capacity to a highway or highways of statewide significance;

(ii) The secretary of transportation determines that the project would better relieve traffic congestion than investing that same money in adding capacity to a highway of statewide significance;

(iii) Matching money equal to one-third of the total cost of the project is provided by local entities, including but not limited to a metropolitan planning organization, county, city, port, or private entity in which a county participating in a plan is located. Local entities may use federal grants to meet this matching requirement;

(iv) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed ten percent of the revenues generated by the district;

(v) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed one billion dollars; and

(vi) The specific projects are included within the plan and submitted as part of the plan to a vote of the people.

(d) Operations, preservation, and maintenance are excluded from this definition and may not be included in a regional transportation investment plan.

(9) "Weighted vote" means a vote that reflects the population each board or planning committee member represents relative to the population represented by the total membership of the board or planning committee. Population will be determined using the federal 2000 census or subsequent federal census data.

Sec. 19. RCW 36.120.060 and 2002 c 56 s 106 are each amended to read as follows:

(1) The planning committee shall consider the following criteria for selecting transportation projects to improve corridor performance:

(a) Reduced level of congestion and improved safety;

(b) Improved travel time;

(c) Improved air quality;

(d) Increases in daily and peak period person and vehicle trip capacity;

(e) Reductions in person and vehicle delay;

(f) Improved freight mobility; and

(g) Cost-effectiveness of the investment.

(2) These criteria represent only minimum standards that must be considered in selecting transportation improvement projects. The board shall also consider rules and standards for benchmarks adopted by the ~~((transportation commission or its successor))~~ department as approved by the office of financial management.

Sec. 20. RCW 43.10.101 and 2005 c 319 s 104 are each amended to read as follows:

The attorney general shall prepare annually a report to the transportation committees of the legislature, ~~((the transportation commission))~~ the governor, the office of financial management, and ((the transportation performance audit board)) the Washington state department of transportation comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

(1) A summary of the factual background of the case;

(2) Identification of the attorneys representing the state and the opposing parties;

(3) A synopsis of the legal theories asserted and the defenses presented;

(4) Whether the case was tried, settled, or dismissed, and in whose favor;

(5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and

(6) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

Sec. 21. RCW 46.44.042 and 1996 c 116 s 1 are each amended to read as follows:

Subject to the maximum gross weights specified in RCW 46.44.041, it is unlawful to operate any vehicle upon the public highways with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of six hundred pounds per inch width of such tire. An axle manufactured after July 31, 1993, carrying more than ten thousand pounds gross weight must be equipped with four or more tires. ~~((Effective January 1, 1997,))~~ An axle carrying more than ten thousand pounds gross weight must have four or more tires, regardless of date of manufacture. Instead of the four or more tires per axle requirements of this section, an axle may be equipped with two tires limited to five hundred pounds per inch width of tire. This section does not apply to vehicles operating under oversize or overweight permits, or both, issued under RCW 46.44.090, while carrying a nonreducible load.

The following equipment may operate at six hundred pounds per inch width of tire: (1) A nonliftable steering axle or axles on the power unit; (2) a tiller axle on fire fighting apparatus; (3) a rear booster trailing axle equipped with two tires on a ready-mix concrete

transit truck; and (4) a straddle trailer manufactured before January 1, 1996, equipped with single-tire axles or a single axle using a walking beam supported by two in-line single tires and used exclusively for the transport of fruit bins between field, storage, and processing. A straddle trailer manufactured after January 1, 1996, meeting this use criteria may carry five hundred fifteen pounds per inch width of tire on sixteen and one-half inch wide tires.

For the purpose of this section, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this section, the width of tires in case of pneumatic tires shall be the maximum overall normal inflated width as stipulated by the manufacturer when inflated to the pressure specified and without load thereon.

The department of transportation, ~~((under rules adopted by the transportation commission))~~ by rule with respect to state highways, and a local authority, with respect to a public highway under its jurisdiction, may extend the weight table in RCW 46.44.041 to one hundred fifteen thousand pounds. However, the extension must be in compliance with federal law, and vehicles operating under the extension must be in full compliance with the 1997 axle and tire requirements under this section.

Sec. 22. RCW 46.44.080 and 1977 ex.s. c 151 s 29 are each amended to read as follows:

Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: PROVIDED, That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: PROVIDED FURTHER, That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated ~~((by the transportation commission as forming))~~ a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the department of transportation.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The department shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state highways. The department shall give public notice of closure or restriction. The department may issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage.

Sec. 23. RCW 46.44.090 and 2001 c 262 s 1 are each amended to read as follows:

The department of transportation, pursuant to its rules ~~((adopted by the transportation commission))~~ with respect to state highways, and local authorities, with respect to public highways under their jurisdiction, may, upon application in writing and good cause being shown therefor, issue a special permit in writing, or electronically,

authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle, or load exceeding the maximum set forth in RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, and 46.44.041 upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

Sec. 24. RCW 46.44.092 and 1989 c 398 s 2 are each amended to read as follows:

Special permits may not be issued for movements on any state highway outside the limits of any city or town in excess of the following widths:

On two-lane highways, fourteen feet;

On multiple-lane highways where a physical barrier serving as a median divider separates opposing traffic lanes, twenty feet;

On multiple-lane highways without a physical barrier serving as a median divider, thirty-two feet.

These limits apply except under the following conditions:

(1) In the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Controlled vehicular traffic shall be maintained in one direction at all times; (b) the maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when the department of transportation ~~((pursuant to general rules adopted by the transportation commission))~~ determines a hardship would result, this limitation may be exceeded upon approval of the department of transportation; (c) prior to issuing a permit a qualified transportation department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made;

(2) Permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations;

(3) Permits may be issued for vehicles with a total outside width, including the load, of nine feet or less when the vehicle is equipped with a mechanism designed to cover the load pursuant to RCW 46.61.655;

(4) These limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is a necessary movement or action: PROVIDED FURTHER, That in the judgment of the department of transportation the structures and highway surfaces on the routes involved are capable of sustaining widths in excess of such limitation;

(5) These limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed eighty thousand pounds and the overall width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the department of transportation or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 25. RCW 46.44.096 and 1996 c 92 s 1 are each amended to read as follows:

In determining fees according to RCW 46.44.0941, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of transportation, and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Special permits issued under RCW 46.44.047, 46.44.0941, or 46.44.095, may be obtained from offices of the department of transportation, ports of entry, or other agents appointed by the department.

The department may appoint agents for the purposes of selling special motor vehicle permits, temporary additional tonnage permits, and log tolerance permits. Agents so appointed may retain three dollars and fifty cents for each permit sold to defray expenses incurred in handling and selling the permits. If the fee is collected by the department of transportation, the department shall certify the fee so collected to the state treasurer for deposit to the credit of the motor vehicle fund.

The department may select a third party contractor, by means of competitive bid, to perform the department's permit issuance function, as provided under RCW 46.44.090. Factors the department shall consider, but is not limited to, in the selection of a third party contractor are economic benefit to both the department and the motor carrier industry, and enhancement of the overall level of permit service. For purposes of this section, "third party contractor" means a business entity that is authorized by the department to issue special permits. The department of transportation ((~~commission~~)) may adopt rules specifying the criteria that a business entity must meet in order to qualify as a third party contractor under this section.

Fees established in RCW 46.44.0941 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets, or highways for which that political body is responsible. When a movement involves a combination of state highways, county roads, and/or city streets the fee shall be paid to the ((~~state~~)) department of transportation. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing that the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

Sec. 26. RCW 46.61.450 and 1977 ex.s. c 151 s 39 are each amended to read as follows:

It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel, or underpass is sign posted as hereinafter provided. The secretary of transportation, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The secretary or the

governing body or authorities of any county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: PROVIDED, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the department of transportation ((~~commission~~)) as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall not be enforceable at any speed, weight, or size less than the maximum allowed by law, unless with the approval in writing of the secretary. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass.

Sec. 27. RCW 46.68.113 and 2003 c 363 s 305 are each amended to read as follows:

During the 2003-2005 biennium, cities and towns shall provide to the transportation commission, or its successor entity, preservation rating information on at least seventy percent of the total city and town arterial network. Thereafter, the preservation rating information requirement shall increase in five percent increments in subsequent biennia. The rating system used by cities and towns must be based upon the Washington state pavement rating method or an equivalent standard approved by the department of transportation ((~~commission or its successor entity~~)). Beginning January 1, 2007, the preservation rating information shall be submitted to the department.

Sec. 28. RCW 47.68.410 and 2005 c 316 s 3 are each amended to read as follows:

(1) Upon completion of both the statewide assessment and analysis required under RCW 47.68.390 and 47.68.400, and to the extent funds are appropriated to the department for this purpose, the governor shall appoint an aviation planning council to consist of the following members: (a) The director of the aviation division of the department of transportation, or a designee; (b) the director of the department of community, trade, and economic development, or a designee; (c) ((~~a member of the transportation commission~~)) an at large who shall be the chair of the council; (d) two members of the general public familiar with airport issues, including the impacts of airports on communities, one of whom must be from western Washington and one of whom must be from eastern Washington; (e) a technical expert familiar with federal aviation administration airspace and control issues; (f) a commercial airport operator; (g) a member of a growth management hearings board; (h) a representative of the Washington airport management association; and (i) an airline representative. The chair of the council may designate another councilmember to serve as the acting chair in the absence of the chair. The department of transportation shall provide all administrative and staff support for the council.

(2) The purpose of the council is to make recommendations, based on the findings of the assessment and analysis completed under RCW 47.68.390 and 47.68.400, regarding how best to meet the statewide commercial and general aviation capacity needs, as determined by the council. The council shall determine which regions of the state are in need of improvement regarding the matching of existing, or projected, airport facilities, and the long-range capacity needs at airports within the region expected to reach capacity before the year 2030. After determining these areas, the council shall make recommendations regarding the placement of future commercial and general aviation airport facilities designed to meet the need for improved aviation planning in the region. The council shall include public input in making final recommendations.

(3) The council shall submit its recommendations to the appropriate standing committees of the legislature, the governor, ~~(the transportation commission;)~~ and applicable regional transportation planning organizations.

(4) This section expires July 1, 2009.

Sec. 29. RCW 47.28.010 and 1977 ex.s. c 151 s 59 are each amended to read as follows:

Whenever the general route of any state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the ~~((transportation commission))~~ department shall determine the particular route to be followed by said state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such state highway, the whole or any part of any existing public highway previously designated as a county road, primary road, or secondary road or now or hereafter classified as a county road. The ~~((commission))~~ department need not select and adopt the entire routes for such state highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable. Where a state highway is designated as passing by way of a certain point, this shall not require the ~~((commission))~~ department to cause such state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The department ~~((of transportation))~~ is empowered to construct as a part of any state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a bypass section either through or around any such incorporated city or town.

Sec. 30. RCW 47.28.170 and 1990 c 265 s 1 are each amended to read as follows:

(1) Whenever the department finds that as a consequence of accident, natural disaster, or other emergency, an existing state highway is in jeopardy or is rendered impassible in one or both directions and the department further finds that prompt reconstruction, repair, or other work is needed to preserve or restore the highway for public travel, the department may obtain at least three written bids for the work without publishing a call for bids, and the secretary of transportation may award a contract forthwith to the lowest responsible bidder.

The department shall notify any association or organization of contractors filing a request to regularly receive notification. Notification to an association or organization of contractors shall include: (a) The location of the work to be done; (b) the general anticipated nature of the work to be done; and (c) the date determined by the department as reasonable in view of the nature of the work and emergent nature of the problem after which the department will not receive bids.

(2) Whenever the department finds it necessary to protect a highway facility from imminent damage or to perform emergency work to reopen a highway facility, the department may contract for such work on a negotiated basis not to exceed force account rates for a period not to exceed thirty working days.

(3) The secretary shall review any contract exceeding ~~((two))~~ seven hundred thousand dollars awarded under subsection (1) or (2) of this section with the ~~((transportation commission at its next regularly scheduled meeting))~~ office of financial management within thirty days of the contract award.

(4) Any person, firm, or corporation awarded a contract for work must be prequalified pursuant to RCW 47.28.070 and may be required to furnish a bid deposit or performance bond.

Sec. 31. RCW 47.38.060 and 1996 c 172 s 1 are each amended to read as follows:

The ~~((transportation commission))~~ department may designate interstate safety rest areas, as appropriate, as locations for memorial signs to prisoners of war and those missing in action. The ~~((commission))~~ department shall adopt policies for the placement of memorial signs on interstate safety rest areas and may disapprove any memorial sign that it determines to be inappropriate or inconsistent with the policies. The policies shall include, but are not limited to, guidelines for the size and location of and inscriptions on memorial

signs. The secretary shall adopt rules for administering this program. Nonprofit associations may have their name identified on a memorial sign if the association bears the cost of supplying and maintaining the memorial sign.

Sec. 32. RCW 47.52.133 and 1987 c 200 s 2 are each amended to read as follows:

Except as provided in RCW 47.52.134, the ~~((transportation commission))~~ department and the highway authorities of the counties and incorporated cities and towns, with regard to facilities under their respective jurisdictions, prior to the establishment of any limited access facility, shall hold a public hearing within the county, city, or town wherein the limited access facility is to be established to determine the desirability of the plan proposed by such authority. Notice of such hearing shall be given to the owners of property abutting the section of any existing highway, road, or street being established as a limited access facility, as indicated in the tax rolls of the county, and in the case of a state limited access facility, to the county and/or city or town. Such notice shall be by United States mail in writing, setting forth a time for the hearing, which time shall be not less than fifteen days after mailing of such notice. Notice of such hearing also shall be given by publication not less than fifteen days prior to such hearing in one or more newspapers of general circulation within the county, city, or town. Such notice by publication shall be deemed sufficient as to any owner or reputed owner or any unknown owner or owner who cannot be located. Such notice shall indicate a suitable location where plans for such proposal may be inspected.

Sec. 33. RCW 47.52.145 and 1981 c 95 s 2 are each amended to read as follows:

~~((Whenever))~~ After ~~((the))~~ final adoption of a ~~((plan for a))~~ limited access highway by the ~~((transportation commission))~~ department, an additional design public hearing with respect to the facility or any portion thereof is conducted pursuant to federal law resulting in a revision of the design of the limited access plan, the ~~((commission))~~ department may modify the previously adopted limited access plan to conform to the revised design without further public hearings providing the following conditions are met:

(1) As compared with the previously adopted limited access plan, the revised plan will not require additional or different right of way with respect to that section of highway for which the design has been revised, in excess of five percent by area; and

(2) If the previously adopted limited access plan was modified by a board of review convened at the request of a county, city, or town, the legislative authority of the county, city, or town shall approve any revisions of the plan which conflict with modifications ordered by the board of review.

Sec. 34. RCW 47.52.210 and 1981 c 95 s 3 are each amended to read as follows:

(1) Whenever the ~~((transportation commission))~~ department adopts a plan for a limited access highway to be constructed within the corporate limits of a city or town which incorporates existing city or town streets, title to such streets shall remain in the city or town, and the provisions of RCW 47.24.020 as now or hereafter amended shall continue to apply to such streets until such time that the highway is operated as either a partially or fully controlled access highway. Title to and full control over that portion of the city or town street incorporated into the limited access highway shall be vested in the state upon a declaration by the secretary of transportation that such highway is operational as a limited access facility, but in no event prior to the acquisition of right of way for such highway including access rights, and not later than the final completion of construction of such highway.

(2) Upon the completion of construction of a state limited access highway within a city or town, the department of transportation may relinquish to the city or town streets constructed or improved as a functional part of the limited access highway, slope easements, landscaping areas, and other related improvements to be maintained and operated by the city or town in accordance with the limited access plan. Title to such property relinquished to a city or town shall be conveyed by a deed executed by the secretary of

transportation and duly acknowledged. Relinquishment of such property to the city or town may be expressly conditioned upon the maintenance of access control acquired by the state and the continued operation of such property as a functional part of the limited access highway.

Sec. 35. RCW 47.60.330 and 2003 c 374 s 5 are each amended to read as follows:

(1) Before a substantial expansion or curtailment in the level of service provided to ferry users, or a revision in the schedule of ferry tolls or charges, the department (~~(of transportation)~~) shall consult with affected ferry users. The consultation shall be: (a) By public hearing in affected local communities; (b) by review with the affected ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting a survey of affected ferry users; or (d) by any combination of (a) through (c). Promotional, discount, and special event fares that are not part of the published schedule of ferry charges or tolls are exempt. The department shall report an accounting of all exempt revenues to the transportation commission and the office of financial management each fiscal year.

(2) There is created a ferry system productivity council consisting of a representative of each ferry advisory committee empanelled under RCW 47.60.310, elected by the members thereof, and two representatives of employees of the ferry system appointed by mutual agreement of all of the unions representing ferry employees, which shall meet from time to time with ferry system management to discuss means of improving ferry system productivity.

(3) Before increasing ferry tolls the department of transportation shall consider (~~(all possible)~~) cost reductions with full public participation as provided in subsection (1) of this section and, consistent with public policy, shall consider adapting service levels equitably on a route-by-route basis to reflect trends in and forecasts of traffic usage. (~~(Forecasts of traffic levels shall be developed by the bond covenant traffic engineering firm appointed under the provisions of RCW 47.60.450. Provisions of this section shall not alter obligations under RCW 47.60.450.)~~) Before including any toll increase in a budget proposal (~~(by the commission)~~), the department (~~(of transportation)~~) shall consult with affected ferry users in the manner prescribed in (1)(b) of this section plus the procedure of either (1)(a) or (c) of this section.

Sec. 36. RCW 47.68.390 and 2005 c 316 s 1 are each amended to read as follows:

(1) The aviation division of the department of transportation shall conduct a statewide airport capacity and facilities assessment. The assessment must include a statewide analysis of existing airport facilities, and passenger and air cargo transportation capacity, regarding both commercial aviation and general aviation; however, the primary focus of the assessment must be on commercial aviation. The assessment must at a minimum address the following issues:

- (a) Existing airport facilities, both commercial and general aviation, including air side, land side, and airport service facilities;
- (b) Existing air and airport capacity, including the number of annual passengers and air cargo operations;
- (c) Existing airport services, including fixed based operator services, fuel services, and ground services; and
- (d) Existing airspace capacity.

(2) The department shall consider existing information, technical analyses, and other research the department deems appropriate. The department may contract and consult with private independent professional and technical experts regarding the assessment.

(3) The department shall submit the assessment to the appropriate standing committees of the legislature, the governor, (~~(the transportation commission)~~) and regional transportation planning organizations by July 1, 2006.

Sec. 37. RCW 47.68.400 and 2005 c 316 s 2 are each amended to read as follows:

(1) After submitting the assessment under RCW 47.68.390, the aviation division of the department of transportation shall conduct a statewide airport capacity and facilities market analysis. The analysis must include a statewide needs analysis of airport facilities, passenger

and air cargo transportation capacity, and demand and forecast market needs over the next twenty-five years with a more detailed analysis of the Puget Sound, southwest Washington, Spokane, and Tri-Cities regions. The analysis must address the forecasted needs of both commercial aviation and general aviation; however, the primary focus of the analysis must be on commercial aviation. The analysis must at a minimum address the following issues:

(a) A forecast of future airport facility needs based on passenger and air cargo operations and demand, airline planning, and a determination of aviation trends, demographic, geographic, and market factors that may affect future air travel demand;

(b) A determination of when the state's existing commercial service airports will reach their capacity;

(c) The factors that may affect future air travel and when capacity may be reached and in which location;

(d) The role of the state, metropolitan planning organizations, regional transportation planning organizations, the federal aviation administration, and airport sponsors in addressing statewide airport facilities and capacity needs; and

(e) Whether the state, metropolitan planning organizations, regional transportation planning organizations, the federal aviation administration, or airport sponsors have identified options for addressing long-range capacity needs at airports, or in regions, that will reach capacity before the year 2030.

(2) The department shall consider existing information, technical analyses, and other research the department deems appropriate. The department may contract and consult with private independent professional and technical experts regarding the analysis.

(3) The department shall submit the analysis to the appropriate standing committees of the legislature, the governor, (~~(the transportation commission)~~) and regional transportation planning organizations by July 1, 2007.

Sec. 38. RCW 81.112.086 and 2003 c 363 s 306 are each amended to read as follows:

As a condition of receiving state funding, a regional transit authority shall submit a maintenance and preservation management plan for certification by the (~~(transportation commission or its successor entity)~~) department of transportation's office of transit mobility. The plan must inventory all transportation system assets within the direction and control of the transit authority, and provide a plan for preservation of assets based on lowest life-cycle cost methodologies.

Sec. 39. RCW 35.58.2795 and 1994 c 158 s 6 are each amended to read as follows:

By April 1st of each year, the legislative authority of each municipality, as defined in RCW 35.58.272, and each regional transit authority shall prepare a six-year transit development plan for that calendar year and the ensuing five years. The program shall be consistent with the comprehensive plans adopted by counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the inherent authority of a first class city or charter county derived from its charter, or chapter 36.70A RCW. The program shall contain information as to how the municipality intends to meet state and local long-range priorities for public transportation, capital improvements, significant operating changes planned for the system, and how the municipality intends to fund program needs. The six-year plan for each municipality and regional transit authority shall specifically set forth those projects of regional significance for inclusion in the transportation improvement program within that region. Each municipality and regional transit authority shall file the six-year program with the state department of transportation's office of transit mobility, the state auditor, the transportation improvement board, and cities, counties, and regional planning councils within which the municipality is located.

In developing its program, the municipality and the regional transit authority shall consider those policy recommendations affecting public transportation contained in the state transportation policy plan (~~(approved by the state transportation commission)~~) and, where appropriate, adopted by the legislature. The municipality shall conduct one or more public hearings while developing its program and for each annual update.

Sec. 40. RCW 36.56.121 and 2003 c 363 s 303 are each amended to read as follows:

As a condition of receiving state funding, a county that has assumed the transportation functions of a metropolitan municipal corporation shall submit a maintenance and preservation management plan for certification by the ~~((transportation commission or its successor entity))~~ department of transportation's office of transit mobility. The plan must inventory all transportation system assets within the direction and control of the county, and provide a preservation plan based on lowest life-cycle cost methodologies.

Sec. 41. RCW 36.57A.070 and 1985 c 6 s 5 are each amended to read as follows:

The comprehensive transit plan adopted by the authority shall be reviewed by the state ~~((transportation commission to))~~ department of transportation's office of transit mobility and the state auditor. Upon reviewing the plan, the office of transit mobility shall determine:

(1) The completeness of service to be offered and the economic viability of the transit system proposed in such comprehensive transit plan;

(2) Whether such plan integrates the proposed transportation system with existing transportation modes and systems that serve the benefit area;

(3) Whether such plan coordinates that area's system and service with nearby public transportation systems;

(4) Whether such plan is eligible for matching state or federal funds(;

~~After reviewing the comprehensive transit plan, the state transportation commission shall have sixty days in which to approve such plan and to certify to the state treasurer that such public transportation benefit area shall be eligible to receive the motor vehicle excise tax proceeds authorized pursuant to RCW 35.58.273, as now or hereafter amended in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended. To be approved a plan shall provide for coordinated transportation planning, the integration of such proposed transportation program with other transportation systems operating in areas adjacent to, or in the vicinity of the proposed public transportation benefit area, and be consistent with the public transportation coordination criteria adopted pursuant to the urban mass transportation act of 1964 as amended as of July 1, 1975. In the event such comprehensive plan is disapproved and ruled ineligible to receive motor vehicle tax proceeds, the state transportation commission shall provide written notice to the authority within thirty days as to the reasons for such plan's disapproval and such ineligibility. The authority may resubmit such plan upon reconsideration and correction of such deficiencies in the plan cited in such notice of disapproval).~~

Sec. 42. RCW 47.29.010 and 2005 c 317 s 1 are each amended to read as follows:

(1) The legislature finds that the public-private ~~((transportation))~~ transportation initiatives act created under chapter 47.46 RCW has not met the needs and expectations of the public or private sectors for the development of transportation projects. The legislature intends to phase out chapter 47.46 RCW coincident with the completion of the Tacoma Narrows Bridge - SR 16 public-private partnership. From July 24, 2005, this chapter will provide a more desirable and effective approach to developing transportation projects in partnership with the private sector by applying lessons learned from other states and from this state's ten-year experience with chapter 47.46 RCW.

(2) It is the legislature's intent to achieve the following goals through the creation of this new approach to public-private partnerships:

(a) To provide a well-defined mechanism to facilitate the collaboration between public and private entities in transportation;

(b) To bring innovative thinking from the private sector and other states to bear on public projects within the state;

(c) To provide greater flexibility in achieving the transportation projects; and

(d) To allow for creative cost and risk sharing between the public and private partners.

(3) The legislature intends that the powers granted in this chapter to the commission or department are in addition to any powers granted under chapter 47.56 RCW.

~~(4) It is further the intent of the legislature that ((the commission shall be responsible for receiving, reviewing, and approving proposals with technical support of the department; rule making; and for oversight of contract execution. The department shall be responsible for evaluating proposals and negotiating contracts)) an expert review panel be established for each project developed under this act. Expert review panels shall be responsible for reviewing selected proposals, analyzing and reviewing tentative agreements, and making recommendations to the governor on the advisability of executing agreements under this act.~~

Sec. 43. RCW 47.29.020 and 2005 c 317 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) ~~("Authority" means the transportation commission.~~

~~(2) "Commission" means the transportation commission.~~

~~(3)) "Department" means the department of transportation.~~

~~((4))~~ (2) "Eligible project" means any project eligible for development under RCW 47.29.050.

~~((5))~~ (3) "Eligible public works project" means only a project that meets the criteria of either RCW 47.29.060 (3) or (4).

~~((6))~~ (4) "Expert review panel" means a panel established by the governor to review tentative agreements and make recommendations to the governor for approval, rejection, or continued negotiations on a proposed project agreement.

(5) "Private sector partner" and "private partner" ~~((means))~~ mean a person, entity, or organization that is not the federal government, a state, or a political subdivision of a state.

~~((7))~~ (6) "Public funds" means all moneys derived from taxes, fees, charges, tolls, etc.

~~((8))~~ (7) "Public sector partner" and "public partner" ~~((means))~~ mean any federal or state unit of government, bistate transportation organization, or any other political subdivision of any state.

~~((9))~~ (8) "Transportation innovative partnership program" or "program" means the program as outlined in RCW 47.29.040.

~~((10))~~ (9) "Transportation project" means a project, whether capital or operating, where the state's primary purpose for the project is to preserve or facilitate the safe transport of people or goods via any mode of travel. However, this does not include projects that are primarily for recreational purposes, such as parks, hiking trails, off-road vehicle trails, etc.

~~((11))~~ (10) "Unit of government" means any department or agency of the federal government, any state or agency, office, or department of a state, any city, county, district, commission, authority, entity, port, or other public corporation organized and existing under statutory law or under a voter-approved charter or initiative, and any intergovernmental entity created under chapter 39.34 RCW or this chapter.

Sec. 44. RCW 47.29.030 and 2005 c 317 s 3 are each amended to read as follows:

In addition to the powers it now possesses, the ~~((commission))~~ department shall:

(1) ~~((Approve or review contracts or agreements authorized in this chapter;~~

~~(2))~~ Adopt rules to carry out this chapter and govern the program, which at a minimum must address the following issues:

(a) The types of projects allowed; however, all allowed projects must be included in the Washington transportation plan or identified by the authority as being a priority need for the state;

(b) The types of contracts allowed, with consideration given to the best practices available;

(c) The composition of the team responsible for the evaluation of proposals to include:

(i) ~~((Washington state))~~ Department ~~((of transportation))~~ staff;

(ii) An independent representative of a consulting or contracting field with no interests in the project that is prohibited from becoming a project manager for the project and bidding on any part of the project;

(iii) An observer from the state auditor's office or the joint legislative audit and review committee;

(iv) A person ~~((appointed by the commission, if the secretary of transportation is a cabinet member, or))~~ appointed by the governor ~~((if the secretary of transportation is not a cabinet member));~~ and

(v) A financial expert;

(d) Minimum standards and criteria required of all proposals;

(e) Procedures for the proper solicitation, acceptance, review, and evaluation of projects;

(f) Criteria to be considered in the evaluation and selection of proposals that includes:

(i) Comparison with the department's internal ability to complete the project that documents the advantages of completing the project as a partnership versus solely as a public venture; and

(ii) Factors such as, but not limited to: Priority, cost, risk sharing, scheduling, and management conditions;

(g) The protection of confidential proprietary information while still meeting the need for public disclosure that is consistent with RCW 47.29.190;

(h) Protection for local contractors to participate in subcontracting opportunities;

(i) Specifying that maintenance issues must be resolved in a manner consistent with the personnel system reform act, chapter 41.80 RCW;

(j) Specifying that provisions regarding patrolling and law enforcement on a public facility are subject to approval by the Washington state patrol;

~~((3))~~ (2) Adopt guidelines to address security and performance issues.

Preliminary rules and guidelines developed under this section must be submitted to the chairs and ranking members of both transportation committees by November 30, 2005, for review and comment. All final rules and guidelines must be submitted to the full legislature during the 2006 session for review.

Sec. 45. RCW 47.29.090 and 2005 c 317 s 9 are each amended to read as follows:

(1) Subject to subsection (2) of this section, the ~~((commission))~~ department may:

(a) Solicit concepts or proposals for eligible projects from private entities and units of government;

(b) On or after January 1, 2007, accept unsolicited concepts or proposals for eligible projects from private entities and units of government, subject to RCW 47.29.170;

(c) ~~((Direct the department to))~~ Evaluate projects for inclusion in the transportation innovative partnerships program that are already programmed or identified for traditional development by the state;

(d) ~~((Direct the department to))~~ Evaluate the concepts or proposals received under this section; and

(e) Select potential projects based on the concepts or proposals. The evaluation under this subsection must include consultation with any appropriate unit of government.

(2) Before undertaking any of the activities contained in subsection (1) of this section, the ~~((commission))~~ department must ~~((have))~~:

(a) ~~((Completed))~~ Wait for completion of the tolling feasibility study before proceeding with any projects that might utilize tolls; and

(b) ~~((Adopted))~~ Adopt rules specifying procedures for the proper solicitation, acceptance, review, and evaluation of projects, which procedures must include:

(i) A comparison with the department's internal ability to complete the project that documents the advantages of completing the project as a partnership versus solely as a public venture; and

(ii) Factors such as priority, cost, risk sharing, scheduling, and management conditions.

Sec. 46. RCW 47.29.100 and 2005 c 317 s 10 are each amended to read as follows:

The department may charge a reasonable administrative fee for the evaluation of an unsolicited project proposal. The amount of the fee will be established in rules ~~((of the commission))~~.

Sec. 47. RCW 47.29.120 and 2005 c 317 s 12 are each amended to read as follows:

The ~~((commission and))~~ department may consult with legal, financial, and other experts inside and outside the public sector in the evaluation, negotiation, and development of projects under this chapter, consistent with RCW 43.10.040 where applicable.

Sec. 48. RCW 47.29.160 and 2005 c 317 s 16 are each amended to read as follows:

(1) Before ~~((approving an))~~ approval of any agreement under subsection (2) of this section, ~~((the commission, with the technical assistance of))~~ the department~~((s))~~ must:

(a) Prepare a financial analysis that fully discloses all project costs, direct and indirect, including costs of any financing;

(b) Publish notice and make available the contents of the agreement, with the exception of patent information, at least twenty days before the public hearing required in (c) of this subsection; and

(c) Hold a public hearing on the proposed agreement, with proper notice provided at least twenty days before the hearing. The public hearing must be held within the boundaries of the county seat of the county containing the project.

(2) The ~~((commission))~~ department must allow at least twenty days from the public hearing on the proposed agreement required under subsection (1)(c) of this section before approving and executing any agreements authorized under this chapter.

NEW SECTION. Sec. 49. A new section is added to chapter 47.29 RCW to read as follows:

(1) The department shall establish an expert review panel to review, analyze, and make recommendations to the governor on whether to approve, reject, or continue negotiations on a proposed project agreement. The department shall provide staff to support the expert review panel, if requested by the panel. The expert review panel may utilize any of the consultants under contract for the department, and the expert review panel may contract for consulting expertise in specific areas as it deems necessary to ensure a thorough and critical review of any proposed project agreement.

(2) The governor shall appoint members of an expert review panel that have experience in large capital project delivery, public private partnerships, public financing of infrastructure improvements, or other areas of expertise that will benefit the panel. The panel shall consist of no less than three but no more than five members, as determined by the governor.

NEW SECTION. Sec. 50. A new section is added to chapter 47.29 RCW to read as follows:

Upon receiving the recommendations of the expert review panel as provided in section 49 of this act, the governor shall execute the proposed project agreement, reject the proposed agreement, or return the agreement for continued negotiations between the state and a private partner. The execution of any agreement or the rejection of any agreement shall constitute a final action for legal or administrative purposes.

Sec. 51. RCW 47.29.170 and 2005 c 317 s 17 are each amended to read as follows:

Before accepting any unsolicited project proposals, the ~~((commission))~~ department must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;

(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the ~~((commission))~~ department so directed;

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the ((~~commission~~)) department is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The ((~~commission~~)) department may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The ((~~commission~~)) department may not accept or consider any unsolicited proposals before January 1, 2007.

Sec. 52. RCW 47.29.180 and 2005 c 317 s 18 are each amended to read as follows:

For projects with costs, including financing costs, of three hundred million dollars or greater, advisory committees are required.

(1) The ((~~commission~~)) department must ((~~establish~~)) support an advisory committee to advise with respect to eligible projects. An advisory committee must consist of not fewer than five and not more than nine members, as determined by the public partners. Members must be appointed by the ((~~commission~~)) governor, or for projects with joint public sector participation, in a manner agreed to by the ((~~commission~~)) governor and any participating unit of government. In making appointments to the committee, the ((~~commission~~)) department shall consider persons or organizations offering a diversity of viewpoints on the project.

(2) An advisory committee shall review concepts or proposals for eligible projects and submit comments to the public sector partners.

(3) An advisory committee shall meet as necessary at times and places fixed by the department, but not less than twice per year. The state shall provide personnel services to assist the advisory committee within the limits of available funds. An advisory committee may adopt rules to govern its proceedings and may select officers.

(4) An advisory committee must be dissolved once the project has been fully constructed and debt issued to pay for the project has been fully retired.

Sec. 53. RCW 47.29.250 and 2005 c 317 s 25 are each amended to read as follows:

(1) In addition to any authority the commission or department has to issue and sell bonds and other similar obligations, this section establishes continuing authority for the issuance and sale of bonds and other similar obligations in a manner consistent with this section. To finance a project in whole or in part, the ((~~commission~~)) secretary of the department of transportation may request that the state treasurer issue revenue bonds on behalf of the public sector partner. The bonds must be secured by a pledge of, and a lien on, and be payable only from moneys in the transportation innovative partnership account established in RCW 47.29.230, and any other revenues specifically pledged to repayment of the bonds. Such a pledge by the public partner creates a lien that is valid and binding from the time the pledge is made. Revenue bonds issued under this section are not general obligations of the state or local government and are not secured by or payable from any funds or assets of the state other than the moneys and revenues specifically pledged to the repayment of such revenue bonds.

(2) Moneys received from the issuance of revenue bonds or other debt obligations, including any investment earnings thereon, may be spent:

(a) For the purpose of financing the costs of the project for which the bonds are issued;

(b) To pay the costs and other administrative expenses of the bonds;

(c) To pay the costs of credit enhancement or to fund any reserves determined to be necessary or advantageous in connection with the revenue bonds; and

(d) To reimburse the public sector partners for any costs related to carrying out the projects authorized under this chapter.

Sec. 54. RCW 47.10.861 and 2003 c 147 s 1 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of selected projects or improvements that are identified as transportation 2003 projects or improvements in the omnibus transportation budget, there shall be issued and sold upon the request of the secretary of the department of transportation ((~~commission~~)) a total of two billion six hundred million dollars of general obligation bonds of the state of Washington.

Sec. 55. RCW 47.10.862 and 2003 c 147 s 2 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ((~~commission~~)), as appropriate, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds in RCW 47.10.861 through 47.10.866 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.861 through 47.10.866 shall be sold in the manner, at time or times, in amounts, and at the price as the state finance committee shall determine. No bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 56. RCW 47.10.843 and 1998 c 321 s 16 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of state and local highway improvements, there shall be issued and sold upon the request of the ((~~Washington state~~)) secretary of the department of transportation ((~~commission~~)) a maximum of one billion nine hundred million dollars of general obligation bonds of the state of Washington.

Sec. 57. RCW 47.10.844 and 1998 c 321 s 17 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ((~~commission~~)), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.843 through 47.10.848 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.843 through 47.10.848 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 58. RCW 47.10.834 and 1995 2nd sp.s. c 15 s 2 are each amended to read as follows:

In order to provide funds necessary to implement the public-private transportation initiatives authorized by chapter 47.46 RCW, there shall be issued and sold upon the request of the ((~~Washington state~~)) secretary of the department of transportation ((~~commission~~)) a total of twenty-five million six hundred twenty-five thousand dollars of general obligation bonds of the state of Washington.

Sec. 59. RCW 47.10.835 and 1994 c 183 s 3 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ((~~commission~~)), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.834 through 47.10.841 in accordance with chapter 39.42 RCW. Bonds authorized by RCW

47.10.834 through 47.10.841 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. In making such appropriation of the net proceeds of the sale of the bonds, the legislature shall specify what portion of the appropriation is provided for possible loans and what portion of the appropriation is provided for other forms of cash contributions to projects.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 60. RCW 47.10.819 and 1993 c 432 s 1 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of selected interstate and other highway improvements, there shall be issued and sold upon the request of the ~~((Washington state))~~ secretary of the department of transportation ~~((commission))~~ a total of one hundred million dollars of general obligation bonds of the state of Washington for the following purposes and specified sums:

(1) Not to exceed twenty-five million dollars to pay the state's and local governments' share of matching funds for the ten demonstration projects identified in the Intermodal Surface Transportation Efficiency Act of 1991.

(2) Not to exceed fifty million dollars to temporarily pay the regular federal share of construction in advance of federal-aid apportionments as authorized by this section.

(3) Not to exceed twenty-five million dollars for loans to local governments to provide the required matching funds to take advantage of available federal funds. These loans shall be on such terms and conditions as determined by the ~~((Washington state))~~ secretary of the department of transportation ~~((commission))~~, but in no event may the loans be for a period of more than ten years. The interest rate on the loans authorized under this subsection shall be equal to the interest rate on the bonds sold for such purposes.

Sec. 61. RCW 47.10.820 and 1993 c 432 s 2 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ~~((commission))~~, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.819 through 47.10.824 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.819 through 47.10.824 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 62. RCW 47.02.120 and 1990 c 293 s 1 are each amended to read as follows:

For the purpose of providing funds for the acquisition of headquarters facilities for district 1 of the department of transportation and costs incidental thereto, together with all improvements and equipment required to make the facilities suitable for the department's use, there shall be issued and sold upon the request of the ~~((Washington transportation commission))~~ secretary of the department of transportation a total of fifteen million dollars of general obligation bonds of the state of Washington.

Sec. 63. RCW 47.02.140 and 1990 c 293 s 3 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ~~((commission))~~, the state finance committee shall

supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.02.120 through 47.02.190 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.02.120 through 47.02.190 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. Except for the purpose of repaying the loan from the motor vehicle fund, no such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 64. RCW 44.75.030 and 2005 c 319 s 17 are each amended to read as follows:

(1) The transportation performance audit board is created.

(2) The board will consist of four legislative members, three citizen members with transportation-related expertise, two citizen members with performance measurement expertise, ~~((one member of the transportation commission))~~ the director of financial management or the director's designee, one ex officio nonvoting member, and one at large member. ~~((The legislative auditor is the ex officio nonvoting member))~~ The majority and minority leaders of the house and senate transportation committees, or their designees, are the legislative members. The governor shall appoint the at large member to serve for a term of four years. The citizen members must be appointed by the governor for terms of four years, except that at least half the initial appointments will be for terms of two years. The citizen members may not be currently, or within one year, employed by the Washington state department of transportation. The governor, when appointing the citizen members with transportation-related expertise, may consult with appropriate professional associations and shall consider the following transportation-related experiences:

(a) Construction project planning, including permitting and assuring regulatory compliance;

(b) Construction means and methods and construction management, crafting and implementing environmental mitigation plans, and administration;

(c) Construction engineering services, including construction management, materials testing, materials documentation, contractor payments, inspection, surveying, and project oversight;

(d) Project management, including design estimating, contract packaging, and procurement; and

(e) Transportation planning and congestion management.

(3) The governor may not remove members from the board before the expiration of their terms unless for cause based upon a determination of incapacity, incompetence, neglect of duty, of malfeasance in office by the Thurston county superior court, upon petition and show cause proceedings brought for that purpose in that court and directed to the board member in question.

(4) No member may be appointed for more than three consecutive terms.

Sec. 65. RCW 44.75.040 and 2005 c 319 s 18 are each amended to read as follows:

(1) The board shall meet periodically. It may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members.

(2) Each member of the transportation performance audit board will be compensated ~~((from the general appropriation for the transportation commission in accordance with RCW 43.03.250 and))~~ in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government, and (b) receives any compensation from such government for working that day. A member shall be reimbursed for actual necessary

traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chair. However, in no event may a board member be compensated in any year for more than one hundred twenty days, except the chair may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.

(3) The transportation performance audit board shall keep proper records and is subject to audit by the state auditor or other auditing entities.

(4) Staff support to the transportation performance audit board must be provided by the transportation commission, which shall provide professional support for the duties, functions, responsibilities, and activities of the board, including but not limited to information technology systems; data collection, processing, analysis, and reporting; project management; and office space, equipment, and secretarial support. Additionally, the commission shall designate, subject to board approval, a staff person to serve as the board administrator. The board administrator serves as an exempt employee and at the pleasure of the board.

(5) Each member of the transportation performance audit board shall disclose any actual or potential conflict of interest, if applicable under the circumstance, regarding all performance reviews and performance audits conducted under this chapter.

NEW SECTION. Sec. 66. A new section is added to chapter 44.75 RCW to read as follows:

(1) The office of financial management shall assume all powers and functions of the transportation performance audit board to review the performance and outcome measures of transportation-related agencies under RCW 44.75.050 through 44.75.090. Effective July 1, 2007: (a) Any appropriations made to the transportation performance audit board for carrying out the powers, functions, and duties transferred under this subsection shall be transferred and credited to the office of financial management; (b) all rules and all pending business before the transportation performance audit board pertaining to the powers, functions, and duties transferred under this subsection shall be continued and acted upon by the office of financial management; and (c) all existing contracts and obligations pertaining to the powers, functions, and duties transferred under this subsection shall remain in full force and shall be performed by the office of financial management.

(2) The state auditor shall assume all powers and functions of the transportation performance audit board to conduct performance audits of transportation-related agencies under RCW 44.75.080 through 44.75.800. Effective July 1, 2007: (a) Any appropriations made to the transportation performance audit board for carrying out the powers, functions, and duties transferred under this subsection shall be transferred and credited to the state auditor; (b) all rules and all pending business before the transportation performance audit board pertaining to the powers, functions, and duties transferred under this subsection shall be continued and acted upon by the state auditor; and (c) all existing contracts and obligations pertaining to the powers, functions, and duties transferred under this subsection shall remain in full force and shall be performed by the state auditor.

(3) By June 30, 2007, the transportation performance audit board shall: (a) Assist the office of financial management as needed to transfer all performance measure review functions under RCW 44.75.050 through 44.75.090 to the office of financial management; and (b) assist the state auditor as needed to transfer all performance audit functions under RCW 44.75.080 through 44.75.800 to the state auditor.

NEW SECTION. Sec. 67. A new section is added to chapter 43.88 RCW to read as follows:

The office of financial management shall, after reviewing the performance or outcome measures and benchmarks of a transportation agency or department under chapter 44.75 RCW, create a report on the results of such review, including a recommendation of whether a full performance or functional audit of the agency or department is warranted, and submit the report annually to the state auditor and to the standing committees on transportation of the house of representatives and senate.

NEW SECTION. Sec. 68. A new section is added to chapter 43.09 RCW to read as follows:

After reviewing the report of the office of financial management on the performance or outcome measures and benchmarks of a transportation-related agency or department, the state auditor may conduct a full performance or functional audit of the agency or department reviewed, or a specific program within the agency or department.

Sec. 69. RCW 47.10.873 and 2005 c 315 s 1 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of selected projects or improvements that are identified as 2005 transportation partnership projects or improvements in the omnibus transportation budget (~~(2005 c 313)~~) (2005 c 313), there shall be issued and sold upon the request of the secretary of the department of transportation a total of five billion one hundred million dollars of general obligation bonds of the state of Washington.

Sec. 70. RCW 47.10.874 and 2005 c 315 s 2 are each amended to read as follows:

Upon the request of the secretary of the department of transportation, as appropriate, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds in RCW 47.10.873 through 47.10.878 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.873 through 47.10.878 shall be sold in the manner, at time or times, in amounts, and at the price as the state finance committee shall determine. No bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

NEW SECTION. Sec. 71. The following acts or parts of acts, as now existing or hereafter amended, are each repealed effective June 30, 2007:

- RCW 44.75.030 (Board created--Membership) and 2006 c ... s 64 (section 64 of this act), 2005 c 319 s 17, & 2003 c 362 s 3; and
- RCW 44.75.040 (Procedures, compensation, support) and 2006 c ... s 65 (section 65 of this act), 2005 c 319 s 18, & 2003 c 362 s 4.

NEW SECTION. Sec. 72. This act takes effect July 1, 2006."

Correct the title.

Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Appleton; Clibborn; Dickerson; Flannigan; Hudgins; Kilmer; Lovick; Morris; Sells; Simpson; B. Sullivan; Takko; Uptegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Buck; Curtis; Ericksen; Hankins; Holmquist; Jarrett; Nixon; Rodne; Schindler and Shabro.

Passed to Committee on Rules for second reading.

February 23, 2006

ESSB 6839 Prime Sponsor, Senate Committee On Transportation: Modifying transportation accounts and revenue distributions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

On page 7, line 33, strike "~~((4,000,000))~~ 2,000,000" and insert "4,000,000"

On page 17, after line 11, insert the following:

"NEW SECTION. Sec. 15. Section 7 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect March 24, 2006."

Correct the title.

Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton; Buck; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

There being no objection, the bills, memorial and resolution listed on the day's supplemental committee reports sheets under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., February 27, 2006, the 50th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FIFTIETH DAY

House Chamber, Olympia, Monday, February 27, 2006

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

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

MESSAGES FROM THE SENATE

February 24, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6175, and the same is herewith transmitted.

Thomas Hoemann, Secretary

February 24, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2333,
HOUSE BILL NO. 2364,
SUBSTITUTE HOUSE BILL NO. 2976,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 27, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 6500, and the same is herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed:

SUBSTITUTE HOUSE BILL NO. 2333,
HOUSE BILL NO. 2364,
SUBSTITUTE HOUSE BILL NO. 2976,

INTRODUCTION & FIRST READING

HB 3317 by Representatives Ahern, Lantz, Lovick, Darneille, Chase, Williams, Hunter, Clibborn, Kilmer, Hudgins, Ericks, Simpson, Conway, Takko and Morrell

AN ACT Relating to making it a felony to drive or be in physical control of a vehicle while under the influence of intoxicating liquor or any drug; amending RCW 46.61.502, 46.61.504, 46.61.5055, 9.94A.030, 9.94A.640, 9.94A.650, 9.94A.660, 9.94A.690, 13.40.0357, 46.20.311, 46.61.524, 46.61.5152, and 46.61.5151; reenacting and amending RCW 9.94A.505, 9.94A.525, 9.94A.515, and 9.94A.411; adding a new section to chapter 9.94A RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Rules.

HB 3318 by Representative Conway

AN ACT Relating to making adjustments in the unemployment insurance system to enhance benefit and tax equity; and creating a new section.

Referred to Committee on Rules.

HJM 4043 by Representative Chase

Requesting the abolition of the Federal Lands Recreation Enhancement Act.

Referred to Committee on Natural Resources, Ecology & Parks.

E2SSB 6175 by Senate Committee on Ways & Means (originally sponsored by Senator Jacobsen; by request of Department of Natural Resources)

AN ACT Relating to regulation of surface mining by ensuring adequate performance security to cover reclamation costs for mines and providing fees for the operation of the surface mining program; amending RCW 78.44.085, 78.44.045, 78.44.087, and 42.56.270; adding new sections to chapter 78.44 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

SSB 6500 by Senate Committee on Ways & Means (originally sponsored by Senators Haugen, McCaslin, Doumit, Benson, Shin, Esser and Jacobsen)

AN ACT Relating to the sales and use taxation of vessels; amending RCW 88.02.030; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

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

REPORTS OF STANDING COMMITTEES

February 27, 2006

SSB 6141 Prime Sponsor, Committee On Water, Energy & Environment: Including the value of wind turbine facilities in the property tax levy limit calculation. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice

Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 25, 2006

SSB 6234 Prime Sponsor, Committee On Financial Institutions, Housing & Consumer Protection: Creating the insurance fraud program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Financial Institutions & Insurance:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The purpose of this act is to confront the problem of insurance fraud in this state by making a concerted effort to detect insurance fraud, reduce the occurrence of fraud through criminal enforcement and deterrence, require restitution of fraudulently obtained insurance benefits and expenses incurred by an insurer in investigating fraudulent claims, and reduce the amount of premium dollars used to pay fraudulent claims. The primary focus of the insurance fraud program is on organized fraudulent activities committed against insurance companies.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Insurance fraud" means an act or omission committed by a person who, knowingly, and with intent to defraud, commits, or conceals any material information concerning, one or more of the following:

(a) Presenting, causing to be presented, or preparing with knowledge or belief that it will be presented to or by an insurer, broker, or its agent, false information as part of, in support of, or concerning a fact material to one or more of the following:

(i) An application for the issuance or renewal of an insurance policy;

(ii) The rating of an insurance policy or contract;

(iii) A claim for payment or benefit pursuant to an insurance policy;

(iv) Premiums paid on an insurance policy;

(v) Payments made in accordance with the terms of an insurance policy; or

(vi) The reinstatement of an insurance policy;

(b) Willful embezzlement, abstracting, purloining, or conversion of moneys, funds, premiums, credits, or other property of an insurer or person engaged in the business of insurance; or

(c) Attempting to commit, aiding or abetting in the commission of, or conspiracy to commit the acts or omissions specified in this subsection.

The definition of insurance fraud is for illustrative purposes only under this chapter to describe the nature of the behavior to be reported and investigated, and is not intended in any manner to create or modify the definition of any existing criminal acts nor to create or modify the burdens of proof in any criminal prosecution brought as a result of an investigation under this chapter.

(2) "Insurer" means an insurance company authorized under chapter 48.05 RCW, a health care service contractor registered under chapter 48.44 RCW, and a health care maintenance organization registered under chapter 48.46 RCW.

NEW SECTION. Sec. 3. (1) There is established an insurance fraud program within the office of the insurance commissioner. The commissioner may employ supervisory, legal, and investigative personnel for the program, who must be qualified by training and experience in the areas of detection, investigation, or prosecution of fraud in which the insurance industry is a victim. The chief of the fraud program is a full-time position that is appointed by the

commissioner. The chief serves at the pleasure of the commissioner. The commissioner shall provide office space, equipment, supplies, investigators, clerical staff, and other staff that are necessary for the program to carry out its duties and responsibilities under this chapter.

(2) The commissioner may fund one or more state patrol officers to work with the insurance fraud program and the funding for the officers must be paid out of the budget of the insurance fraud program.

(3) The commissioner may fund one or more assistant attorney generals and support staff to work with the insurance fraud program and the funding for the assistant attorney generals and support staff must be paid out of the budget of the insurance fraud program.

(4) The commissioner may make grants to or reimburse local prosecuting attorneys to assist in the prosecution of insurance fraud. The grants must be paid out of the budget of the insurance fraud program. The commissioner may investigate and seek prosecution of crimes involving insurance fraud upon the request of or with the concurrence of the county prosecuting attorney of the jurisdiction in which the offense has occurred. Before such a prosecution, the commissioner and the county in which the offense occurred shall reach an agreement regarding the payment of all costs, including expert witness fees, and defense attorneys' fees associated with any such prosecution.

(5) Staff levels for this program, until June 30, 2010, shall not exceed 8.0 full-time equivalents.

NEW SECTION. Sec. 4. The annual cost of operating the fraud program is funded from the insurance commissioner's regulatory account under RCW 48.02.190 subject to appropriation by the legislature.

NEW SECTION. Sec. 5. (1) The commissioner may:

(a) Employ and train personnel to achieve the purposes of this chapter and to employ legal counsel, investigators, auditors, and clerical support personnel and other personnel as the commissioner determines necessary from time to time to accomplish the purposes of this chapter;

(b) Initiate inquiries and conduct investigations when the commissioner has cause to believe that insurance fraud has been, is being, or is about to be committed;

(c) Conduct independent examinations of alleged insurance fraud;

(d) Review notices, reports, or complaints of suspected insurance fraud activities from federal, state, and local law enforcement and regulatory agencies, persons engaged in the business of insurance, and any other person to determine whether the reports require further investigation;

(e) Share records and evidence with federal, state, or local law enforcement or regulatory agencies, and enter into interagency agreements;

(f) Conduct investigations outside this state. If the information the commissioner seeks to obtain is located outside this state, the person from whom the information is sought may make the information available to the commissioner to examine at the place where the information is located. The commissioner may designate representatives, including officials of the state in which the matter is located, to inspect the information on behalf of the commissioner, and the commissioner may respond to similar requests from officials of other states;

(g) Administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records that the commissioner deems relevant or material to an inquiry concerning insurance fraud;

(h) Report incidents of alleged insurance fraud disclosed by its investigations to the appropriate prosecutorial authority, including but not limited to the attorney general and to any other appropriate law enforcement, administrative, regulatory, or licensing agency;

(i) Assemble evidence, prepare charges, and work closely with any prosecutorial authority having jurisdiction to pursue prosecution of insurance fraud; and

(j) Undertake independent studies to determine the extent of fraudulent insurance acts.

(2) The fraud program investigators who have obtained certification as a peace officer under RCW 43.101.095 have the powers and status of a limited authority Washington peace officer.

NEW SECTION. Sec. 6. (1) Any insurer or licensee of the commissioner that has reasonable belief that an act of insurance fraud which is or may be a crime under Washington law has been, is being, or is about to be committed shall furnish and disclose the knowledge and information to the commissioner or the national insurance crime bureau, the national association of insurance commissioners, or similar organization, who shall disclose the information to the commissioner, and cooperate fully with any investigation conducted by the commissioner.

(2) Any person that has a reasonable belief that an act of insurance fraud which is or may be a crime under Washington law has been, is being, or is about to be committed; or any person who collects, reviews, or analyzes information concerning insurance fraud which is or may be a crime under Washington law may furnish and disclose any information in its possession concerning such an act to the commissioner or to an authorized representative of an insurer that requests the information for the purpose of detecting, prosecuting, or preventing insurance fraud.

NEW SECTION. Sec. 7. (1) Documents, materials, or other information as described in subsection (3), (4), or both of this section are exempt from public inspection and copying under chapters 42.17 and 42.56 RCW. The commissioner is authorized to use such documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties.

(2) The commissioner:

(a) May share documents, materials, or other information, including the documents, materials, or information subject to subsection (1) of this section, with (i) the national association of insurance commissioners and its affiliates and subsidiaries, (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities, (iii) the national insurance crime bureau, and (iv) an insurer with respect to whom the suspected fraudulent claim may be perpetrated;

(b) May receive documents, materials, or information from (i) the national association of insurance commissioners and its affiliates and subsidiaries, (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities, (iii) the national insurance crime bureau, and (iv) an insurer with respect to whom the suspected fraudulent claim may be perpetrated and any such documents, materials, or information as described in subsection (3), (4), or both of this section are exempt from public inspection and copying; and

(c) May enter into agreements governing the sharing and use of information consistent with this subsection.

(3) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the fraud program of the office of the insurance commissioner, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy, are exempt under subsection (1) of this section.

(4) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, and penology agencies, or the fraud program of the office of the insurance commissioner, if disclosure would endanger any person's life, physical safety, or property, is exempt under subsection (1) of this section. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern.

(5) No waiver of an existing privilege or claim of confidentiality in the documents, materials, or information may occur as a result of disclosure to the commissioner under this section or as a result of sharing documents, materials, or information as authorized in subsection (2) of this section.

(6) Documents, materials, or other information that is in the possession of persons other than the commissioner that would

otherwise not be confidential by law or privileged do not become confidential by law or privileged by providing the documents, materials, or other information to the commissioner.

NEW SECTION. Sec. 8. In a criminal prosecution for any crime under Washington law in which the insurance company is a victim, the insurance company is entitled to be considered as a victim in any restitution ordered by the court under RCW 9.94A.753, as part of the criminal penalty imposed against the defendant convicted for such a violation.

NEW SECTION. Sec. 9. This chapter does not:

(1) Preempt the authority or relieve the duty of any other general authority law enforcement agencies to investigate, examine, and prosecute suspected violations of law;

(2) Prevent or prohibit a person from voluntarily disclosing any information concerning insurance fraud to any law enforcement agency other than the commissioner; or

(3) Limit any of the powers granted elsewhere in this title to the commissioner to investigate and examine possible violations of the law and to take appropriate action.

NEW SECTION. Sec. 10. No later than six months after the effective date of this section, or when the insurer has used all its existing paper application and claim forms which were in its possession on the effective date of this section, whichever is later, all applications for insurance, and all claim forms regardless of the form of transmission provided and required by an insurer or required by law as condition of payment of a claim, must contain a statement, permanently affixed to the application or claim form, that clearly states in substance the following:

"It is a crime to knowingly provide false, incomplete, or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines, and denial of insurance benefits."

The lack of a statement required in this section does not constitute a defense in any criminal prosecution nor any civil action.

NEW SECTION. Sec. 11. The commissioner shall appoint an insurance fraud advisory board. The board shall consist of ten members. Five members shall be representatives from the insurance industry doing business in this state, at least one of which shall be from a Washington domestic insurer, two members shall represent consumers, one member shall represent the national insurance crime bureau or successor organization, one member shall represent prosecutors, and one member shall represent other law enforcement agencies. The members of the board serve four-year terms and until their successors are appointed and qualified. Three of the original members must be appointed to serve an initial term of four years, three must be appointed to serve an initial term of three years, two must be appointed to serve an initial term of two years, and two must be appointed to serve an initial term of one year. The members of the board receive no compensation. The board shall advise the commissioner and the legislature with respect to the effectiveness, resources allocated to the fraud program, the source of the funding for the program, and before June 30, 2010, if the staffing level restriction in section 3(5) of this act should be renewed.

NEW SECTION. Sec. 12. The commissioner shall prepare a periodic report of the activities of the fraud program. The report shall, at a minimum, include information as to the number of cases reported to the commissioner, the number of cases referred for prosecution, the number of convictions obtained, the amount of money recovered, and any recommendations of the insurance advisory board.

NEW SECTION. Sec. 13. The commissioner may adopt rules to implement and administer this chapter.

Sec. 14. RCW 48.50.070 and 2000 c 254 s 5 are each amended to read as follows:

Any licensed insurance agent, any licensed insurance broker, or any insurer or person acting in the insurer's behalf, health

maintenance organization or person acting in behalf of the health maintenance organization, health care service contractor or person acting in behalf of the health care service contractor, or any authorized agency which releases information, whether oral or written, to the commissioner, the national insurance crime bureau, the national association of insurance commissioners, other law enforcement agent or agency, or another insurer under RCW 48.50.030, 48.50.040, 48.50.050, ((or)) 48.50.055, or section 6 of this act is immune from liability in any civil or criminal action, suit, or prosecution arising from the release of the information, unless actual malice on the part of the agent, broker, insurer, health care maintenance organization, health care service contractor, or authorized agency against the insured is shown.

Sec. 15. RCW 48.50.075 and 1995 c 285 s 24 are each amended to read as follows:

In denying a claim, an insurer, health maintenance organization, or health care service contractor who relies upon a written opinion from an authorized agency specifically enumerated in RCW 48.50.020(1) (a) through (g) that criminal activity that is related to that claim is being investigated, or a crime has been charged, and that the claimant is a target of the investigation or has been charged with a crime, is not liable for bad faith or other noncontractual theory of damages as a result of this reliance.

Immunity under this section shall exist only so long as the incident for which the claimant may be responsible is under active investigation or prosecution, or the authorized agency states its position that the claim includes or is a result of criminal activity in which the claimant was a participant.

Sec. 16. RCW 10.93.020 and 2002 c 128 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(2) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor control board, the office of the insurance commissioner, and the state department of corrections.

(3) "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(4) "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(5) "Specially commissioned Washington peace officer", for the purposes of this chapter, means any officer, whether part-time or full-

time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

(6) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(7) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

Sec. 17. RCW 42.56.400 and 2005 c 274 s 420 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of all viators regulated by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(7) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers

under RCW 21.20.100, all of which is confidential and privileged information;

(8) Information provided to the insurance commissioner under RCW 48.110.040(3);

(9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged; ~~(and)~~

(10) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070; and

(11) Documents, materials, or information obtained by the insurance commissioner under section 7 of this act.

NEW SECTION. Sec. 18. A new section is added to chapter 42.17 RCW to read as follows:

Documents, materials, or information obtained by the insurance commissioner under section 7 of this act are exempt from disclosure under this chapter.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. Sections 1 through 13 and 19 of this act constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 21. This act takes effect July 1, 2006."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Darneille; Dunshee; Grant; Haigh; Hinkle; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 27, 2006

SB 6379 Prime Sponsor, Poulsen: Increasing temporarily the statewide cap for the customer assistance public utility tax credit. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

On page 1, line 16, after "by" strike "eight" and insert "five"

On page 3, line 23, after "exceed" strike "eight" and insert "five"

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 27, 2006

SSB 6512 Prime Sponsor, Committee On Water, Energy & Environment: Enhancing air quality at truck stops. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach,

Assistant Ranking Minority Member; Ahern; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 27, 2006

SSB 6385 Prime Sponsor, Committee On Ways & Means: Providing administrative excise tax relief for taxpayers. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

Beginning on page 6, line 31, strike all of section 6 and insert the following:

"**Sec. 6.** RCW 82.32.090 and 2003 1st sp.s. c 13 s 13 are each amended to read as follows:

(1) If payment of any tax due on a return to be filed by a taxpayer is not received by the department of revenue by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received on or before the last day of the month following the due date, there shall be assessed a total penalty of fifteen percent of the amount of the tax under this subsection; and if the tax is not received on or before the last day of the second month following the due date, there shall be assessed a total penalty of twenty-five percent of the amount of the tax under this subsection. No penalty so added shall be less than five dollars.

(2) If the department of revenue determines that any tax ~~(is due)~~ has been substantially underpaid, there shall be assessed a penalty of five percent of the amount of the tax determined by the department to be due ~~(, and)~~. If payment of any tax determined by the department to be due is not received by the department by the due date specified in the notice, or any extension thereof, there shall be assessed a total penalty of fifteen percent of the amount of the tax under this subsection; and if ~~(the)~~ payment of any tax determined by the department to be due is not received on or before the thirtieth day following the due date specified in the notice of tax due, or any extension thereof, there shall be assessed a total penalty of twenty-five percent of the amount of the tax under this subsection. No penalty so added shall be less than five dollars. As used in this section, "substantially underpaid" means that the taxpayer has paid less than eighty percent of the amount of tax determined by the department to be due for all of the types of taxes included in, and for the entire period of time covered by, the department's examination, and the amount of underpayment is at least one thousand dollars.

(3) If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of ten percent of the amount of the tax, but not less than ten dollars.

(4) If the department finds that a person has engaged in any business or performed any act upon which a tax is imposed under this title and that person has not obtained from the department a registration certificate as required by RCW 82.32.030, the department shall impose a penalty of five percent of the amount of tax due from that person for the period that the person was not registered as required by RCW 82.32.030. The department shall not impose the penalty under this subsection (4) if a person who has engaged in business taxable under this title without first having registered as required by RCW 82.32.030, prior to any notification by the department of the need to register, obtains a registration certificate from the department.

(5) If the department finds that all or any part of a deficiency resulted from the disregard of specific written instructions as to reporting or tax liabilities, the department shall add a penalty of ten percent of the amount of the additional tax found due because of the failure to follow the instructions. A taxpayer disregards specific written instructions when the department of revenue has informed the taxpayer in writing of the taxpayer's tax obligations and the taxpayer fails to act in accordance with those instructions unless the department has not issued final instructions because the matter is under appeal pursuant to this chapter or departmental regulations. The department shall not assess the penalty under this section upon

any taxpayer who has made a good faith effort to comply with the specific written instructions provided by the department to that taxpayer. Specific written instructions may be given as a part of a tax assessment, audit, determination, or closing agreement, provided that such specific written instructions shall apply only to the taxpayer addressed or referenced on such documents. Any specific written instructions by the department of revenue shall be clearly identified as such and shall inform the taxpayer that failure to follow the instructions may subject the taxpayer to the penalties imposed by this subsection.

(6) If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.

(7) The penalties imposed under subsections (1) through (4) of this section can each be imposed on the same tax found to be due. This subsection does not prohibit or restrict the application of other penalties authorized by law.

(8) The department of revenue may not impose both the evasion penalty and the penalty for disregarding specific written instructions on the same tax found to be due.

(9) For the purposes of this section, "return" means any document a person is required by the state of Washington to file to satisfy or establish a tax or fee obligation that is administered or collected by the department of revenue, and that has a statutorily defined due date."

Correct the title.

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 27, 2006

2SSB 6542 Prime Sponsor, Committee On Ways & Means: Exempting persons engaged in farming and certain farming services from business taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

On page 2, line 20, strike "and"

On page 2, line 22, after "farmer" strike all material through "rendered." on line 25 and insert "; and (iii) the person performing the specific farming operation is related to the farmer."

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Ericks; Santos and Shabro.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa.

Passed to Committee on Rules for second reading.

February 27, 2006

2SSB 6558 Prime Sponsor, Committee On Ways & Means: Improving the state of Washington's economic, cultural, and educational standing in the motion picture industry. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the motion picture industry in Washington as a valuable commodity contributing greatly to the economic vitality of the state and the cultural integrity of our communities. The legislature further recognizes the production of in-state motion pictures, television programs, and television commercials creates a marked increase in tourism, family wage jobs, and the sale of local goods and services generating revenue for the state. Furthermore, with captive national and international audiences, the world is introduced to the state's pristine scenic venues and reminded that the Pacific Northwest is a great place to live and raise a family. The legislature also recognizes the inherent educational value of promoting arts and culture as well as the benefits of training young motion picture professionals who will build a fruitful industry for years to come.

The legislature finds in recent years that the state has realized a drastic decline in motion picture production that precludes economic expansion and threatens the state's reputation as a production destination. With the emergence of tax incentives in thirty states nationwide, in-state producers are taking their projects to more competitive economic climates, such as Oregon and Vancouver, British Columbia, where compelling tax incentive packages and subsidies are already in effect.

The legislature also finds that in recent years increasingly workers in Washington state are without health insurance coverage and retirement income protections, causing hardships on workers and their families and higher costs to the state.

Therefore, it is the intent of the legislature to recognize both national and international competition in the motion picture production marketplace. The legislature is committed to leveling the competitive playing field and interested in a partnership with the private sector to regain Washington's place as a premier destination to make motion pictures, television, and television commercials. While at the same time the legislature is committed to ensuring that workers in the motion picture and television industry are covered under health insurance and retirement income plans.

"NEW SECTION. Sec. 2. The following definitions apply to this chapter, unless the context clearly requires otherwise.

(1) "Approved motion picture competitiveness program" means a nonprofit organization under the internal revenue code, section 501(c)(6), with the sole purpose of revitalizing the state's economic, cultural, and educational standing in the national and international market of motion picture production by recommending and awarding financial assistance for costs associated with motion pictures in the state of Washington.

(2) "Contribution" means cash contributions.

(3) "Costs" means actual expenses of production and postproduction expended in Washington state for the production of motion pictures, including but not limited to payments made for salaries, wages, and health insurance and retirement benefits, the rental costs of machinery and equipment and the purchase of services, food, property, lodging, and permits for work conducted in Washington state.

(4) "Department" means the department of community, trade, and economic development.

(5) "Motion picture" means a recorded audio-visual production intended for distribution to theaters, DVD, video, or the internet, or television, or one or more episodes of a single television series, television pilots or presentations, or a commercial. "Motion picture" does not mean production of a television commercial of an amount less than two hundred fifty thousand dollars in actual total investment or one or more segments of a newscast or sporting event.

(6) "Funding assistance" means cash expenditures from an approved motion picture competitiveness program.

(7) "Person" has the same meaning as provided in RCW 82.04.030.

"NEW SECTION. Sec. 3. (1) The department shall adopt criteria for an approved motion picture competitiveness program with the sole purpose of revitalizing the state's economic, cultural, and

educational standing in the national and international market of motion picture production. Rules adopted by the department shall allow the program, within the established criteria, to provide funding assistance only when it captures economic opportunities for Washington's communities and businesses and shall only be provided under a contractual arrangement with a private entity. In establishing the criteria, the department shall consider:

- (a) The additional income and tax revenue to be retained in the state for general purposes;
- (b) The creation and retention of family wage jobs which provide health insurance and payments into a retirement plan;
- (c) The impact of motion picture projects to maximize in-state labor and the use of in-state film production and film postproduction companies;
- (d) The impact upon the local economies and the state economy as a whole, including multiplier effects;
- (e) The intangible impact on the state and local communities that comes with motion picture projects;
- (f) The regional, national, and international competitiveness of the motion picture filming industry;
- (g) The revitalization of the state as a premier venue for motion picture production and national television commercial campaigns;
- (h) Partnerships with the private sector to bolster film production in the state and serve as an educational and cultural purpose for its citizens;

(i) The vitality of the state's motion picture industry as a necessary and critical factor in promoting the state as a premier tourist and cultural destination;

(j) Giving preference to additional seasons of television series that have previously qualified;

(k) Other factors the department may deem appropriate for the implementation of this chapter.

(2) The board of directors created under section 4 of this act shall create and administer an account for carrying out the purposes of subsection (3) of this section.

(3) Money received by an approved motion picture competitiveness program shall be used only for: (a) Health insurance and payments into a retirement plan, and other costs associated with film production; (b) a tax credit marketer to market the tax credits authorized under section 5 of this act; and (c) staff and related expenses to maintain the program's proper administration and operation.

(4) Maximum funding assistance from an approved motion picture competitiveness program is limited to:

(a) Twenty percent of a total actual investment in the state of at least five hundred thousand dollars, for a single feature film produced in Washington state;

(b) Twenty percent of a total actual investment in the state of at least three hundred thousand dollars per television episode produced in Washington state; or

(c) Twenty percent of a total actual investment in the state of at least two hundred fifty thousand dollars for an infomercial or television commercial associated with a national or regional advertisement campaign produced in Washington state.

(5) No single motion picture production or episodic television project may be awarded an amount greater than one million dollars from an approved motion picture competitiveness program.

(6) Funding assistance approval must be determined by the approved motion picture competitiveness program within a maximum of thirty calendar days from when the application is received, if the application is submitted after August 15, 2006.

NEW SECTION. Sec. 4. (1) A Washington motion picture competitiveness program under this chapter shall be administered by a board of directors appointed by the governor, and the appointments shall be made within sixty days following enactment. The department, after consulting with the board, shall adopt rules for the standards that shall be used to evaluate the applications for funding assistance prior to June 30, 2006.

(2) The board shall evaluate and award financial assistance to motion picture projects under rules set forth under section 3 of this act.

(3) The board shall consist of the following members:

(a) One member representing the Washington motion picture production industry;

(b) One member representing the Washington motion picture postproduction industry;

(c) Two members representing labor unions affiliated with Washington motion picture production;

(d) One member representing the Washington visitors and convention bureaus;

(e) One member representing the Washington tourism industry;

(f) One member representing the Washington restaurant, hotel, and airline industry; and

(g) A chairperson, chosen at large, shall serve at the pleasure of the governor.

(4) The term of the board members, other than the chair, is four years. A board member appointed by the governor may be removed by the governor for cause under RCW 43.06.070 and 43.06.080.

(5) Five members of the board constitute a quorum.

(6) The board shall elect a treasurer and secretary annually, and other officers as the board members determine necessary, and may adopt bylaws or rules for its own government.

(7) The board shall make any information available at the request of the department to administer this chapter.

(8) Contributions received by a board shall be deposited into the account described in section 3(2) of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limitations in this section, a credit is allowed against the tax imposed under this chapter for contributions made by a person to a Washington motion picture competitiveness program.

(2) The person must make the contribution before claiming a credit authorized under this section. Credits earned under this section may be claimed against taxes due for the calendar year in which the contribution is made. The amount of credit claimed for a reporting period shall not exceed the tax otherwise due under this chapter for that reporting period. No person may claim more than one million dollars of credit in any calendar year, including credit carried over from a previous calendar year. No refunds may be granted for any unused credits.

(3) The maximum credit that may be earned for each calendar year under this section for a person is limited to the lesser of:

(a) An amount equal to ninety percent of the contributions made by the person to a program during the calendar year; or

(b) One million dollars.

(4) Except as provided under subsection (5) of this section, a tax credit claimed under this section may not be carried over to another year.

(5) Any amount of tax credit otherwise allowable under this section not claimed by the person in any calendar year may be carried over and claimed against the person's tax liability for the next succeeding calendar year. Any credit remaining unused in the next succeeding calendar year may be carried forward and claimed against the person's tax liability for the second succeeding calendar year; and any credit not used in that second succeeding calendar year may be carried over and claimed against the person's tax liability for the third succeeding calendar year, but may not be carried over for any calendar year thereafter.

(6) Credits are available on a first in-time basis. The department shall disallow any credits, or portion thereof, that would cause the total amount of credits claimed under this section during any calendar year to exceed five million dollars. If this limitation is reached, the department shall notify all Washington motion picture competitiveness programs that the annual statewide limit has been met. In addition, the department shall provide written notice to any person who has claimed tax credits in excess of the five million dollar limitation in this subsection. The notice shall indicate the amount of tax due and shall provide that the tax be paid within thirty days from the date of such notice. The department shall not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof.

(7) To claim a credit under this section, a person must electronically file with the department all returns, forms, and any

other information required by the department, in an electronic format as provided or approved by the department. Any return, form, or information required to be filed in an electronic format under this section is not filed until received by the department in an electronic format. As used in this subsection, "returns" has the same meaning as "return" in RCW 82.32.050.

(8) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section.

(9) A Washington motion picture competitiveness program shall provide to the department, upon request, such information needed to verify eligibility for credit under this section, including information regarding contributions received by the program.

(10) The department shall not allow any credit under this section before July 1, 2006.

(11) For the purposes of this section, "Washington motion picture competitiveness program" or "program" means an organization established pursuant to chapter 43.-- RCW (sections 1 through 4 of this act).

(12) No credit may be earned for contributions made on or after July 1, 2011.

NEW SECTION. Sec. 6. (1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how incentives are used.

(2) Each motion picture production receiving funding assistance under section 3 of this act shall report information to the department by filing a complete annual survey. The survey is due by March 31st of the year following any calendar year in which funding assistance under section 4 of this act is taken. The department may extend the due date for timely filing of annual surveys under this section if failure to file was the result of circumstances beyond the control of the motion picture production receiving the funding assistance.

(3) The survey shall include the amount of funding assistance received. The survey shall also include the following information for employment positions in Washington by the motion picture production receiving funding assistance, including indirect employment by contractors or other affiliates:

(a) The number of total employment positions;

(b) Full-time, part-time, and temporary employment positions as a percent of total employment;

(c) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(d) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(4) The department may request additional information necessary to measure the results of the funding assistance program, to be submitted at the same time as the survey.

(5) If a person fails to submit an annual survey under subsection (2) of this section by the due date of the report or any extension the department shall declare the amount of funding assistance for the previous calendar year to be immediately due and payable. The department shall assess interest, but not penalties, on the amounts due under this section. The interest shall be assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, retroactively to the date the funding assistance was received, and shall accrue until the funding assistance is repaid.

(6) The department shall use the information from this section to prepare summary descriptive statistics. The department shall report these statistics to the legislature each year by September 1st. The department shall provide the complete annual surveys to the joint legislative audit and review committee.

NEW SECTION. Sec. 7. The provisions of section 5 of this act are subject to review by the joint legislative audit and review committee. The joint legislative audit and review committee will make a recommendation to the house finance committee and the

senate ways and means committee by December 1, 2010, regarding the effectiveness of the motion picture competitiveness program including, but not limited to, the amount of state revenue generated, the amount of family wages jobs with benefits created, adherence to the criteria in section 3 of this act, and any other factors deemed appropriate by the joint legislative audit and review committee.

NEW SECTION. Sec. 8. Sections 1 through 4, 6, and 7 of this act constitute a new chapter in Title 43 RCW."

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 27, 2006

2SSB 6604 Prime Sponsor, Committee On Ways & Means: Providing excise tax relief for aerospace businesses. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Ericks and Shabro.

MINORITY recommendation: Without recommendation. Signed by Representatives Hasegawa and Santos.

Passed to Committee on Rules for second reading.

February 27, 2006

SSB 6671 Prime Sponsor, Committee On Ways & Means: Clarifying the application of taxes to the financial activities of professional employer organizations. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Ericks; Santos and Shabro.

MINORITY recommendation: Without recommendation. Signed by Representatives Hunter, Vice Chairman; Hasegawa.

Passed to Committee on Rules for second reading.

February 27, 2006

SSB 6781 Prime Sponsor, Committee On Ways & Means: Modifying the excise taxation of environmental remediation services. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 27, 2006

SSB 6853 Prime Sponsor, Committee On Transportation: Modifying vessel procurement provisions for design-build ferries. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

On page 5, line 36, strike "may" and insert "shall"

On page 6, after line 2, insert the following:

"The independent panel of experts shall consist of four to six members, selected cooperatively by the joint transportation committee and the governor, who are recognized experts in the relevant fields of vessel procurement, vessel financing, and legal issues related to vessel procurement."

Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Appleton; Clibborn; Dickerson; Hankins; Hudgins; Jarrett; Lovick; Morris; Nixon; Rodne; Sells; Shabro; Simpson; B. Sullivan; Uptegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Buck; Campbell; Ericksen; Flannigan; Holmquist; Kilmer; Schindler and Takko.

Passed to Committee on Rules for second reading.

February 27, 2006

SSB 6874 Prime Sponsor, Committee On Ways & Means: Providing tax incentives for the timber and timber products industries. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.260 and 2005 c 513 s 2 and 2005 c 443 s 4 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent;

(c) Dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record;

(d) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(e) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to

such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(b) Beginning October 1, 2005, upon every person engaging within this state in the business of making sales, at retail or wholesale, of commercial airplanes, or components of such airplanes, manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the airplanes or components multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(c) For the purposes of this subsection (11), "commercial airplane," "component," and "final assembly of a superefficient airplane" have the meanings given in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person eligible for the tax rate under this subsection (11) must report as required under RCW 82.32.545.

(e) This subsection (11) does not apply after the earlier of: July 1, 2024; or December 31, 2007, if assembly of a superefficient airplane does not begin by December 31, 2007, as determined under RCW 82.32.550.

(12)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business shall, in the case of extractors, be equal to the value of products, including byproducts, extracted, or in the case of extractors for hire, be equal to the gross income of the business, multiplied by the rate of 0.3872 percent from January 1, 2007, through December 31, 2008, and 0.2904 percent from January 1, 2009, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into wood products; as to such persons the amount of the tax with respect to the business shall, in the case of manufacturers, be equal to the value of products, including byproducts, manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.3872 percent from January 1, 2007, through December 31, 2008, and 0.2904 percent from January 1, 2009, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale timber extracted by that person; as to such persons the amount of the tax with respect to the business shall be equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.3872 percent from January 1, 2007, through December 31, 2008, and 0.2904 percent from January 1, 2009, through June 30, 2024.

(d) For purposes of this subsection, the following definitions apply:

(i) "Timber products" means logs, wood chips, sawdust, wood waste, or similar product obtained wholly from the processing of timber.

(ii) "Wood products" includes pulp, paper, lumber, and engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood.

Sec. 2. RCW 82.04.230 and 1993 sp.s. c 25 s 101 are each amended to read as follows:

Upon every person engaging within this state in business as an extractor, except persons taxable as an extractor under any other provision in this chapter; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, extracted for sale or for commercial or industrial use, multiplied by the rate of 0.484 percent.

The measure of the tax is the value of the products, including byproducts, so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 3. RCW 82.04.280 and 2004 c 24 s 6 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals, or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire, except persons taxable as extractors for hire or processors for hire under another section of this chapter; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of 0.484 percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

As used in this section, "periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

Sec. 4. RCW 82.04.280 and 2003 c 149 s 4 are each amended to read as follows:

Upon every person engaging within this state in the business of:

(1) Printing, and of publishing newspapers, periodicals, or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire, except persons taxable as extractors for hire or processors for hire under another section of this chapter; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of 0.484 percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

As used in this section, "periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

Sec. 5. RCW 82.04.440 and 2005 c 301 s 3 are each amended to read as follows:

(1) Every person engaged in activities which are within the purview of the provisions of two or more of sections RCW 82.04.230 to 82.04.298, inclusive, shall be taxable under each paragraph applicable to the activities engaged in.

(2) Persons taxable under RCW 82.04.2909(2), 82.04.250, 82.04.270, 82.04.294(2), or 82.04.260 (4) ~~((or (13)))~~, (11), or (12) with respect to selling products in this state shall be allowed a credit against those taxes for any (a) manufacturing taxes paid with respect to the manufacturing of products so sold in this state, and/or (b)

extracting taxes paid with respect to the extracting of products so sold in this state or ingredients of products so sold in this state. Extracting taxes taken as credit under subsection (3) of this section may also be taken under this subsection, if otherwise allowable under this subsection. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the sale of those products.

(3) Persons taxable as manufacturers under RCW 82.04.240 or 82.04.260 (1)(b) or (12) shall be allowed a credit against those taxes for any extracting taxes paid with respect to extracting the ingredients of the products so manufactured in this state. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the manufacturing of those products.

(4) Persons taxable under RCW 82.04.230, 82.04.240, 82.04.2909(1), 82.04.294(1), or 82.04.260 (1), (2), (4), ~~((6), or (13)))~~ (11), or (12) with respect to extracting or manufacturing products in this state shall be allowed a credit against those taxes for any (i) gross receipts taxes paid to another state with respect to the sales of the products so extracted or manufactured in this state, (ii) manufacturing taxes paid with respect to the manufacturing of products using ingredients so extracted in this state, or (iii) manufacturing taxes paid with respect to manufacturing activities completed in another state for products so manufactured in this state. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the extraction or manufacturing of those products.

(5) For the purpose of this section:

(a) "Gross receipts tax" means a tax:

(i) Which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax; and

(ii) Which is also not, pursuant to law or custom, separately stated from the sales price.

(b) "State" means (i) the state of Washington, (ii) a state of the United States other than Washington, or any political subdivision of such other state, (iii) the District of Columbia, and (iv) any foreign country or political subdivision thereof.

(c) "Manufacturing tax" means a gross receipts tax imposed on the act or privilege of engaging in business as a manufacturer, and includes (i) the taxes imposed in RCW 82.04.240, 82.04.2909(1), 82.04.260 (1), (2), (4), ~~((and (13)))~~ (11), and (12), and 82.04.294(1); and (ii) similar gross receipts taxes paid to other states.

(d) "Extracting tax" means a gross receipts tax imposed on the act or privilege of engaging in business as an extractor, and includes the tax imposed on extractors in RCW 82.04.230 and 82.04.260(12) and similar gross receipts taxes paid to other states.

(e) "Business", "manufacturer", "extractor", and other terms used in this section have the meanings given in RCW 82.04.020 through 82.04.212, notwithstanding the use of those terms in the context of describing taxes imposed by other states.

Sec. 6. 2003 c 149 s 12 (uncodified) is amended to read as follows:

(1)(a) This act ~~((is))~~ and section 4, chapter . . . , Laws of 2006 (section 4 of this act) are contingent upon the siting and commercial operation of a significant semiconductor microchip fabrication facility in the state of Washington.

(b) For the purposes of this section:

(i) "Commercial operation" means the same as "commencement of commercial production" as used in RCW 82.08.965.

(ii) "Semiconductor microchip fabrication" means "manufacturing semiconductor microchips" as defined in RCW 82.04.426.

(iii) "Significant" means the combined investment of new buildings and new machinery and equipment in the buildings, at the commencement of commercial production, will be at least one billion dollars.

(2) This act takes effect the first day of the month in which a contract for the construction of a significant semiconductor fabrication facility is signed, as determined by the director of the department of revenue.

(3)(a) The department of revenue shall provide notice of the effective date of this act to affected taxpayers, the legislature, and others as deemed appropriate by the department.

(b) If, after making a determination that a contract has been signed and this act is effective, the department discovers that commencement of commercial production did not take place within three years of the date the contract was signed, the department shall make a determination that this act is no longer effective, and all taxes that would have been otherwise due shall be deemed deferred taxes and are immediately assessed and payable from any person reporting tax under RCW 82.04.240(2) or claiming an exemption or credit under section 2 or 5 through 10 of this act. The department is not authorized to make a second determination regarding the effective date of this act.

NEW SECTION. Sec. 7. Sections 1 through 3 and 5 of this act take effect January 1, 2007."

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES SUPPLEMENTAL

February 27, 2006
SSB 5126 Prime Sponsor, Committee On Ways & Means: Developing policies, procedures, and mandatory training programs on sexual harassment for all state employees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended:

On page 1, at the beginning of line 12, strike all of section 2

Correct the title.

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 27, 2006
SSB 5141 Prime Sponsor, Committee On Ways & Means: Providing for early intervention services for children with disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Clements; Cody; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler.

Passed to Committee on Rules for second reading.

February 27, 2006
ESB 5330 Prime Sponsor, Senator Shin: Creating the economic development grants program. (REVISED FOR PASSED LEGISLATURE: Regarding an inventory of economic development grant opportunities.) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Clements; Cody; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler.

Passed to Committee on Rules for second reading.

February 27, 2006
SSB 5611 Prime Sponsor, Committee On Judiciary: Changing the interest rate on legal financial obligations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Clements; Cody; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler.

Passed to Committee on Rules for second reading.

February 27, 2006
2SSB 6172 Prime Sponsor, Committee On Ways & Means: Increasing penalties for specified sex offenses. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Clements; Cody; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler.

Passed to Committee on Rules for second reading.

February 27, 2006

E2SSB 6175 Prime Sponsor, Committee On Ways & Means: Concerning the regulation of surface mining. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 78.44.085 and 2001 1st sp.s. c 5 s 1 are each amended to read as follows:

(1) An applicant for an expansion of the originally permitted area or a new reclamation permit, or for combining a public or private reclamation permit, shall pay a nonrefundable application fee to the department before being granted ((a surface mining)) the requested permit. The amount of the application fee shall be ((one)) two thousand five hundred dollars.

(2) Permit holders submitting a revision to an application for an existing reclamation plan that is not an expansion shall pay a nonrefundable reclamation plan revision fee of one thousand dollars.

(3) After June 30, ~~((2001))~~ 2006, each public or private permit holder shall pay an annual permit fee ~~((of one thousand dollars))~~. The annual permit fee shall be payable to the department prior to the reclamation permit being issued and on the ((first)) anniversary of the permit date ((and)) each year thereafter. Annual fees paid by a county for mines used exclusively for public works projects and having less than seven acres of disturbed area per mine shall not exceed one thousand dollars. Annual fees are waived for all mines used primarily for public works projects if the mines are owned and primarily operated by counties with 1993 populations of less than twenty thousand persons, and if each mine has less than seven acres of disturbed area.

~~((3))~~ (4) Each public or private permit holder must pay an annual fee based on the categories of aggregate or mineral mined or extracted during the previous twelve months, as follows:

(a) Zero to fifty thousand tons: A fee of one thousand two hundred fifty dollars;

(b) More than fifty thousand tons to three hundred fifty thousand tons: A fee of two thousand five hundred dollars;

(c) More than three hundred fifty thousand tons: A fee of three thousand five hundred dollars.

(5) At the end of each fiscal biennium, any residual moneys from the fees charged under this section for the administration and enforcement of the regulation of surface mining under this chapter must be used by the department for the surveying and mapping of sand and gravel sites in the state.

(6) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department are confidential.

(7) Appeals from any determination of the department shall not stay the requirement to pay any annual permit fee. Failure to pay the annual fees may constitute grounds for an order to suspend surface mining, fines, or cancellation of the reclamation permit as provided in this chapter.

~~((4))~~ (8) All fees collected by the department shall be deposited into the surface mining reclamation account.

~~((5))~~ (9) If the department delegates enforcement responsibilities to a county, city, or town, the department may allocate funds collected under this section to the county, city, or town.

~~((6))~~ (10) Within sixty days after receipt of a new or expanded permit application, the department shall advise applicants of any information necessary to successfully complete the application.

(11) In addition to other enforcement authority, the department may refer matters to a collection agency when permit fees or fines are past due. The collection agency may impose its own fees for collecting delinquent permit fees or fines.

(12) Annual permit fees for surface mines that are regulated by the department under chapter 78.56 RCW, the metals mining and milling operations, are subject to chapter 78.56 RCW and the estimates of the annual fee by the department. The department of ecology shall transfer the appropriate annual fees collected under

RCW 78.56.080 to the department for deposit directly to the surface mining reclamation account.

Sec. 2. RCW 78.44.087 and 1997 c 186 s 1 are each amended to read as follows:

(1) The department should ensure that sufficient funds are available to reclaim the surface mine. The department shall not issue a reclamation permit until the applicant has deposited with the department an acceptable performance security on forms prescribed ((and furnished)) by the department, and that is adequate to cover reclamation costs. A public or governmental agency shall not be required to post performance security. No person may create a disturbed area that meets or exceeds the minimum threshold for a reclamation permit without first submitting an adequate and acceptable performance security to the department and complying with all requirements of this chapter.

(2) ~~((This performance security may be))~~ The department may refuse to accept any performance security that the department for any reason deems to be inadequate to cover reclamation costs or not in an acceptable form.

(3) Acceptable forms of performance security are:

(a) Bank letters of credit acceptable to the department or irrevocable bank letters of credit from a bank or financial institution or organization authorized to transact business in the United States;

(b) A cash deposit;

(c) ~~((Negotiable))~~ Other forms of performance securities acceptable to the department as determined by rule;

(d) An assignment of a savings account;

(e) A savings certificate in a Washington bank on an assignment form prescribed by the department;

(f) ~~((Assignments of interests in real property within the state of Washington))~~ Approved participants in a state security pool if one is established; or

(g) A corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under Title 48 RCW and authorized by the department.

~~((3))~~ (4) The performance security shall be conditioned upon the faithful performance of the requirements set forth in this chapter ((and of)), the rules adopted under it, and the reclamation permit.

~~((4))~~ (5)(a) The department ((shall have the authority to determine the amount of the performance security using a standardized performance security formula developed by the department. The amount of the security shall be determined by the department and based on the estimated costs of completing reclamation according to the approved reclamation plan or minimum standards and related administrative overhead for the area to be surface mined during (a) the next twelve-month period, (b) the following twenty-four months, and (c) any previously disturbed areas on which the reclamation has not been satisfactorily completed and approved)) must determine the amount of the performance security as prescribed by this subsection.

(b) The department may determine the amount of the performance security based on the estimated cost of: (i) Completing reclamation according to the requirements of this chapter; or (ii) the reclamation permit for the area to be surface mined during the upcoming thirty-six months and any previously disturbed areas that have not been reclaimed.

(c) The department may determine the amount of the performance security based on an engineering cost estimate for reclamation that is provided by the permit holder. The engineering cost estimate must be prepared using engineering principles and methods that are acceptable to the department. If the department does not approve the engineering cost estimate, the department shall determine the amount of the performance security using a standardized performance security formula developed by the department by rule.

~~((5))~~ (6) The department may ((increase or decrease the amount of the performance security at any time to compensate for a change in the disturbed area, the depth of excavation, a modification of the reclamation plan, or any other alteration in the conditions of the mine that affects the cost of reclamation. The department may, for any reason, refuse any performance security not deemed adequate)) recalculate a surface mine's performance security based on

subsection (5) of this section. When the department recalculates a performance security, the new calculation will not be prejudiced by the existence of any previous calculation. A new performance security must be submitted to the department within thirty days of the department's written request.

~~((6))~~ (7) Liability under the performance security and the permit holder's obligation to maintain the calculated performance security amount shall be maintained until ((reclamation is completed according to the approved reclamation plan to the satisfaction of the department)) the surface mine is reclaimed, unless released as hereinafter provided. Partial drawings will proportionately reduce the value of a performance security but will not extinguish the remaining value. Liability under the performance security may be released only ((upon written notification by the department. Notification shall be given upon completion of compliance or acceptance by the department of a substitute performance security)) when the surface mine is reclaimed as evidenced by the department in writing or after the department receives and approves a substitute performance security. The department will notify the permit holder, and surety if applicable, when reclamation is accepted by the department as complete or upon the department's acceptance of an alternate security. The liability of the surety shall not exceed the amount of security required by this section and the department's reasonable legal fees to recover the security.

~~((7))~~ (8) Any interest or appreciation on the performance security shall be held by the department until ((reclamation is completed to its satisfaction. At such time, the interest shall be remitted to the permit holder, except that such interest or appreciation may be used by the department to effect reclamation in the event that the permit holder fails to comply with the provisions of this chapter and the costs of reclamation exceed the face value of the performance security)) the surface mine is reclaimed. The department may collect and use appreciation or interest accrued on a performance security to the same extent as for the underlying performance security. If the permit holder meets its obligations under this chapter, rules adopted under this chapter, and its approved reclamation permit and plan by completing reclamation, the department will return any unused performance security and accrued interest or appreciation.

~~((8))~~ (9) No other state agency or local government other than the department shall require performance security for the purposes of surface mine reclamation. The department may enter into written agreements with federal agencies in order to avoid redundant bonding of any surface ((mines straddling boundaries between federally controlled and other lands within)) mine that is located on both federal and nonfederal lands in Washington state. Nothing in this section prohibits a state agency or local government from requiring a performance security when the state agency or local government is acting in its capacity as a landowner and contracting for extraction-related activities on state or local government property.

~~((9) When acting in its capacity as a regulator, no other state agency or local government may require a surface mining operation regulated under this chapter to post performance security unless that state agency or local government has express statutory authority to do so. A state agency's or local government's general authority to protect the public health, safety, and welfare does not constitute express statutory authority to require a performance security. However, nothing in this section prohibits a state agency or local government from requiring a performance security when the state agency or local government is acting in its capacity as a landowner and contracting for extraction-related activities on state or local government property.))~~

NEW SECTION. Sec. 3. A new section is added to chapter 78.44 RCW to read as follows:

(1) A permit holder, in lieu of an individual performance security for each mining site, may file a blanket performance security with the department for their group of permits.

(2) The department may reduce the required performance security calculated from its standard method, to an amount not to exceed the sum of reclamation security calculated by the department for the two surface mines with the largest performance security obligations, for nonmetal and nonfuel surface mines that meet the following conditions:

(a) The permit holder has had a valid reclamation permit for more than ten years and can demonstrate exemplary mining and reclamation practices that have been accepted by the department;

(b) The land owner agrees to allow the permit holder to hold a blanket security. The department must include, on forms to be signed by the landowner, notice of the risk of a lien on the landowner's lands; and

(c) The permit holder can demonstrate substantial financial ability to perform the reclamation in the approved reclamation plan and permit.

(3) Permit holders are not eligible for blanket securities if they are in violation of a final order of the department.

(4) The department must consider the compliance history and the state of the existing surface mines of the permit holder before approving any blanket performance security.

(5) Lands covered by a blanket performance security are subject to a lien placed by the department in the event of abandonment.

(6) In lieu of the performance security required of the permit holder, the department may accept a similar security from the landowner, equal to the estimated cost of reclamation as determined by the department.

NEW SECTION. Sec. 4. A new section is added to chapter 78.44 RCW to read as follows:

(1) To the extent a performance security is insufficient to cover the cost of reclamation performed by the department, a lien shall be established in favor of the department upon all of the permit holder's real and personal property.

(2) The lien attaches upon the filing of a notice of claim of lien with the county clerk of the county in which the property is located. The notice of lien claim must contain a true statement of the demand, the insufficiency of the performance security to compensate the department, and the failure of the permit holder to perform the reclamation required.

(3) The lien becomes effective when filed.

(4) The lien created by this section may be foreclosed by a suit in the superior court in the manner provided by law for the foreclosure of other liens on real or personal property.

Sec. 5. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; ~~(and)~~

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter; and

(13) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085.

NEW SECTION. Sec. 6. Section 5 of this act takes effect July 1, 2006.

NEW SECTION. Sec. 7. The department of natural resources shall establish a surface mining advisory committee that will recommend effective methods of accomplishing reclamation and address other issues deemed appropriate by the committee for the effective administration of chapter 78.44 RCW. The committee is comprised of but not limited to representatives of mining interests, state and local government, environmental groups, and private landowners. The state geologist will select the members of the committee. The department of natural resources must submit a report to the legislature containing the committee's findings by September 1, 2006."

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 27, 2006

SSB 6193 Prime Sponsor, Committee On Ways & Means: Requiring surveys of health professions work force supply and demographics. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that people of color experience significant disparities from the general population in education, employment, healthy living conditions, access to health care, and other social determinants of health. The legislature intends to address barriers to gender-appropriate and culturally and linguistically appropriate health care and health education materials, including increasing the number of female and minority health care providers, through expanded recruiting, education, and retention programs. The legislature finds that before developing a work force that is representative of the diversity of the state's population, relevant and accurate data on health care professionals, students in health care professions, and recipients of health services must first be collected.

NEW SECTION. Sec. 2. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department, in collaboration with the work force training and education coordinating board, shall distribute survey questions for the purpose of gathering data related to work force supply and demographics to all health care providers who hold a license to practice a health profession. The department shall adopt a schedule for distributing surveys by profession so that each profession is surveyed every two years. In developing the survey, the department shall seek advice from researchers that are likely to use the survey data.

(2)(a) At a minimum, the survey shall include questions related to understanding the following characteristics of individuals in the health care work force:

- (i) Specialty;
- (ii) Birthdate and gender;
- (iii) Race and ethnicity;
- (iv) Hours in practice per week;
- (v) Practice statistics, including hours spent in direct patient care;
- (vi) Zip codes of the location where the provider practices;
- (vii) Years in practice, years in practice in Washington, location and years in practice in other jurisdictions;
- (viii) Education and training background, including the location and types of education and training received; and
- (ix) Type of facilities where the provider practices.

(b) The department may approve proposals for the distribution of surveys containing additional data elements to selected health care professions if it determines that there is a legitimate research interest in obtaining the information, the additional burden on members of the health care profession is not unreasonable, the effect on survey response rates is not unreasonable, and there are funds available. The department may accept funds through contracts, grants, donations, or other forms of contributions to support more detailed surveys.

(3) The department must make a public data set available that meets the confidentiality requirements of subsection (5) of this section. The department may respond to requests for data and other information from the registry for special studies and analysis pursuant to a data-sharing agreement. Any use of the data by the requestor must comply with the confidentiality requirements of subsection (5) of this section. The department may require requestors to pay any or all of the reasonable costs associated with such requests that may be approved.

(4) The failure to complete or return the survey may not be grounds to withhold, fail to renew, or revoke a license or to impose

any other disciplinary sanctions against a credentialed health care provider.

(5) The department must process the surveys that it receives in such a way that the identity of individual providers remains confidential. Data elements related to the identification of individual providers are confidential and are exempt from RCW 42.56.040 through 42.56.570 and 42.17.350 through 42.17.450, except as provided in a data-sharing agreement approved by the department pursuant to subsection (3) of this section.

(6) By July 1, 2009, the department shall provide a report to the appropriate committees of the legislature on the effectiveness of using a survey to obtain information on the supply of health care professionals, the distribution and use of the information obtained by the surveys by employers and health professions education and training programs and the extent to which the surveys have alleviated identified shortages of trained health care providers.

NEW SECTION. **Sec. 3.** Section 1 of this act takes effect July 1, 2006.

NEW SECTION. **Sec. 4.** This act expires January 1, 2012."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 27, 2006

2SSB 6197 Prime Sponsor, Committee On Ways & Means: Creating the governor's interagency coordinating council on health disparities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.20 RCW to read as follows:

The legislature finds that women and people of color experience significant disparities from men and the general population in education, employment, healthful living conditions, access to health care, and other social determinants of health. The legislature finds that these circumstances coupled with lower, slower, and less culturally appropriate and gender appropriate access to needed medical care result in higher rates of morbidity and mortality for women and persons of color than observed in the general population. Health disparities are defined by the national institute of health as the differences in incidence, prevalence, mortality, and burden of disease and other adverse health conditions that exist among specific population groups in the United States.

It is the intent of the Washington state legislature to create the healthiest state in the nation by striving to eliminate health disparities in people of color and between men and women. In meeting the intent of this act, the legislature creates the governor's interagency coordinating council on health disparities. This council shall create an action plan and statewide policy to include health impact reviews that measure and address other social determinants of health that lead to disparities as well as the contributing factors of health that can

have broad impacts on improving status, health literacy, physical activity, and nutrition.

Sec. 2. RCW 43.20.025 and 1989 1st ex.s. c 9 s 208 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commissions" means the Washington state commission on African-American affairs established in chapter 43.113 RCW, the Washington state commission on Asian Pacific American affairs established in chapter 43.117 RCW, the Washington state commission on Hispanic affairs established in chapter 43.115 RCW, and the governor's office of Indian affairs.

(2) "Consumer representative" means any person who is not an elected official, who has no fiduciary obligation to a health facility or other health agency, and who has no material financial interest in the rendering of health services.

~~((2))~~ (3) "Council" means the ~~(health care access and cost control)~~ governor's interagency coordinating council on health disparities, convened according to this chapter.

~~((3))~~ (4) "Department" means the department of health.

~~((4))~~ (5) "Health disparities" means the difference in incidence, prevalence, mortality, or burden of disease and other adverse health conditions, including lack of access to proven health care services that exists between specific population groups in Washington state.

(6) "Health impact review" means a review of a legislative or budgetary proposal completed according to the terms of this chapter that determines the extent to which the proposal improves or exacerbates health disparities.

(7) "Secretary" means the secretary of health, or the secretary's designee.

~~((5))~~ (8) "Local health board" means a health board created pursuant to chapter 70.05, 70.08, or 70.46 RCW.

~~((6))~~ (9) "Local health officer" means the legally qualified physician appointed as a health officer pursuant to chapter 70.05, 70.08, or 70.46 RCW.

~~((7))~~ (10) "Social determinants of health" means those elements of social structure most closely shown to affect health and illness, including at a minimum, early learning, education, socioeconomic standing, safe housing, gender, incidence of violence, convenient and affordable access to safe opportunities for physical activity, healthy diet, and appropriate health care services.

(11) "State board" means the state board of health created under chapter 43.20 RCW.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.20 RCW to read as follows:

(1) In collaboration with staff whom the office of financial management may assign, and within funds made expressly available to the state board for these purposes, the state board shall assist the governor by convening and providing assistance to the council. The council shall include one representative from each of the following groups: Each of the commissions, the state board, the department, the department of social and health services, the department of community, trade, and economic development, the health care authority, the department of agriculture, the department of ecology, the office of the superintendent of public instruction, the department of early learning, the work force training and education coordinating board, and two members of the public who will represent the interests of health care consumers. The council is a class one group under RCW 43.03.220. The two public members shall be paid per diem and travel expenses in accordance with RCW 43.03.050 and 43.03.060. The council shall reflect diversity in race, ethnicity, and gender. The governor or the governor's designee shall chair the council.

(2) The council shall promote and facilitate communication, coordination, and collaboration among relevant state agencies and communities of color, and the private sector and public sector, to address health disparities. The council shall conduct public hearings, inquiries, studies, or other forms of information gathering to understand how the actions of state government ameliorate or contribute to health disparities. All state agencies must cooperate with the council's efforts.

(3) The council with assistance from the state board, shall assess through public hearings, review of existing data, and other means, and recommend initiatives for improving the availability of culturally appropriate health literature and interpretive services within public and private health-related agencies.

(4) In order to assist with its work, the council shall establish advisory committees to assist in plan development for specific issues and shall include members of other state agencies and local communities.

(5) The advisory committee shall reflect diversity in race, ethnicity, and gender.

NEW SECTION. Sec. 4. A new section is added to chapter 43.20 RCW to read as follows:

The council shall consider in its deliberations and by 2012, create an action plan for eliminating health disparities. The action plan must address, but is not limited to, the following diseases, conditions, and health indicators: Diabetes, asthma, infant mortality, HIV/AIDS, heart disease, strokes, breast cancer, cervical cancer, prostate cancer, chronic kidney disease, sudden infant death syndrome (SIDS), mental health, women's health issues, smoking cessation, oral disease, and immunization rates of children and senior citizens. The council shall prioritize the diseases, conditions, and health indicators according to prevalence and severity of the health disparity. The council shall address these priorities on an incremental basis by adding no more than five of the diseases, conditions, and health indicators to each update or revised version of the action plan. The action plan shall be updated biannually. The council shall meet as often as necessary but not less than two times per calendar year. The council shall report its progress with the action plan to the governor and the legislature no later than January 15, 2008. A second report shall be presented no later than January 15, 2010, and a third report from the council shall be presented to the governor and the legislature no later than January 15, 2012. Thereafter, the governor and legislature shall require progress updates from the council every four years in odd-numbered years. The action plan shall recognize the need for flexibility.

NEW SECTION. Sec. 5. A new section is added to chapter 43.20 RCW to read as follows:

The state board shall, to the extent that funds are available expressly for this purpose, complete health impact reviews, in collaboration with the council, and with assistance that shall be provided by any state agency of which the board makes a request.

(1) A health impact review may be initiated by a written request submitted according to forms and procedures proposed by the council and approved by the state board before December 1, 2006.

(2) Any state legislator or the governor may request a review of any proposal for a state legislative or budgetary change. Upon receiving a request for a health impact review from the governor or a member of the legislature during a legislative session, the state board shall deliver the health impact review to the requesting party in no more than ten days.

(3) The state board may limit the number of health impact reviews it produces to retain quality while operating within its available resources.

(4) A state agency may decline a request to provide assistance if complying with the request would not be feasible while operating within its available resources.

(5) Upon delivery of the review to the requesting party, it shall be a public document, and shall be available on the state board's web site.

(6) The review shall be based on the best available empirical information and professional assumptions available to the state board within the time required for completing the review. The review should consider direct impacts on health disparities as well as changes in the social determinants of health.

(7) The state board and the department shall collaborate to obtain any federal or private funding that may become available to implement the state board's duties under this chapter. If the department receives such funding, the department shall allocate it to the state board and affected agencies to implement its duties under this chapter, and any state general funds that may have been

appropriated but are no longer needed by the state board shall lapse to the state general fund.

NEW SECTION. Sec. 6. A new section is added to chapter 43.20 RCW to read as follows:

The state board and the department shall collaborate to obtain any federal or private funding that may become available to implement the state board's duties under this chapter. If the department receives such funding, the department shall allocate it to the state board to implement its duties under this chapter, and any state general funds that may have been appropriated but are no longer needed by the state board shall lapse to the state general fund.

NEW SECTION. Sec. 7. A new section is added to chapter 44.28 RCW to read as follows:

The joint committee shall conduct a review of the governor's interagency coordinating council on health disparities and its functions. The review shall be substantially the same as a sunset review under chapter 43.131 RCW. The joint committee shall present its findings to appropriate committees of the legislature by December 1, 2016."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Cody; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Miloscia; Schual-Berke and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle; McDonald; Pearson; Priest; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 27, 2006
E2SSB 6239 Prime Sponsor, Committee On Ways & Means: Changing provisions relating to controlled substances. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Criminal Justice & Corrections.

Strike everything after the enacting clause and insert the following:

"PART I SUBSTANCE ABUSE REDUCTION

NEW SECTION. Sec. 101. A new section is added to chapter 70.96A RCW to read as follows:

(1) Any county that has imposed the sales and use tax authorized by RCW 82.14.460 may seek a state appropriation of up to one hundred thousand dollars annually beginning in fiscal year 2008 and ending in fiscal year 2010. The funds shall be used to provide additional support to counties for mental health or substance abuse treatment for persons with methamphetamine addiction. Local governments receiving funds under this section may not use the funds to supplant existing funding.

(2) Counties receiving funding shall: (a) Provide a financial plan for the expenditure of any potential funds prior to funds being awarded; (b) report annually to the appropriate committees of the legislature regarding the number of clients served, services provided, and a statement of expenditures; and (c) expend no more than ten percent for administrative costs or for information technology.

NEW SECTION. Sec. 102. A new section is added to chapter 72.09 RCW to read as follows:

(1) Through June 30, 2010, it is the intent of the legislature to provide one hundred additional placements for therapeutic drug and alcohol treatment in the state's correctional institutions, above the level of placements provided on January 1, 2006.

(2) This section expires June 30, 2010.

NEW SECTION. Sec. 103. It is the intent of the legislature to provide assistance for jurisdictions enforcing illegal drug laws that have historically been underserved by federally funded state narcotics task forces and are considered to be major transport areas of narcotics traffickers.

NEW SECTION. Sec. 104. (1) Three pilot enforcement areas shall be established for a period of four fiscal years, beginning July 1, 2006, and ending June 30, 2010, with one in the southwestern region of the state, comprising of Pacific, Wahkiakum, Lewis, Grays Harbor, and Cowlitz counties; one in the southeastern region of the state, comprising of Walla Walla, Columbia, Garfield, and Asotin counties; and one in the northeastern part of the state, comprising of Stevens, Ferry, Pend Oreille, and Lincoln counties. The counties comprising a specific pilot area shall coordinate with each other to establish and implement a regional strategy to enforce illegal drug laws.

(2) When funded by the legislature, funding is to be divided equally among the three pilot enforcement areas. This funding is intended to provide a minimum of four additional sheriff deputies for each pilot area, two deputy prosecutors who will support the counties that are included in the pilot area, a court clerk, and clerical staff to serve the pilot area. It is the intent of the legislature that those counties that have not previously received significant federal narcotics task force funding shall be allocated funding for at least one additional sheriff's deputy. Counties are encouraged to utilize drug courts and treatment programs, and to share resources that operate in the region through the use of interlocal agreements. The funding appropriated for this purpose must not be used to supplant existing funding and cannot be used for any purpose other than the enforcement of illegal drug laws.

The criminal justice training commission shall allocate funds to the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs. The Washington association of prosecuting attorneys is responsible for administration of the funding and programs for the prosecution of crimes and court proceedings. The Washington association of sheriffs and police chiefs shall administer the funds provided for law enforcement.

NEW SECTION. Sec. 105. The Washington association of sheriffs and police chiefs, the Washington association of prosecuting attorneys, and the Washington association of county officials shall jointly develop measures to determine the efficacy of the programs in the pilot areas. These measures shall include comparison of arrest rates before the implementation of this act and after, reduction of recidivism, and any other factors that are determined to be relevant to evaluation of the programs. The organizations named in this section shall present their findings to the legislature by December 1, 2008.

Sec. 106. RCW 2.28.170 and 2005 c 504 s 504 are each amended to read as follows:

(1) Counties may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing felony and nonfelony offenders, whether adult or juvenile, by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(i) Exhaust all federal funding that is available to support the operations of its drug court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services.

(b) Any county that establishes a drug court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The drug court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from substance abuse treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

Sec. 107. RCW 26.44.020 and 2000 c 162 s 19 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed, excluding conduct permitted under

RCW 9A.16.100. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(15) "Negligent treatment or maltreatment" means an act or omission that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety, including but not limited to conduct prohibited under RCW 9A.42.100. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment.

(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

Sec. 108. RCW 26.44.020 and 2005 c 512 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families,

including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(15) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child (~~do does~~) does not constitute negligent treatment or maltreatment in and of ~~(themselves [itself])~~ itself.

(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

Sec. 109. RCW 74.34.020 and 2003 c 230 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

(c) "Mental abuse" means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(d) "Exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(3) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(4) "Department" means the department of social and health services.

(5) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, boarding homes; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed by the department.

(6) "Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person's profit or advantage.

(7) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

(8) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

(9) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety,

including but not limited to conduct prohibited under RCW 9A.42.100.

(10) "Permissive reporter" means any person, employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

(11) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

(12) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

(13) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Found incapacitated under chapter 11.88 RCW; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from an individual provider.

NEW SECTION. Sec. 110. The department of community, trade, and economic development shall review federal, state, and local funding sources and funding levels available to local meth action teams through the Washington state methamphetamine initiative to determine whether funding is adequate to accomplish the mission of the meth action teams. The department shall also review the funding levels for drug task forces in the state of Washington to determine whether they may require additional resources to successfully interdict drug trafficking organizations and clandestine labs statewide. The department shall report findings and recommendations to the legislature by November 1, 2006.

NEW SECTION. Sec. 111. The department of social and health services shall consult with faith-based organizations to discuss the appropriate role that such organizations may have in filling support service delivery needs for persons with chemical dependency disorders. The department shall report findings and recommendations to the legislature by November 1, 2006.

NEW SECTION. Sec. 112. The agency council on coordinated transportation shall adopt, as a part of its strategic program, a plan to increase access by recovering addicts to existing special needs transportation services already offered by medicaid brokerages and local transportation coalitions. The council may also implement an awareness campaign through department of corrections community corrections officers and service providers licensed by the department of social and health services division of alcohol and substance abuse to promote to recovering addicts seeking treatment the use of special needs transportation services, the council web site, and the statewide trip planner. The council shall report back to the legislature regarding the implementation of these strategies by November 1, 2006.

NEW SECTION. Sec. 113. The department of social and health services, in consultation with the attorney general, shall report to the legislature by January 15, 2007, on the status of ongoing multimedia campaigns to prevent methamphetamine use and underage drinking, and promote treatment, within the state of Washington.

PART II CLEANUP OF CONTAMINATED PROPERTY

Sec. 201. RCW 64.44.010 and 1999 c 292 s 2 are each amended to read as follows:

The words and phrases defined in this section shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

(1) "Authorized contractor" means a person who decontaminates, demolishes, or disposes of contaminated property as required by this chapter who is certified by the department as provided for in RCW 64.44.060.

(2) "Contaminated" or "contamination" means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards. Property that at one time was contaminated but has been satisfactorily decontaminated according to procedures established by the state board of health is not "contaminated."

(3) "Department" means the department of health.

(4) "Hazardous chemicals" means the following substances ~~((used in))~~ associated with the manufacture of illegal drugs: (a) Hazardous substances as defined in RCW 70.105D.020~~((, and))~~; (b) precursor substances as defined in RCW 69.43.010 which the state board of health, in consultation with the state board of pharmacy, has determined present an immediate or long-term health hazard to humans; and (c) the controlled substance or substances being manufactured, as defined in RCW 69.50.101.

~~((4))~~ (5) "Officer" means a local health officer authorized under chapters 70.05, 70.08, and 70.46 RCW.

~~((5))~~ (6) "Property" means any real or personal property, ((site, structure, or part of a structure which)) or segregable part thereof that is involved in or affected by the unauthorized manufacture or storage of hazardous chemicals. This includes but is not limited to single-family residences, units of multiplexes, condominiums, apartment buildings, boats, motor vehicles, trailers, manufactured housing, ((or)) any shop, booth, ((or)) garden, or storage shed, and all contents of the items referenced in this subsection.

Sec. 202. RCW 64.44.020 and 1999 c 292 s 3 are each amended to read as follows:

Whenever a law enforcement agency becomes aware that property has been contaminated by hazardous chemicals, that agency shall report the contamination to the local health officer. The local health officer shall ~~((post))~~ cause a posting of a written warning on the premises within one working day of notification of the contamination and shall inspect the property within fourteen days after receiving the notice of contamination. The warning shall inform the potential occupants that hazardous chemicals may exist on, or have been removed from, the premises and that entry is unsafe. If a property owner believes that a tenant has contaminated property that was being leased or rented, and the property is vacated or abandoned, then the property owner shall contact the local health officer about the possible contamination. Local health officers or boards may charge property owners reasonable fees for inspections of suspected contaminated property requested by property owners.

A local health officer may enter, inspect, and survey at reasonable times any properties for which there are reasonable grounds to believe that the property has become contaminated. If the property is contaminated, the local health officer shall post a written notice declaring that the officer intends to issue an order prohibiting use of the property as long as the property is contaminated. If access to the property is denied, a local health officer in consultation with law enforcement may seek a warrant for the purpose of conducting administrative inspections and seizure of property as defined in RCW 69.50.505. A superior, district, or municipal court within the jurisdiction of the property may, based upon probable cause that the property is contaminated, issue warrants for the purpose of conducting administrative inspections and seizure of property as defined in RCW 69.50.505.

Local health officers must report all cases of contaminated property to the state department of health. The department may make the list of contaminated properties available to health associations, landlord and realtor organizations, prosecutors, and other interested

groups. The department shall promptly update the list of contaminated properties to remove those which have been decontaminated according to provisions of this chapter.

The local health officer may determine when the services of an authorized contractor are necessary.

Sec. 203. RCW 64.44.070 and 1999 c 292 s 8 are each amended to read as follows:

(1) The state board of health shall promulgate rules and standards for carrying out the provisions in this chapter in accordance with chapter 34.05 RCW, the administrative procedure act. The local board of health and the local health officer are authorized to exercise such powers as may be necessary to carry out this chapter. The department shall provide technical assistance to local health boards and health officers to carry out their duties under this chapter.

(2) The department shall adopt rules for decontamination of a property used as an illegal drug laboratory and methods for the testing of ground water, surface water, soil, and septic tanks for contamination. The rules shall establish decontamination standards for hazardous chemicals, including but not limited to methamphetamine, lead, mercury, and total volatile organic compounds. The department shall also adopt rules pertaining to independent third party sampling to verify satisfactory decontamination of property deemed contaminated and unfit for use. For the purposes of this section, an independent third party sampler is a person who is not an employee, agent, representative, partner, joint venturer, shareholder, or parent or subsidiary company of the clandestine drug laboratory decontamination contractor, the contractor's company, or property owner.

NEW SECTION. **Sec. 204.** The department of community, trade, and economic development shall report to the legislature on the feasibility of providing incentives and protections to landlords to encourage housing rentals to recovering substance abusers or those convicted of drug crimes. A final report must be submitted to the appropriate committees of the legislature by January 1, 2007.

PART III CRIMINAL SANCTIONS AND PROCEDURE

Sec. 301. RCW 9.94A.533 and 2003 c 53 s 58 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.605. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Sec. 302. RCW 9.94A.660 and 2005 c 460 s 1 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(c) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(d) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(e) The standard sentence range for the current offense is greater than one year; and

(f) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a sentence under this section may be made by the court, the offender, or the state. If the sentencing court determines that the offender is eligible for this alternative, the court

may order an examination of the offender. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from drug addiction;
 (b) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;

(c) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and

(d) Whether the offender and the community will benefit from the use of the alternative.

(3) The examination report must contain:

(a) Information on the issues required to be addressed in subsection (2) of this section; and

(b) A proposed treatment plan that must, at a minimum, contain:

(i) A proposed treatment provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services;

(ii) The recommended frequency and length of treatment, including both residential chemical dependency treatment and treatment in the community;

(iii) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and

(iv) Recommended crime-related prohibitions and affirmative conditions.

(4) After receipt of the examination report, if the court determines that a sentence under this section is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under subsection (5) of this section or a residential chemical dependency treatment-based alternative under subsection (6) of this section. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

(5) The prison-based alternative shall include:

(a) A period of total confinement in a state facility for one-half of the midpoint of the standard sentence range or twelve months, whichever is greater. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections;

(b) The remainder of the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services. If the department finds that conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court;

(c) Crime-related prohibitions including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.715 to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

(6) The residential chemical dependency treatment-based alternative shall include:

(a) A term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months. If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody. The court shall

impose, as conditions of community custody, treatment and other conditions as proposed in the plan under subsection (3)(b) of this section. The department may impose conditions and sanctions as authorized in RCW 9.94A.715 (2), (3), (6), and (7), 9.94A.737, and 9.94A.740. The court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;

(b) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment. At the hearing, the court may:

(i) Authorize the department to terminate the offender's community custody status on the expiration date determined under (a) of this subsection; or

(ii) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

(iii) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.715;

(c) If the court imposes a term of total confinement under (b)(iii) of this subsection, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the terms of total confinement and community custody.

(7) If the court imposes a sentence under this section, the court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court may impose any of the following conditions:

(a) Devote time to a specific employment or training;

(b) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(c) Report as directed to a community corrections officer;

(d) Pay all court-ordered legal financial obligations;

(e) Perform community restitution work;

(f) Stay out of areas designated by the sentencing court;

(g) Such other conditions as the court may require such as affirmative conditions.

(8)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the terms of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.

(9) If an offender sentenced to the prison-based alternative under subsection (5) of this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

(10) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(11) Costs of examinations and preparing treatment plans under subsections (2) and (3) of this section may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350.

Sec. 303. RCW 9.94A.500 and 2000 c 75 s 8 are each amended to read as follows:

(1) Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing.

Except in cases where the defendant shall be sentenced to a term of total confinement for life without the possibility of release or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, the court may order the department to complete a risk assessment report. If available before sentencing, the report shall be provided to the court.

Unless specifically waived by the court, the court shall order the department to complete a chemical dependency screening report before imposing a sentence upon a defendant who has been convicted of a violation of the uniform controlled substances act under chapter 69.50 RCW ((~~or~~)), a criminal solicitation to commit such a violation under chapter 9A.28 RCW, or any felony where the court finds that the offender has a chemical dependency that has contributed to his or her offense. In addition, the court shall, at the time of plea or conviction, order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. If the court determines that the defendant may be a mentally ill person as defined in RCW 71.24.025, although the defendant has not established that at the time of the crime he or she lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court shall order the department to complete a presentence report before imposing a sentence.

The court shall consider the risk assessment report and presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed.

If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all risk assessment reports and presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

(2) To prevent wrongful disclosure of information related to mental health services, as defined in RCW 71.05.445 and ((~~71.34.225~~)) 71.34.345, a court may take only those steps necessary during a sentencing hearing or any hearing in which the department presents information related to mental health services to the court. The steps may be taken on motion of the defendant, the prosecuting attorney, or on the court's own motion. The court may seal the portion of the record relating to information relating to mental health services, exclude the public from the hearing during presentation or discussion of information relating to mental health services, or grant other relief to achieve the result intended by this subsection, but nothing in this subsection shall be construed to prevent the subsequent release of information related to mental health services as authorized by RCW 71.05.445, ((~~71.34.225~~)) 71.34.345, or 72.09.585. Any person who otherwise is permitted to attend any hearing pursuant to chapter 7.69 or 7.69A RCW shall not be excluded from the hearing solely because the department intends to disclose or discloses information related to mental health services.

NEW SECTION. Sec. 304. The Washington institute for public policy shall conduct a study of criminal sentencing provisions of neighboring states for all crimes involving methamphetamine. The institute shall report to the legislature on any criminal sentencing increases necessary under Washington law to reduce or remove any incentives methamphetamine traffickers and manufacturers may have to locate in Washington. The report shall be completed by January 1, 2007.

NEW SECTION. Sec. 305. The Washington institute for public policy shall conduct a study of the drug offender sentencing alternative. The institute shall study recidivism rates for offenders who received substance abuse treatment while in confinement as compared to offenders who received treatment in the community or received no treatment. The institute shall report to the legislature by January 1, 2007.

PART IV MISCELLANEOUS

NEW SECTION. Sec. 401. Part headings used in this act are no part of the law.

NEW SECTION. Sec. 402. If specific funding for the purposes of each section of this act, referencing the section by section number and by bill or chapter number, is not provided by June 30, 2006, in the omnibus appropriations act, each section not referenced in the omnibus appropriations act is null and void.

NEW SECTION. Sec. 403. Section 107 of this act expires January 1, 2007.

NEW SECTION. Sec. 404. Section 108 of this act takes effect January 1, 2007."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle.

Passed to Committee on Rules for second reading.

February 27, 2006
2SSB 6319 Prime Sponsor, Committee On Ways & Means:
Changing provisions for sex offender registration. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.44.130 and 2003 c 215 s 1 and 2003 c 53 s 68 are each reenacted and amended to read as follows:

(1) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if

the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile: (a) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution; (b) who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or (c) whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW (~~4.24.500~~) 4.24.550 upon the public safety department of any public or private institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency

shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or

Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

(vii) **OFFENDERS WHO LACK A FIXED RESIDENCE.** Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) **OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION.** Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) **OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE.** Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection

(4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or

dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (9)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (9)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(10)(a) A person who knowingly fails to ~~(register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by)~~ comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11)(a) A person who knowingly fails to register or who moves within the state without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

Sec. 2. RCW 9A.44.130 and 2005 c 380 s 1 are each amended to read as follows:

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has

been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person.

(b) Any adult or juvenile who is required to register under (a) of this subsection:

(i) Who is attending, or planning to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW shall, within ten days of enrolling or prior to arriving at the school to attend classes, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the school, and the sheriff shall promptly notify the principal of the school;

(ii) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution;

(iii) Who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or

(iv) Whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution.

(c) Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, or a public or private school regulated under Title 28A RCW or chapter 72.40 RCW on September 1, 2006, must notify the county sheriff immediately.

(d) The sheriff shall notify the school's principal or institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(e)(i) A principal receiving notice under this subsection must disclose the information received from the sheriff under (b) of this subsection as follows:

(A) If the student who is required to register as a sex offender is classified as a risk level II or III, the principal shall provide the information received to every teacher of any student required to register under (a) of this subsection and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record;

(B) If the student who is required to register as a sex offender is classified as a risk level I, the principal shall provide the information received only to personnel who, in the judgment of the principal, for security purposes should be aware of the student's record.

(ii) Any information received by a principal or school personnel under this subsection is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(2) This section may not be construed to confer any powers pursuant to RCW ~~(4.24.500)~~ 4.24.550 upon the public safety department of any public or private school or institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) **OFFENDERS IN CUSTODY.** (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) **OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION.** Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) **OFFENDERS UNDER FEDERAL JURISDICTION.** Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody

but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) **OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a

violation of this section and is punishable as provided in subsection (10) of this section.

(vii) **OFFENDERS WHO LACK A FIXED RESIDENCE.** Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) **OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION.** Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) **OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE.** Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within forty-eight hours

excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (9)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (9)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation

whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(10)(a) A person who knowingly fails to ~~((register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by))~~ comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11)(a) A person who knowingly fails to register or who moves within the state without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(12) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section.

Sec. 3. RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN
EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1)) Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076)
X	Child Molestation 1 (RCW 9A.44.083) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Kidnapping 1 (RCW 9A.40.020) Leading Organized Crime (RCW 9A.82.060(1)(a)) Malicious explosion 3 (RCW 70.74.280(3)) Sexually Violent Predator Escape (RCW 9A.76.115)

IX	Assault of a Child 2 (RCW 9A.36.130) Explosive devices prohibited (RCW 70.74.180) Hit and Run--Death (RCW 46.52.020(4)(a)) Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050) Inciting Criminal Profiteering (RCW 9A.82.060(1)(b)) Malicious placement of an explosive 2 (RCW 70.74.270(2)) Robbery 1 (RCW 9A.56.200) Sexual Exploitation (RCW 9.68A.040) Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
VIII	Arson 1 (RCW 9A.48.020) Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050) Manslaughter 2 (RCW 9A.32.070) Promoting Prostitution 1 (RCW 9A.88.070) Theft of Ammonia (RCW 69.55.010) Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
VII	Burglary 1 (RCW 9A.52.020) Child Molestation 2 (RCW 9A.44.086) Civil Disorder Training (RCW 9A.48.120) Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050) Drive-by Shooting (RCW 9A.36.045) Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050) Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c)) Introducing Contraband 1 (RCW 9A.76.140) Malicious placement of an explosive 3 (RCW 70.74.270(3)) Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675) Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060) Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)) Use of a Machine Gun in Commission of a Felony (RCW 9.41.225) Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
VI	Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a)) Bribery (RCW 9A.68.010) Incest 1 (RCW 9A.64.020(1)) Intimidating a Judge (RCW 9A.72.160) Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130) Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b)) Rape of a Child 3 (RCW 9A.44.079) Theft of a Firearm (RCW 9A.56.300) Unlawful Storage of Ammonia (RCW 69.55.020)
V	Abandonment of dependent person 1 (RCW 9A.42.060)

- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(3))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Abandonment of dependent person 2 (RCW 9A.42.070)
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))

- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody (RCW 72.09.310)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130(10)(a))
- Theft 1 (RCW 9A.56.030)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(4))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
- Unlawful Production of Payment Instruments (RCW 9A.56.320)

- Unlawful Trafficking in Food Stamps (RCW 9.91.142)
- Unlawful Use of Food Stamps (RCW 9.91.144)
- Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 4. RCW 9.94A.545 and 2003 c 379 s 8 are each amended to read as follows:

(1) Except as provided in RCW 9.94A.650 and in subsection (2) of this section, on all sentences of confinement for one year or less, in which the offender is convicted of a sex offense, a violent offense, a crime against a person under RCW 9.94A.411, or felony violation of chapter 69.50 or 69.52 RCW or an attempt, conspiracy, or solicitation to commit such a crime, the court may impose up to one year of community custody, subject to conditions and sanctions as authorized in RCW 9.94A.715 and 9.94A.720. An offender shall be on community custody as of the date of sentencing. However, during the time for which the offender is in total or partial confinement pursuant to the sentence or a violation of the sentence, the period of community custody shall toll.

(2) If the offender is guilty of failure to register under RCW 9A.44.130(10)(a), the court shall impose a term of community custody under RCW 9.94A.715.

Sec. 5. RCW 9.94A.715 and 2003 c 379 s 6 are each amended to read as follows:

(1) When a court sentences a person to the custody of the department for a sex offense not sentenced under RCW 9.94A.712, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, or when a court sentences a person to a term of confinement of one year or less for a violation of RCW 9A.44.130(10)(a) committed on or after the effective date of this act, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range established under RCW 9.94A.850 or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2), whichever is longer. The community custody shall begin: (a) Upon completion of the term of confinement; (b) at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.728 (1) and (2); or (c) with regard to offenders sentenced under RCW 9.94A.660, upon failure to complete or administrative termination from the special drug offender sentencing alternative program. Except as provided in RCW 9.94A.501, the department shall supervise any sentence of community custody imposed under this section.

(2)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to subsection (6) of this section.

(b) As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department under RCW 9.94A.720. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. In addition, the department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws.

(c) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(3) If an offender violates conditions imposed by the court or the department pursuant to this section during community custody, the

department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.737 and 9.94A.740.

(4) Except for terms of community custody under RCW 9.94A.670, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(5) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.631 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(6) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection.

(7) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (a) The crime of conviction; (b) the offender's risk of reoffending; or (c) the safety of the community.

Sec. 6. RCW 9.94A.525 and 2002 c 290 s 3 and 2002 c 107 s 3 are each reenacted and amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2) Class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences

provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction.

(12) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130(10), count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW 9A.44.130(10), which shall count as one point.

(18) If the present conviction is for an offense committed while the offender was under community placement, add one point.

~~((18))~~ (19) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Accordingly, prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions.

NEW SECTION. Sec. 7. Section 1 of this act expires September 1, 2006.

NEW SECTION. Sec. 8. Section 2 of this act takes effect September 1, 2006.

NEW SECTION. Sec. 9. If specific funding for the purposes of section 3 of this act, referencing this act and section 3 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 3 of this act is null and void.

NEW SECTION. Sec. 10. If specific funding for the purposes of section 4 of this act, referencing this act and section 4 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 4 of this act is null and void."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald;

McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 27, 2006

SSB 6320 Prime Sponsor, Committee On Human Services & Corrections: Revising the model policy for disclosure of sex offender information. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 27, 2006

SSB 6322 Prime Sponsor, Committee On Human Services & Corrections: Relating to electronic monitoring of sex offenders. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 27, 2006

2SSB 6326 Prime Sponsor, Committee On Ways & Means: Providing a source of funding for customized work force training. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.50 RCW to read as follows:

The legislature finds that the provision of customized training is critical to attracting and retaining businesses, and that the growth of many businesses is limited by an unmet need for customized training. The legislature also finds that work force training not only helps business, it also improves the quality of life for workers and communities. Because of the statewide public benefit to be gained from instituting a customized training program, the legislature intends to promote work force training in a manner that reduces the costs of training to new and expanding firms.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.50 RCW to read as follows:

(1) The board shall assist in matching participating employers with qualified training institutions for the purposes of providing customized training.

(2) For the purposes of this section and section 3 of this act, qualified training institutions may enter into agreements with four-year institutions of higher education, as defined in RCW 28B.10.016, in accordance with the interlocal cooperation act, chapter 39.34 RCW.

(3) The board may adopt rules to implement this section.

NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

(1) A participating employer may take a credit against the tax imposed by this chapter if the number of employees a participating employer has in the state during the calendar year following the completion of the customized training program equals the number of employees the participating employer had in the state in the calendar year preceding the start of the customized training program plus at least seventy-five percent of the number of trainees.

(2) The credit under this section is equal to fifty percent of the amount of customized training costs, up to a maximum of five hundred thousand dollars per employer per calendar year.

(3)(a) The credit may not be used to train workers who have been hired as a result of a strike or lockout.

(b) A credit may not be claimed under this section with respect to the value of job training services for which credit is claimed under RCW 82.04.4333.

(4) Credits are available on a first in-time basis. The department shall disallow any credits, or portion thereof, that would cause the total amount of credits claimed under this section during any calendar year to exceed one million five hundred thousand dollars. If this limitation is reached, the department shall notify the board, the work force training and education coordinating board, and the higher education coordinating board that the annual statewide limit has been met. In addition, the department shall provide written notice to any person who has claimed tax credits in excess of the one million five hundred thousand dollar limitation in this subsection. The notice shall indicate the amount of tax due and shall provide that the tax be paid within thirty days from the date of such notice. The department shall not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof.

(5) Any amount of tax credit otherwise allowable under this section not claimed by the person in any calendar year may be carried over and claimed against the person's tax liability until used.

NEW SECTION. Sec. 4. A new section is added to chapter 82.04 RCW to read as follows:

The definitions in this section apply to sections 2 and 3 of this act unless the context clearly requires otherwise.

(1) "Board" means the state board for community and technical colleges.

(2) "Participating employer" means a private employer that undertakes a training program with a qualified training institution under section 2 of this act.

(3) "Qualified training institution" means public community or technical college or a private vocational school licensed by either the work force training and education coordinating board or the higher education coordinating board.

(4) "Customized training costs" means the direct costs experienced under a contract with a qualified training institution for formal technical or skill training, including basic skills. "Customized training costs" includes amounts in the contract for costs of instruction, materials, equipment, rental of class space, marketing, and overhead. "Customized training costs" does not include employee tuition reimbursements unless the tuition reimbursement is specifically included in a contract.

NEW SECTION. Sec. 5. A new section is added to chapter 82.32 RCW to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy

choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(2) Each person claiming a tax credit under section 3 of this act shall report information to the department by filing a complete annual survey. The survey is due by March 31st of the year following any calendar year in which a tax credit under section 3 of this act is taken. The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall include the amount of tax credit taken. The survey shall also include the following information for employment positions in Washington:

(a) The number of total employment positions;

(b) Full-time, part-time, and temporary employment positions as a percent of total employment;

(c) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(d) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

The first survey filed under this subsection shall also include information for the twelve-month period immediately before first use of a tax incentive.

(3) The department may request additional information necessary to measure the results of the credit program, to be submitted at the same time as the survey.

(4) All information collected under this section, except the amount of the tax credit taken, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax credit taken is not subject to the confidentiality provisions of RCW 82.32.330.

(5) If a person fails to submit an annual survey under subsection (2) of this section by the due date of the report or any extension under RCW 82.32.590, the department shall declare the amount of taxes credited for the previous calendar year to be immediately due and payable. The department shall assess interest, but not penalties, on the amounts due under this section. The interest shall be assessed at the rate provided for delinquent taxes under this chapter, retroactively to the date the credit was claimed, and shall accrue until the taxes for which the credit was claimed are repaid. This information is not subject to the confidentiality provisions of RCW 82.32.330.

(6) The department shall use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(7) The department shall study the tax credit authorized in section 3 of this act. The department shall submit a report to the finance committee of the house of representatives and the ways and means committee of the senate by December 1, 2015. The report shall measure the effect of the credit on job creation, job retention, company growth, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

Sec. 6. RCW 82.32.590 and 2005 c 514 s 1001 are each amended to read as follows:

(1) If the department finds that the failure of a taxpayer to file an annual survey under RCW 82.04.4452 or section 5 of this act by the due date was the result of circumstances beyond the control of the taxpayer, the department shall extend the time for filing the survey. Such extension shall be for a period of thirty days from the date the department issues its written notification to the taxpayer that it qualifies for an extension under this section. The department may grant additional extensions as it deems proper.

(2) In making a determination whether the failure of a taxpayer to file an annual survey by the due date was the result of circumstances beyond the control of the taxpayer, the department shall be guided by rules adopted by the department for the waiver or cancellation of penalties when the underpayment or untimely payment of any tax was due to circumstances beyond the control of the taxpayer.

Sec. 7. RCW 82.04.4333 and 1996 c 1 s 4 are each amended to read as follows:

(1) There may be credited against the tax imposed by this chapter, the value of state-approved, employer-provided or sponsored job training services designed to enhance the job-related performance of employees, for those businesses eligible for a tax deferral under chapter 82.60 RCW.

(2) The value of the state-approved, job training services provided by the employer to the employee, without charge, shall be determined by the allocation of the cost method using generally accepted accounting standards.

(3) The credit allowed under this section shall be limited to an amount equal to twenty percent of the value of the state-approved, job training services determined under subsection (2) of this section. The total credits allowed under this section for a business shall not exceed five thousand dollars per calendar year.

(4) Prior to claiming the credit under this section, the business must obtain approval of the proposed job training service from the employment security department. The employer's request for approval must include a description of the proposed job training service, how the job training will enhance the employee's performance, and the cost of the proposed job training.

(5) This section only applies to training in respect to eligible business projects for which an application is approved on or after January 1, 1996.

(6) A credit may not be claimed under this section with respect to the amount of customized training costs for which credit is claimed under section 3 of this act.

NEW SECTION. Sec. 8. Section 3 of this act takes effect July 1, 2006.

NEW SECTION. Sec. 9. Section 3 of this act expires July 1, 2016."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Buri; Cody; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey; Chandler and Clements.

Passed to Committee on Rules for second reading.

February 27, 2006

SSB 6330 Prime Sponsor, Committee On International Trade & Economic Development: Establishing the Washington trade corps fellowship program. (REVISED FOR PASSED LEGISLATURE: Evaluating funding alternatives for an international trade corps fellowship program.) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that in order to promote international trade and enhance the work of Washington's international trade offices, college and graduate students should be provided an opportunity to gain experience in international trade by assisting Washington businesses enter foreign markets.

NEW SECTION. Sec. 2. (1) The department of community, trade, and economic development shall research alternative funding sources for the purpose of instituting an international trade corps fellowship program in collaboration with other public and private entities, including, but not limited to, the international programs at institutions of higher education.

(2) The department shall submit a report to the legislature by December 1, 2007, with recommendations regarding instituting an international trade corps fellowship program without the use of state general fund moneys. The report should also include recommendations regarding the number of fellows participating each year, the cost of administrating the program, and the criteria for the selection of candidates."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; McDonald, Assistant Ranking Minority Member; Cody; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Miloscia; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Hinkle and Pearson.

Passed to Committee on Rules for second reading.

February 27, 2006

SB 6364 Prime Sponsor, Roach: Prohibiting certain activities on motor driven boats and vessels. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Natural Resources, Ecology & Parks.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 79A.60 RCW to read as follows:

(1) No person may operate a motor driven boat or vessel or have the engine of a motor driven boat or vessel run idle while an individual is teak surfing, platform dragging, or bodysurfing behind the motor driven boat or vessel.

(2) No person may operate a motor driven boat or vessel or have the engine of a motor driven boat or vessel run idle while an individual is occupying or holding onto the swim platform, swim deck, swim step, or swim ladder of the motor driven boat or vessel.

(3) Subsection (2) of this section does not apply when an individual is occupying the swim platform, swim deck, swim step, or swim ladder for a very brief period of time while assisting with the docking or departure of the vessel, while exiting or entering the vessel, or while the vessel is engaged in law enforcement or emergency rescue activity.

(4) For the purposes of this section, "teak surfing" or "platform dragging" means holding onto the swim platform, swim deck, swim step, swim ladder, or any portion of the exterior of the transom of a motor driven boat or vessel for any amount of time while the motor driven boat or vessel is underway at any speed.

(5) For the purposes of this section, "bodysurfing" means swimming or floating on one's stomach or on one's back on or in the wake directly behind a motor driven boat or vessel that is underway.

(6) A violation of this section is an infraction punishable as provided under chapter 7.84 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 88.02 RCW to read as follows:

(1) Any new or used motor driven boat or vessel, as that term is defined in RCW 79A.60.010, other than a personal watercraft, sold within this state must display a carbon monoxide warning sticker developed by the department on the interior of the vessel.

(2) For vessels sold by a dealer, the dealer shall ensure that the warning sticker has been affixed prior to completing a transaction.

(3) For a vessel sold by an individual, the department shall include the sticker in the registration materials provided to the new owner, and the department shall notify the new owner that the sticker must be affixed as described in subsection (1) of this section.

(4) A warning sticker already developed by a vessel manufacturer may satisfy the requirements of this section if it has been approved by the department. The department shall approve a carbon monoxide warning sticker that has been approved by the United States coast guard for similar uses in other states.

NEW SECTION. Sec. 3. A new section is added to chapter 88.02 RCW to read as follows:

The department shall include an informational brochure about the dangers of carbon monoxide poisoning and vessels and the warning stickers required by section 2 of this act as part of the registration materials mailed by the department for two consecutive years for registrations that are due or become due after the effective date of this section, and thereafter upon recommendation by the director of the department. The materials shall instruct the vessel owner to affix the stickers as required by section 2 of this act.

Sec. 4. RCW 79A.60.610 and 1994 c 151 s 2 are each amended to read as follows:

The commission shall undertake a statewide recreational boating fire prevention education program concerning the safe use of marine fuels and electrical systems (~~and the hazards of carbon monoxide~~). The boating fire prevention education program shall provide for the distribution of fire safety materials and decals warning of fire hazards and for educational opportunities to educate boaters on the safety practices needed to operate heaters, stoves, and other appliances in Washington's unique aquatic environment. The commission shall evaluate the boating public's voluntary participation in the program and the program's impact on safe boating.

NEW SECTION. Sec. 5. This act may be known and cited as the Jenda Jones and Denise Colbert safe boating act.

NEW SECTION. Sec. 6. Sections 2 and 3 of this act take effect January 1, 2007."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McIntire; Milosecia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 27, 2006

ESSB 6366 Prime Sponsor, Committee On Ways & Means: Concerning preparation and response to pandemic influenza. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that certain threats to public health do not respect the jurisdictional boundaries of local public health districts and departments. Such threats require an efficient, well-coordinated response by local health jurisdictions in order to protect the health of local residents as well as the health of all Washingtonians. These threats place demands on public health to be more vigilant than ever and to respond quickly and decisively. Rapid responses of substantial magnitude are no longer a goal for the future, but a necessity for preserving the health of society.

For over a decade, the public health improvement plan process has brought state and local health jurisdictions together to achieve a partnership that has produced standards of quality and best practices that are a national model. The standards developed by the public health improvement partnership have focused largely on formal documentation of administrative processes by state and local health jurisdictions. This is the necessary first step to measuring the performance of public health, but is not yet sufficient for measuring the outcomes of these improvements in public health operations. Performance measures are needed immediately to ascertain the extent to which the residents of the state of Washington have a consistent and adequate level of protection from communicable diseases including a pandemic disease outbreak.

The legislature recognizes the magnitude of the demands placed on public health in today's society and the strides that it has made toward holding itself accountable for the way in which it performs. The legislature finds that enhanced funding and enhanced performance measures are immediately necessary in order for public health to perform at levels that will protect all of the residents of Washington.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Local health jurisdiction" means a local health department as established under chapter 70.05 RCW, a combined city-county health department as established under chapter 70.08 RCW, or a health district established under chapter 70.05 or 70.46 RCW.

(3) "Performance measure" means a standard that establishes a benchmark against which a local health jurisdiction's performance can be measured that is as closely associated with a desired outcome as possible.

(4) "Secretary" means the secretary of health.

NEW SECTION. Sec. 3. The secretary shall:

(1) By June 15, 2006, establish a template, consistent with requirements and performance standards established by the United States department of health and human services, to define preparedness activities that should be undertaken prior to a pandemic disease outbreak or other communicable disease outbreak; describe the response, coordination, and decision-making structure among all local public health, health care, and response organizations; and define the roles and responsibilities of all local public health, health care, and response organizations during all phases of a pandemic disease outbreak or other communicable disease outbreak. The template shall be used by each local health jurisdiction to assess their capacity to respond to a pandemic disease outbreak or other communicable disease outbreak that poses a significant risk of a statewide health hazard. The template must include explicit criteria and performance or outcome measures related to the activities identified in section 5 of this act, and reflect the relative priorities among the activities for purposes of local health jurisdiction planning and implementation efforts. The performance measures included in the template must provide a means to assess operations of the department and each local health jurisdiction with respect to providing an adequate and consistent level of statewide protection for the residents of the state in the event of a pandemic disease outbreak

or other communicable disease outbreak. In developing these measures, the secretary shall consider performance measures developed by government agencies and private organizations. The secretary shall attempt to develop these performance measures in categories consistent with the process standards applicable to protection from communicable disease as identified in the public health improvement plan under RCW 43.70.520 and 43.70.580, to the extent that these measures are consistent with federal standards defined by the United States department of health and human services;

(2) Develop a process for assessing the compliance of the department and each local health jurisdiction with the performance measures developed under subsection (1) of this section at least biannually;

(3) Develop a process for distributing federal funds appropriated in the omnibus appropriations act on or before July 1, 2006, to local health jurisdictions for development of their pandemic flu and communicable disease outbreak preparedness and response plans, based upon a formula developed by the secretary. The formula developed by the secretary shall ensure that each local health jurisdiction receives a minimum amount of funds for plan development and that any additional funds for plan development be distributed equitably, including consideration of population and factors that increase susceptibility to an outbreak, upon soliciting the advice of the local health jurisdictions;

(4) Develop a process for approving or rejecting pandemic flu and communicable disease outbreak preparedness and response plans developed by local health jurisdictions under section 5 of this act by November 30, 2006.

NEW SECTION. Sec. 4. (1) Each local health jurisdiction must substantially comply with the performance measures established under section 3 of this act by July 1, 2007, and maintain such substantial compliance.

(2) The department shall report to the legislature by November 15, 2008, on the level of compliance with the performance measures established in section 3 of this act. The report shall consider the extent to which local health jurisdictions comply with each performance measure and any impediments to meeting the expected level of performance.

NEW SECTION. Sec. 5. By December 1, 2006, each jurisdiction shall submit a pandemic flu and communicable disease outbreak preparedness and response plan in consultation with appropriate public and private sector partners, including departments of emergency management, law enforcement, school districts, hospitals and medical professionals, tribal governments, and business organizations. The plan shall include the specific activities, including their relative priority within the plan, that it will undertake to meet the standards included in the template developed by the secretary under section 3 of this act by June 30, 2007, and a detailed explanation of the expenditures needed to implement the plan. At a minimum, each plan shall address:

(1) Public education and citizen preparedness, including improvements in the ability of the public to employ universal infectious disease prevention practices, maintain emergency supplies, and respond to a community public health emergency;

(2)(a) Disease surveillance, investigation, and rapid response, including health care provider compliance with reportable conditions requirements;

(b) Investigation and analysis of reported illness or outbreaks; and

(c) Disease control response;

(3) Communications systems, including improving effectiveness of communication, the availability of specialized communications equipment, and access by health officials and community leaders to mass media outlets;

(4) Medical system mobilization, including improving the linkages and coordination of emergency responses across health care organizations, contracts with community facilities to serve as emergency alternative sites during an emergency, availability of trained personnel, conducting practice drills and access to medical supplies and equipment, plans and protocols to rapidly administer

vaccine to large populations and monitor vaccine effectiveness and safety, and guidelines for the appropriate use of medications to treat and prevent influenza or other communicable diseases;

(5) Community-level disease containment capability including increasing adherence to public health advisories, voluntary social isolation during disease outbreaks, and health officer orders related to quarantines;

(6) Maintenance of social order and essential public services, including improving linkages with the local emergency incident command structure and maintenance of essential service and the development of the legal documents necessary to facilitate and support the necessary government response.

Upon approval of a local health jurisdiction's pandemic flu and communicable disease outbreak preparedness and response plan by the secretary, the secretary shall distribute state funds and any additional federal funds appropriated under the omnibus appropriations act for implementation of the plan, based upon a formula developed by the secretary.

NEW SECTION. Sec. 6. The department shall provide implementation support and assistance to a local health jurisdiction when the secretary or the local health jurisdiction has significant concerns regarding a jurisdiction's progress toward implementing its plan. Nothing in this section is intended to limit the authority of the secretary to act under RCW 43.70.130(4).

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 27, 2006

ESSB 6396 Prime Sponsor, Committee On Labor, Commerce, Research & Development: Modifying the accumulation and use of sick leave accrued by part-time faculty. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Higher Education & Workforce Education.

On page 2, after line 33, strike all of section 2

On page 3, after line 1, insert:

"**NEW SECTION. Sec. 2.** This act applies only to leave accumulated on or after the effective date of this act."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody;

Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 27, 2006

ESSB 6428 Prime Sponsor, Committee On Water, Energy & Environment: Providing for electronic product recycling. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Natural Resources, Ecology & Parks.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a convenient, safe, and environmentally sound system for the collection, transportation, and recycling of covered electronic products must be established. The legislature further finds that the system must encourage the design of electronic products that are less toxic and more recyclable. The legislature further finds that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the collection, transportation, and recycling system.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington materials management and financing authority created under section 28 of this act.

(2) "Authorized party" means a manufacturer who submits an individual independent plan or the entity authorized to submit an independent plan for more than one manufacturer.

(3) "Board" means the board of directors of the Washington materials management and financing authority created under section 29 of this act.

(4) "Collector" means an entity licensed to do business in the state that gathers unwanted covered electronic products from households, small businesses, school districts, small governments, and charities for the purpose of recycling and meets minimum standards that may be developed by the department.

(5) "Contract for services" means an instrument executed by the authority and one or more persons or entities that delineates collection, transportation, and recycling services, in whole or in part, that will be provided to the citizens of the state within service areas as described in the approved standard plan.

(6) "Covered electronic product" includes a cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally, a desktop computer, a laptop or a portable computer, or a cathode ray tube or flat panel television having a viewable area greater than four inches when measured diagonally that has been used in the state by any covered entity regardless of original point of purchase. "Covered electronic product" does not include: (a) A motor vehicle or replacement parts for use in motor vehicles or aircraft, or any computer, computer monitor, or television that is contained within, and is not separate from, the motor vehicle or aircraft; (b) monitoring and control instruments or systems; (c) medical devices; (d) products including materials intended for use as ingredients in those products as defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) or the virus-serum-toxin act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts; (e) equipment used in the delivery of patient care in a health care setting; (f) a computer, computer monitor, or television that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or (g) hand-held portable

voice or data devices used for commercial mobile services as defined in 47 U.S.C. Sec. 332 (d)(1).

(7) "Covered entity" means any household, charity, school district, small business, or small government located in Washington state.

(8) "Curbside service" means a collection service providing regularly scheduled pickup of covered electronic products from households or other covered entities in quantities generated from households.

(9) "Department" means the department of ecology.

(10) "Electronic product" includes a cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally; a desktop computer; a laptop or a portable computer; or a cathode ray tube or flat screen television having a viewable area greater than four inches when measured diagonally.

(11) "Equivalent share" means the weight in pounds of covered electronic products for which an individual manufacturer is responsible under this chapter as determined by the department under section 20 of this act.

(12) "Household" means a single detached dwelling unit or a single unit of a multiple dwelling unit and appurtenant structures.

(13) "Independent plan" means a plan for the collection, transportation, and recycling of unwanted covered electronic products that is developed, implemented, and financed by an individual manufacturer or by an authorized party.

(14) "Manufacturer" means any person, in business or no longer in business but having a successor in interest, who, irrespective of the selling technique used, including by means of distance or remote sale:

(a) Manufactures or has manufactured a covered electronic product under its own brand names for sale in or into this state;

(b) Assembles or has assembled a covered electronic product that uses parts manufactured by others for sale in or into this state under the assembler's brand names;

(c) Resells or has resold in or into this state under its own brand names a covered electronic product produced by other suppliers, including retail establishments that sell covered electronic products under their own brand names;

(d) Imports or has imported a covered electronic product into the United States that is sold in or into this state. However, if a company from whom an importer purchases or has purchased the merchandise performs activities conducted under the standards established for interstate commerce under the commerce clause of the United States Constitution, that company is deemed to be the manufacturer; or

(e) Manufactures or manufactured a cobranded product for sale in or into this state that carries the name of both the manufacturer and a retailer.

(15) "New entrant" means: (a) A manufacturer of televisions that have been sold in the state for less than ten years; or (b) a manufacturer of desktop computers, laptop and portable computers, or computer monitors that have been sold in the state for less than five years. However, a manufacturer of both televisions and computers or a manufacturer of both televisions and computer monitors that is deemed a new entrant under either only (a) or (b) of this subsection is not considered a new entrant for purposes of this chapter.

(16) "Orphan product" means a covered electronic product that lacks a manufacturer's brand or for which the manufacturer is no longer in business and has no successor in interest.

(17) "Plan's equivalent share" means the weight in pounds of covered electronic products for which a plan is responsible. A plan's equivalent share is equal to the sum of the equivalent shares of each manufacturer participating in that plan.

(18) "Plan's return share" means the sum of the return shares of each manufacturer participating in that plan.

(19) "Premium service" means services such as at-location system upgrade services provided to covered entities and at-home pickup services offered to households. "Premium service" does not include curbside service.

(20) "Processor" means an entity engaged in disassembling, dismantling, or shredding electronic products to recover materials contained in the electronic products and prepare those materials for reclaiming or reuse in new products in accordance with processing

standards established by this chapter and by the department. A processor may also salvage parts to be used in new products.

(21) "Product type" means one of the following categories: Computer monitors; desktop computers; laptop and portable computers; and televisions.

(22) "Program" means the collection, transportation, and recycling activities conducted to implement an independent plan or the standard plan.

(23) "Program year" means each full calendar year after the program has been initiated.

(24) "Recycling" means transforming or remanufacturing unwanted electronic products, components, and byproducts into usable or marketable materials for use other than landfill disposal or incineration. "Recycling" does not include energy recovery or energy generation by means of combusting unwanted electronic products, components, and byproducts with or without other waste. Smelting of electronic materials to recover metals for reuse in conformance with all applicable laws and regulations is not considered disposal or energy recovery.

(25) "Retailer" means a person who offers covered electronic products for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer.

(26) "Return share" means the percentage of covered electronic products by weight identified for an individual manufacturer, as determined by the department under section 19 of this act.

(27) "Reuse" means any operation by which an electronic product or a component of a covered electronic product changes ownership and is used for the same purpose for which it was originally purchased.

(28) "Small business" means a business employing less than fifty people.

(29) "Small government" means a city in the state with a population less than fifty thousand, a county in the state with a population less than one hundred twenty-five thousand, and special purpose districts in the state.

(30) "Standard plan" means the plan for the collection, transportation, and recycling of unwanted covered electronic products developed, implemented, and financed by the authority on behalf of manufacturers participating in the authority.

(31) "Transporter" means an entity that transports covered electronic products from collection sites or services to processors or other locations for the purpose of recycling, but does not include any entity or person that hauls their own unwanted electronic products.

(32) "Unwanted electronic product" means a covered electronic product that has been discarded or is intended to be discarded by its owner.

(33) "White box manufacturer" means a person who manufactured unbranded covered electronic products offered for sale in the state within ten years prior to a program year for televisions or within five years prior to a program year for desktop computers, laptop or portable computers, or computer monitors.

NEW SECTION. Sec. 3. (1) A manufacturer must participate in an independent plan or the standard plan to implement and finance the collection, transportation, and recycling of covered electronic products.

(2) An independent plan or the standard plan must be implemented and fully operational no later than January 1, 2009.

(3) The manufacturers participating in an approved plan are responsible for covering all administrative and operational costs associated with the collection, transportation, and recycling of their plan's equivalent share of covered electronic products. If costs are passed on to consumers, it must be done without any fees at the time the unwanted electronic product is delivered or collected for recycling. However, this does not prohibit collectors providing premium or curbside services from charging customers a fee for the additional collection cost of providing this service, when funding for collection provided by an independent plan or the standard plan does not fully cover the cost of that service.

(4) Nothing in this chapter changes or limits the authority of the Washington utilities and transportation commission to regulate

collection of solid waste in the state of Washington, including curbside collection of residential recyclable materials, nor does this chapter change or limit the authority of a city or town to provide such service itself or by contract pursuant to RCW 81.77.020.

(5) Manufacturers are encouraged to collaborate with electronic product retailers, certificated waste haulers, processors, recyclers, charities, and local governments within the state in the development and implementation of their plans.

NEW SECTION. Sec. 4. (1) By January 1, 2007, and annually thereafter, each manufacturer must register with the department.

(2) A manufacturer must submit to the department with each registration or annual renewal a fee to cover the administrative costs of this chapter as determined by the department under section 23 of this act.

(3) The department shall review the registration or renewal application and notify the manufacturer if their registration does not meet the requirements of this section. Within thirty days of receipt of such a notification from the department, the manufacturer must file with the department a revised registration addressing the requirements noted by the department.

(4) The registration must include the following information:

(a) The name and contact information of the manufacturer submitting the registration;

(b) The manufacturer's brand names of covered electronic products, including all brand names sold in the state in the past, all brand names currently being sold in the state, and all brand names for which the manufacturer has legal responsibility under section 10 of this act;

(c) The method or methods of sale used in the state; and

(d) Whether the registrant will be participating in the standard plan or submitting an independent plan to the department for approval.

(5) The registrant shall submit any changes to the information provided in the registration to the department within fourteen days of such change.

(6) The department shall identify, using all reasonable means, manufacturers that are in business or that are no longer in business but that have a successor in interest by examining best available return share data and other pertinent data. The department shall notify manufacturers that have been identified and for whom an address has been found of the requirements of this chapter, including registration and plan requirements under this section and section 5 of this act.

NEW SECTION. Sec. 5. (1) A manufacturer must participate in the standard plan administered by the authority, unless the manufacturer obtains department approval for an independent plan for the collection, transportation, and recycling of unwanted electronic products.

(2) An independent plan may be submitted by an individual manufacturer or by a group of manufacturers, provided that:

(a) Each independent plan represents at least a five percent return share of covered electronic products; and

(b) The manufacturer is not a new entrant or a white box manufacturer.

(3) An individual manufacturer submitting an independent plan to the department is responsible for collecting, transporting, and recycling its equivalent share of covered electronic products.

(4)(a) Manufacturers collectively submitting an independent plan are responsible for collecting, transporting, and recycling the sum of the equivalent shares of each participating manufacturer.

(b) Each group of manufacturers submitting an independent plan must designate a party authorized to file the plan with the department on their behalf. A letter of certification from each of the manufacturers designating the authorized party must be submitted to the department together with the plan.

(5) Each manufacturer in the standard plan or in an independent plan retains responsibility and liability under this chapter in the event that the plan fails to meet the manufacturer's obligations under this chapter.

NEW SECTION. Sec. 6. (1) All initial independent plans and the initial standard plan required under section 5 of this act must be submitted to the department by February 1, 2008. The department shall review each independent plan and the standard plan.

(2) The authority submitting the standard plan and each authorized party submitting an independent plan to the department must pay a fee to the department to cover the costs of administering and implementing this chapter. The department shall set the fees as described under section 23 of this act.

(3) The fees in subsection (2) of this section apply to the initial plan submission and plan updates and revisions required in section 7 of this act.

(4) Within ninety days after receipt of a plan, the department shall determine whether the plan complies with this chapter. If the plan is approved, the department shall send a letter of approval. If a plan is rejected, the department shall provide the reasons for rejecting the plan to the authority or authorized party. The authority or authorized party must submit a new plan within sixty days after receipt of the letter of disapproval.

(5) An independent plan and the standard plan must contain the following elements:

(a) Contact information for the authority or authorized party and a comprehensive list of all manufacturers participating in the plan and their contact information;

(b) A description of the collection, transportation, and recycling systems and service providers used, including a description of how the authority or authorized party will:

(i) Seek to use businesses within the state, including retailers, charities, processors, and collection and transportation services; and

(ii) Fairly compensate collectors for providing collection services;

(c) The method or methods for the reasonably convenient collection of all product types of covered electronic products in rural and urban areas throughout the state, including how the plan will provide for collection services in each county of the state and for a minimum of one collection site or alternate collection service for each city or town with a population greater than ten thousand. A collection site for a county may be the same as a collection site for a city or town in the county;

(d) A description of how the plan will provide service to small businesses, small governments, charities, and school districts in Washington;

(e) The processes and methods used to recycle covered electronic products including a description of the processing that will be used and the facility location;

(f) Documentation of audits of each processor used in the plan and compliance with processing standards established under section 25 of this act;

(g) A description of the accounting and reporting systems that will be employed to track progress toward the plan's equivalent share;

(h) A timeline describing startup, implementation, and progress towards milestones with anticipated results;

(i) A public information campaign to inform consumers about how to recycle their covered electronic products at the end of the product's life.

(6) The standard plan shall address how it will incorporate and fairly compensate registered collectors providing curbside or premium services such that they are not compensated at a lower rate for collection costs than the compensation offered other collectors providing drop-off collection sites in that geographic area.

(7) All transporters and collectors used to fulfill the requirements of this section must be registered as described in section 24 of this act.

NEW SECTION. Sec. 7. (1) An independent plan and the standard plan must be updated at least every five years and as required in (a) and (b) of this subsection.

(a) If the program fails to provide service in each county in the state or meet other plan requirements, the authority or authorized party shall submit to the department within sixty days of failing to provide service an updated plan addressing how the program will be adjusted to meet the program geographic coverage and collection service requirements established in section 9 of this act.

(b) The authority or authorized party shall notify the department of any modification to the plan. If the department determines that the authority or authorized party has significantly modified the program described in the plan, the authority or authorized party shall submit a revised plan describing the changes to the department within sixty days of notification by the department.

(2) Within sixty days after receipt of a revised plan, the department shall determine whether the revised plan complies with this chapter. If the revised plan is approved, the department shall send a letter of approval. If the revised plan is rejected, the department shall provide the reasons for rejecting the plan to the authority or authorized party. The authority or authorized party must submit a new plan revision within sixty days after receipt of the letter of disapproval.

(3) The authority or authorized parties may buy and sell collected covered electronic products with other programs without submitting a plan revision for review.

NEW SECTION. Sec. 8. (1) A manufacturer participating in an independent plan may join the standard plan by notifying the authority and the department of its intention at least five months prior to the start of the next program year.

(2) Manufacturers may not change from one plan to another plan during a program year.

(3) A manufacturer participating in the standard plan wishing to implement or participate in an independent plan may do so by complying with rules adopted by the department under section 23 of this act.

NEW SECTION. Sec. 9. (1) A program must provide collection services for covered electronic products of all product types that are reasonably convenient and available to all citizens of the state residing within its geographic boundaries, including both rural and urban areas. Each program must provide collection service in every county of the state. A program may provide collection services jointly with another plan or plans.

(a) For any city or town with a population of greater than ten thousand, each program shall provide a minimum of one collection site or alternate collection service described in subsection (3) of this section or a combination of sites and alternate service that together provide at least one collection opportunity for all product types. A collection site for a county may be the same as a collection site for a city or town in the county.

(b) Collection sites may include electronics recyclers and repair shops, recyclers of other commodities, reuse organizations, charities, retailers, government recycling sites, or other suitable locations.

(c) Collection sites must be staffed, open to the public at a frequency adequate to meet the needs of the area being served, and on an on-going basis.

(2) A program may limit the number of covered electronic products or covered electronic products by product type accepted per customer per day or per delivery at a collection site or service. All covered entities may use a collection site as long as the covered entities adhere to any restrictions established in the plans.

(3) A program may provide collection services in forms different than collection sites, such as curbside services, if those alternate services provide equal or better convenience to citizens and equal or increased recovery of unwanted covered electronic products.

(4) For rural areas without commercial centers or areas with widely dispersed population, a program may provide collection at the nearest commercial centers or solid waste sites, collection events, mail-back systems, or a combination of these options.

(5) For small businesses, small governments, charities, and school districts that may have large quantities of covered electronic products that cannot be handled at collection sites or curbside services, a program may provide alternate services. At a minimum, a program must provide for processing of these large quantities of covered electronic products at no charge to the small businesses, small governments, charities, and school districts.

NEW SECTION. Sec. 10. Any person acquiring a manufacturer, or who has acquired a manufacturer, shall have all responsibility for the acquired company's covered electronic

products, including covered electronic products manufactured prior to the effective date of this section, unless that responsibility remains with another entity per the purchase agreement and the acquiring manufacturer provides the department with a letter from the other entity accepting responsibility for the covered electronic products. Cobranding manufacturers may negotiate with retailers for responsibility for those products and must notify the department of the results of their negotiations.

NEW SECTION. Sec. 11. (1) An independent plan and the standard plan must implement and finance an auditable, statistically significant sampling of covered electronic products entering its program every program year. The information collected must include a list of the brand names of covered electronic products by product type, the number of covered electronic products by product type, the weight of covered electronic products that are identified for each brand name or that lack a manufacturer's brand, the total weight of the sample by product type, and any additional information needed to assign return share.

(2) The sampling must be conducted in the presence of the department or a third-party organization approved by the department. The department may, at its discretion, audit the methodology and the results.

(3) After the fifth program year, the department may reassess the sampling required in this section. The department may adjust the frequency at which manufacturers must implement the sampling or may adjust the frequency at which manufacturers must provide certain information from the sampling. Prior to making any changes, the department shall notify the public, including all registered manufacturers, and provide a comment period. The department shall notify all registered manufacturers of any such changes.

NEW SECTION. Sec. 12. (1) An independent plan and the standard plan must inform covered entities about where and how to reuse and recycle their covered electronic products at the end of the product's life, including providing a web site or a toll-free telephone number that gives information about the recycling program in sufficient detail to educate covered entities regarding how to return their covered electronic products for recycling.

(2) The department shall promote covered electronic product recycling by:

(a) Posting information describing where to recycle unwanted covered electronic products on its web site;

(b) Providing information about recycling covered electronic products through a toll-free telephone service; and

(c) Developing and providing artwork for use in flyers and signage to retailers upon request.

(3) Local governments shall promote covered electronic product recycling, including listings of local collection sites and services, through existing educational methods typically used by each local government.

(4) A retailer who sells new covered electronic products shall provide information to consumers describing where and how to recycle covered electronic products and opportunities and locations for the convenient collection or return of the products. This requirement can be fulfilled by providing the department's toll-free telephone number and web site. Remote sellers may include the information in a visible location on their web site as fulfillment of this requirement.

(5) Manufacturers, state government, local governments, retailers, and collection sites and services shall collaborate in the development and implementation of the public information campaign.

NEW SECTION. Sec. 13. (1) The electronic products recycling account is created in the custody of the state treasurer. All payments resulting from plans not reaching their equivalent share, as described in section 22 of this act, shall be deposited into the account. Any moneys collected for manufacturer registration fees, fees associated with reviewing and approving plans and plan revisions, and penalties levied under this chapter shall be deposited into the account.

(2) Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject

to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(3) Moneys in the account may be used solely by the department for the purposes of fulfilling department responsibilities specified in this chapter and for expenditures to the authority and authorized parties resulting from plans exceeding their equivalent share, as described in section 22 of this act. Funds in the account may not be diverted for any purpose or activity other than those specified in this section.

NEW SECTION. Sec. 14. (1) By March 1st of the second program year and each program year thereafter, the authority and each authorized party shall file with the department an annual report for the preceding program year.

(2) The annual report must include the following information:

(a) The total weight in pounds of covered electronic products collected and recycled, by county, during the preceding program year including documentation verifying collection and processing of that material. The total weight in pounds includes orphan products. The report must also indicate and document the weight in pounds received from each nonprofit charitable organization primarily engaged in the business of reuse and resale used by the plan. The report must document the weight in pounds that were received in large quantities from small businesses, small governments, charities and school districts as described in section 9(5) of this act;

(b) The collection services provided in each county and for each city with a population over ten thousand including a list of all collection sites and services operating in the state in the prior program year and the parties who operated them;

(c) A list of processors used, the weight of covered electronic products processed by each direct processor, and a description of the processes and methods used to recycle the covered electronic products including a description of the processing and facility locations. The report must also include a list of subcontractors who further processed or recycled unwanted covered electronic products, electronic components, or electronic scrap described in section 25(1)(b) of this act, including facility locations;

(d) Other documentation as established under section 25(1)(d) of this act;

(e) Educational and promotional efforts that were undertaken;

(f) The results of sampling and sorting as required in section 11 of this act, including a list of the brand names of covered electronic products by product type, the number of covered electronic products by product type, the weight of covered electronic products that are identified for each brand name or that lack a manufacturer's brand, and the total weight of the sample by product type;

(g) The list of manufacturers that are participating in the standard plan; and

(h) Any other information deemed necessary by the department.

(3) The department shall review each report within ninety days of its submission and shall notify the authority or authorized party of any need for additional information or documentation, or any deficiency in its program.

(4) All reports submitted to the department must be available to the general public through the internet. Proprietary information submitted to the department under this chapter is exempt from public disclosure under RCW 42.56.270.

NEW SECTION. Sec. 15. Nonprofit charitable organizations that qualify for a taxation exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) that are primarily engaged in the business of reuse and resale and that are used by a plan to collect covered electronic products shall file a report with the department by March 1st of the second program year and each program year thereafter. The report must indicate and document the weight of covered electronic products sent for recycling during the previous program year attributed to each plan that the charitable organization is participating in.

NEW SECTION. Sec. 16. (1) Beginning January 1, 2007, no person may sell or offer for sale an electronic product to any person in the state unless the electronic product is labeled with the

manufacturer's brand. The label must be permanently affixed and readily visible.

(2) In-state retailers in possession of unlabeled products on January 1, 2007, may exhaust their stock through sales to the public.

NEW SECTION. Sec. 17. No person may sell or offer for sale a covered electronic product to any person in this state unless the manufacturer of the covered electronic product has filed a registration with the department under section 4 of this act and is participating in an approved plan under section 5 of this act. A person that sells or offers for sale a covered electronic product in the state shall consult the department's web site for lists of manufacturers with registrations and approved plans prior to selling a covered electronic product in the state. A person is considered to have complied with this section if on the date the product was ordered from the manufacturer or its agent, the manufacturer was listed as having registered and having an approved plan on the department's web site.

NEW SECTION. Sec. 18. (1) The department shall maintain on its web site the following information:

(a) The names of the manufacturers and the manufacturer's brands that are registered with the department under section 4 of this act;

(b) The names of the manufacturers and the manufacturer's brands that are participating in an approved plan under section 5 of this act;

(c) The names and addresses of the collectors and transporters that are listed in registrations filed with the department under section 24 of this act;

(d) The names and addresses of the processors used to fulfill the requirements of the plans;

(e) Return and equivalent shares for all manufacturers.

(2) The department shall update this web site information promptly upon receipt of a registration or a report.

NEW SECTION. Sec. 19. (1) The department shall determine the return share for each manufacturer in the standard plan or an independent plan by dividing the weight of covered electronic products identified for each manufacturer by the total weight of covered electronic products identified for all manufacturers in the standard plan or an independent plan, then multiplying the quotient by one hundred.

(2) For the first program year, the department shall determine the return share for such manufacturers using all reasonable means and based on best available information regarding return share data from other states and other pertinent data.

(3) For the second and each subsequent program year, the department shall determine the return share for such manufacturers using all reasonable means and based on the most recent sampling of covered electronic products conducted in the state under section 11 of this act.

NEW SECTION. Sec. 20. (1) The department shall determine the total equivalent share for each manufacturer in the standard plan or an independent plan by dividing the return share percentage for each manufacturer by one hundred, then multiplying the quotient by the total weight in pounds of covered electronic products collected for that program year, allowing as needed for the additional credit authorized in subsection (3) of this section.

(2)(a) By June 1st of each program year, the department shall notify each manufacturer of the manufacturer's equivalent share of covered electronic products to be applied to the previous program year. The department shall also notify each manufacturer of how its equivalent share was determined.

(b) By June 1st of each program year, the department shall bill any authorized party or authority that has not attained its plan's equivalent share as determined under section 22 of this act. The authorized party or authority shall remit payment to the department within sixty days from the billing date.

(c) By September 1st of each program year, the department shall pay any authorized party or authority that exceeded its plan's equivalent share.

(3) Plans that utilize the collection services of nonprofit charitable organizations that qualify for a taxation exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) that are primarily engaged in the business of reuse and resale must be given an additional five percent credit to be applied toward a plan's equivalent share for pounds that are received for recycling from those organizations. The department may adjust the percentage of credit annually.

NEW SECTION. Sec. 21. (1) By June 1, 2007, the department shall notify each manufacturer of its preliminary return share of covered electronic products for the first program year.

(2) Preliminary return share of covered electronic products must be announced annually by June 1st of each program year for the next program year.

(3) Manufacturers may challenge the preliminary return share by written petition to the department. The petition must be received by the department within thirty days of the date of publication of the preliminary return shares.

(4) The petition must contain a detailed explanation of the grounds for the challenge, an alternative calculation, and the basis for such a calculation, documentary evidence supporting the challenge, and complete contact information for requests for additional information or clarification.

(5) Sixty days after the publication of the preliminary return share, the department shall make a final decision on return share, having fully taken into consideration any and all challenges to its preliminary calculations.

(6) A written record of challenges received and a summary of the bases for the challenges, as well as the department's response, must be published at the same time as the publication of the final return share.

(7) By August 1, 2007, the department shall publish the final return shares for the first program year. By August 1st of each program year, the department shall publish the final return shares for use in the coming program year.

NEW SECTION. Sec. 22. (1) For an independent plan and the standard plan, if the total weight in pounds of covered electronic products collected during a program year is less than the plan's equivalent share of covered electronic products for that year, then the authority or authorized party shall submit to the department a payment equal to the weight in pounds of the deficit multiplied by the reasonable collection, transportation, and recycling cost for covered electronic products and an administrative fee. Moneys collected by the department must be deposited in the electronic products recycling account.

(2) For an independent plan and the standard plan, if the total weight in pounds of covered electronic products collected during a program year is more than the plan's equivalent share of covered electronic products for that year, then the department shall submit to the authority or authorized party, a payment equal to the weight in pounds of the surplus multiplied by the reasonable collection, transportation, and recycling cost for covered electronic products.

(3) For purposes of this section, the initial reasonable collection, transportation, and recycling cost for covered electronic products is forty-five cents per pound and the administrative fee is five cents per pound.

(4) The department may annually adjust the reasonable collection, transportation, and recycling cost for covered electronic products and the administrative fee described in this section. Prior to making any changes in the fees described in this section, the department shall notify the public, including all registered manufacturers, and provide a comment period. The department shall notify all registered manufacturers of any changes to the reasonable collection, transportation, and recycling cost or the administrative fee by January 1st of the program year in which the change is to take place.

NEW SECTION. Sec. 23. (1) The department shall adopt rules to determine the process for manufacturers to change plans under section 8 of this act.

(2) The department shall establish annual registration and plan review fees for administering this chapter. An initial fee schedule must be established by rule and be adjusted no more often than once every two years. All fees charged must be based on factors relating to administering this chapter and be based on a sliding scale that is representative of annual sales of covered electronic products in the state. Fees must be established in amounts to fully recover and not to exceed expenses incurred by the department to implement this chapter.

(3) The department shall establish an annual process for local governments and local communities to report their satisfaction with the services provided by plans under this chapter. This information must be used by the department in reviewing plan updates and revisions.

(4) Fees assessed to the authority and manufacturers participating in the standard plan must include the costs associated with the department's determination of market share as described in section 30 of this act.

(5) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

NEW SECTION. Sec. 24. Each collector and transporter of covered electronic products in the state must register annually with the department. The registration must include all identification requirements for licensure in the state and the geographic area of the state that they serve. The department shall develop a single form for registration of both collectors and transporters.

NEW SECTION. Sec. 25. (1)(a) The authority and each authorized party shall ensure that each processor used directly by the authority or the authorized party to fulfill the requirements of their respective standard plan or independent plan has provided the authority or the authorized party a written statement that the processor will comply with the requirements of this section.

(b) The international export of any unwanted covered electronic products or electronic components or electronic scrap derived from such products destined for disposal or recycling that are capable of leaching lead, cadmium, mercury, hexavalent chromium, or selenium or selenium compounds in concentrations above the limits listed in 40 C.F.R. Sec. 261.24 as of the effective date of this act shall be prohibited except for exports to:

(i) Countries that are members of the organization for economic cooperation and development;

(ii) Countries that are members of the European community; or

(iii) Countries that have entered into an agreement with the United States that allows for such exports.

(c) Any unwanted electronic products or electronic components derived from such products that are capable of leaching lead, cadmium, mercury, hexavalent chromium, or selenium or selenium compounds in concentrations exceeding the levels established in 40 C.F.R. Sec. 261.24 as of the effective date of this act and exported to countries that are not members of the organization for economic cooperation and development or the European community or with whom the United States has not entered into an agreement for such export for reuse, must be tested and labeled as fully functional or needing only repairs that do not result in the replacement of components capable of leaching these substances in concentrations exceeding the levels established in 40 C.F.R. Sec. 261.24 as of the effective date of this act.

(d) The department shall establish rules to implement this section, including any requirements necessary to ensure that full compliance is adequately documented.

(2) The department shall establish by rule performance standards for environmentally sound management for processors directly used to fulfill the requirements of an independent plan or the standard plan. Performance standards may include financial assurance to ensure proper closure of facilities consistent with environmental standards.

(3) The department shall establish by rule guidelines regarding nonrecycled residual that may be properly disposed after covered electronic products have been processed.

(4) The department may audit processors that are utilized to fulfill the requirements of an independent plan or the standard plan.

(5) No plan or program required under this chapter may include the use of federal or state prison labor for processing.

NEW SECTION. Sec. 26. (1) No manufacturer may sell or offer for sale a covered electronic product in or into the state unless the manufacturer of the covered electronic product is participating in an approved plan. The department shall send a written warning to a manufacturer that does not have an approved plan or is not participating in an approved plan as required under section 5 of this act. The written warning must inform the manufacturer that it must participate in an approved plan within thirty days of the notice. Any violation after the initial written warning shall be assessed a penalty of up to ten thousand dollars for each violation.

(2) If the authority or any authorized party fails to implement their approved plan, the department must assess a penalty of up to five thousand dollars for the first violation along with notification that the authority or authorized party must implement its plan within thirty days of the violation. After thirty days, the authority or any authorized party failing to implement their approved plan must be assessed a penalty of up to ten thousand dollars for the second and each subsequent violation.

(3) Any person that does not comply with manufacturer registration requirements under section 4 of this act, education and outreach requirements under section 12 of this act, reporting requirements under section 14 of this act, labeling requirements under section 16 of this act, retailer responsibility requirements under section 17 of this act, collector or transporter registration requirements under section 24 of this act, or requirements under section 25 of this act, must first receive a written warning including a copy of the requirements under this chapter and thirty days to correct the violation. After thirty days, a person must be assessed a penalty of up to one thousand dollars for the first violation and up to two thousand dollars for the second and each subsequent violation.

(4) All penalties levied under this section must be deposited into the electronic products recycling account created under section 13 of this act.

(5) The department shall enforce this section.

NEW SECTION. Sec. 27. (1) By December 31, 2012, the department shall provide a report to the appropriate committees of the legislature that includes the following information:

(a) For each of the preceding program years, the weight of covered electronic products recycled in the state by plan, by county, and in total;

(b) The performance of each plan in meeting its equivalent share, and payments received from and disbursed to each plan from the electronic products recycling account;

(c) A description of the various collection programs used to collect covered electronic products in the state;

(d) An evaluation of how the pounds per capita recycled of covered electronic products in the state compares to programs in other states;

(e) Comments received from local governments and local communities regarding satisfaction with the program, including accessibility and convenience of services provided by the plans;

(f) Recommendations on how to improve the statewide collection, transportation, and recycling system for convenient, safe, and environmentally sound recycling of electronic products; and

(g) An analysis of whether and in what amounts unwanted electronic products and electronic components and electronic scrap exported from Washington have been exported to countries that are not members of the organization for economic cooperation and development or the European union, and recommendations for addressing such exports.

(2) By April 1, 2010, the department shall provide a report to the appropriate committees of the legislature regarding the amount of orphan products collected as a percent of the total amount of covered electronic products collected. If the orphan products collected exceed ten percent of the total amount of covered electronic products collected, the department shall report to the appropriate committees of the legislature within ninety days describing the orphan products collected and include recommendations for decreasing the amount of

orphan products or alternative methods for financing the collection, transportation, and recycling of orphan products.

NEW SECTION. Sec. 28. (1) The Washington materials management and financing authority is established as a public body corporate and politic, constituting an instrumentality of the state of Washington exercising essential governmental functions.

(2) The authority shall plan and implement a collection, transportation, and recycling program for manufacturers that have registered with the department their intent to participate in the standard program as required under section 4 of this act.

(3) Membership in the authority is comprised of registered participating manufacturers. Any manufacturer who does not qualify or is not approved to submit an independent plan, or whose independent plan has not been approved by the department, is a member of the authority.

(4) The authority shall act as a business management organization on behalf of the citizens of the state to manage financial resources and contract for services for collection, transportation, and recycling of covered electronic products.

(5) The authority's standard plan is responsible for collecting, transporting, and recycling the sum of the equivalent shares of each participating manufacturer. All new entrants and white box manufacturers must participate in the standard plan.

(6) The authority shall accept into the standard program covered electronic products from any registered collector who meets the requirements of this chapter. The authority shall compensate registered collectors for the reasonable costs associated with collection, but is not required to compensate nor restricted from compensating the additional collection costs resulting from the additional convenience offered to customers through premium and curbside services.

(7) Except as specifically allowed in this chapter, the authority shall operate without using state funds or lending the credit of the state or local governments.

(8) The authority shall develop innovative approaches to improve materials management efficiency in order to ensure and increase the use of secondary material resources within the economy.

NEW SECTION. Sec. 29. (1)(a) The authority is governed by a board of directors. The board of directors is comprised of eleven participating manufacturers, appointed by the director of the department. Five board positions are reserved for representatives of the top ten brand owners by return share of covered electronic products, and six board positions are reserved for representatives of other brands, including at least one board position reserved for a manufacturer who is also a retailer selling their own private label. The return share of covered electronic products used to determine the top ten brand owners for purposes of electing the board must be determined by the department by January 1, 2007.

(b) The board must have representation from both television and computer manufacturers.

(2) The board shall select from its membership the chair of the board and such other officers as it deems appropriate.

(3) A majority of the board constitutes a quorum.

(4) The directors of the department of community, trade, and economic development and the department of ecology, and the state treasurer serve as ex officio members. The state agency directors and the state treasurer serving in ex officio capacity may each designate an employee of their respective departments to act on their behalf in all respects with regard to any matter to come before the authority. Ex officio designations must be made in writing and communicated to the authority director.

(5) The board shall create its own bylaws in accordance with the laws of the state of Washington.

(6) Any member of the board may be removed for misfeasance, malfeasance, or willful neglect of duty after notice and a public hearing, unless the notice and hearing are expressly waived in writing by the affected member.

(7) The members of the board serve without compensation but are entitled to reimbursement, solely from the funds of the authority, for expenses incurred in the discharge of their duties under this chapter.

NEW SECTION. Sec. 30. (1) Manufacturers participating in the standard plan shall pay the authority to cover all administrative and operational costs associated with the collection, transportation, and recycling of covered electronic products within the state of Washington incurred by the standard program operated by the authority to meet the standard plan's equivalent share obligation as described in section 28(5) of this act.

(2) The authority shall assess charges on each manufacturer participating in the standard plan and collect funds from each participating manufacturer for the manufacturer's share of the costs in subsection (1) of this section. Such shares must be based on current market share as determined by the department. The department shall use statistically valid methodologies to determine market share for those participating in the standard plan. The department shall include the cost of determining current market share in the fees charged to the authority and manufacturers participating in the standard plan as described in section 23(4) of this act. The authority's assignment of shares to manufacturers participating in the standard plan may not include nor be based on electronic products imported through the state and subsequently exported outside the state. Charges assessed under this section must not be formulated in such a way as to create incentives to divert imported electronic products to ports or distribution centers in other states. The authority shall adjust the charges to manufacturers participating in the standard plan as necessary in order to ensure that all costs associated with the identified activities are covered.

(3) Any manufacturer participating in the standard plan may appeal the determination of current market share by written petition to the director of the department. The petition must be received by the director of the department within thirty days of the publication of market share and must contain a detailed explanation and documentary evidence of the grounds for the appeal. Within sixty days of the publication of market share, the director of the department or the director's designee, shall review all appeals and shall make a final determination of market share having fully taken into consideration any and all challenges to its initial determination.

(4) Nothing in this section authorizes the authority to assess fees or levy taxes directly on the sale or possession of electronic products.

(5) If a manufacturer has not met its financial obligations as determined by the authority under this section, the authority shall notify the department that the manufacturer is no longer participating in the standard plan.

(6) The authority shall submit its plan for assessing charges on manufacturers participating in the standard plan to the department for review and approval along with the standard plan as provided in section 6 of this act.

(7) Any manufacturer participating in the standard plan may appeal an assessment of charges levied by the authority under this section to the director of the department. The director of the department or the director's designee shall review all appeals and shall reverse any assessments of charges if the director finds that the authority's determination was an arbitrary administrative decision or an abuse of administrative discretion. If the director of the department reverses an assessment of charges, the authority must redetermine the assessment.

NEW SECTION. Sec. 31. (1) The authority shall use any funds legally available to it for any purpose specifically authorized by this chapter to:

(a) Contract and pay for collecting, transporting, and recycling of covered electronic products and education and other services as identified in the standard plan;

(b) Pay for the expenses of the authority including, but not limited to, salaries, benefits, operating costs and consumable supplies, equipment, office space, and other expenses related to the costs associated with operating the authority;

(c) Pay into the electronic products recycling account amounts billed by the department to the authority for any deficit in reaching the standard plan's equivalent share as required under section 22 of this act; and

(d) Pay the department for the fees for submitting the standard plan and any plan revisions.

(2) If practicable, the authority shall avoid creating new infrastructure already available through private industry in the state.

(3) The authority may not receive an appropriation of state funds, other than:

(a) Funds that may be provided as a one-time loan to cover administrative costs associated with start up of the authority, such as electing the board of directors and conducting the public hearing for the operating plan, provided that no appropriated funds may be used to pay for collection, transportation, or recycling services; and

(b) Funds received from the department from the electronic products recycling account for exceeding the standard plan's equivalent share.

(4) The authority may receive additional sources of funding that do not obligate the state to secure debt.

(5) All funds collected by the authority under this chapter, including interest, dividends, and other profits, are and must remain under the complete control of the authority and its board of directors, be fully available to achieve the intent of this chapter, and be used for the sole purpose of achieving the intent of this chapter.

NEW SECTION. Sec. 32. (1) The board shall adopt a general operating plan of procedures for the authority. The board shall also adopt operating procedures for collecting funds from participating covered electronic manufacturers and for providing funding for contracted services. These operating procedures must be adopted by resolution prior to the authority operating the applicable programs.

(2) The general operating plan must include, but is not limited to: (a) Appropriate minimum reserve requirements to secure the authority's financial stability; and (b) appropriate standards for contracting for services.

(3) The board shall conduct at least one public hearing on the general operating plan prior to its adoption. The authority shall provide and make public a written response to all comments received by the public.

(4) The general operating plan must be adopted by resolution of the board. The board may periodically update the general operating plan as necessary, but must update the plan no less than once every four years. The general operating plan or updated plan must include a report on authority activities conducted since the commencement of authority operation or since the last reported general operating plan, whichever is more recent, including a statement of results achieved under the purposes of this chapter and the general operating plan. Upon adoption, the authority shall conduct its programs in observance of the objectives established in the general operating plan.

NEW SECTION. Sec. 33. (1) The authority shall employ a chief executive officer, appointed by the board, and a chief financial officer, as well as professional, technical, and support staff, appointed by the chief executive officer, necessary to carry out its duties.

(2) Employees of the authority are not classified employees of the state. Employees of the authority are exempt from state service rules and may receive compensation only from the authority at rates competitive with state service.

(3) The authority may retain its own legal counsel.

(4) The departments of ecology and community, trade, and economic development shall provide staff to assist in the creation of the authority. If requested by the authority, the departments of ecology and community, trade, and economic development shall also provide start-up support staff to the authority for its first twelve months of operation, or part thereof, to assist in the quick establishment of the authority. Staff expenses must be paid through funds collected by the authority and must be reimbursed to the departments from the authority's financial resources within the first twenty-four months of operation.

(5) In addition to accomplishing the activities specifically authorized in this chapter, the authority may:

(a) Maintain an office or offices;

(b) Make and execute all manner of contracts, agreements, and instruments and financing documents with public and private parties as the authority deems necessary, useful, or convenient to accomplish its purposes;

(c) Make expenditures as appropriate for paying the administrative costs and expenses of the authority in carrying out the provisions of this chapter;

(d) Give assistance to private and public bodies contracted to provide collection, transportation, and recycling services by providing information, guidelines, forms, and procedures for implementing their programs;

(e) Delegate, through contract, any of its powers and duties if consistent with the purposes of this chapter; and

(f) Exercise any other power the authority deems necessary, useful, or convenient to accomplish its purposes and exercise the powers expressly granted in this chapter.

NEW SECTION. Sec. 34. This chapter is void if a federal law, or a combination of federal laws, takes effect that establishes a national program for the collection and recycling of covered electronic products that substantially meets the intent of this chapter, including the creation of a financing mechanism for collection, transportation, and recycling of all covered electronic products from households, small businesses, school districts, small governments, and charities in the United States.

NEW SECTION. Sec. 35. A new section is added to chapter 43.19 RCW to read as follows:

(1) The department of general administration shall establish purchasing and procurement policies that establish a preference for electronic products that meet environmental performance standards relating to the reduction or elimination of hazardous materials.

(2) The department of general administration shall ensure that their surplus electronic products, other than those sold individually to private citizens, are managed only by registered transporters and by processors meeting the requirements of section 25 of this act.

(3) The department of general administration shall ensure that their surplus electronic products are directed to legal secondary materials markets by requiring a chain of custody record that documents to whom the products were initially delivered through to the end use manufacturer.

Sec. 36. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean

Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; ~~(and)~~

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter; and

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.-- RCW (sections 1 through 34 of this act) to implement chapter 70.-- RCW (sections 1 through 34 of this act).

NEW SECTION. Sec. 37. This act must be liberally construed to carry out its purposes and objectives.

NEW SECTION. Sec. 38. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 39. This act takes effect July 1, 2006.

NEW SECTION. Sec. 40. Sections 1 through 34 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 2 of the title, after "opportunities;" strike the remainder of the title and insert "amending RCW 42.56.270; adding a new section to chapter 43.19 RCW; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date."

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Anderson, Assistant Ranking Minority Member; Buri; Cody; Darneille; Dunshee; Grant; Haigh; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Priest; Schual-Berke; P. Sullivan and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Armstrong; Bailey; Chandler; Clements; Hinkle; Pearson and Talcott.

Passed to Committee on Rules for second reading.

February 27, 2006

E2SSB 6459 Prime Sponsor, Committee On Ways & Means: Supporting community-based health care solutions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Cody; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke and P. Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Buri; Chandler; Clements; Talcott and Walsh. Passed to Committee on Rules for second reading.

February 27, 2006

2SSB 6460 Prime Sponsor, Committee On Ways & Means: Increasing penalties for crimes committed with sexual motivation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 27, 2006

SSB 6555 Prime Sponsor, Committee On Ways & Means: Providing research and services for special purpose districts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.110 RCW to read as follows:

(1) The municipal research council shall contract for the provision of research and services to special purpose districts. A contract shall be made with a state agency, educational institution, or private consulting firm, that in the judgment of council members is qualified to provide such research and services.

(2) Research and services to special purpose districts shall consist of: (a) Studying and researching issues relating to special purpose district government; (b) acquiring, preparing, and distributing publications related to special purpose districts; and (c) furnishing legal, technical, consultative, and field services to special

purpose districts concerning issues relating to special purpose district government.

(3) The activities, programs, and services of the municipal research council to special purpose districts shall be carried on in cooperation with the associations representing the various special purpose districts. Services to special purpose districts shall be based upon the moneys appropriated to the municipal research council from the special purpose district research services account under section 2 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 43.110 RCW to read as follows:

A special account is created in the state treasury to be known as the special purpose district research services account. The account shall consist of all money transferred or appropriated to the account by the legislature. Moneys in the account may be spent only after appropriation. The account is subject to the allotment process under chapter 43.88 RCW.

Moneys in the special purpose district research services account may be expended only to finance the costs of special purpose district research and services.

Sec. 3. RCW 66.08.190 and 2003 1st sp.s. c 25 s 927 are each amended to read as follows:

(1) Except for revenues generated by the 2003 surcharge of \$0.42/liter on retail sales of spirits that shall be distributed to the state general fund during the 2003-2005 biennium, when excess funds are distributed, all moneys subject to distribution shall be disbursed as follows:

(a) Three-tenths of one percent to border areas under RCW 66.08.195; and

(b) From the amount remaining after distribution under (a) of this subsection, (i) fifty percent to the general fund of the state, (ii) ten percent to the counties of the state, and (iii) forty percent to the incorporated cities and towns of the state.

(2) During the months of June, September, December, and March of each year, prior to disbursing the distribution to incorporated cities and towns under subsection (1)(b) of this section, the treasurer shall deduct from that distribution an amount that will fund that quarter's allotments under RCW 43.88.110 from any legislative appropriation from the city and town research services account. The treasurer shall deposit the amount deducted into the city and town research services account.

(3) During the months of June, September, December, and March of each year, prior to disbursing the distribution to the general fund of the state under subsection (1)(b) of this section, the treasurer shall deduct from that distribution an amount that will fund that quarter's allotments under RCW 43.88.110 from any legislative appropriation from the special purpose district research services account. The treasurer shall deposit the amount deducted into the special purpose district research services account.

(4) The governor may notify and direct the state treasurer to withhold the revenues to which the counties and cities are entitled under this section if the counties or cities are found to be in noncompliance pursuant to RCW 36.70A.340.

NEW SECTION. Sec. 4. By June 30, 2010, the municipal research council shall prepare a report on services provided to special purpose districts under section 1 of this act, and shall provide this report to the joint legislative audit and review committee."

Correct the title.

Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

February 27, 2006

2SSB 6823 Prime Sponsor, Committee On Ways & Means: Modifying provisions relating to the distribution of beer and wine. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Fromhold, Vice Chairman; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong; Bailey; Buri; Chandler; Clements; Cody; Darneille; Dunshee; Grant; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Linville; McDermott; McDonald; McIntire; Miloscia; Pearson; Priest; Schual-Berke; P. Sullivan; Talcott and Walsh.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 10:00 p.m., February 28, 2006, the 51st Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FIFTY FIRST DAY

House Chamber, Olympia, Tuesday, February 28, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Cameron Kirby and Miranda Morris. The Speaker (Representative Haigh presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Jim Cammack from the Bahai's of Mason County.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2006-4693, By Representative Kessler

WHEREAS, The 4-H Youth Development Program of Washington State University has helped young people in Washington develop useful "life skills" since it was established in 1902; and

WHEREAS, The program centers on teaching young people to become productive members of society by fostering self-esteem, communication, and decision-making skills; and

WHEREAS, Over 75,000 young people and 8,300 adult volunteers throughout Washington participated in 4-H Youth Development Programs in 2005; and

WHEREAS, These programs helped participants learn about a wide variety of subjects including science, family living, applied arts, and government activism; and

WHEREAS, These programs work with traditional community clubs and reach youth through urban groups, special interest groups, nutrition programs, after school programs, camping, and interagency learning experiences; and

WHEREAS, More than 300 4-H members from around the state are currently visiting the State Capitol as part of an annual statewide education program titled "4-H Know Your Government"; and

WHEREAS, The 4-H Know Your Government Program focused this year on the judicial system and better understanding the issues related to preserving one's personal rights; and

WHEREAS, 4-H will continue its dedication to empower young people to become active global citizens and realize the value, significance, and responsibility of taking part in local, regional, state, national, and international community issues;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize the 4-H Youth Development Program for its many contributions to the youth of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Pat BoyEs, the Director for the Washington State University 4-H Youth Development Program.

Representative Kessler moved the adoption of the resolution.

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

HOUSE RESOLUTION NO. 4693 was adopted.

HOUSE RESOLUTION NO. 2006-4703, By Representative Murray

WHEREAS, RCW 28B.10.703 authorizes programs for intercollegiate athletics at our State's colleges and universities; and

WHEREAS, The University of Washington, as a member of the Pacific-10 Conference, offers intercollegiate athletic competition for student-athletes in twenty-three sports for men and women; and

WHEREAS, Each sport strives to compete at the highest level, with the goal of winning a national championship; and

WHEREAS, The University of Washington's women's volleyball team defeated the number one ranked University of Nebraska on December 17, 2005, to win its first-ever NCAA national championship; and

WHEREAS, In winning the national championship, the Huskies became the first team in the tournament's history to sweep all six matches three games to none; and

WHEREAS, Four women on the volleyball team were recognized with All-America honors, including first-team selections Sanja Tomasevic and Courtney Thompson of Kent, Washington; and

WHEREAS, Puyallup, Washington native Christal Morrison was named most outstanding player in the NCAA championship tournament; and

WHEREAS, Courtney Thompson and Candace Lee earned second team Academic All-America honors; and

WHEREAS, The aggregate grade point average for the team for the fall quarter was 3.24; and

WHEREAS, In route to its first-ever NCAA championship, the volleyball team won a school record twenty-three consecutive matches in the 2005 season; and

WHEREAS, Head Coach Jim McLaughlin was named Coach of the Year by the Pac-10 Conference;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the citizens of the State of Washington, express to President Mark A. Emmert, Athletic Director Todd Turner, Coach Jim McLaughlin, the assistant coaches, and especially to all the members of the 2005 NCAA National Championship Volleyball team, congratulations on their momentous achievement and for bringing acclaim and recognition to our state and the university; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to University of Washington President Mark Emmert, Athletic Director Todd Turner, Coach Jim McLaughlin, and the coaching staff and members of the University of Washington's Women's Volleyball team.

HOUSE RESOLUTION NO. 4703 was adopted.

MESSAGES FROM THE SENATE

February 27, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2497,
SUBSTITUTE HOUSE BILL NO. 2608,
SUBSTITUTE HOUSE BILL NO. 3024,
SUBSTITUTE HOUSE BILL NO. 3190,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

February 28, 2006

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 2338,
ENGROSSED HOUSE BILL NO. 2340,
SUBSTITUTE HOUSE BILL NO. 2344,
HOUSE BILL NO. 2367,
HOUSE BILL NO. 2454,
HOUSE BILL NO. 2676,
SUBSTITUTE HOUSE BILL NO. 2759,
HOUSE BILL NO. 2829,
HOUSE BILL NO. 2897,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 28, 2006

Mr. Speaker:

The Senate has passed SENATE CONCURRENT RESOLUTION NO. 8418, and the same is herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING SUSPENSION

SUBSTITUTE SENATE BILL NO. 5042, By Senate Committee on Judiciary (originally sponsored by Senator McCaslin)

Tolling the statute of limitations for felony sex offenses.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Darneille and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5042.

MOTION

On motion of Representative Clements, Representative Skinner was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5042 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 5042, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5204, By Senate Committee on Judiciary (originally sponsored by Senators Brandland, Kastama, Sheldon, Rasmussen, Spanel, Hargrove and Shin)

Modifying the chattel lien process.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Lantz and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5204.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5204 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump,

Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5204, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5654, By Senate Committee on Judiciary (originally sponsored by Senators Prentice, Esser, Oke and Kohl-Welles)

Protecting the privacy of personal information of criminal justice officials.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

The bill was placed on final passage.

Representatives Lantz and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5654, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5654, as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 5654, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6161, By Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senator Oke)

Concerning group fishing permits.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives B. Sullivan and Buck spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6161.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6161 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 6161, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6371, By Senators Rasmussen, Schoesler, Shin, Jacobsen and Sheldon; by request of Department of Agriculture

Regulating the disposal of dead animals.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Pettigrew and Kretz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6371.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6371 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell,

Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 6371, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6416, By Senators Keiser, Hewitt, Rockefeller, Kohl-Welles, Prentice, Finkbeiner, Parlette, Sheldon, Deccio, Shin, Esser and Rasmussen

Prohibiting pyramid promotional schemes.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6416.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6416 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 6416, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6463, By Senators Fairley and Benton

Allowing banks and savings banks to organize as limited liability companies.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kirby and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6463.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6463 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 6463, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6504, By Senators Berkey and Mulliken

Prohibiting public hospital district employees from serving as commissioners.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Simpson and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6504.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6504 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 6504, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6539, By Senators Kohl-Welles, Parlette and Keiser; by request of Liquor Control Board

Changing the formula cap on spirits, beer, and wine restaurant licenses.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6539.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6539 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump,

Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 6539, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6570, By Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Fairley, Benton, Berkey and Honeyford)

Requiring lenders to consider retail installment contracts for the purchase of motor vehicles.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kirby and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6570.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6570 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 6570, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6571, By Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Berkey, Benton, Fairley, Honeyford, Franklin and Parlette)

Refining the definition of "bushing."

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6571.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6571 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 6571, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6580, By Senate Committee on Human Services & Corrections (originally sponsored by Senators McAuliffe, Schmidt, Weinstein, Carrell, Berkey, Rasmussen, Oke and Shin)

Creating work groups to evaluate issues relating to juvenile sex offenders and kidnapping offenders in schools.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Dickerson and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6580.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6580 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6580, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6670, By Senate Committee on Judiciary (originally sponsored by Senators Shin, Delvin, Fraser, Hargrove and Johnson)

Changing court filing fee provisions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Lantz and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6670.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6670 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.
Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 6670, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6816, By Senator Zarelli

Allowing county cemetery districts to include areas within cities and towns.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Simpson and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6816.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6816 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 6816, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE JOINT MEMORIAL NO. 8019, By Senators Shin, Rasmussen, Rockefeller, Weinstein, Kastama, Kohl-Welles, Pridemore, Berkey, Doumit, McAuliffe, Franklin, Keiser, Regala, Fairley, Prentice, Jacobsen, Fraser and Haugen

Requesting the United States trade representative to create a federal-state international trade policy commission.

The joint memorial was read the second time.

There being no objection, the committee recommendation was adopted.

The joint memorial was placed on final passage.

Representatives Chase and Kristiansen spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Joint Memorial No. 8019.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Joint Memorial No. 8019, and the joint memorial passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

ENGROSSED SENATE JOINT MEMORIAL NO. 8019, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

MESSAGE FROM THE SENATE

February 22, 2006

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2292, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that access to safe, affordable health care is one of the most important issues facing the citizens of Washington state. The legislature further finds that the rising cost of medical malpractice insurance has caused some physicians, particularly those in high-risk specialties such as obstetrics and emergency room practice, to be unavailable when and where the citizens need them the most. The answers to these problems are varied and complex, requiring comprehensive solutions that encourage patient safety practices, increase oversight of medical malpractice insurance, and making the civil justice system more understandable, fair, and efficient for all the participants.

It is the intent of the legislature to prioritize patient safety and the prevention of medical errors above all other considerations as legal changes are made to address the problem of high malpractice insurance premiums. Thousands of patients are injured each year as a result of medical errors, many of which can be avoided by supporting health care providers, facilities, and carriers in their efforts to reduce the incidence of those mistakes. It is also the legislature's intent to provide incentives to settle cases before

resorting to court, and to provide the option of a more fair, efficient, and streamlined alternative to trials for those for whom settlement negotiations do not work. Finally, it is the intent of the legislature to provide the insurance commissioner with the tools and information necessary to regulate medical malpractice insurance rates and policies so that they are fair to both the insurers and the insured.

PART I - PATIENT SAFETY

Encouraging Patient Safety Through Communications With Patients

Sec. 101. RCW 5.64.010 and 1975-'76 2nd ex.s. c 56 s 3 are each amended to read as follows:

(1) In any civil action against a health care provider for personal injuries which is based upon alleged professional negligence (and which is against:

— (1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

— (2) An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

— (3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative;), or in any arbitration or mediation proceeding related to such civil action, evidence of furnishing or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury is not admissible (to prove liability for the injury).

(2)(a) In a civil action against a health care provider for personal injuries that is based upon alleged professional negligence, or in any arbitration or mediation proceeding related to such civil action, a statement, affirmation, gesture, or conduct identified in (b) of this subsection is not admissible as evidence if:

(i) It was conveyed by a health care provider to the injured person, or to a person specified in RCW 7.70.065 (1)(a) or (2)(a) within thirty days of the act or omission that is the basis for the allegation of professional negligence or within thirty days of the time the health care provider discovered the act or omission that is the basis for the allegation of professional negligence, whichever period expires later; and

(ii) It relates to the discomfort, pain, suffering, injury, or death of the injured person as the result of the alleged professional negligence.

(b) (a) of this subsection applies to:

(i) Any statement, affirmation, gesture, or conduct expressing apology, fault, sympathy, commiseration, condolence, compassion, or a general sense of benevolence; or

(ii) Any statement or affirmation regarding remedial actions that may be taken to address the act or omission that is the basis for the allegation of negligence.

Encouraging Reports of Unprofessional Conduct or Lack of Capacity to Practice Safely

Sec. 102. RCW 4.24.260 and 1994 sp.s. c 9 s 701 are each amended to read as follows:

((Physicians licensed under chapter 18.71 RCW, dentists licensed under chapter 18.32 RCW, and pharmacists licensed under chapter 18.64 RCW)) Any member of a health profession listed under RCW 18.130.040 who, in good faith, makes a report, files charges, or presents evidence against another member of ((their)) a health profession based on the claimed ((incompetency or gross

misconduct)) unprofessional conduct as provided in RCW 18.130.180 or inability to practice with reasonable skill and safety to consumers by reason of any physical or mental condition as provided in RCW 18.130.170 of such person before the ((medical quality assurance commission established under chapter 18.71 RCW, in a proceeding under chapter 18.32 RCW, or to the board of pharmacy under RCW 18.64.160)) agency, board, or commission responsible for disciplinary activities for the person's profession under chapter 18.130 RCW, shall be immune from civil action for damages arising out of such activities. A person prevailing upon the good faith defense provided for in this section is entitled to recover expenses and reasonable attorneys' fees incurred in establishing the defense.

Medical Quality Assurance Commission Consumer Membership

Sec. 103. RCW 18.71.015 and 1999 c 366 s 4 are each amended to read as follows:

The Washington state medical quality assurance commission is established, consisting of thirteen individuals licensed to practice medicine in the state of Washington under this chapter, two individuals who are licensed as physician assistants under chapter 18.71A RCW, and ~~((four))~~ six individuals who are members of the public. At least two of the public members shall not be from the health care industry. Each congressional district now existing or hereafter created in the state must be represented by at least one physician member of the commission. The terms of office of members of the commission are not affected by changes in congressional district boundaries. Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

The members of the commission shall be appointed by the governor. Members of the initial commission may be appointed to staggered terms of one to four years, and thereafter all terms of appointment shall be for four years. The governor shall consider such physician and physician assistant members who are recommended for appointment by the appropriate professional associations in the state. In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, the existing members of the board of medical examiners and medical disciplinary board repealed under section 336, chapter 9, Laws of 1994 sp. sess. be appointed to the commission. No member may serve more than two consecutive full terms. Each member shall hold office until a successor is appointed.

Each member of the commission must be a citizen of the United States, must be an actual resident of this state, and, if a physician, must have been licensed to practice medicine in this state for at least five years.

The commission shall meet as soon as practicable after appointment and elect officers each year. Meetings shall be held at least four times a year and at such place as the commission determines and at such other times and places as the commission deems necessary. A majority of the commission members appointed and serving constitutes a quorum for the transaction of commission business.

The affirmative vote of a majority of a quorum of the commission is required to carry any motion or resolution, to adopt any rule, or to pass any measure. The commission may appoint panels consisting of at least three members. A quorum for the transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission.

Each member of the commission shall be compensated in accordance with RCW 43.03.265 and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the commission in accordance with RCW 43.03.050 and 43.03.060. Any such expenses shall be paid from funds appropriated to the department of health.

Whenever the governor is satisfied that a member of a commission has been guilty of neglect of duty, misconduct, or malfeasance or misfeasance in office, the governor shall file with the

secretary of state a statement of the causes for and the order of removal from office, and the secretary shall forthwith send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

Vacancies in the membership of the commission shall be filled for the unexpired term by appointment by the governor.

The members of the commission are immune from suit in an action, civil or criminal, based on its disciplinary proceedings or other official acts performed in good faith as members of the commission.

Whenever the workload of the commission requires, the commission may request that the secretary appoint pro tempore members of the commission. When serving, pro tempore members of the commission have all of the powers, duties, and immunities, and are entitled to all of the emoluments, including travel expenses, of regularly appointed members of the commission.

Health Care Provider Discipline

Sec. 104. RCW 18.130.160 and 2001 c 195 s 1 are each amended to read as follows:

Upon a finding, after hearing, that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority may consider the imposition of sanctions, taking into account any prior findings of fact under RCW 18.130.110, any stipulations to informal disposition under RCW 18.130.172, and any action taken by other in-state or out-of-state disciplining authorities, and issue an order providing for one or any combination of the following:

- (1) Revocation of the license;
- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation of the practice;
- (4) Requiring the satisfactory completion of a specific program of remedial education or treatment;
- (5) The monitoring of the practice by a supervisor approved by the disciplining authority;
- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;
- (8) Payment of a fine for each violation of this chapter, not to exceed five thousand dollars per violation. Funds received shall be placed in the health professions account;
- (9) Denial of the license request;
- (10) Corrective action;
- (11) Refund of fees billed to and collected from the consumer;
- (12) A surrender of the practitioner's license in lieu of other sanctions, which must be reported to the federal data bank.

Any of the actions under this section may be totally or partly stayed by the disciplining authority. In determining what action is appropriate, the disciplining authority must first consider what sanctions are necessary to protect or compensate the public. Only after such provisions have been made may the disciplining authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or inability to practice, or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct or inability to practice. The stipulation entered into pursuant to this subsection shall be considered formal disciplinary action for all purposes.

Increasing Patient Safety Through Disclosure and Analysis of Adverse Events

NEW SECTION. Sec. 105. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adverse health event" or "adverse event" means the list of serious reportable events adopted by the national quality forum in 2002, in its consensus report on serious reportable events in health care. The department shall update the list, through adoption of rules, as subsequent changes are made by the national quality forum. The term does not include an incident.

(2) "Ambulatory surgical facility" means any distinct entity that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization, whether or not the facility is certified under Title XVIII of the federal social security act.

(3) "Childbirth center" means a facility licensed under chapter 18.46 RCW.

(4) "Correctional medical facility" means a part or unit of a correctional facility operated by the department of corrections under chapter 72.10 RCW that provides medical services for lengths of stay in excess of twenty-four hours to offenders.

(5) "Department" means the department of health.

(6) "Health care worker" means an employee, independent contractor, licensee, or other individual who is directly involved in the delivery of health services in a medical facility.

(7) "Hospital" means a facility licensed under chapter 70.41 RCW.

(8) "Incident" means an event, occurrence, or situation involving the clinical care of a patient in a medical facility that:

(a) Results in unanticipated injury to a patient that is not related to the natural course of the patient's illness or underlying condition and does not constitute an adverse event; or

(b) Could have injured the patient but did not either cause an unanticipated injury or require the delivery of additional health care services to the patient.

"Incident" does not include an adverse event.

(9) "Independent entity" means that entity that the department of health contracts with under section 108 of this act to receive notifications and reports of adverse events and incidents, and carry out the activities specified in section 108 of this act.

(10) "Medical facility" means a childbirth center, hospital, psychiatric hospital, or correctional medical facility. An ambulatory surgical facility shall be considered a medical facility for purposes of this chapter upon the effective date of any requirement for state registration or licensure of ambulatory surgical facilities.

(11) "Psychiatric hospital" means a hospital facility licensed as a psychiatric hospital under chapter 71.12 RCW.

NEW SECTION. Sec. 106. (1) The legislature intends to establish an adverse health events and incident reporting system that is designed to facilitate quality improvement in the health care system, improve patient safety and decrease medical errors in a nonpunitive manner. The reporting system shall not be designed to punish errors by health care practitioners or health care facility employees.

(2) Each medical facility shall notify the department of health regarding the occurrence of any adverse event and file a subsequent report as provided in this section. Notification must be submitted to the department within forty-eight hours of confirmation by the medical facility that an adverse event has occurred. A subsequent report must be submitted to the department within forty-five days after confirmation by the medical facility that an adverse event has occurred. The notification and report shall be submitted to the department using the internet-based system established under section 108(2) of this act.

(3) The notification and report shall be filed in a format specified by the department after consultation with medical facilities and the independent entity. The format shall identify the facility, but shall not include any identifying information for any of the health care professionals, facility employees, or patients involved. This provision does not modify the duty of a hospital to make a report to the department of health or a disciplinary authority if a licensed practitioner has committed unprofessional conduct as defined in RCW 18.130.180.

(4) As part of the report filed under this section, the medical facility must conduct a root cause analysis of the event, describe the corrective action plan that will be implemented consistent with the findings of the analysis, or provide an explanation of any reasons for not taking corrective action. The department shall adopt rules, in consultation with medical facilities and the independent entity, related to the form and content of the root cause analysis and corrective action plan. In developing the rules, consideration shall be given to existing standards for root cause analysis or corrective action plans adopted by the joint commission on accreditation of health facilities and other national or governmental entities.

(5) If, in the course of investigating a complaint received from an employee of a medical facility, the department determines that the facility has not reported an adverse event or undertaken efforts to investigate the occurrence of an adverse event, the department shall direct the facility to report or to undertake an investigation of the event.

(6) The protections of RCW 43.70.075 apply to reports of adverse events that are submitted in good faith by employees of medical facilities.

NEW SECTION. Sec. 107. (1) The department shall:

(a) Receive and investigate, where necessary, notifications and reports of adverse events, including root cause analyses and corrective action plans submitted as part of reports, and communicate to individual facilities the department's conclusions, if any, regarding an adverse event reported by a facility; and

(b) Adopt rules as necessary to implement this chapter.

(2) The department may enforce the reporting requirements of section 106 of this act using their existing enforcement authority provided in chapter 18.46 RCW for childbirth centers, chapter 70.41 RCW for hospitals, and chapter 71.12 RCW for psychiatric hospitals.

NEW SECTION. Sec. 108. (1) The department shall contract with a qualified, independent entity to receive notifications and reports of adverse events and incidents, and carry out the activities specified in this section. In establishing qualifications for, and choosing the independent entity, the department shall strongly consider the patient safety organization criteria included in the federal patient safety and quality improvement act of 2005, P.L. 109-41, and any regulations adopted to implement this chapter.

(2) The independent entity shall:

(a) In collaboration with the department of health, establish an internet-based system for medical facilities and the health care workers of a medical facility to submit notifications and reports of adverse events and incidents, which shall be accessible twenty-four hours a day, seven days a week. The system shall be a portal to report both adverse events and incidents, and notifications and reports of adverse events shall be immediately transmitted to the department. The system shall be a secure system that protects the confidentiality of personal health information and provider and facility specific information submitted in notifications and reports, including appropriate encryption and an accurate means of authenticating the identify of users of the system;

(b) Collect, analyze, and evaluate data regarding notifications and reports of adverse events and incidents, including the identification of performance indicators and patterns in frequency or severity at certain medical facilities or in certain regions of the state;

(c) Develop recommendations for changes in health care practices and procedures, which may be instituted for the purpose of reducing the number or severity of adverse events and incidents;

(d) Directly advise reporting medical facilities of immediate changes that can be instituted to reduce adverse events or incidents;

(e) Issue recommendations to medical facilities on a facility-specific or on a statewide basis regarding changes, trends, and improvements in health care practices and procedures for the purpose of reducing the number and severity of adverse events or incidents. Prior to issuing recommendations, consideration shall be given to the following factors: Expectation of improved quality of care, implementation feasibility, other relevant implementation practices, and the cost impact to patients, payers, and medical facilities. Statewide recommendations shall be issued to medical facilities on a continuing basis and shall be published and posted on a publicly

accessible web site. The recommendations made to medical facilities under this section shall not be considered mandatory for licensure purposes unless they are adopted by the department as rules pursuant to chapter 34.05 RCW; and

(f) Monitor implementation of reporting systems addressing adverse events or their equivalent in other states and make recommendations to the governor and the legislature as necessary for modifications to this chapter to keep the system as nearly consistent as possible with similar systems in other states.

(3) The independent entity shall report no later than January 1, 2008, and annually thereafter to the governor and the legislature on the activities under this chapter in the preceding year. The report shall include:

(a) The number of adverse events and incidents reported by medical facilities on a geographical basis and their outcomes;

(b) The information derived from the data collected, including any recognized trends concerning patient safety; and

(c) Recommendations for statutory or regulatory changes that may help improve patient safety in the state.

The annual report shall be made available for public inspection and shall be posted on the department's and the independent entity's web site.

(4) The independent entity shall conduct all activities under this section in a manner that preserves the confidentiality of facilities, documents, materials, or information made confidential by section 110 of this act.

(5) Medical facilities and health care workers may report incidents to the independent entity. The report shall be filed in a format specified by the independent entity, after consultation with the department and medical facilities, and shall identify the facility but shall not include any identifying information for any of the health care professionals, facility employees, or patients involved. This provision does not modify the duty of a hospital to make a report to the department or a disciplinary authority if a licensed practitioner has committed unprofessional conduct as defined in RCW 18.130.180. The protections of RCW 43.70.075 apply to reports of incidents that are submitted in good faith by employees of medical facilities.

Sec. 109. RCW 43.70.075 and 1995 c 265 s 19 are each amended to read as follows:

(1) The identity of a whistleblower who complains, in good faith, to the department of health about the improper quality of care by a health care provider, or in a health care facility, as defined in RCW 43.72.010, or who submits a notification or report of an adverse event or an incident, in good faith, to the department of health under section 106 of this act or to the independent entity under section 108 of this act, shall remain confidential. The provisions of RCW 4.24.500 through 4.24.520, providing certain protections to persons who communicate to government agencies, shall apply to complaints and notifications or reports of adverse events or incidents filed under this section. The identity of the whistleblower shall remain confidential unless the department determines that the complaint or notification or report of the adverse event or incident was not made in good faith. An employee who is a whistleblower, as defined in this section, and who as a result of being a whistleblower has been subjected to workplace reprisal or retaliatory action has the remedies provided under chapter 49.60 RCW.

(2)(a) "Improper quality of care" means any practice, procedure, action, or failure to act that violates any state law or rule of the applicable state health licensing authority under Title 18 or chapters 70.41, 70.96A, 70.127, 70.175, 71.05, 71.12, and 71.24 RCW, and enforced by the department of health. Each health disciplinary authority as defined in RCW 18.130.040 may, with consultation and interdisciplinary coordination provided by the state department of health, adopt rules defining accepted standards of practice for their profession that shall further define improper quality of care. Improper quality of care shall not include good faith personnel actions related to employee performance or actions taken according to established terms and conditions of employment.

(b) "Reprisal or retaliatory action" means but is not limited to: Denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful

work; unwarranted and unsubstantiated report of misconduct pursuant to Title 18 RCW; letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; suspension; dismissal; denial of employment; and a supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower.

(c) "Whistleblower" means a consumer, employee, or health care professional who in good faith reports alleged quality of care concerns to the department of health.

(3) Nothing in this section prohibits a health care facility from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower.

(4) The department shall adopt rules to implement procedures for filing, investigation, and resolution of whistleblower complaints that are integrated with complaint procedures under Title 18 RCW for health professionals or health care facilities.

NEW SECTION. Sec. 110. (1) When a notification or report of an adverse event or incident under section 106 or 108 of this act is made by or through a coordinated quality improvement program under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, information and documents, including complaints and incident reports, created specifically for and collected and maintained by a quality improvement committee for the purpose of preparing a notification or report of an adverse event or incident, and the notification or report itself, shall be subject to the confidentiality protections of those laws and RCW 42.17.310(1)(hh) and 42.56.360(1)(c).

(2) When a notification or report of an adverse event or incident made by a health care worker under section 106 or 108 of this act uses information and documents, including complaints and incident reports, created specifically for and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200 or a peer review committee under RCW 4.24.250, the notification or report itself and the information or documents used for the purpose of preparing the notification or report, shall be subject to the confidentiality protections of those laws and RCW 42.17.310(1)(hh) and 42.56.360(1)(c).

Sec. 111. RCW 42.17.310 and 2005 c 424 s 16, 2005 c 349 s 1, 2005 c 312 s 6, 2005 c 284 s 1, 2005 c 172 s 13, and 2005 c 33 s 4 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers, and emergency contact information of dependents of employees or volunteers of a public agency, which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency. For purposes of this subsection, "employees" includes

independent provider home care workers as defined in RCW 74.39A.240.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by, a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, and notifications or reports of adverse events or incidents made under section 106 or 108 of this act, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the

veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order.

(hhh) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information.

(iii) Records of mediation communications that are privileged under chapter 7.07 RCW.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing

with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 112. RCW 42.56.360 and 2005 c 274 s 416 are each amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;

(b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, and notifications or reports of adverse events or incidents made under section 106 or 108 of this act, regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; and

(g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1).

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

Coordinated Quality Improvement Programs

Sec. 113. RCW 43.70.510 and 2004 c 145 s 2 are each amended to read as follows:

(1)(a) Health care institutions and medical facilities, other than hospitals, that are licensed by the department, professional societies or organizations, health care service contractors, health maintenance organizations, health carriers approved pursuant to chapter 48.43 RCW, and any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200.

(b) All such programs shall comply with the requirements of RCW 70.41.200(1) (a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the institution, facility, professional societies or organizations, health care service contractors, health maintenance organizations, health carriers, or any other person or entity providing health care coverage under chapter

48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof, unless an alternative quality improvement program substantially equivalent to RCW 70.41.200(1)(a) is developed. All such programs, whether complying with the requirement set forth in RCW 70.41.200(1)(a) or in the form of an alternative program, must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.17.310(1)(hh) and subsection (5) of this section shall apply. In reviewing plans submitted by licensed entities that are associated with physicians' offices, the department shall ensure that the exemption under RCW 42.17.310(1)(hh) and the discovery limitations of this section are applied only to information and documents related specifically to quality improvement activities undertaken by the licensed entity.

(2) Health care provider groups of five or more providers may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200. For purposes of this section, a health care provider group may be a consortium of providers consisting of five or more providers in total. All such programs shall comply with the requirements of RCW 70.41.200(1) (a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the health care provider group. All such programs must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.17.310(1)(hh) and subsection (5) of this section shall apply.

(3) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (6) of this section is not subject to an action for civil damages or other relief as a result of the activity or its consequences. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(4) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts that form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action challenging the termination of a contract by a state agency with any entity maintaining a coordinated quality improvement program under this section if the termination was on the basis of quality of care concerns, introduction into evidence of information created, collected, or maintained by the quality improvement committees of the subject entity, which may be under terms of a protective order as specified by the court; (e) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (f) in any civil action, discovery and introduction into evidence of the patient's medical records required

by rule of the department of health to be made regarding the care and treatment received.

(5) Information and documents created specifically for, and collected and maintained by a quality improvement committee are exempt from disclosure under chapter 42.17 RCW.

(6) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or with RCW 70.41.200 or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (4) of this section and RCW 4.24.250.

(7) The department of health shall adopt rules as are necessary to implement this section.

Prescription Legibility

NEW SECTION. Sec. 114. The legislature finds that prescription drug errors occur because the pharmacist or nurse cannot read the prescription from the physician or other provider with prescriptive authority. The legislature further finds that legible prescriptions can prevent these errors.

Sec. 115. RCW 69.41.010 and 2003 c 257 s 2 and 2003 c 140 s 11 are each reenacted and amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner; or

(b) The patient or research subject at the direction of the practitioner.

(2) "Community-based care settings" include: Community residential programs for the developmentally disabled, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and boarding homes licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

(3) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

(4) "Department" means the department of health.

(5) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(6) "Dispenser" means a practitioner who dispenses.

(7) "Distribute" means to deliver other than by administering or dispensing a legend drug.

(8) "Distributor" means a person who distributes.

(9) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of man or animals; and

(d) Substances intended for use as a component of any article specified in (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

(10) "Electronic communication of prescription information" means the communication of prescription information by computer, or the transmission of an exact visual image of a prescription by facsimile, or other electronic means for original prescription information or prescription refill information for a legend drug between an authorized practitioner and a pharmacy or the transfer of prescription information for a legend drug from one pharmacy to another pharmacy.

(11) "In-home care settings" include an individual's place of temporary and permanent residence, but does not include acute care or skilled nursing facilities, and does not include community-based care settings.

(12) "Legend drugs" means any drugs which are required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

(13) "Legible prescription" means a prescription or medication order issued by a practitioner that is capable of being read and understood by the pharmacist filling the prescription or the nurse or other practitioner implementing the medication order. A prescription must be hand printed, typewritten, or electronically generated.

(14) "Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based care setting or in-home care setting to facilitate the individual's self-administration of a legend drug or controlled substance. It includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication container, using an enabler, or placing the medication in the individual's hand, and such other means of medication assistance as defined by rule adopted by the department. A nonpractitioner may help in the preparation of legend drugs or controlled substances for self-administration where a practitioner has determined and communicated orally or by written direction that such medication preparation assistance is necessary and appropriate. Medication assistance shall not include assistance with intravenous medications or injectable medications, except prefilled insulin syringes.

(15) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(16) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW, an optometrist under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, an osteopathic physician assistant under chapter 18.57A RCW, a physician assistant under chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a pharmacist under chapter 18.64 RCW, or, when acting under the required supervision of a dentist licensed under chapter 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW;

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and

(c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery in any state, or province of Canada, which shares a common border with the state of Washington.

(17) "Secretary" means the secretary of health or the secretary's designee.

PART II - INSURANCE INDUSTRY REFORM

Medical Malpractice Closed Claim Reporting

NEW SECTION. Sec. 201. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Claim" means a demand for monetary damages for injury or death caused by medical malpractice, and a voluntary indemnity payment for injury or death caused by medical malpractice made in the absence of a demand for monetary damages.

(2) "Claimant" means a person, including a decedent's estate, who is seeking or has sought monetary damages for injury or death caused by medical malpractice.

(3) "Closed claim" means a claim that has been settled or otherwise disposed of by the insuring entity, self-insurer, facility, or provider. A claim may be closed with or without an indemnity payment to a claimant.

(4) "Commissioner" means the insurance commissioner.

(5) "Economic damages" has the same meaning as in RCW 4.56.250(1)(a).

(6) "Health care facility" or "facility" means a clinic, diagnostic center, hospital, laboratory, mental health center, nursing home, office, surgical facility, treatment facility, or similar place where a health care provider provides health care to patients, and includes entities described in RCW 7.70.020(3).

(7) "Health care provider" or "provider" has the same meaning as in RCW 7.70.020 (1) and (2).

(8) "Insuring entity" means:

(a) An insurer;

(b) A joint underwriting association;

(c) A risk retention group; or

(d) An unauthorized insurer that provides surplus lines coverage.

(9) "Medical malpractice" means an actual or alleged negligent act, error, or omission in providing or failing to provide health care services that is actionable under chapter 7.70 RCW.

(10) "Noneconomic damages" has the same meaning as in RCW 4.56.250(1)(b).

(11) "Self-insurer" means any health care provider, facility, or other individual or entity that assumes operational or financial risk for claims of medical malpractice.

NEW SECTION. Sec. 202. (1) For claims closed on or after January 1, 2008:

(a) Every insuring entity or self-insurer that provides medical malpractice insurance to any facility or provider in Washington state must report each medical malpractice closed claim to the commissioner.

(b) If a claim is not covered by an insuring entity or self-insurer, the facility or provider named in the claim must report it to the commissioner after a final claim disposition has occurred due to a court proceeding or a settlement by the parties. Instances in which a claim may not be covered by an insuring entity or self-insurer include, but are not limited to, situations in which the:

(i) Facility or provider did not buy insurance or maintained a self-insured retention that was larger than the final judgment or settlement;

(ii) Claim was denied by an insuring entity or self-insurer because it did not fall within the scope of the insurance coverage agreement; or

(iii) Annual aggregate coverage limits had been exhausted by other claim payments.

(2) Beginning in 2009, reports required under subsection (1) of this section must be filed by March 1st, and include data for all claims closed in the preceding calendar year and any adjustments to data reported in prior years. The commissioner may adopt rules that require insuring entities, self-insurers, facilities, or providers to file closed claim data electronically.

(3) The commissioner may impose a fine of up to two hundred fifty dollars per day against any insuring entity that violates the requirements of this section.

(4) The department of health, department of licensing or department of social and health services may require a provider or facility to take corrective action to assure compliance with the requirements of this section.

NEW SECTION. Sec. 203. Reports required under section 202 of this act must contain the following information in a form and coding protocol prescribed by the commissioner that, to the extent possible and still fulfill the purposes of this chapter, are consistent with the format for data reported to the national practitioner data bank:

(1) Claim and incident identifiers, including:

(a) A claim identifier assigned to the claim by the insuring entity, self-insurer, facility, or provider; and

(b) An incident identifier if companion claims have been made by a claimant. For the purposes of this section, "companion claims" are separate claims involving the same incident of medical malpractice made against other providers or facilities;

(2) The medical specialty of the provider who was primarily responsible for the incident of medical malpractice that led to the claim;

(3) The type of health care facility where the medical malpractice incident occurred;

(4) The primary location within a facility where the medical malpractice incident occurred;

(5) The geographic location, by city and county, where the medical malpractice incident occurred;

(6) The injured person's sex and age on the incident date;

(7) The severity of malpractice injury using the national practitioner data bank severity scale;

(8) The dates of:

(a) The incident that was the proximate cause of the claim;

(b) Notice to the insuring entity, self-insurer, facility, or provider;

(c) Suit, if filed;

(d) Final indemnity payment, if any; and

(e) Final action by the insuring entity, self-insurer, facility, or provider to close the claim;

(9) Settlement information that identifies the timing and final method of claim disposition, including:

(a) Claims settled by the parties;

(b) Claims disposed of by a court, including the date disposed;

or

(c) Claims disposed of by alternative dispute resolution, such as arbitration, mediation, private trial, and other common dispute resolution methods; and

(d) Whether the settlement occurred before or after trial, if a trial occurred;

(10) Specific information about the indemnity payments and defense expenses, as follows:

(a) For claims disposed of by a court that result in a verdict or judgment that itemizes damages:

(i) The total verdict or judgment;

(ii) If there is more than one defendant, the total indemnity paid by or on behalf of this facility or provider;

(iii) Economic damages;

(iv) Noneconomic damages; and

(v) Allocated loss adjustment expense, including but not limited to court costs, attorneys' fees, and costs of expert witnesses; and

(b) For claims that do not result in a verdict or judgment that itemizes damages:

(i) The total amount of the settlement;

(ii) If there is more than one defendant, the total indemnity paid by or on behalf of this facility or provider;

(iii) Paid and estimated economic damages; and

(iv) Allocated loss adjustment expense, including but not limited to court costs, attorneys' fees, and costs of expert witnesses;

(11) The reason for the medical malpractice claim. The reporting entity must use the same allegation group and act or omission codes used for mandatory reporting to the national practitioner data bank; and

(12) Any other claim-related data the commissioner determines to be necessary to monitor the medical malpractice marketplace, if such data are reported:

(a) To the national practitioner data bank; or

(b) Voluntarily by members of the physician insurers association of America as part of the association's data-sharing project.

NEW SECTION. Sec. 204. The commissioner must prepare aggregate statistical summaries of closed claims based on data submitted under section 202 of this act.

(1) At a minimum, the commissioner must summarize data by calendar year and calendar/incident year. The commissioner may also decide to display data in other ways if the commissioner:

(a) Protects information as required under section 206(2) of this act; and

(b) Exempts from disclosure data described in RCW 42.56.400(11).

(2) The summaries must be available by April 30th of each year, unless the commissioner notifies legislative committees by March 15th that data are not available and informs the committees when the summaries will be completed.

(3) Information included in an individual closed claim report submitted by an insuring entity, self-insurer, provider, or facility under this chapter is confidential and exempt from public disclosure, and the commissioner must not make these data available to the public.

NEW SECTION. Sec. 205. Beginning in 2010, the commissioner must prepare an annual report that summarizes and analyzes the closed claim reports for medical malpractice filed under sections 202 and 209 of this act and the annual financial reports filed by authorized insurers writing medical malpractice insurance in this state. The commissioner must complete the report by June 30th, unless the commissioner notifies legislative committees by June 1st that data are not available and informs the committees when the summaries will be completed.

(1) The report must include:

(a) An analysis of reported closed claims from prior years for which data are collected. The analysis must show:

(i) Trends in the frequency and severity of claim payments;

(ii) A comparison of economic and noneconomic damages;

(iii) A distribution of allocated loss adjustment expenses and other legal expenses;

(iv) The types of medical malpractice for which claims have been paid; and

(v) Any other information the commissioner finds relevant to trends in medical malpractice closed claims if the commissioner:

(A) Protects information as required under section 206(2) of this act; and

(B) Exempts from disclosure data described in RCW 42.56.400(11);

(b) An analysis of the medical malpractice insurance market in Washington state, including:

(i) An analysis of the financial reports of the authorized insurers with a combined market share of at least ninety percent of direct written medical malpractice premium in Washington state for the prior calendar year;

(ii) A loss ratio analysis of medical malpractice insurance written in Washington state; and

(iii) A profitability analysis of the authorized insurers with a combined market share of at least ninety percent of direct written medical malpractice premium in Washington state for the prior calendar year;

(c) A comparison of loss ratios and the profitability of medical malpractice insurance in Washington state to other states based on financial reports filed with the national association of insurance commissioners and any other source of information the commissioner deems relevant; and

(d) A summary of the rate filings for medical malpractice that have been approved by the commissioner for the prior calendar year, including an analysis of the trend of direct incurred losses as compared to prior years.

(2) The commissioner must post reports required by this section on the internet no later than thirty days after they are due.

(3) The commissioner may adopt rules that require insuring entities and self-insurers required to report under section 202 of this act and subsection (1)(a) of this section to report data related to:

(a) The frequency and severity of closed claims for the reporting period; and

(b) Any other closed claim information that helps the commissioner monitor losses and claim development patterns in the Washington state medical malpractice insurance market.

NEW SECTION. Sec. 206. The commissioner must adopt all rules needed to implement this chapter. The rules must:

(1) Identify which insuring entity or self-insurer has the primary obligation to report a closed claim when more than one insuring entity or self-insurer is providing medical malpractice liability coverage to a single health care provider or a single health care facility that has been named in a claim;

(2) Protect information that, alone or in combination with other data, could result in the ability to identify a claimant, health care provider, health care facility, or self-insurer involved in a particular claim or collection of claims; and

(3) Specify standards and methods for the reporting by claimants, insuring entities, self-insurers, facilities, and providers.

NEW SECTION. Sec. 207. (1) If the national association of insurance commissioners adopts revised model statistical reporting standards for medical malpractice insurance, the commissioner must analyze the new reporting standards and report this information to the legislature, as follows:

(a) An analysis of any differences between the model reporting standards and:

(i) Sections 201 through 206 of this act; and

(ii) Any statistical plans that the commissioner has adopted under RCW 48.19.370; and

(b) Recommendations, if any, about legislative changes necessary to implement the model reporting standards.

(2) The commissioner must submit the report required under subsection (1) of this section to the following legislative committees by the first day of December in the year after the national association of insurance commissioners adopts new model medical malpractice reporting standards:

(a) The house of representatives committees on health care; financial institutions and insurance; and judiciary; and

(b) The senate committees on health and long-term care; financial institutions, housing and consumer protection; and judiciary.

NEW SECTION. Sec. 208. This chapter does not amend or modify the statistical reporting requirements that apply to insurers under RCW 48.19.370.

NEW SECTION. Sec. 209. A new section is added to chapter 7.70 RCW to read as follows:

(1) As used in this section:

(a) "Claim" has the same meaning as in section 201(1) of this act.

(b) "Claimant" has the same meaning as in section 201(2) of this act.

(c) "Commissioner" has the same meaning as in section 201(4) of this act.

(d) "Medical malpractice" has the same meaning as in section 201(9) of this act.

(2)(a) For claims settled or otherwise disposed of on or after January 1, 2008, the claimant or his or her attorney must report data to the commissioner if any action filed under this chapter results in a final:

(i) Judgment in any amount;

(ii) Settlement or payment in any amount; or

(iii) Disposition resulting in no indemnity payment.

(b) As used in this subsection, "data" means:

(i) The date of the incident of medical malpractice that was the principal cause of the action;

(ii) The principal county in which the incident of medical malpractice occurred;

(iii) The date of suit, if filed;

(iv) The injured person's sex and age on the incident date; and

(v) Specific information about the disposition, judgment, or settlement, including:

(A) The date and amount of any judgment or settlement;

- (B) Court costs;
- (C) Attorneys' fees; and
- (D) Costs of expert witnesses.

Sec. 210. RCW 42.56.400 and 2005 c 274 s 420 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of all viators regulated by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(7) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(8) Information provided to the insurance commissioner under RCW 48.110.040(3);

(9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged; ~~(and)~~

(10) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070; and

(11) Data filed under sections 202, 203, 205, and 209 of this act that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in section 201(2) of this act.

(b) "Health care facility" has the same meaning as in section 201(6) of this act.

(c) "Health care provider" has the same meaning as in section 201(7) of this act.

(d) "Insuring entity" has the same meaning as in section 201(8) of this act.

(e) "Self-insurer" has the same meaning as in section 201(11) of this act.

Underwriting Standards

NEW SECTION. Sec. 211. A new section is added to chapter 48.18 RCW to read as follows:

(1) For the purposes of this section:

(a) "Affiliate" has the same meaning as in RCW 48.31B.005(1).

(b) "Claim" means a demand for monetary damages by a claimant.

(c) "Claimant" means a person, including a decedent's estate, who is seeking or has sought monetary damages for injury or death caused by medical malpractice.

(d) "Tier" has the same meaning as in RCW 48.18.545(1)(h).

(e) "Underwrite" or "underwriting" means the process of selecting, rejecting, or pricing a risk, and includes each of these activities:

(i) Evaluation, selection, and classification of risk, including placing a risk with an affiliate insurer that has higher rates and/or rating plan components that will result in higher premiums;

(ii) Application of classification plans, rates, rating rules, and rating tiers to an insured risk; and

(iii) Determining eligibility for:

(A) Insurance coverage provisions;

(B) Higher policy limits; or

(C) Premium payment plans.

(2) During each underwriting process, an insurer may consider the following factors only in combination with other substantive underwriting factors:

(a) An insured has inquired about the nature or scope of coverage under a medical malpractice insurance policy;

(b) An insured has notified their insurer about an incident that may be covered under the terms of their medical malpractice insurance policy, and that incident does not result in a claim; or

(c) A claim made against an insured was closed by the insurer without payment. An insurer may consider the effect of multiple claims if they have a significant effect on the insured's risk profile.

(3) If any underwriting activity related to the insured's risk profile results in higher premiums as described under subsection (1)(e) (i) and (ii) of this section or reduced coverage as described under subsection (1)(e)(iii) of this section, the insurer must provide written notice to the insured, in clear and simple language, that describes the significant risk factors which led to the underwriting action. The commissioner must adopt rules that define the components of a risk profile that require notice under this subsection.

Sec. 212. RCW 48.18.290 and 1997 c 85 s 1 are each amended to read as follows:

(1) Cancellation by the insurer of any policy which by its terms is cancellable at the option of the insurer, or of any binder based on such policy which does not contain a clearly stated expiration date, may be effected as to any interest only upon compliance with the following:

~~(a) (Written notice of such cancellation, accompanied by the actual reason therefor, must be actually delivered or mailed to the named insured not less than forty-five days prior to the effective date of the cancellation except for cancellation of insurance policies for nonpayment of premiums, which notice shall be not less than ten days prior to such date and except for cancellation of fire insurance policies under chapter 48.53 RCW, which notice shall not be less than five days prior to such date.) For all insurance policies other than medical malpractice insurance policies or fire insurance policies canceled under RCW 48.53.040:~~

(i) The insurer must deliver or mail written notice of cancellation to the named insured at least forty-five days before the effective date of the cancellation; and

(ii) The cancellation notice must include the insurer's actual reason for canceling the policy.

(b) For medical malpractice insurance policies:

(i) The insurer must deliver or mail written notice of the cancellation to the named insured at least ninety days before the effective date of the cancellation; and

(ii) The cancellation notice must include the insurer's actual reason for canceling the policy and describe the significant risk factors that led to the insurer's underwriting action, as defined under section 211(1)(e) of this act.

(c) If an insurer cancels a policy described under (a) or (b) of this subsection for nonpayment of premium, the insurer must deliver or mail the cancellation notice to the named insured at least ten days before the effective date of the cancellation.

(d) If an insurer cancels a fire insurance policy under RCW 48.53.040, the insurer must deliver or mail the cancellation notice to the named insured at least five days before the effective date of the cancellation.

(e) Like notice must also be so delivered or mailed to each mortgagee, pledgee, or other person shown by the policy to have an interest in any loss which may occur thereunder. For purposes of this

subsection (1)(~~(b)~~) (e), "delivered" includes electronic transmittal, facsimile, or personal delivery.

(2) The mailing of any such notice shall be effected by depositing it in a sealed envelope, directed to the addressee at his or her last address as known to the insurer or as shown by the insurer's records, with proper prepaid postage affixed, in a letter depository of the United States post office. The insurer shall retain in its records any such item so mailed, together with its envelope, which was returned by the post office upon failure to find, or deliver the mailing to, the addressee.

(3) The affidavit of the individual making or supervising such a mailing, shall constitute prima facie evidence of such facts of the mailing as are therein affirmed.

(4) The portion of any premium paid to the insurer on account of the policy, unearned because of the cancellation and in amount as computed on the pro rata basis, must be actually paid to the insured or other person entitled thereto as shown by the policy or by any endorsement thereon, or be mailed to the insured or such person as soon as possible, and no later than forty-five days after the date of notice of cancellation to the insured for homeowners', dwelling fire, and private passenger auto. Any such payment may be made by cash, or by check, bank draft, or money order.

(5) This section shall not apply to contracts of life or disability insurance without provision for cancellation prior to the date to which premiums have been paid, or to contracts of insurance procured under the provisions of chapter 48.15 RCW.

Sec. 213. RCW 48.18.2901 and 2002 c 347 s 1 are each amended to read as follows:

(1) Each insurer (~~shall be required to~~) must renew any (~~contract of~~) insurance policy subject to RCW 48.18.290 unless one of the following situations exists:

(a) (~~The insurer gives the named insured at least forty-five days' notice in writing as provided for in RCW 48.18.290, that it proposes to refuse to renew the insurance contract upon its expiration date; and sets forth in that writing the actual reason for refusing to renew~~) (i) For all insurance policies subject to RCW 48.18.290(1)(a):

(A) The insurer must deliver or mail written notice of nonrenewal to the named insured at least forty-five days before the expiration date of the policy; and

(B) The notice must include the insurer's actual reason for refusing to renew the policy.

(ii) For medical malpractice insurance policies subject to RCW 48.18.290(1)(b):

(A) The insurer must deliver or mail written notice of the nonrenewal to the named insured at least ninety days before the expiration date of the policy; and

(B) The notice must include the insurer's actual reason for refusing to renew the policy and describe the significant risk factors that led to the insurer's underwriting action, as defined under section 211(1)(e) of this act;

(b) At least twenty days prior to its expiration date, the insurer has communicated, either directly or through its agent, its willingness to renew in writing to the named insured and has included in that writing a statement of the amount of the premium or portion thereof required to be paid by the insured to renew the policy, and the insured fails to discharge when due his or her obligation in connection with the payment of such premium or portion thereof;

(c) The insured has procured equivalent coverage prior to the expiration of the policy period;

(d) The contract is evidenced by a written binder containing a clearly stated expiration date which has expired according to its terms; or

(e) The contract clearly states that it is not renewable, and is for a specific line, subclassification, or type of coverage that is not offered on a renewable basis. This subsection (1)(e) does not restrict the authority of the insurance commissioner under this code.

(2) Any insurer failing to include in the notice required by subsection (1)(b) of this section the amount of any increased premium resulting from a change of rates and an explanation of any change in the contract provisions shall renew the policy if so required by that subsection according to the rates and contract provisions applicable to the expiring policy. However, renewal based on the

rates and contract provisions applicable to the expiring policy shall not prevent the insurer from making changes in the rates and/or contract provisions of the policy once during the term of its renewal after at least twenty days' advance notice of such change has been given to the named insured.

(3) Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal, or with respect to cancellation of fire policies under chapter 48.53 RCW.

(4) "Renewal" or "to renew" means the issuance and delivery by an insurer of a contract of insurance replacing at the end of the contract period a contract of insurance previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a contract beyond its policy period or term. However, (a) any contract of insurance with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of RCW 48.18.290 and 48.18.293 through 48.18.295 be considered as if written for a policy period or term of six months; and (b) any policy written for a term longer than one year or any policy with no fixed expiration date, shall, for the purpose of RCW 48.18.290 and 48.18.293 through 48.18.295, be considered as if written for successive policy periods or terms of one year.

(5) A midterm blanket reduction in rate, approved by the commissioner, for medical malpractice insurance shall not be considered a renewal for purposes of this section.

Prior Approval of Medical Malpractice Insurance Rates

Sec. 214. RCW 48.18.100 and 2005 c 223 s 8 are each amended to read as follows:

(1) No insurance policy form or application form where written application is required and is to be attached to the policy, or printed life or disability rider or endorsement form may be issued, delivered, or used unless it has been filed with and approved by the commissioner. This section does not apply to:

(a) Surety bond forms;

(b) Forms filed under RCW 48.18.103;

(c) Forms exempted from filing requirements by the commissioner under RCW 48.18.103;

(d) Manuscript policies, riders, or endorsements of unique character designed for and used with relation to insurance upon a particular subject; or

(e) Contracts of insurance procured under the provisions of chapter 48.15 RCW.

(2) Every such filing containing a certification, in a form approved by the commissioner, by either the chief executive officer of the insurer or by an actuary who is a member of the American academy of actuaries, attesting that the filing complies with Title 48 RCW and Title 284 of the Washington Administrative Code, may be used by the insurer immediately after filing with the commissioner. The commissioner may order an insurer to cease using a certified form upon the grounds set forth in RCW 48.18.110. This subsection does not apply to certain types of policy forms designated by the commissioner by rule.

(3) Except as provided in RCW 48.18.103, every filing that does not contain a certification pursuant to subsection (2) of this section must be made not less than thirty days in advance of issuance, delivery, or use. At the expiration of the thirty days, the filed form shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the commissioner. The commissioner may extend by not more than an additional fifteen days the period within which he or she may affirmatively approve or disapprove any form, by giving notice of the extension before expiration of the initial thirty-day period. At the expiration of the period that has been extended, and in the absence of prior affirmative approval or disapproval, the form shall be deemed approved. The commissioner may withdraw any approval at any time for cause. By approval of any form for immediate use, the commissioner may waive any unexpired portion of the initial thirty-day waiting period.

(4) The commissioner's order disapproving any form or withdrawing a previous approval must state the grounds for disapproval.

(5) No form may knowingly be issued or delivered as to which the commissioner's approval does not then exist.

(6) The commissioner may, by rule, exempt from the requirements of this section any class or type of insurance policy forms if filing and approval is not desirable or necessary for the protection of the public.

(7) Every member or subscriber to a rating organization must adhere to the form filings made on its behalf by the organization. Deviations from the organization are permitted only when filed with the commissioner in accordance with this chapter.

(8) Medical malpractice insurance form filings are subject to the provisions of this section.

Sec. 215. RCW 48.18.103 and 2005 c 223 s 9 are each amended to read as follows:

(1) It is the intent of the legislature to assist the purchasers of commercial property casualty insurance by allowing policies to be issued more expeditiously and provide a more competitive market for forms.

(2) Commercial property casualty policies may be issued prior to filing the forms.

(3) All commercial property casualty forms must be filed with the commissioner within thirty days after an insurer issues any policy using them. This subsection does not apply to:

(a) Types or classes of forms that the commissioner exempts from filing by rule; and

(b) Manuscript policies, riders, or endorsements of unique character designed for and used with relation to insurance upon a particular subject.

(4) If, within thirty days after a commercial property casualty form has been filed, the commissioner finds that the form does not meet the requirements of this chapter, the commissioner shall disapprove the form and give notice to the insurer or rating organization that made the filing, specifying how the form fails to meet the requirements and stating when, within a reasonable period thereafter, the form shall be deemed no longer effective. The commissioner may extend the time for review an additional fifteen days by giving notice to the insurer prior to the expiration of the original thirty-day period.

(5) Upon a final determination of a disapproval of a policy form under subsection (4) of this section, the insurer must amend any previously issued disapproved form by endorsement to comply with the commissioner's disapproval.

(6) For purposes of this section, "commercial property casualty" means insurance pertaining to a business, profession, occupation, nonprofit organization, or public entity for the lines of property and casualty insurance defined in RCW 48.11.040, 48.11.050, 48.11.060, or 48.11.070, but does not mean medical malpractice insurance.

(7) Except as provided in subsection (5) of this section, the disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in the notice of disapproval.

(8) Every member or subscriber to a rating organization must adhere to the form filings made on its behalf by the organization. An insurer may deviate from forms filed on its behalf by an organization only if the insurer files the forms with the commissioner in accordance with this chapter.

(9) In the event a hearing is held on the actions of the commissioner under subsection (4) of this section, the burden of proof shall be on the commissioner.

Sec. 216. RCW 48.19.043 and 2003 c 248 s 7 are each amended to read as follows:

(1) It is the intent of the legislature to assist the purchasers of commercial property casualty insurance by allowing policies to be issued more expeditiously and provide a more competitive market for rates.

(2) Notwithstanding the provisions of RCW 48.19.040(1), commercial property casualty policies may be issued prior to filing the rates. All commercial property casualty rates shall be filed with the commissioner within thirty days after an insurer issues any policy using them.

(3) If, within thirty days after a commercial property casualty rate has been filed, the commissioner finds that the rate does not meet

the requirements of this chapter, the commissioner shall disapprove the filing and give notice to the insurer or rating organization that made the filing, specifying how the filing fails to meet the requirements and stating when, within a reasonable period thereafter, the filing shall be deemed no longer effective. The commissioner may extend the time for review another fifteen days by giving notice to the insurer prior to the expiration of the original thirty-day period.

(4) Upon a final determination of a disapproval of a rate filing under subsection (3) of this section, the insurer shall issue an endorsement changing the rate to comply with the commissioner's disapproval from the date the rate is no longer effective.

(5) For purposes of this section, "commercial property casualty" means insurance pertaining to a business, profession, occupation, nonprofit organization, or public entity for the lines of property and casualty insurance defined in RCW 48.11.040, 48.11.050, 48.11.060, or 48.11.070, but does not mean medical malpractice insurance.

(6) Except as provided in subsection (4) of this section, the disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in the notice of disapproval.

(7) In the event a hearing is held on the actions of the commissioner under subsection (3) of this section, the burden of proof is on the commissioner.

Sec. 217. RCW 48.19.060 and 1997 c 428 s 4 are each amended to read as follows:

(1) The commissioner shall review a filing as soon as reasonably possible after made, to determine whether it meets the requirements of this chapter.

(2) Except as provided in RCW 48.19.070 and 48.19.043:

(a) No such filing shall become effective within thirty days after the date of filing with the commissioner, which period may be extended by the commissioner for an additional period not to exceed fifteen days if he or she gives notice within such waiting period to the insurer or rating organization which made the filing that he or she needs such additional time for the consideration of the filing. The commissioner may, upon application and for cause shown, waive such waiting period or part thereof as to a filing that he or she has not disapproved.

(b) A filing shall be deemed to meet the requirements of this chapter unless disapproved by the commissioner within the waiting period or any extension thereof.

(3) Medical malpractice insurance rate filings are subject to the provisions of this section.

PART III - HEALTH CARE LIABILITY REFORM

Statutes of Limitations and Repose

NEW SECTION. **Sec. 301.** The purpose of this section and section 302 of this act is to respond to the court's decision in *DeYoung v. Providence Medical Center*, 136 Wn.2d 136 (1998), by expressly stating the legislature's rationale for the eight-year statute of repose in RCW 4.16.350.

The legislature recognizes that the eight-year statute of repose alone may not solve the crisis in the medical insurance industry. However, to the extent that the eight-year statute of repose has an effect on medical malpractice insurance, that effect will tend to reduce rather than increase the cost of malpractice insurance.

Whether or not the statute of repose has the actual effect of reducing insurance costs, the legislature finds it will provide protection against claims, however few, that are stale, based on untrustworthy evidence, or that place undue burdens on defendants.

In accordance with the court's opinion in *DeYoung*, the legislature further finds that compelling even one defendant to answer a stale claim is a substantial wrong, and setting an outer limit to the operation of the discovery rule is an appropriate aim.

The legislature further finds that an eight-year statute of repose is a reasonable time period in light of the need to balance the interests of injured plaintiffs and the health care industry.

The legislature intends to reenact RCW 4.16.350 with respect to the eight-year statute of repose and specifically set forth for the court the legislature's legitimate rationale for adopting the eight-year statute of repose. The legislature further intends that the eight-year statute

of repose reenacted by section 302 of this act be applied to actions commenced on or after the effective date of this section.

Sec. 302. RCW 4.16.350 and 1998 c 147 s 1 are each reenacted to read as follows:

Any civil action for damages for injury occurring as a result of health care which is provided after June 25, 1976 against:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatric physician and surgeon, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

(2) An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative; based upon alleged professional negligence shall be commenced within three years of the act or omission alleged to have caused the injury or condition, or one year of the time the patient or his representative discovered or reasonably should have discovered that the injury or condition was caused by said act or omission, whichever period expires later, except that in no event shall an action be commenced more than eight years after said act or omission: PROVIDED, That the time for commencement of an action is tolled upon proof of fraud, intentional concealment, or the presence of a foreign body not intended to have a therapeutic or diagnostic purpose or effect, until the date the patient or the patient's representative has actual knowledge of the act of fraud or concealment, or of the presence of the foreign body; the patient or the patient's representative has one year from the date of the actual knowledge in which to commence a civil action for damages.

For purposes of this section, notwithstanding RCW 4.16.190, the knowledge of a custodial parent or guardian shall be imputed to a person under the age of eighteen years, and such imputed knowledge shall operate to bar the claim of such minor to the same extent that the claim of an adult would be barred under this section. Any action not commenced in accordance with this section shall be barred.

For purposes of this section, with respect to care provided after June 25, 1976, and before August 1, 1986, the knowledge of a custodial parent or guardian shall be imputed as of April 29, 1987, to persons under the age of eighteen years.

This section does not apply to a civil action based on intentional conduct brought against those individuals or entities specified in this section by a person for recovery of damages for injury occurring as a result of childhood sexual abuse as defined in RCW 4.16.340(5).

Sec. 303. RCW 4.16.190 and 1993 c 232 s 1 are each amended to read as follows:

(1) Unless otherwise provided in this section, if a person entitled to bring an action mentioned in this chapter, except for a penalty or forfeiture, or against a sheriff or other officer, for an escape, be at the time the cause of action accrued either under the age of eighteen years, or incompetent or disabled to such a degree that he or she cannot understand the nature of the proceedings, such incompetency or disability as determined according to chapter 11.88 RCW, or imprisoned on a criminal charge prior to sentencing, the time of such disability shall not be a part of the time limited for the commencement of action.

(2) Subsection (1) of this section with respect to a person under the age of eighteen years does not apply to the time limited for the commencement of an action under RCW 4.16.350.

Certificate of Merit

NEW SECTION. Sec. 304. A new section is added to chapter 7.70 RCW to read as follows:

(1) In an action against an individual health care provider under this chapter for personal injury or wrongful death in which the injury is alleged to have been caused by an act or omission that violates the accepted standard of care, the plaintiff must file a certificate of merit at the time of commencing the action. If the action is commenced within forty-five days prior to the expiration of the applicable statute of limitations, the plaintiff must file the certificate of merit no later than forty-five days after commencing the action.

(2) The certificate of merit must be executed by a health care provider who meets the qualifications of an expert in the action. If there is more than one defendant in the action, the person commencing the action must file a certificate of merit for each defendant.

(3) The certificate of merit must contain a statement that the person executing the certificate of merit believes, based on the information known at the time of executing the certificate of merit, that there is a reasonable probability that the defendant's conduct did not follow the accepted standard of care required to be exercised by the defendant.

(4) Upon motion of the plaintiff, the court may grant an additional period of time to file the certificate of merit, not to exceed ninety days, if the court finds there is good cause for the extension.

(5)(a) Failure to file a certificate of merit that complies with the requirements of this section is grounds for dismissal of the case.

(b) If a case is dismissed for failure to file a certificate of merit that complies with the requirements of this section, the filing of the claim against the health care provider shall not be used against the health care provider in professional liability insurance rate setting, personal credit history, or professional licensing and credentialing.

Voluntary Arbitration

NEW SECTION. Sec. 305. This chapter applies to any cause of action for damages for personal injury or wrongful death based on alleged professional negligence in the provision of health care where all parties to the action have agreed to submit the dispute to arbitration under this chapter in accordance with the requirements of section 306 of this act.

NEW SECTION. Sec. 306. (1) Parties in an action covered under section 305 of this act may elect to submit the dispute to arbitration under this chapter in accordance with the requirements in this section.

(a) A claimant may elect to submit the dispute to arbitration under this chapter by including such election in the complaint filed at the commencement of the action. A defendant may elect to submit the dispute to arbitration under this chapter by including such election in the defendant's answer to the complaint. The dispute will be submitted to arbitration under this chapter only if all parties to the action elect to submit the dispute to arbitration.

(b) If the parties do not initially elect to submit the dispute to arbitration in accordance with (a) of this subsection, the parties may make such an election at any time during the pendency of the action by filing a stipulation with the court in which all parties to the action agree to submit the dispute to arbitration under this chapter.

(2) A party that does not initially elect to submit a dispute to arbitration under this chapter must file a declaration with the court that meets the following requirements:

(a) In the case of a claimant, the declaration must be filed at the time of commencing the action and must state that the attorney representing the claimant presented the claimant with a copy of the provisions of this chapter before commencing the action and that the claimant elected not to submit the dispute to arbitration under this chapter; and

(b) In the case of a defendant, the declaration must be filed at the time of filing the answer and must state that the attorney representing the defendant presented the defendant with a copy of the provisions of this chapter before filing the defendant's answer and that the

defendant elected not to submit the dispute to arbitration under this chapter.

NEW SECTION. Sec. 307. (1) An arbitrator shall be selected by agreement of the parties no later than forty-five days after: (a) The date all defendants elected arbitration in the answer where the parties elected arbitration in the initial complaint and answer; or (b) the date of the stipulation where the parties agreed to enter into arbitration after the commencement of the action through a stipulation filed with the court. The parties may agree to select more than one arbitrator to conduct the arbitration.

(2) If the parties are unable to agree to an arbitrator by the time specified in subsection (1) of this section, each side may submit the names of three arbitrators to the court, and the court shall select an arbitrator from among the submitted names within fifteen days of being notified that the parties are unable to agree to an arbitrator. If none of the parties submit any names of potential arbitrators, the court shall select an arbitrator.

NEW SECTION. Sec. 308. The arbitrator may conduct the arbitration in such manner as the arbitrator considers appropriate so as to aid in the fair and expeditious disposition of the proceeding subject to the requirements of this section and section 309 of this act.

(1)(a) Except as provided in (b) of this subsection, each party is entitled to two experts on the issue of liability, two experts on the issue of damages, and one rebuttal expert.

(b) Where there are multiple parties on one side, the arbitrator shall determine the number of experts that are allowed based on the minimum number of experts necessary to ensure a fair and economic resolution of the action.

(2)(a) Unless the arbitrator determines that exceptional circumstances require additional discovery, each party is entitled to the following discovery from any other party:

- (i) Twenty-five interrogatories, including subparts;
- (ii) Ten requests for admission; and
- (iii) In accordance with applicable court rules:

(A) Requests for production of documents and things, and for entry upon land for inspection and other purposes; and

(B) Requests for physical and mental examinations of persons.

(b) The parties shall be entitled to the following depositions:

(i) Depositions of parties and any expert that a party expects to call as a witness. Except by order of the arbitrator for good cause shown, the length of the deposition of a party or an expert witness shall be limited to four hours.

(ii) Depositions of other witnesses. Unless the arbitrator determines that exceptional circumstances require additional depositions, the total number of depositions of persons who are not parties or expert witnesses is limited to five depositions per side, each of which may last no longer than two hours in length. In the deposition of a fact witness, each side is entitled to examine for one hour of the deposition.

(3) An arbitrator may issue a subpoena for the attendance of a witness and for the production of records and other evidence at any hearing and may administer oaths. A subpoena must be served in the manner for service of subpoenas in a civil action and, upon motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the manner for enforcement of subpoenas in a civil action.

NEW SECTION. Sec. 309. (1) An arbitration under this chapter shall be conducted according to the time frames specified in this section. The time frames provided in this section run from the date all defendants have agreed to arbitration in their answers where the parties elected arbitration in the initial complaint and answer, and from the date of the execution of the stipulation where the parties agreed to enter into arbitration after the commencement of the action through a stipulation filed with the court. The arbitrator shall issue a case scheduling order in every case specifying the dates by which the requirements of (b) through (f) of this subsection must be completed.

(a) Within forty-five days, the claimant shall provide stipulations for all relevant medical records to the defendants.

(b) Within one hundred twenty days, the claimant shall disclose to the defendants the names and curriculum vitae or other documentation of qualifications of any expert the claimant expects to call as a witness.

(c) Within one hundred forty days, each defendant shall disclose to the claimants the names and curriculum vitae or other documentation of qualifications of any expert the defendant expects to call as a witness.

(d) Within one hundred sixty days, each party shall disclose to the other parties the name and curriculum vitae or other documentation of qualifications of any rebuttal expert the party expects to call as a witness.

(e) Within two hundred forty days, all discovery shall be completed.

(f) Within two hundred seventy days, the arbitration hearing shall commence subject to the limited authority of the arbitrator to extend this deadline under subsection (2) of this section.

(2) It is the express public policy of the legislature that arbitration hearings under this chapter be commenced no later than twelve months after the parties elect to submit the dispute to arbitration. The arbitrator may grant a continuance of the commencement of the arbitration hearing to a date more than twelve months after the parties elect to submit the dispute to arbitration only where a party shows that exceptional circumstances create an undue and unavoidable hardship on the party.

NEW SECTION. Sec. 310. (1) The arbitrator shall issue a decision in writing and signed by the arbitrator within fourteen days after the completion of the arbitration hearing and shall promptly deliver a copy of the decision to each of the parties or their attorneys.

(2) The arbitrator may not make an award of damages under this chapter that exceeds one million dollars for both economic and noneconomic damages.

(3) The arbitrator may not make an award of damages under this chapter under a theory of ostensible agency liability.

(4) With or without the request of a party, the arbitrator shall review the reasonableness of each party's attorneys' fees taking into account the factors enumerated in RCW 4.24.005.

(5) The fees and expenses of the arbitrator shall be paid by the nonprevailing parties.

NEW SECTION. Sec. 311. After a party to the arbitration proceeding receives notice of a decision, the party may file a motion with the court for a judgment in accordance with the decision, at which time the court shall issue such a judgment unless the decision is modified, corrected, or vacated as provided in section 312 of this act.

NEW SECTION. Sec. 312. There is no right to a trial de novo on an appeal of the arbitrator's decision. An appeal of the arbitrator's decision is limited to the bases for appeal provided in RCW 7.04A.230(1)(a) through (d) and 7.04A.240, or equivalent provisions in a successor statute.

NEW SECTION. Sec. 313. The provisions of chapter 7.04A RCW do not apply to arbitrations conducted under this chapter except to the extent specifically provided in this chapter.

Mandatory Mediation

Sec. 314. RCW 7.70.100 and 1993 c 492 s 419 are each amended to read as follows:

(1) No action based upon a health care provider's professional negligence may be commenced unless the defendant has been given at least ninety days' notice of the intention to commence the action. If the notice is served within ninety days of the expiration of the applicable statute of limitations, the time for the commencement of the action must be extended ninety days from the service of the notice.

(2) The provisions of subsection (1) of this section are not applicable with respect to any defendant whose name is unknown to the plaintiff at the time of filing the complaint and who is identified therein by a fictitious name.

(3) After the filing of the ninety-day presuit notice, and before a superior court trial, all causes of action, whether based in tort, contract, or otherwise, for damages arising from injury occurring as a result of health care provided after July 1, 1993, shall be subject to mandatory mediation prior to trial except as provided in subsection (6) of this section.

~~((2))~~ (4) The supreme court shall by rule adopt procedures to implement mandatory mediation of actions under this chapter. The ((rules shall)) implementation contemplates the adoption of rules by the supreme court which will require mandatory mediation without exception unless subsection (6) of this section applies. The rules on mandatory mediation shall address, at a minimum:

(a) Procedures for the appointment of, and qualifications of, mediators. A mediator shall have experience or expertise related to actions arising from injury occurring as a result of health care, and be a member of the state bar association who has been admitted to the bar for a minimum of five years or who is a retired judge. The parties may stipulate to a nonlawyer mediator. The court may prescribe additional qualifications of mediators;

(b) Appropriate limits on the amount or manner of compensation of mediators;

(c) The number of days following the filing of a claim under this chapter within which a mediator must be selected;

(d) The method by which a mediator is selected. The rule shall provide for designation of a mediator by the superior court if the parties are unable to agree upon a mediator;

(e) The number of days following the selection of a mediator within which a mediation conference must be held;

(f) A means by which mediation of an action under this chapter may be waived by a mediator who has determined that the claim is not appropriate for mediation; and

(g) Any other matters deemed necessary by the court.

~~((3))~~ (5) Mediators shall not impose discovery schedules upon the parties.

(6) The mandatory mediation requirement of subsection (4) of this section does not apply to an action subject to mandatory arbitration under chapter 7.06 RCW or to an action in which the parties have agreed, subsequent to the arisal of the claim, to submit the claim to arbitration under chapter 7.04A or 7.-- (sections 305 through 313 of this act) RCW.

(7) The implementation also contemplates the adoption of a rule by the supreme court for procedures for the parties to certify to the court the manner of mediation used by the parties to comply with this section.

Collateral Sources

Sec. 315. RCW 7.70.080 and 1975-'76 2nd ex.s. c 56 s 13 are each amended to read as follows:

Any party may present evidence to the trier of fact that the ~~((patient))~~ plaintiff has already been compensated for the injury complained of from any source except the assets of the ~~((patient, his))~~ plaintiff, the plaintiff's representative, or ((his)) the plaintiff's immediate family~~((or insurance purchased with such assets)).~~ In the event such evidence is admitted, the plaintiff may present evidence of an obligation to repay such compensation and evidence of any amount paid by the plaintiff, or his or her representative or immediate family, to secure the right to the compensation. ~~((Insurance bargained for or provided on behalf of an employee shall be considered insurance purchased with the assets of the employee.))~~ Compensation as used in this section shall mean payment of money or other property to or on behalf of the ~~((patient))~~ plaintiff, rendering of services to the ~~((patient))~~ plaintiff free of charge to the ~~((patient))~~ plaintiff, or indemnification of expenses incurred by or on behalf of the ~~((patient))~~ plaintiff. Notwithstanding this section, evidence of compensation by a defendant health care provider may be offered only by that provider.

Preventing Frivolous Lawsuits

NEW SECTION. Sec. 316. A new section is added to chapter 7.70 RCW to read as follows:

In any action under this section, an attorney that has drafted, or assisted in drafting and filing an action, counterclaim, cross-claim, third-party claim, or a defense to a claim, upon signature and filing, certifies that to the best of the party's or attorney's knowledge, information, and belief, formed after reasonable inquiry it is not frivolous, and is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause frivolous litigation. If an action is signed and filed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the action, counterclaim, cross-claim, third-party claim, or a defense to a claim, including a reasonable attorney fee. The procedures governing the enforcement of RCW 4.84.185 shall apply to this section.

PART IV - MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 401. Part headings and subheadings used in this act are not any part of the law.

NEW SECTION. Sec. 402. (1) Sections 105 through 108 and 110 of this act constitute a new chapter in Title 70 RCW.

(2) Sections 201 through 208 of this act constitute a new chapter in Title 48 RCW.

(3) Sections 305 through 313 of this act constitute a new chapter in Title 7 RCW.

NEW SECTION. Sec. 403. Sections 211, 212, and 213 of this act apply to insurance policies issued or renewed on or after January 1, 2007.

NEW SECTION. Sec. 404. Section 111 of this act expires July 1, 2006.

NEW SECTION. Sec. 405. Sections 112 and 210 of this act take effect July 1, 2006.

NEW SECTION. Sec. 406. If specific funding for the purposes of sections 105 through 112 of this act, referencing sections 105 through 112 of this act by bill or chapter number and section numbers, is not provided by June 30, 2006, in the omnibus appropriations act, sections 105 through 112 of this act are null and void.

NEW SECTION. Sec. 407. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 4 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 5.64.010, 4.24.260, 18.71.015, 18.130.160, 43.70.075, 43.70.510, 42.56.400, 48.18.290, 48.18.2901, 48.18.100, 48.18.103, 48.19.043, 48.19.060, 4.16.190, 7.70.100, and 7.70.080; reenacting and amending RCW 42.17.310 and 69.41.010; reenacting RCW 4.16.350; adding new sections to chapter 7.70 RCW; adding a new section to chapter 48.18 RCW; adding a new chapter to Title 70 RCW; adding a new chapter to Title 48 RCW; adding a new chapter to Title 7 RCW; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL

NO. 2292 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Lantz, Priest, Simpson, Campbell, Schual-Berke, Cody and Bailey spoke in favor the passage of the bill.

Representatives Armstrong and Hinkle spoke against the passage of the bill.

The Speaker stated the question before the House to be final passage of Second Substitute House Bill No. 2292, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2292, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 82, Nays - 15, Excused - 1.

Voting yea: Representatives Ahern, Appleton, Bailey, Blake, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 82.

Voting nay: Representatives Alexander, Anderson, Armstrong, Buck, Chandler, Condotta, Cox, DeBolt, Dunn, Hinkle, Holmquist, Kretz, Kristiansen, Sump and Woods - 15.

Excused: Representative Skinner - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 2292, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5305, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Rasmussen, Benton, Roach, Swecker, Zarelli, Regala, Stevens, Shin, Delvin, Franklin and Mulliken)

Prohibiting vaccinating pregnant women and children with mercury-containing vaccines.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was before the House for purpose of amendment. (For Committee amendment, see Journal, 44th Day, February 21, 2006.)

Representative Cody moved the adoption of amendment (1010) to the committee amendment:

On page 2, line 10 of the amendment, after "dose" insert "and does not meet food and drug administration vaccine licensing requirements"

Representatives Cody and Hinkle spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Hinkle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5305, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5305, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5305, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND ENGROSSED SENATE BILL NO. 5714, By Senators Keiser, Deccio, Kastama, Parlette, Thibaudeau, McAuliffe, Brown, Rasmussen, Rockefeller and Kohl-Welles

Establishing an early detection breast and cervical cancer screening program.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For Committee amendment, see Journal, 44th Day, February 21, 2005.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Curtis spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Engrossed Senate Bill No. 5714, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 5714, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SECOND ENGROSSED SENATE BILL NO. 5714, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5717, By Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Rockefeller, Benton, Fairley, Oke, Keiser, Zarelli, Shin, Rasmussen and Kohl-Welles)

Requiring a study on the availability and use of skill centers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Curtis spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5717.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5717 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan,

Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5717, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5838, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kastama, Benson, Poulsen, Brandland, Deccio, Keiser, Thibaudeau, Franklin and Rasmussen)

Limiting the substitution of preferred drugs in hepatitis C treatment.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Curtis spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5838.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5838 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 5838, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6106, By Senate Committee on Health & Long-Term Care (originally sponsored by Senator Brandland)

Requiring disclosure of specified health care information for law enforcement purposes.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For Committee amendment, see Journal, 44th Day, February 21, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Curtis spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6106, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6106, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6106, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6168, By Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Fairley, Benton, Keiser, Benson, Prentice, Franklin, Brandland, Berkey and Schmidt; by request of Department of Financial Institutions)

Regulating business development companies and the participation of financial institutions and nondepository lenders in economic development within the state.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Roach spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6168.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6168 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 6168, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6189, By Senate Committee on Health & Long-Term Care (originally sponsored by Senator Keiser)

Requiring hospitals to provide patients certain billing information.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Curtis spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6189.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6189 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold,

Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6189, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6231, By Senator Spanel; by request of Insurance Commissioner

Exempting certain private air ambulance services from licensing under the insurance code.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Roach spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6231.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6231 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 6231, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

SENATE BILL NO. 6248, By Senators Haugen, Benson, Shin and Sheldon

Requiring the department of transportation to reimburse drainage and diking districts for maintenance and repairs to drainage facilities if the department does not respond to written notice by the districts.

The bill was read the second time.

Representative Wallace moved the adoption of amendment (1013):

On page 2, line 6, strike "seven" and insert "fourteen"

Representative Wallace spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wallace and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6248, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6248, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 6248, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6373, By Senators Keiser, Deccio, Zarelli and Spanel

Removing expiration of reporting to the legislature of holding a boarding home medicare eligible resident's room or unit.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For Committee amendment, see Journal, 44th Day, February 21, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6373, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6373, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 6373, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6376, By Senators Rasmussen, Honeyford, Jacobsen, Shin, Morton and Delvin

Changing livestock inspection fee provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew, Kretz and Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6376.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6376 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Cox - 1.

Excused: Representative Skinner - 1.

ENGROSSED SENATE BILL NO. 6376, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6382, By Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Hewitt, Kohl-Welles, Rasmussen, Finkbeiner, Pflug and Sheldon; by request of Horse Racing Commission)

Authorizing the Washington horse racing commission to expend a statutorily limited amount of its operating funds for the development of the equine industry, improvement of racing facilities, and equine health research.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6382.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6382 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach,

Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Buri, Hudgins and McCune - 3.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 6382, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6391, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Deccio, Thibaudeau and Fairley)

Concerning the provision of services for nonresident individuals residing in long-term care settings.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For Committee amendment, see Journal, 44th Day, February 21, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6391, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6391, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6391, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6401, By Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Doumit, Jacobsen, Schoesler, Regala, Morton and Honeyford)

Modifying definitions of charter licenses.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan and Buck spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6401.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6401 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 6401, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6439, By Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Doumit, Oke, Jacobsen, Schoesler and Delvin)

Concerning coastal crab fisheries licenses.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Natural Resources, Ecology & Parks was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan and Buck spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6439, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6439, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 6439, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6441, By Senate Committee on Judiciary (originally sponsored by Senators Johnson and Kline)

Changing the law related to judicial orders concerning distraint of personal property.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6441.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6441 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle,

Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 6441, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6473, By Senate Committee on Water, Energy & Environment (originally sponsored by Senators Poulsen, Morton and Rockefeller)

Eliminating the requirement that telecommunications companies file price lists.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Haler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6473.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6473 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 6473, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6528, By Senate Committee on Transportation (originally sponsored by

Senators Mulliken, Kastama, Benson, Oke, Esser, Berkey and Sheldon; by request of Department of Transportation)

Permitting roadside tire chain businesses.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Murray and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6528, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6528, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 6528, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6531, By Senators Weinstein, Fraser and Kline

Preserving remedies when limited liability companies dissolve.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lantz and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6531.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6531 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SENATE BILL NO. 6531, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6545, By Senators Sheldon, Esser, Benson and Haugen; by request of Washington State Patrol

Removing the minimum height requirement for the attachment of vehicle license plates.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Murray and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6545.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6545 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest,

Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Skinner - 1.

SENATE BILL NO. 6545, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6552, By Senate Committee on Transportation (originally sponsored by Senators Benson, Haugen, Mulliken, Berkey and Sheldon; by request of Department of Licensing)

Modifying commercial driver's license provisions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Murray and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6552, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6552, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 6552, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6572, By Senate Committee on Judiciary (originally sponsored by Senator Hargrove)

Revising the unlawful detainer process under the residential landlord-tenant act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lantz spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6572.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6572 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

SUBSTITUTE SENATE BILL NO. 6572, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6384, By Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Prentice, Doumit, Zarelli and Brandland; by request of Governor Gregoire)

Adopting the 2006 supplemental capital budget.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Capital Budget was before the House for purpose of amendment. (For Committee amendment, see Journal, 45th Day, February 22, 2006.)

With the consent of the House, amendments (964), (970), (976), (982), (983) and (1011) were withdrawn.

Representative Shabro moved the adoption of amendment (1018) to the committee amendment:

Projects	Amount
Sequim Bay state park	\$125,000
Fort Flagler state park	\$750,000
Larabee state park	\$750,000
Fort Worden state park	\$300,000
Camano Island state park	\$300,000
Deception Pass state park	\$350,000
Possession Point	\$250,000
Illahee state park	\$1,100,000
Kopachuck state park	\$1,200,000
Penrose Point state park	\$700,000
Blake Island state park	\$250,000
Fay Bainbridge state park	\$1,300,000
Total	\$7,375,000

Appropriation:

State Building Construction Account--State .	\$7,375,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,375,000"

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Dunshee and Jarrett spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Dunshee moved the adoption of amendment (1005) to the committee amendment:

On page 60, after line 11, insert the following:
"Sec. 188. 2005 c 488 s 650 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY
 WSU Pullman - Biotechnology/Life Sciences 2 (04-2-085)

Reappropriation:

Washington State University Building	
Account--State	\$1,400,000

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	<u>\$10,000,000</u>

Prior Biennia (Expenditures)	\$3,250,000
Future Biennia (Projected Costs)	(\$45,000,000)
	<u>\$56,000,000</u>
TOTAL	(\$49,650,000)
	<u>\$70,650,000"</u>

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Dunshee spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dunshee and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6384, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6384, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 91.

Voting nay: Representatives Anderson, Kretz, Kristiansen, Roach, Shabro and Sump - 6.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6384, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE SENATE BILL NO. 6384, as amended by the House.
 JIM DUNN, 17th District

HOUSE BILL NO. 3316, By Representatives Dunshee, Linville, Grant and Kessler

Authorizing the issuance of general obligation bonds.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3316 was substituted for House Bill No. 3316 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3316 was read the second time.

With the consent of the House, amendment (987) was withdrawn.

Representative Dunshee moved the adoption of amendment (1016):

Strike everything after the enacting clause and insert the following:

"PART 1

NEW SECTION. **Sec. 101.** For the purpose of providing funds for state correctional facilities, the state finance committee is authorized to issue general obligation bonds of the state of

Washington in the sum of fifty-nine million three hundred thousand dollars, or as much thereof as may be required, to finance the projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 102. The proceeds from the sale of the bonds authorized in section 101 of this act shall be deposited in the state building construction account created in RCW 43.83.020. If the state finance committee deems it necessary to issue the bonds authorized in section 101 of this act as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such taxable bonds shall be transferred to the state taxable building construction account in lieu of any deposit otherwise provided by this section. The state treasurer shall submit written notice to the director of financial management if it is determined that any such transfer to the state taxable building construction account is necessary. Moneys in the account may be spent only after appropriation. The proceeds shall be used exclusively for the purposes specified in section 101 of this act and for the payment of expenses incurred in the issuance and sale of the bonds. These proceeds shall be administered by the office of financial management, subject to legislative appropriation.

NEW SECTION. Sec. 103. The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 101 of this act.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. On each date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under section 101 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 104. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 101 of this act, and section 103 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 105. The bonds authorized in section 101 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

PART 2

NEW SECTION. Sec. 201. For the purpose of providing funds for the Columbia river basin water supply development program, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of two hundred million dollars, or as much thereof as may be required, to finance the projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 202. It is the intent of the legislature that the proceeds of the new bonds authorized in section 201 of this act

will be appropriated in phases over five biennia, beginning with the 2005-2007 biennium. This is not intended to limit the legislature's ability to appropriate bond proceeds if the full amount authorized in section 201 of this act has not been appropriated after five biennia. The authorization to issue bonds contained in section 201 of this act does not expire until the full authorization has been appropriated and issued.

NEW SECTION. Sec. 203. The proceeds from the sale of the bonds authorized in section 201 of this act shall be deposited in the Columbia river basin water supply development account created in chapter ... (Engrossed Second Substitute House Bill No. 2860), Laws of 2006. If the state finance committee deems it necessary to issue the bonds authorized in section 201 of this act as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such taxable bonds shall be transferred to the state taxable building construction account in lieu of any deposit otherwise provided by this section. The state treasurer shall submit written notice to the director of financial management if it is determined that any such transfer to the state taxable building construction account is necessary. Moneys in the account may be spent only after appropriation. The proceeds shall be used exclusively for the purposes specified in section 201 of this act and for the payment of expenses incurred in the issuance and sale of the bonds. These proceeds shall be administered by the office of financial management, subject to legislative appropriation.

NEW SECTION. Sec. 204. The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 201 of this act.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. On each date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under section 201 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 205. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 201 of this act, and section 204 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 206. The bonds authorized in section 201 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

PART 3

NEW SECTION. Sec. 301. For the purpose of providing funds for the Hood Canal aquatic rehabilitation program, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of six million nine hundred twenty thousand dollars, or as much thereof as may be required, to finance the projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 302. (1) It is the intent of the legislature that the proceeds of the new bonds authorized in section 301 of this act will be appropriated in the 2005-2007 biennium.

(2) A portion of the bonds issued under section 301 of this act are intended to be used for wastewater and clean water improvement projects at state parks as part of the Hood Canal aquatic rehabilitation program. State parks intended to be improved by the bond proceeds authorized in section 301 of this act include, but are not limited to, the following:

- (a) Approximately one hundred thousand dollars for Twanoh state park;
- (b) Approximately one million two hundred thousand dollars for Dosewallips state park;
- (c) Approximately seven hundred thousand dollars for Belfair state park;
- (d) Approximately one million fifty thousand dollars for Potlatch state park;
- (e) Approximately five hundred thousand dollars for Kitsap Memorial state park;
- (f) Approximately nine hundred thousand dollars for Scenic Beach state park;
- (g) Approximately three hundred thousand dollars for Twanoh and Triton Cove state parks;
- (h) Approximately eight hundred fifty thousand dollars for Shine Tidelands state park;
- (i) Approximately one hundred fifty thousand dollars for Pleasant Harbor state park; and
- (j) Approximately one hundred seventy thousand dollars for Triton Cove state park.

NEW SECTION. Sec. 303. The proceeds from the sale of the bonds authorized in section 301 of this act shall be deposited in the Hood Canal aquatic rehabilitation bond account created in section 307 of this act. If the state finance committee deems it necessary to issue the bonds authorized in section 301 of this act as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such taxable bonds shall be transferred to the state taxable building construction account in lieu of any deposit otherwise provided by this section. The state treasurer shall submit written notice to the director of financial management if it is determined that any such transfer to the state taxable building construction account is necessary. Moneys in the account may be spent only after appropriation. The proceeds shall be used exclusively for the purposes specified in section 301 of this act and for the payment of expenses incurred in the issuance and sale of the bonds. These proceeds shall be administered by the office of financial management, subject to legislative appropriation.

NEW SECTION. Sec. 304. The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 301 of this act.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. On each date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under section 301 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 305. The legislature may provide additional means for raising moneys for the payment of the principal

of and interest on the bonds authorized in section 301 of this act, and section 304 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 306. The bonds authorized in section 301 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 307. The Hood Canal aquatic rehabilitation bond account is created in the state treasury. All receipts from proceeds from the bonds issued under section 301 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for programs and projects to protect and restore Hood Canal, including implementing RCW 90.88.020 and 90.88.030.

PART 4

NEW SECTION. Sec. 401. For the purpose of providing funds for the rehabilitation of the Puget Sound, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of seven million three hundred seventy-five thousand dollars, or as much thereof as may be required, to finance the projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 402. (1) It is the intent of the legislature that the proceeds of the new bonds authorized in section 401 of this act will be appropriated in the 2005-2007 biennium.

(2) The bonds issued under section 401 of this act are intended to be used for wastewater and clean water improvement projects at state parks as part of the rehabilitation of Puget Sound. State parks intended to be improved by the bond proceeds authorized in section 401 of this act include, but are not limited to, the following:

- (a) Approximately one hundred twenty-five thousand dollars for Sequim Bay state park;
- (b) Approximately seven hundred fifty thousand dollars for Fort Flagler state park;
- (c) Approximately seven hundred fifty thousand dollars for Larabee state park;
- (d) Approximately three hundred thousand dollars for Fort Worden state park;
- (e) Approximately three hundred thousand dollars for Camano Island state park;
- (f) Approximately three hundred fifty thousand dollars for Deception Pass state park;
- (g) Approximately two hundred fifty thousand dollars for Possession Point;
- (h) Approximately one million one hundred thousand dollars for Illahee state park;
- (i) Approximately one million two hundred thousand dollars for Kopachuck state park;
- (j) Approximately seven hundred thousand dollars for Penrose Point state park;
- (k) Approximately two hundred fifty thousand dollars for Blake Island state park; and
- (g) Approximately one million three hundred thousand dollars for Fay Bainbridge state park.

NEW SECTION. Sec. 403. The proceeds from the sale of the bonds authorized in section 401 of this act shall be deposited in the state building construction account created in RCW 43.83.020. If the state finance committee deems it necessary to issue the bonds authorized in section 401 of this act as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such taxable bonds shall be transferred to the state taxable building construction account in lieu of any deposit otherwise provided by this section. The state treasurer shall submit written notice to the director

of financial management if it is determined that any such transfer to the state taxable building construction account is necessary. Moneys in the account may be spent only after appropriation. The proceeds shall be used exclusively for the purposes specified in section 401 of this act and for the payment of expenses incurred in the issuance and sale of the bonds. These proceeds shall be administered by the office of financial management, subject to legislative appropriation.

NEW SECTION. Sec. 404. The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 401 of this act.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. On each date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under section 401 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 405. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 401 of this act, and section 404 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 406. The bonds authorized in section 401 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

PART 5

NEW SECTION. Sec. 501. Sections 101 through 105 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 502. Sections 201 through 206 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 503. Sections 301 through 307 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 504. Sections 401 through 406 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 505. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 506. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Representatives Dunshee and Jarrett spoke in favor of the adoption of the amendment.

The amendment was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Jarrett spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3316.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3316 and the bill passed the House by the following vote: Yeas - 90, Nays - 7, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Anderson, Dunn, Kretz, Roach, Shabro, Sump and Talcott - 7.

Excused: Representative Skinner - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3316, having received the necessary constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of the following bills, and the bills were placed on the Second Reading calendar:

HOUSE BILL NO. 3317,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6508,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6885,

SECOND READING

HOUSE BILL NO. 3317, By Representatives Ahern, Lantz, Lovick, Darneille, Chase, Williams, Hunter, Clibborn, Kilmer, Hudgins, Ericks, Simpson, Conway, Takko and Morrell

Changing provisions relating to driving under the influence of intoxicating liquor or any drug.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ahern, Lantz, Serben, Lovick, Ericksen and O'Brien spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 3317.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3317 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

HOUSE BILL NO. 3317, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 p.m., March 1, 2006, the 52nd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

HOUSE JOURNAL
OF THE
FIFTY-NINTH LEGISLATURE
OF THE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2006 Regular Session
Convened January 9, 2006
Adjourned SINE DIE March 8, 2006

VOLUME 2



Frank Chopp, Speaker
John Lovick, Speaker Pro Tempore
Richard Nafziger, Chief Clerk

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FIFTY NINTH LEGISLATURE - REGULAR SESSION

FIFTY SECOND DAY

House Chamber, Olympia, Wednesday, March 1, 2006

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Cassie Hollowell and Claire Kunkle. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Jim Cammack, the Bahai's of Mason County.

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

RESOLUTION

HOUSE RESOLUTION NO. 2006-4691, By Representative Hunt, Alexander, Kilmer, Kenney, Roberts and Williams

WHEREAS, Dr. Kenneth J. Minnaert is the longest-serving of any public college or university president in Washington State; and

WHEREAS, Dr. Kenneth Minnaert is retiring after 30 years in the service of higher education, the last 25 years as the president of South Puget Sound Community College; and

WHEREAS, Dr. Kenneth Minnaert has, through hard work and dedication, provided thousands of students with quality facilities and in-depth instruction, and opened the doors for countless opportunities for students, staff, and faculty; and

WHEREAS, Dr. Kenneth Minnaert began his service when the school was a small institution known as Olympia Vocational Technical Institute; and

WHEREAS, Dr. Kenneth Minnaert has overseen the transition of a small vocational and technical school to a comprehensive community college that plays a significant role in higher education; and

WHEREAS, Dr. Kenneth Minnaert has presided over the expansion of South Puget Sound Community College's student enrollment from 800 in 1975, to over 15,000 in 2005, as well as the expansion of its facilities, including the creation of the Hawk's Prairie Center satellite campus; and

WHEREAS, Dr. Kenneth Minnaert's leadership has encouraged close cooperation and the birth of natural partnerships between South Puget Sound Community College, Saint Martin's University, and The Evergreen State College; and

WHEREAS, Dr. Kenneth Minnaert is a 2005 winner of the National Phi Theta Kappa Shirley B. Gordon Award of Distinction; and

WHEREAS, Dr. Kenneth Minnaert is known as a quiet, unassuming gentleman who gets things done;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives offer its gratitude and commendation to Dr. Kenneth J. Minnaert for his tireless efforts to promote higher education; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the

House of Representatives to Dr. Kenneth J. Minnaert and his family, and South Puget Sound Community College.

Representative Hunt moved the adoption of the resolution.

Representatives Hunt and Alexander spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4691 was adopted.

MESSAGES FROM THE SENATE

February 28, 2006

Mr. Speaker:

The Senate has passed:

THIRD SUBSTITUTE HOUSE BILL NO. 1458,
SUBSTITUTE HOUSE BILL NO. 2372,
SUBSTITUTE HOUSE BILL NO. 2376,
HOUSE BILL NO. 2406,
SUBSTITUTE HOUSE BILL NO. 2684,
SUBSTITUTE HOUSE BILL NO. 2715,
SUBSTITUTE HOUSE BILL NO. 3150,
HOUSE BILL NO. 3266,
HOUSE JOINT MEMORIAL NO. 4038,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 28, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2538,
SUBSTITUTE HOUSE BILL NO. 2776,
ENGROSSED HOUSE BILL NO. 2910,
HOUSE BILL NO. 3019,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 27, 2006

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2333,
HOUSE BILL NO. 2364,
SUBSTITUTE HOUSE BILL NO. 2976,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION & FIRST READING

SCR 8418 by Senators Shin and Rasmussen

Creating an aerospace task force.

Referred to Committee on Economic Development, Agriculture & Trade.

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

REPORTS OF STANDING COMMITTEES

February 28, 2006

HB 3315 Prime Sponsor, Representative Murray: Authorizing the issuance of bonds for state highway improvement projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Flannigan; Hankins; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen and Holmquist.

Passed to Committee on Rules for second reading.

February 28, 2006

SSB 6241 Prime Sponsor, Committee On Transportation: Making 2006 supplemental transportation appropriations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"2005-07 BIENNIUM

Sec. 1. 2005 c 313 s 1 (uncodified) is amended to read as follows:

(1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2007.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2006" or "FY 2006" means the fiscal year ending June 30, 2006.

(b) "Fiscal year 2007" or "FY 2007" means the fiscal year ending June 30, 2007.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. A new section is added to 2005 c 313 (uncodified) to read as follows: OFFICE OF FINANCIAL MANAGEMENT

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Multimodal Transportation Account--State Appropriation \$217,000

Sec. 102. 2005 c 313 s 102 (uncodified) is amended to read as follows:

FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State Appropriation ((\$390,000)) \$394,000

The appropriation in this section is subject to the following conditions and limitations: To address its growing caseload, the marine employees commission shall develop a plan for prioritizing cases to schedule for hearings. The commission shall report back to the transportation committees of the legislature on its case prioritization plan by December 15, 2005.

Sec. 103. 2005 c 313 s 104 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation ((\$329,000)) \$330,000

The appropriation in this section is subject to the following conditions and limitations: ((\$329,000)) \$330,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

Sec. 104. 2005 c 313 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account--State Appropriation ((\$200,000)) \$487,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~((If Second Substitute Senate Bill No. 5056 is not enacted by June 30, 2005, the entire appropriation shall lapse.~~

~~—(2) The entire)) \$200,000 of the motor vehicle account--state appropriation is for additional staffing costs to be dedicated to state transportation activities. Furthermore, any staff hired to support transportation activities must have practical experience with complex construction projects.~~

~~(2) \$236,000 of the motor vehicle account--state appropriation is provided solely for legal expenses related to the Lower Elwha Klallam Tribe v. Washington (graving dock) case.~~

~~(3) \$51,000 of the motor vehicle account--state appropriation is provided solely for a pilot project testing remote sensing technology in archeological investigations and surveys for transportation projects.~~

NEW SECTION. Sec. 105. A new section is added to 2005 c 313 (uncodified) to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account--State Appropriation \$50,000

The appropriation in this section is subject to the following conditions and limitations: The total appropriation is provided solely for an evaluation of the current business needs of the legislative transportation fiscal committee staffs with respect to the transportation executive information system (TEIS). The committee shall work with the staffs of the transportation committees, the office of financial management, and the department of transportation to perform the evaluation. Results of the evaluation, including any recommendation for system improvements and usability, shall be submitted to the transportation committees of the legislature and the office of financial management by December 1, 2006.

GENERAL GOVERNMENT AGENCIES--CAPITAL

Sec. 106. 2005 c 313 s 106 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS

Motor Vehicle Account--State Appropriation . . . ((~~\$1,400,000~~)
\$1,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) (~~(\$1,300,000)~~) \$900,000 of the motor vehicle account--state appropriation is a one-time appropriation and is provided solely for the SR 14 interchange portion of the Beacon Rock state park entrance road project. Any portion of the appropriation not expended by June 30, 2007, shall revert to the motor vehicle account--state.

(2) \$100,000 of the appropriation is provided solely for road work on state route 20 at Deception Pass state park.

TRANSPORTATION AGENCIES--OPERATING

Sec. 201. 2005 c 313 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation . . . ((~~\$2,135,000~~)
\$2,145,000

Highway Safety Account--Federal Appropriation ((~~\$15,828,000~~)
\$15,833,000

School Zone Safety Account--State Appropriation . . . \$3,300,000

Bicycle and Pedestrian Safety Account--State Appropriation \$40,000

TOTAL APPROPRIATION ((~~\$21,303,000~~)
\$21,318,000

The appropriations in this section are subject to the following conditions and limitations: The Washington traffic safety commission shall contract with the Washington state institute for public policy to conduct a study of the impact of state programs concerning the reduction of DUI recidivism. The study must include, on a prioritized basis to the extent federal funds are made available for the study, the following components: (1) The state's existing deferred prosecution program; (2) the state's vehicle impound program; and (3) other states' programs that restrict a person's access to the vehicle, or suspend the vehicle license and registration, upon arrest or conviction.

The completed study must be submitted to the appropriate legislative committees by December 1, 2006.

Sec. 202. 2005 c 313 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation . . ((~~\$821,000~~)
\$823,000

Motor Vehicle Account--State Appropriation ((~~\$1,942,000~~)
\$1,950,000

County Arterial Preservation Account --State Appropriation ((~~\$777,000~~)
\$780,000

TOTAL APPROPRIATION ((~~\$3,540,000~~)
\$3,553,000

Sec. 203. 2005 c 313 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation ((~~\$1,624,000~~)
\$1,630,000

Transportation Improvement Account --State Appropriation ((~~\$1,625,000~~)
\$1,632,000

TOTAL APPROPRIATION ((~~\$3,249,000~~)
\$3,262,000

Sec. 204. 2005 c 313 s 204 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account--State Appropriation ((~~\$417,000~~)
\$1,020,000

The appropriation in this section is subject to the following conditions and limitations: \$500,000 of the appropriation is provided solely for stipends to trainees in the training program as set forth in rules adopted by the board; however, if Engrossed Substitute Senate Bill No. 6870 (pilot trainees stipends) is enacted by June 30, 2006, then \$600,000 of the total appropriation provided in this act shall lapse and the appropriation provided in Engrossed Substitute Senate Bill No. 6870 shall govern.

Sec. 205. 2005 c 313 s 205 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation ((~~\$1,400,000~~)
\$1,763,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$200,000 of the total appropriation is provided solely for the joint transportation committee to conduct a finance study of the Washington state ferry system. The purpose of the study is to facilitate policy discussions and decisions by members of the legislature regarding the Washington state ferry system. The legislature recognizes there is a need within the Washington state ferry system for predictable cash flows, transparency, assessment of organizational structure, verification that the Washington state ferry system is operating at maximum efficiency, and better labor relations. The committee shall report the study to the house of representatives and senate transportation committees by December 1, 2006.

(b) The study must include, at a minimum, a review and evaluation of the ferry system's financial plan, including current assumptions and past studies, in the following areas:

(i) Operating program, including ridership, revenue, and cost forecasts and the accuracy of those forecasts; and

(ii) Capital program, including project scoping, prioritization and cost estimating, project changes including legislative input regarding significant project changes, and performance measures.

(c) In addition to committee members, or their designees, the governor shall appoint a representative for this study. The committee may retain consulting services to assist the committee in conducting the study, including the evaluation of financial, operating, and capital plans. The committee may also appoint other persons to assist with the study.

(2) The joint transportation committee shall conduct a study regarding the feasibility of a statewide uniform motor vehicle excise tax (MVET) depreciation schedule. In addition to committee members, the participants in the study must include at a minimum the following individuals: (a) A representative of a regional transit authority (Sound Transit); (b) a representative of a regional transportation planning organization; (c) the secretary of transportation, or his or her designee; (d) a representative of the attorney general's office; (e) a representative of the department of licensing; and (f) a representative of the financial community. The purpose of the study is to develop an MVET depreciation schedule that more accurately reflects vehicle value but does not hinder outstanding contractual obligations.

(3) Funds provided in this section are sufficient for the committee to administer a study of the most reliable and cost-effective means of providing passenger-only ferry service.

(a) The study shall be guided by a 18 member task force consisting of the chairs and ranking members of the house of representatives and senate transportation committees, a designee of the director of the office of financial management, a member of the transportation commission, a designee of the secretary of transportation, a representative of organized labor, and ten stakeholders to be appointed by the governor as follows: Six representatives of ferry user communities, two representatives of public transportation agencies, and two representatives of commercial ferry operators.

(b) The study shall examine issues including but not limited to the long-term viability of different service providers, cost to ferry

passengers, the state subsidies required by each provider, and the availability of federal funding for the different service providers.

(c) By November 30, 2005, the task force shall make its recommendations to the house of representatives and senate transportation committees.

(4) \$450,000 of the motor vehicle account--state appropriation is provided solely to administer a consultant study of the long-term viability of the state's transportation financing methods and sources.

(a) At a minimum, the study must examine the following: (i) The short and long-term viability of the motor fuel tax (both state and federal) as a major source of funding for transportation projects and programs; (ii) the desirability and effectiveness of state-distributed transportation funds for the benefit of local units of government; (iii) the potential for alternative and/or emerging sources of transportation revenues, with particular emphasis on user-based fees and charges; and (iv) trends and implications of debt financing for transportation projects. The scope of work for the study may be expanded to include analysis of other financing issues relevant to the long-term viability of the state's transportation system.

(b) The findings and recommendations must be submitted to the fiscal committees of the legislature by ~~(November 1, 2006)~~ January 1, 2007.

(5) \$84,000 of the motor vehicle account--state appropriation is provided solely to contract with the joint legislative audit and review committee for a review of the organization, decision-making processes, and performance measures of the traffic safety commission. The study will include an analysis of the role of commissioners and staff and the process for prioritizing the commission's initiatives.

(6) \$75,000 of the motor vehicle account--state appropriation is provided solely to contract with the Washington state institute for public policy for a review of existing research on programs and policies which decrease accidents by teenage drivers, including but not limited to publicly operated driver education and intermediate drivers licensing programs. The institute shall also evaluate the costs and benefits of programs and policies showing the greatest positive impact on teenage driving safety.

Sec. 206. 2005 c 313 s 206 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION	
Motor Vehicle Account--State Appropriation	(\$4,607,000)
	\$3,702,000
Multimodal Transportation Account	
--State Appropriation	\$1,150,000
TOTAL APPROPRIATION	(\$5,757,000)
	\$4,852,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle fund account--state appropriation is provided solely for a comprehensive tolling study. The transportation commission, with the technical assistance of the department, must conduct a study of the state's transportation system to determine the feasibility of administering tolls on specific transportation facilities or a network of facilities. This study shall serve as the statewide tolling feasibility study required in Engrossed Substitute House Bill No. 1541, and shall serve as the tolling study necessary to implement toll facilities within a regional transportation investment district or its successor entity.

(a) The study must include an analysis of the only currently-authorized toll facility, the Tacoma Narrows bridge project. The study findings must include (i) the development of more uniform and equitable policies regarding the distribution of financial obligations imposed on those paying the tolls on the Tacoma Narrows bridge, and (ii) opportunities and options for reducing the outstanding indebtedness on the bridge project, including the possibility of buy-downs and other means of spreading the cost of the project more equitably.

(b) The study element for the benefit of a regional transportation investment district or regional transportation improvement authority must also address the state highway system and other transportation facilities in King, Pierce, and Snohomish counties to determine the

feasibility of value pricing on a facility or network of facilities. This study element should: (i) Determine the potential for value pricing to generate revenues for needed transportation facilities; (ii) maximize the efficient operation of facilities and the transportation network; and (iii) provide economic indicators for future system investments. This element of the study must take into account congestion levels, facility and corridor capacity, time of use, economic considerations, and other factors deemed appropriate. The study must recommend any additional laws, rules, procedures, resources, studies, reports, or support infrastructure necessary or desirable before proceeding with the review, evaluation, or implementation of any toll projects or a system-wide, value priced transportation structure.

(c) The study must specifically analyze the potential for a toll facility on SR 704, the cross-base highway located in Pierce county.

~~(2) ((\$2,270,000)) \$1,362,000 of the motor vehicle account--state appropriation is provided solely for the transportation performance audit board. (Within this amount, the transportation performance audit board shall conduct a study and make recommendations to the legislature regarding the modification RCW 47.01.012, state transportation goals and benchmarks. In conducting the study, the board shall consider at a minimum: Original recommendations of the Blue Ribbon Commission on Transportation; the current policy goals and benchmark categories; the goals outlined in Substitute House Bill No. 1969; the recent work related to benchmarks completed by the transportation commission and the Washington state department of transportation; the measures review completed by TPAB; and best practices.~~

~~The board shall submit study results, including any legislative recommendations, to the transportation committees of the legislature by January 1, 2006.)~~

(3) \$1,150,000 of the multimodal account--state appropriation is provided solely for a statewide rail capacity and needs analysis. The purpose of this study is to (a) assess the rail freight and rail passenger infrastructure needs in this state; (b) review the current powers, authorities, and interests the state has in both passenger and freight rail; (c) recommend public policies for state participation and ownership in rail infrastructure and service delivery, including but not limited to planning and governance issues; and (d) develop a rail asset management plan. The commission shall report their findings and conclusions of the study to the transportation committees of the legislature by December 1, 2006.

(4) The transportation commission shall implement tolls on the Tacoma Narrows bridge in the following manner:

(a) For the period when the new bridge is open and the preexisting bridge is undergoing rehabilitation, electronic toll users shall pay a toll of \$1.50. All other users will pay a toll of \$3.00; and

(b) When all lanes of both bridges are available to vehicles, the toll shall be \$3.00 except for commercial vehicles whose toll will be set by the commission.

Sec. 207. 2005 c 313 s 207 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD	
Motor Vehicle Account--State Appropriation	(\$664,000)
	\$666,000

The appropriation in this section is subject to the following conditions and limitations: The board shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects funded by this act.

Sec. 208. 2005 c 313 s 208 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU	
State Patrol Highway	
Account--State Appropriation	(\$202,530,000)
	\$202,163,000
State Patrol Highway	
Account--Federal Appropriation	\$10,544,000
State Patrol Highway	

—~~(4)~~) \$8,678,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

~~((5))~~ (4) \$5,254,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

~~((6))~~ (5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the patrol.

(6)(a) \$28,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) \$2,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

Sec. 211. 2005 c 313 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State Appropriation . . .	\$3,000
Motorcycle Safety Education	
Account--State Appropriation	\$96,000
Wildlife Account--State Appropriation	(\$82,000)
	\$95,000
Highway Safety Account--State Appropriation . . .	(\$11,418,000)
	\$11,574,000
Motor Vehicle Account--State Appropriation	(\$7,043,000)
	\$7,381,000
DOL Services Account--State Appropriation	(\$88,000)
	\$102,000
((Biometric Security Account--State Appropriation	\$57,000)
TOTAL APPROPRIATION	(\$18,787,000)
	\$19,251,000

The appropriations in this section are subject to the following conditions and limitations: \$1,134,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 212. 2005 c 313 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--INFORMATION SERVICES

Marine Fuel Tax Refund Account--State Appropriation . . .	\$2,000
Motorcycle Safety Education	
Account--State Appropriation	\$35,000
Wildlife Account--State Appropriation	\$102,000
Highway Safety Account--State Appropriation . . .	(\$20,698,000)
	\$22,632,000
Motor Vehicle Account--State Appropriation	(\$12,095,000)
	\$12,135,000
Motor Vehicle Account--Private/Local Appropriation . . .	\$500,000
DOL Services Account--State Appropriation	(\$7,825,000)
	\$5,919,000
((Biometric Security Account--State Appropriation	\$728,000)
TOTAL APPROPRIATION	(\$41,985,000)
	\$41,325,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a report to the transportation committees of the legislature, detailing the progress made in transitioning from the HP3000 system, by December 30, 2005, and each December 1st thereafter until the project is fully completed.

(2) \$357,000 of the motor vehicle account--state appropriation is provided solely for the implementation of all special license plate bills introduced during the 2005 legislative session and approved by the special license plate review board. The amount provided in this subsection shall be reduced accordingly for any of those bills that are not enacted by June 30, 2005.

(3) \$58,000 of the state wildlife account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5423. If Substitute Senate Bill No. 5423 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$145,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(5) \$8,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6287 (parking privileges for persons who are legally blind). If Substitute Senate Bill No. 6287 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(6) \$15,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2389 (parking privileges for persons with porphyria). If Substitute House Bill No. 2389 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7) \$12,000 of the highway safety account--state appropriation is provided solely for the implementation of House Bill No. 2829 (driver training schools). If House Bill No. 2829 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 213. 2005 c 313 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation . . .	\$26,000
Wildlife Account--State Appropriation	(\$626,000)
	\$627,000
Motor Vehicle Account--State Appropriation	(\$49,894,000)
	\$51,276,000
Motor Vehicle Account--Private/Local Appropriation . . .	\$872,000
DOL Services Account--State Appropriation	\$1,146,000
Highway Safety Account--State Appropriation	\$404,000
TOTAL APPROPRIATION	(\$52,968,000)
	\$54,351,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the motor vehicle account--state appropriation is provided solely for the implementation of all special license plate bills introduced during the 2005 legislative session and approved by

the special license plate review board. The amount provided in this subsection shall be reduced accordingly for any of those bills that are not enacted by June 30, 2005.

(2) \$11,000 of the wildlife account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5423. If Engrossed Senate Bill No. 5423 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) \$404,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$37,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6287 (parking privileges for persons who are legally blind). If Substitute Senate Bill No. 6287 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) \$5,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2389 (parking privileges for persons with porphyria). If Substitute House Bill No. 2389 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 214. 2005 c 313 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education	
Account--State Appropriation	(\$3,005,000)
	\$3,006,000
Highway Safety Account--State Appropriation . .	(\$85,051,000)
	\$87,078,000
Highway Safety Account--Federal Appropriation	\$8,000
(Biometric Security Account--State Appropriation)	-\$1,523,000)
TOTAL APPROPRIATION	(\$89,587,000)
	\$90,092,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$970,000 of the highway safety account--state appropriation is provided solely for the commercial driver license program. The department shall informally report to the transportation committees of the legislature on the progress made in addressing federal audit findings and in implementing the federal motor carrier safety improvement act. Reports shall be made by the following dates: November 1, 2005, and each November 1st thereafter.

(2) \$412,000 of the motorcycle safety and education account--state appropriation is provided solely for the department's motorcycle safety program. The department shall informally report to the transportation committees of the legislature detailing the progress made in implementing national highway traffic safety assessment guidelines. Reports shall be made by the following dates: November 1, 2005, and each November 1st thereafter.

(3) The department of licensing, in consultation with the department of transportation and other stakeholders, shall draft legislation to bring the state into compliance with any federal legislation or rules enacted relative to identification necessary for persons crossing international borders. The department shall report to the transportation committees of the legislature by December 1, 2005, on the recommended legislation for bringing the state into compliance with federal requirements.

(4) \$738,000 of the highway safety account--state appropriation is provided solely for the implementation of House Bill No. 2829 (driver training schools). If House Bill No. 2829 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) The department shall join in any lawsuits filed by other states seeking funding to implement the provisions of Title II of P.L. 109-13, improved security for driver's license and personal identification cards (Real ID), as passed by Congress May 10, 2005.

Sec. 215. 2005 c 313 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

Tacoma Narrows Toll Bridge	
Account--State Appropriation	(\$8,615,000)
	\$8,124,000

Sec. 216. 2005 c 313 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Motor Vehicle Account--State Appropriation . . .	(\$55,941,000)
	\$56,295,000
Motor Vehicle Account--Federal Appropriation	\$1,973,000
Puget Sound Ferry Operations	
Account--State Appropriation	(\$8,558,000)
	\$8,572,000
Multimodal Transportation	
Account--State Appropriation	\$363,000
TOTAL APPROPRIATION	(\$66,835,000)
	\$67,203,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$850,000)~~ \$800,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system (TEIS). The TEIS shall be enhanced during the ~~(2005)~~ 2006 legislative interim to continue the shift towards a monitoring and reporting system capable of tracking and reporting on major project milestones and measurements. The department shall work with the legislature to identify and define meaningful milestones and measures to be used in monitoring the scope, schedule, and cost of projects. The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in TEIS. The department shall also provide updated information on six project milestones for projects agreed to by the legislature, office of financial management, and the department, and funded with preexisting funds, on a quarterly basis in TEIS.

(2) \$350,000 of the motor vehicle account--state appropriation is provided solely for a financial and capital project system needs assessment for future automation development and enhancements. The completed assessment will identify options which shall be presented to the transportation committees of the senate and the house of representatives by December 31, 2005.

(3) The department shall consult with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(4) The department shall review its GPS network services and survey data, and evaluate the added benefits of using real-time data from a regional cooperative GPS network.

Sec. 217. 2005 c 313 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation . . .	(\$33,499,000)
	\$33,600,000

Sec. 218. 2005 c 313 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation	(\$5,632,000)
	\$7,137,000
Aeronautics Account--Federal Appropriation	\$2,150,000

~~((Aircraft Search and Rescue Safety and Education Account--State Appropriation \$262,000))~~
Multimodal Transportation
Account--State Appropriation \$100,000
Multimodal Transportation
Account--Federal Appropriation \$900,000
TOTAL APPROPRIATION ~~((9,044,000))~~
\$10,287,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$433,000 of the aeronautics account--state appropriation is provided solely for airport pavement projects. The department's aviation division shall complete a priority airport pavement project list by January 1, 2006, to be considered by the legislature in the 2006 supplemental budget. If Substitute Senate Bill No. 5414 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~(b) ((The entire aircraft search and rescue safety and education account appropriation shall lapse if Substitute Senate Bill No. 5414 is enacted by June 30, 2005.~~

~~(c))~~ If Substitute Senate Bill No. 5414 is enacted by July 1, 2005, then the remaining unexpended fund balance in the aircraft search and rescue, safety, and education account shall be deposited into the state aeronautics account.

(2) The entire multimodal transportation account--state and federal appropriations are provided solely for implementing Engrossed Substitute Senate Bill No. 5121. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

Sec. 219. 2005 c 313 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation . . . ~~((48,961,000))~~
\$52,828,000
Motor Vehicle Account--Federal Appropriation \$500,000
Multimodal Account--State Appropriation \$250,000
TOTAL APPROPRIATION ~~((49,711,000))~~
\$53,578,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for the purposes of providing contract services to the association of Washington cities and Washington state association of counties for (a) activities of the transportation permit efficiency and accountability committee, including pilot mitigation banking activities, and (b) other permit delivery efforts.

(2) ~~((1,475,000))~~ \$1,775,000 of the motor vehicle account--state appropriation is provided solely for the staffing activities of the transportation permit efficiency and accountability committee.

(3) \$3,500,000 of the motor vehicle account--state appropriation is provided solely for consultant contracts to assist the department in the delivery of the capital construction program by identifying improvements to program delivery, program management, project controls, program and project monitoring, forecasting, and reporting. The consultants shall work with the department of information services and include department of information services' recommendations in their reports.

The consultants shall develop a capital construction strategic plan, due to the transportation committees of the house of representatives and senate and to the office of financial management, by June 30, 2006.

The consultants shall also coordinate their work with other budget and performance efforts, including Roadmap, the joint transportation committee budget study, the findings of the critical

applications modernization and integration strategies study, including proposed next steps, and the priorities of government process.

The department shall report to the transportation committees of the house of representatives and senate, and the office of financial management, by July 31, 2006, on recommended capital budgeting and reporting options. Options must include appropriate project groupings for reporting purposes, and appropriate measures for reporting project progress, timeliness, cost, and criteria and processes for project transfers.

Sec.220. 2005 c 313 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation . . . ~~((1,068,000))~~
\$1,072,000

Sec. 221. 2005 c 313 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation . . ~~((296,648,000))~~
\$299,720,000
Motor Vehicle Account--Federal Appropriation \$1,426,000
Motor Vehicle Account--Private/Local Appropriation . \$4,315,000
TOTAL APPROPRIATION ~~((302,389,000))~~
\$305,461,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2003-05 biennium. In delivering the program, the department should concentrate on the following areas:

(a) Meeting or exceeding the target for structural bridge repair on a statewide basis;

(b) Eliminating the number of activities delivered in the "f" level of service at the region level;

(c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and

(d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

(5) The department shall develop and implement a plan to improve work zone safety on a statewide basis. As part of the strategy included in the plan, the department shall fund equipment purchases using a portion of the money from the annual OTEF equipment purchasing and replacement process. The department shall also identify and evaluate statewide equipment needs (such as work zone safety equipment) and prioritize any such needs on a statewide basis. Substitute purchasing at the statewide level, when appropriate, shall be utilized to meet those identified needs. The department must report to the transportation committees of the legislature by December 1, 2005, on the plan, and by December 1, 2006, on the status of implementing the plan.

Sec. 222. 2005 c 313 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

Motor Vehicle Account--State Appropriation . . .	(\$42,811,000)
	\$43,847,000
Motor Vehicle Account--Federal Appropriation	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation . .	\$128,000
TOTAL APPROPRIATION	(\$44,989,000)
	\$46,025,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$4,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis.
- (2) The department shall provide directional signs to the Muckleshoot tribal offices on Interstate 5 and State Routes 167 and 410. The Muckleshoot tribe will pay for the signs.

Sec. 223. 2005 c 313 s 222 (uncodified) is amended to read as follows:

**DEPARTMENT OF TRANSPORTATION
TRANSPORTATION MANAGEMENT AND SUPPORT--
PROGRAM S
FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSPORTATION MANAGEMENT AND SUPPORT--
PROGRAM S**

Motor Vehicle Account--State Appropriation . . .	(\$25,434,000)
	\$25,516,000
Motor Vehicle Account--Federal Appropriation	\$30,000
Puget Sound Ferry Operations	
Account--State Appropriation	\$1,321,000
Multimodal Transportation	
Account--State Appropriation	\$973,000
TOTAL APPROPRIATION	(\$27,758,000)
	\$27,840,000

Sec. 224. 2005 c 313 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSPORTATION PLANNING, DATA, AND RESEARCH--
PROGRAM T**

Motor Vehicle Account--State Appropriation . . .	(\$22,390,000)
	\$22,602,000
Motor Vehicle Account--Federal Appropriation	\$16,756,000
Multimodal Transportation	
Account--State Appropriation	(\$2,267,000)
	\$2,379,000
Multimodal Transportation	
Account--Federal Appropriation	\$2,829,000
Multimodal Transportation	
Account--Private/Local Appropriation	\$100,000
Transportation Partnership	
Account--State Appropriation	(\$6,000,000)
	\$2,000,000
TOTAL APPROPRIATION	(\$50,342,000)
	\$46,666,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) In order to qualify for state planning funds available to regional transportation planning organizations under this section, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau, and to any incorporated city within the region with a population in excess of eighty thousand as of July 1, 2005. Additionally, a regional transportation planning organization described under this subsection shall conduct a review

of its executive board membership criteria to ensure that the criteria appropriately reflects a true and comprehensive representation of the organization's jurisdictions of significance within the region.

~~((3)) \$2,000,000 of the transportation partnership account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election and department of transportation project oversight. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID. If either Engrossed Substitute House Bill No. 2157 or Senate Bill No. 6089 are enacted by June 30, 2005, the amount provided in this subsection shall lapse. None of this appropriation may be used for election expenses for an election held before January 1, 2006.~~

~~((4))~~ (2) \$175,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports by January 2006. The amount provided in this subsection shall lapse if federal funds become available for this purpose.

~~((5))~~ (3) \$150,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1565. If Engrossed Second Substitute House Bill No. 1565 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((6))~~ (4) The department of transportation shall evaluate the number of spaces available for long-haul truck parking relative to current and projected future needs. The department of transportation shall also explore options for augmenting the number of spaces available, including, but not limited to, expanding state-owned rest areas or modifying regulations governing the use of these facilities, utilizing weigh stations and park and ride lots, and encouraging the expansion of the private sector's role. Finally, the department shall explore the utility of coordinating with neighboring states on long-haul truck parking and evaluate methodologies for alleviating any air quality issues relative to the issue. The department must report to the transportation committees of the legislature by December 1, 2005, on the options, strategies, and recommendations for long-haul truck parking.

~~((7))~~ (5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for evaluating high-speed passenger transportation facilities and services, including rail or magnetic levitation transportation systems, to connect airports as a means to more efficiently utilize airport capacity, as well as connect major population and activity centers. This evaluation shall be coordinated with the airport capacity and facilities market analysis conducted pursuant to Engrossed Substitute Senate Bill No. 5121 and results of the evaluation shall be submitted by July 1, 2007. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

(6) The department shall conduct a study of the resources allocated to each of the seven department regions and the corresponding workloads. Given the magnitude of the investments in the Puget Sound region, particular emphasis shall be given to reviewing the resources allocated and corresponding workloads with respect to the urban corridors region and the northwest region. Based on the results of this study, the department shall submit recommendations by December 1, 2006, to the legislature and the office of financial management regarding reallocating resources and revising regional boundaries within the department, as appropriate, in order to better coincide allocated resources with designated regional boundaries.

(7) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 2871. If Engrossed Substitute House Bill No. 2871 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse. The regional transportation commission's duties to develop, complete, and submit a governance proposal to the 2007 legislature are highly time sensitive. As a result, the director of the office of financial management shall determine that competitive

bidding is not cost-effective or appropriate for personal service contracts entered into by the commission, and, by the director's authority under RCW 39.29.011(5), shall exempt any such personal service contract from the competitive bidding requirements of chapter 39.29 RCW.

(8) \$2,000,000 of the transportation partnership account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election, not including public outreach activities, and department of transportation project oversight. The department shall provide support from its urban corridors region to assist in preparing project costs, expenditure plans, and modeling. The department shall not deduct a management reserve, nor charge management or overhead fees. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID. If neither Engrossed Substitute House Bill No. 2871 nor Substitute Senate Bill No. 6599 is enacted by June 30, 2006, the amount provided in this subsection shall lapse. None of this appropriation may be used for election expenses for an election held before January 1, 2007.

(9) \$100,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely to conduct an analysis of expanding the transportation concurrency requirements prescribed under the growth management act, chapter 36.70A RCW, to include development impacts on level of service standards applicable to state-owned transportation facilities, including state highways and state ferry routes. The objective of the analysis is to determine how to ensure that jurisdictional divisions do not defeat growth management act concurrency goals. The department shall convene a committee to oversee the analysis, with the committee comprised of, at a minimum, four members of the transportation committees of the legislature, four members of the appropriate land use committees of the legislature, and one member each from the association of Washington cities and the Washington state association of counties, or a designee thereof. The completed study, including recommendations, must be submitted to the appropriate standing committees of the legislature, and to the office of financial management, by December 1, 2006.

(10) The department of transportation, the Washington state economic revenue forecast council, and the office of financial management shall review and adopt a method of forecasting motor vehicle and special fuel prices, revenue, and the amount of consumption that has an increased rate of accuracy as compared to the existing method. The three agencies shall submit a report to the transportation committees of the legislature by December 1, 2006, outlining the methods researched and the criteria utilized to select and adopt the new fuel forecasting method.

Sec. 225. 2005 c 313 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation . . .	(\$45,030,000)
	\$46,874,000
Motor Vehicle Account--Federal Appropriation	\$400,000
TOTAL APPROPRIATION	(\$45,430,000)
	\$47,274,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$31,749,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES

	\$1,667,000
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(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR ~~(\$1,017,000)~~

	\$1,026,000
(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES	\$4,049,000
(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL	(\$3,572,000)
	\$4,548,000
(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION	\$31,749,000
(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE	\$1,717,000
(g) FOR ARCHIVES AND RECORDS MANAGEMENT	\$545,000
(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES	(\$1,114,000)
	\$1,124,000
(i) FOR PAYMENT OF THE DEPARTMENT OF PERSONNEL HRMS PAYROLL SYSTEM	\$817,000
(j) FOR PAYMENT OF THE OFFICE OF FINANCIAL MANAGEMENT ROADMAP CHARGES	\$12,000
(k) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT CAPITAL BUDGET SYSTEM CHARGES	\$15,000
(l) FOR PAYMENT OF DEPARTMENT OF INFORMATION SERVICES RATE INCREASES	\$5,000

Sec. 226. 2005 c 313 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Multimodal Transportation Account--State Appropriation	(\$62,269,000)
	\$87,133,000
Multimodal Transportation Account--Federal Appropriation	\$2,603,000
Multimodal Transportation Account--Private/Local Appropriation	\$155,000
TOTAL APPROPRIATION	(\$65,027,000)
	\$89,891,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is NO. less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2003 as reported in the "Summary of Public Transportation - 2003" published by the department of transportation. NO. transit agency may receive more than thirty percent of these distributions. The first \$450,000 provided to King county shall be used as follows:

(i) \$320,000 shall be used to provide electric buses, instead of diesel buses, for service on Capital Hill in Seattle, Washington through June 30, 2007;

(ii) \$130,000 shall be used to provide training for blind individuals traveling through Rainier Valley and the greater Seattle area. The training is to include destination training and retraining

due to the expected closure of the downtown bus tunnel and training on how to use the Sound Transit light rail system.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2003 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) ~~(\$5,000,000)~~ \$8,900,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; NO. operating costs for public transit agencies are eligible for funding under this grant program. NO. additional employees may be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely for the city of Seattle for the Seattle streetcar project on South Lake Union. ~~((Should the city receive any state funds for this purpose during the 2003-05 or 2005-07 biennium, the amount provided in this subsection must be reduced accordingly.))~~

(5) \$1,200,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2124. If Engrossed Substitute House Bill No. 2124 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6)(a) \$20,000,000 of the multimodal transportation account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2006-B, Regional Mobility Grant Program Projects as developed February 27, 2006. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(b) Pursuant to the grant program established in ~~((Engrossed Substitute House Bill No. 2124))~~ RCW 47.66.030, the department shall issue a call for projects and/or service proposals. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department must submit a prioritized list for funding to the transportation committees of the legislature that reflects the department's recommendation, as well as, a list of all project or service proposals received.

(7) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for new tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(8) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely to King county as a state match to obtain federal funding for a car sharing program for persons meeting certain income or employment criteria.

(9) \$750,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of the local government and regional transportation planning requirements in

Engrossed Substitute House Bill No. 3089 (commute trip reduction). The department may use contract or temporary employees to implement the bill and shall allocate the remaining funds to regional transportation planning organizations, counties, and cities on an as needed basis. If Engrossed Substitute House Bill No. 3089 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) \$200,000 of the multimodal account appropriation is provided solely for up to three low-income car ownership programs. The department shall seek to leverage available federal funds from the job access and reverse commute program to augment the funding provided in this subsection. Additionally, the department shall report back to the appropriate committees of the legislature with a review of the obstacles presented by state laws on surplus property disposal to community organizations reconditioning cars and selling those cars at below market rates to low-income families.

Sec. 227. 2005 c 313 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations	
Account--State Appropriation	(\$350,454,000)
	\$372,254,000
Multimodal Transportation	
Account--State Appropriation	\$3,660,000
TOTAL APPROPRIATION	(\$354,114,000)
	\$375,914,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$57,928,000)~~ \$75,280,000 of the total appropriation is provided solely for auto ferry vessel operating fuel in the 2005-2007 biennium.

(2) ~~((The total appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2005-2007 biennium may not exceed \$222,356,000, plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$584.58 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2006 and \$584.58 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2007, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2005-2007 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).))~~ The maximum amount of expenditures for compensation paid to ferry employees during the 2005-2007 biennium shall not exceed \$226,455,000. This amount reflects the sole source of state funding available to support the implementation of any collective bargaining agreements or arbitration awards with respect to state ferry employee compensation, including salaries, wages, and employee benefits, during the 2005-2007 biennium, which amount includes \$6,223,000 in full satisfaction of the arbitration awards for the 2001-2003 biennium and \$1,339,000 for labor productivity gains agreements. The department's use of this expenditure authority constitutes a good faith attempt to implement such agreements and awards, including those applicable to prior biennia. It is the intent of the legislature that the expenditure authority provided in this subsection fully satisfy any agreements or awards required to be implemented during the 2005-2007 biennium, and that the provisions of Substitute House Bill No. 3178 (marine employees collective bargaining) will govern the implementation of agreements or awards effective beginning with the 2007-2009 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's state administrative and accounting

manual, chapter 75.70, named under objects of expenditure "A" and "B".

(3) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(4) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semi-annual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(5) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(6) \$3,660,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle through June 30, 2007. Beginning September 1, 2005, ferry system management shall implement its agreement with the Inlandboatmen's Union of the Pacific and the International Organization of Masters, Mates and Pilots providing for part-time passenger-only work schedules. ~~((Funds may not be spent to implement the results of the passenger-only ferry study conducted by the joint transportation committee provided in section 205 of this act until approved by the legislature.))~~

(7) \$350,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the implementation of Substitute House Bill No. 3178 (marine employees collective bargaining). If Substitute House Bill No. 3178 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 228. 2005 c 313 s 227 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING
Multimodal Transportation
Account--State Appropriation ~~((\$36,420,000))~~
\$36,826,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service.

(2) \$2,750,000 of the multimodal transportation account--state appropriation is provided solely for a new round trip rail service between Seattle and Portland beginning July 1, 2006.

(3) NO. AMTRAK Cascade runs may be eliminated.

(4) ~~((\$200,000))~~ \$40,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.

Sec. 229. 2005 c 313 s 228 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING
Motor Vehicle Account--State Appropriation ~~((\$7,947,000))~~
\$8,500,000
Motor Vehicle Account--Federal Appropriation \$2,597,000
Multimodal Transportation
Account--State Appropriation ~~((\$211,000))~~
\$411,000
TOTAL APPROPRIATION ~~((\$10,755,000))~~
\$11,508,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((\$211,000))~~ \$411,000 of the multimodal transportation account--state appropriation are provided solely for the state's contribution to county and city studies of flood hazards in association with interstate highways. First priority shall be given to threats along the I-5 corridor.

(2) \$255,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for contract services with the association of Washington cities and the Washington state association of counties for improving transportation permitting and mitigation processes.

TRANSPORTATION AGENCIES--CAPITAL

Sec. 301. 2005 c 313 s 302 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD
Rural Arterial Trust Account--State Appropriation ~~((\$67,933,000))~~
\$64,933,000
Motor Vehicle Account--State Appropriation \$355,000
County Arterial Preservation
Account--State Appropriation ~~((\$30,392,000))~~
\$32,697,000
TOTAL APPROPRIATION ~~((\$98,680,000))~~
\$97,985,000

The appropriations in this section are subject to the following conditions and limitations: \$355,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.725(4).

Sec. 302. 2005 c 313 s 303 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD
Urban Arterial Trust
Account--State Appropriation ~~((\$99,425,000))~~
\$101,425,000
Small City Preservation and Sidewalk
Account--State Appropriation \$2,000,000
Transportation Improvement
Account--State Appropriation ~~((\$103,601,000))~~
\$94,401,000
TOTAL APPROPRIATION ~~((\$205,026,000))~~
\$197,826,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes up to \$14,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. ~~((The transportation improvement board may authorize the use of current revenues available to the agency in lieu of bond proceeds for any part of the state appropriation.))~~

(2) \$2,000,000 of the small city preservation and sidewalk account--state appropriation is provided to fund the provisions of chapter 83, Laws of 2005 (Substitute Senate Bill No. 5775).

Sec. 303. 2005 c 313 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION--ONLY PROJECTS)--CAPITAL
Motor Vehicle Account--State Appropriation ~~((\$2,492,000))~~
\$2,328,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~((\$601,000))~~ \$584,000 of the motor vehicle account--state appropriation is provided solely for ~~((the))~~ statewide administration.

(2) \$632,000 of the motor vehicle account--state appropriation is provided solely for regional minor projects.

(3) ~~(\$224,000)~~ \$305,000 of the motor vehicle account--state appropriation is provided solely for designing the replacement of the existing outdated maintenance facility in Ephrata.

(4) ~~(\$219,000)~~ \$239,000 of the motor vehicle account--state appropriation is provided solely for the designing of the northwest regional maintenance complex in Seattle.

(5) ~~(\$833,000)~~ \$568,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region headquarters project.

(a) The department of transportation is authorized to use certificates of participation for the financing of the Olympic region project in the amount of \$34,874,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.

(b) The Washington state department of transportation may utilize the design-build process in accordance with chapter 39.10 RCW for the Olympic region project. If the design-build process is used, it may be developed in partnership with the department of general administration.

Sec. 304. 2005 c 313 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Transportation 2003 Account	
(Nickel Account)--State Appropriation . . .	(\$1,175,004,000) \$1,180,217,000
Motor Vehicle Account--State Appropriation . . .	(\$70,359,000) \$82,236,000
Motor Vehicle Account--Federal Appropriation	(\$229,036,000) \$390,742,000
Motor Vehicle	
Account--Private/Local Appropriation	(\$33,893,000) \$58,522,000
Special Category C Account--State Appropriation .	(\$3,419,000) \$3,961,000
Tacoma Narrows Toll Bridge	
Account Appropriation	(\$272,329,000) \$274,038,000
Transportation Partnership	
Account--State Appropriation	(\$519,786,000) \$384,186,000
<u>Multimodal Transportation</u>	
Account--State Appropriation	\$1,002,000
TOTAL APPROPRIATION	(\$2,303,826,000) \$2,374,904,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~((2005-6))~~ 2006-1, Highway Improvement Program (I) as developed ((April 24, 2005)) February 27, 2006, except for: Funding for SR 522 for the Paradise Lake road and Snohomish River bridge sections. Instead, this funding is returned to its original allocations under the nickel program. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

~~((b))~~ (a) Within the amounts provided in this subsection, ~~(\$5,000,000)~~ \$6,835,000 of the transportation partnership account--state appropriation ~~(is provided solely)~~, \$5,002,000 of the transportation 2003 account (nickel account)--state appropriation, and \$2,645,000 of the motor vehicle account--federal appropriation are for project ~~(#09040S)~~ 109040T: I-90/Seattle to Mercer Island - Two way transit/HOV. Expenditure of these funds is contingent upon the development of an access plan that provides equitable and dependable access for I-90 Mercer Island exit and entry.

~~((c))~~ (b) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state

appropriation is ~~((provided solely))~~ for a west Olympia access study, to complete an access study for state route 101/west Olympia.

~~((d))~~ (c) Within the amounts provided in this subsection, \$800,000 of the transportation partnership account--state appropriation is ~~((provided solely))~~ for an SR 534 access point decision report.

~~((e))~~ (d) Within the amounts provided within this subsection, ~~(\$435,000,000)~~ \$6,000,000 of the transportation partnership account--state appropriation is ~~((provided solely))~~ for project 509009B: I-90 Snoqualmie Pass East - Hyak to Keechelus dam. However, if the preferred alternative selected for this project results in a lower total project cost, the remaining funds may be used for concrete rehabilitation on I-90 in the vicinity of this project.

(2) The motor vehicle account--state appropriation includes ~~(\$53,000,000)~~ up to \$40,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. ~~((The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.))~~

(3) The department shall not commence construction on any part of the SR 520 bridge project until agreements have been reached with the incorporated towns or cities that represent the communities affected by the SR 520 project. The agreements must provide reasonable assurance that NO further degradation will occur to the citizens' current use and enjoyment of their properties as a result of repairs and improvements made to the SR 520 bridge and its connecting roadways. Such assurances may be achieved through engineering design choices, mitigation measures, or a combination of both.

(4) The transportation partnership account--state appropriation includes ~~(\$400,000,000)~~ up to \$150,000,000 in proceeds from the sale of bonds authorized ~~((by Substitute House Bill No. 2311 (or the version as enacted into law)))~~ in RCW 47.10.873. ~~((The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.))~~

(5) The Tacoma Narrows toll bridge account--state appropriation includes up to \$257,016,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state appropriation includes ~~(\$15,313,000)~~ up to \$17,022,000 in unexpended proceeds from the ~~((January 2003))~~ March 2005 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

(6) The transportation 2003 account (nickel account)--state appropriation includes ~~(\$940,000,000)~~ up to \$885,000,000 in proceeds from the sale of bonds authorized by chapter 147, Laws of 2003. ~~((The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.))~~

~~((7))~~ (7) To manage some projects more efficiently, federal funds may be transferred from program Z to program I and replaced with state funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.

~~((8))~~ (7) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act ~~((and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium))~~. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

~~((9))~~ (8) The department of transportation shall conduct an analysis of the causes of traffic congestion on I-5 in the vicinity of Fort Lewis and develop recommendations for alleviating the congestion. The department must report to the transportation committees of the legislature by December 1, 2005, on its analysis and recommendations regarding traffic congestion on I-5 in the vicinity of Fort Lewis.

~~((10))~~ (9) The department of transportation is authorized to proceed with the SR 519 Intermodal Access project if the city of Seattle has not agreed to a project configuration or design by July 1, 2006.

~~((12) \$13,000,000)~~ (10) \$12,841,000 of the transportation 2003 account (nickel account)--state appropriation and ~~((5,000,000))~~ \$4,939,000 of the transportation partnership account--state appropriation are provided solely for construction of a new interchange on SR 522 to provide direct access to the University of Washington Bothell/Cascadia community college joint campus. This appropriation assumes an additional ~~((8,000,000))~~ \$8,061,000 will be provided in the 2007-09 biennium from the transportation partnership account.

(11) The motor vehicle account--state appropriation includes up to \$14,214,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.

(12) The special category C account--state appropriation includes up to \$1,710,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.812.

(13) The department should consider using mitigation banking on appropriate projects whenever possible, without increasing the cost to projects. The department should consider using the advanced environmental mitigation revolving account (AEMRA) for corridor and watershed based mitigation opportunities, in addition to project specific mitigation.

(14) \$6,200,000 of the motor vehicle account--federal appropriation is provided solely for eastern Washington international border crossing and freight mobility projects, including pavement preservation, pavement structural strengthening, and other safety enhancements. Projects shall include funding for U.S. route 97 international border vicinity paving and improvement projects, and the Usk Bridge.

(15) \$19,262,149 of the motor vehicle account--federal appropriation and \$1,873,478 of the transportation 2003 account (nickel account) appropriation are provided solely for project 154302E: SR 543 (I-5 to the international boundary).

(16) \$3,509,738 of the motor vehicle account--federal appropriation and \$30,793 of the motor vehicle account--state appropriation are provided solely for project 100598C: I-5 Blaine Exit interchange improvements.

(17) \$250,000 of the transportation 2003 (nickel) account appropriation within the SR 520 project funding for project design is provided solely for the city of Seattle to prepare a plan for addressing the impacts of the SR 520 bridge replacement and HOV project on Seattle neighborhoods, parks, and institutions of higher education. In evaluating the project's impacts, the city shall give great weight to the concerns of neighborhoods and institutions of higher education impacted by design proposals. The mayor and council shall convene the advisory committee. The mayor and council shall have final approval of the plan. The legislature intends that the plan will allow a comprehensive approach to mitigating the impacts of the project and that the city presents the plan to the state department of transportation. The state department of transportation shall not commence construction on any part of the SR 520 bridge replacement and HOV project until agreements have been reached with the city, consistent with the 520 expansion impact plan.

The city must designate representation from the community council of each neighborhood impacted by the SR 520 bridge replacement and HOV project and representation from the arboretum to serve on an advisory committee to guide the planning process and plan preparation of the 520 expansion impact plan. The University of Washington shall designate a representative to serve on the advisory committee. The secretary of the state department of transportation shall designate a representative to serve on the advisory committee. The funds provided may be spent to contract with a consultant to: (a) Facilitate the activities of the advisory

committee; (b) analyze impacts of alternative designs; (c) perform conceptual design work on proposals made by the advisory committee; and (d) prepare mitigation plans for alternative design concepts.

(18) After April 1, 2006, the Washington state department of transportation shall continue planning for the Alaskan Way viaduct only for alternatives described in the environmental impact statement for which full funding is appropriated, earmarked, or in hand.

(19) Prior to commencing construction, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle seawall replacement project, and the state route number 520 bridge replacement and HOV project: (a) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

Sec. 305. 2005 c 313 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Transportation 2003 Account	
(Nickel Account)--State Appropriation	((10,622,000))
	\$1,687,000
Motor Vehicle Account--State Appropriation . . .	((76,824,000))
	\$104,330,000
Motor Vehicle Account--Federal Appropriation	((404,360,000))
	\$431,311,000
Motor Vehicle	
Account--Private/Local Appropriation	((6,656,000))
	\$8,485,000
Puyallup Tribal Settlement	
Account--State Appropriation	\$11,000,000
Transportation Partnership	
Account--State Appropriation	((139,533,000))
	\$24,540,000
TOTAL APPROPRIATION	((648,995,000))
	\$581,353,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~((2005-6))~~ 2006-1, Highway Preservation Program (P) as developed ~~((April 24, 2005))~~ February 27, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

~~((a) Within the amounts provided in this subsection, \$139,033,000 of the transportation partnership account--state appropriation is provided solely for implementation of structures preservation (P2) projects:~~

~~((b) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is provided solely for implementation of other facilities (P3) projects:))~~

(2) \$11,000,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/~~((Hst))~~ 11th Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. The department may use the Puyallup tribal settlement account appropriation, as well as any funds appropriated in the current biennium and planned in future biennia for the demolition and mitigation for the demolition of the bridge to rehabilitate or

replace the bridge, if agreed to by the city. In NO. event shall the department's participation exceed \$26,500,000 and NO. funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provide that the payment of these funds extinguishes any real or implied agreements regarding future expenditures on the bridge.

(3) ~~(((\$11,590,000))~~ \$740,000 of the motor vehicle account--state appropriation, ~~(((\$95,299,000))~~ \$106,149,000 of the motor vehicle account--federal appropriation, and ~~(((\$113,591,000))~~ \$10,305,000 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

(4) The motor vehicle account--state appropriation includes ~~(((\$50,000))~~ up to \$735,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(5) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

~~(6) ((To manage some projects more efficiently, federal funds may be transferred from program Z to program P and replaced with state funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.~~

~~(7))~~ The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act ~~((and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium)).~~ Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(7) The motor vehicle account--state appropriation includes up to \$912,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.

(8) The motor vehicle account--state appropriation includes up to \$15,000,000 in proceeds from the sale of bonds authorized by House Bill No. 3315. Of this amount \$10,000,000 is for repair of unstable slopes that threaten state highways and \$5,000,000 is for emergency repairs. Slide repair on state routes 101, 4, 105, and 107 must be funded from the amount provided in this subsection if federal emergency funds are not available.

Sec. 306. 2005 c 313 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL

Motor Vehicle Account--State Appropriation . . .	(((\$17,519,000)) <u>\$17,555,000</u>
Motor Vehicle Account--Federal Appropriation . . .	<u>\$15,068,000</u>
Motor Vehicle Account--Local Appropriation	<u>\$108,000</u>
TOTAL APPROPRIATION	(((\$32,695,000)) <u>\$32,731,000</u>

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes \$11,255,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network.

These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

Sec. 307. 2005 c 313 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction	
Account--State Appropriation	(((\$153,184,000)) <u>\$122,324,000</u>
Puget Sound Capital Construction	
Account--Federal Appropriation	(((\$59,967,000)) <u>\$73,590,000</u>
Puget Sound Capital Construction	
Account--Private/Local Appropriation	<u>\$26,000</u>
Multimodal Transportation	
Account--State Appropriation	<u>\$13,249,000</u>
Transportation 2003 Account	
(Nickel Account)--State Appropriation	(((\$34,987,000)) <u>\$34,991,000</u>
TOTAL APPROPRIATION	(((\$261,413,000)) <u>\$244,180,000</u>

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel preservation, and terminal preservation, construction, and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The Puget Sound capital construction account--state appropriation includes ~~(((\$72,000,000))~~ up to \$40,950,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. ~~((The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.))~~

(2) The multimodal transportation account--state appropriation includes up to \$10,249,000 in proceeds from the sale of bonds authorized by RCW 47.10.867. ~~((The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds from any part of the state appropriation.))~~

(3) \$15,617,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Eagle Harbor Terminal Preservation project.

(4) The entire transportation 2003 account (nickel account) appropriation and \$10,249,000 of the multimodal transportation account--state appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~((2005-6))~~ 2006-1, Ferries Construction Program (W) as developed ~~((April 24, 2005))~~ February 27, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(5) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

~~(((\$3,000,000 of the multimodal transportation account--state appropriation is provided solely to implement approved recommendations of the stakeholder task force convened to study the most reliable and cost-effective means of providing passenger-only ferry service. The funds provided in this subsection shall be placed in reserve by the office of financial management. The funds may not be released until approved by the legislature.))~~

(6) The multimodal transportation account--state appropriation includes up to \$1,170,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.867.

(7) \$37,117,000 of the Puget Sound capital construction account--state appropriation is provided solely for the design, acquisition of equipment, and construction of 144-car capacity vessels.

Sec. 308. 2005 c 313 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance	
Account--State Appropriation	\$250,000
Multimodal Transportation	
Account--State Appropriation	(\$67,158,000)
	<u>\$69,176,000</u>
Multimodal Transportation	
Account--Private/Local Appropriation	\$8,287,000
Multimodal Transportation	
Account--Federal Appropriation	(\$11,966,000)
	<u>\$17,268,000</u>
TOTAL APPROPRIATION	(\$88,161,000)
	<u>\$94,981,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes up to \$33,435,000 in proceeds from the sale of bonds and up to \$830,000 in unexpended bond proceeds authorized by RCW 47.10.867. ~~((The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.))~~

(2) If federal block grant funding for freight or passenger rail is received, the department shall consult with the transportation committees of the legislature prior to spending the funds on additional projects.

(3)(a) ~~(\$67,158,000)~~ \$68,926,000 of the multimodal transportation account--state appropriation, ~~(\$11,966,000)~~ \$17,268,000 of the multimodal transportation account--federal appropriation, \$8,287,000 of the multimodal transportation account--local appropriation, and \$250,000 of the essential rail assistance account are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~((2005-2))~~ 2006-C, Rail Capital Program (Y) as developed ~~((April 23, 2005))~~ February 27, 2006, except for the projects: "Palouse River & Coulee City RR Acquisition" and "PR & CC Cheney-Coulee-Pullman Upgrades." Instead, these projects and their funding shall be combined into one project. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b) Within the amounts provided in this subsection, \$6,500,000 of the multimodal transportation account--state appropriation is ~~((provided solely))~~ for the two commuter rail projects listed in the LEAP Transportation Document ~~((2005-6))~~ 2006-C, Rail Capital Program (Y) as developed ~~((April 24, 2005))~~ February 27, 2006.

(c) The office of financial management shall negotiate the purchase of the CW line. The purchase agreement must include both the operating and capital rights of the CW line. If the office of financial management is unable to negotiate the purchase of the CW line, the office may stop all negotiations and acquire the line and operational rights through any other alternative means available. The office of financial management shall also negotiate a new operational agreement for the line, in consultation with local governments and other stakeholders.

(d) The office of financial management shall negotiate a new operating agreement on the P&L and PV Hooper lines, in consultation with local governments and other stakeholders. If the office of financial management is unable to negotiate a new operating agreement for the lines, the office may stop all negotiations and acquire the operational rights through any other alternative means available.

(4) If the department issues a call for projects, applications must be received by the department by November 1, 2005, and November 1, 2006.

(5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for a study of eastern Skagit county freight rail. The study shall examine the feasibility of restoring portions of freight rail line to the towns of Lyman, Hamilton, and Concrete. The study must also identify existing and potential industrial sites available for development and redevelopment, and the freight rail service needs of the identified industrial sites.

(6) The department shall finalize and issue the Amtrak Cascades long range plan update as of the effective date of this act.

(7) Funds provided for the Tacoma rail improvement project may be expended for preconstruction engineering, but construction shall not begin until Tacoma rail transfers ownership to local jurisdictions of the tracks from the new interconnect in Thurston county south.

(8) \$3,500,000 of the multimodal transportation account--state appropriation is provided solely for construction of a rail loop at the Port of Walla Walla including five turnouts, potable water system, fire flow system, property acquisition, and relocation of an irrigation line.

Sec. 309. 2005 c 313 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

Highway Infrastructure	
Account--State Appropriation	\$207,000
Highway Infrastructure	
Account--Federal Appropriation	\$1,602,000
Motor Vehicle Account--Federal Appropriation	(\$18,221,000)
	<u>\$23,798,000</u>
Motor Vehicle Account--State Appropriation	(\$6,702,000)
	<u>\$5,840,000</u>
<u>Transportation Partnership</u>	
Account--State Appropriation	\$2,008,000
<u>Freight Mobility Investment</u>	
Account--State Appropriation	(\$12,000,000)
	<u>\$6,000,000</u>
Multimodal Transportation	
Account--State Appropriation	(\$36,002,000)
	<u>\$40,403,000</u>
<u>Transportation 2003 Account</u>	
(nickel account)--State Appropriation	\$557,000
<u>Freight Mobility Multimodal</u>	
Account--State Appropriation	\$9,700,000
TOTAL APPROPRIATION	(\$74,734,000)
	<u>\$90,115,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the ~~((transportation commission))~~ office of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.

(2) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists distributed with this act, and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium, except for projects managed by the freight mobility strategic investment board. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall

include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(3) The multimodal transportation account--state appropriation includes up to \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.867. ~~((The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.))~~

(4) ~~((\$3,545,000))~~ \$1,545,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the multiphase cooperative project with the state of Oregon to dredge the Columbia River. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(5) ~~((\$274,000))~~ \$206,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(6) The motor vehicle account--state appropriation includes up to \$905,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.

(7) ~~((\$867,000))~~ \$607,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to support the safe routes to school program.

(8) ~~((\$18,221,000))~~ \$16,110,000 of the motor vehicle account--state appropriation is provided solely for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided solely for the respective projects: SR 397 Ainsworth Ave. Grade Crossing, ~~((\$5,180,000))~~ \$4,992,000; Colville Alternate Truck Route, ~~((\$2,000,000))~~ \$1,746,000; S. 228th Street Extension and Grade Separation, \$6,500,000; Bigelow Gulch Road-Urban Boundary to Argonne Rd., \$2,000,000; Granite Falls Alternate Route, ~~((\$1,791,000))~~ \$1,220,000; and Pacific Hwy. E./Port of Tacoma Road to Alexander, \$750,000.

(9) ~~((\$3,400,000))~~ \$2,898,000 of the motor vehicle account--state appropriation is provided solely for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided solely for the respective projects: Duwamish Intelligent Transportation Systems (ITS), ~~((\$2,520,000))~~ \$2,382,000; Port of Kennewick/Piert Road, ~~((\$520,000))~~ \$516,000; ~~SR 397 Ainsworth Ave. Grade Crossing, \$360,000)~~

(10) \$6,000,000 of the multimodal account--state appropriation is provided solely for the local freight 'D' street grade separation project.

(11) The department ~~((must))~~ shall issue a call for pedestrian safety projects, such as safe routes to schools and transit, and bicycle and pedestrian paths. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department shall identify cost-effective projects, and submit a prioritized list to the legislature for funding by December 15th of each year. Recommendations made to the legislature for safe routes to schools and bicycle and pedestrian path projects must, to the extent practicable based on available funding, allocate sixty percent of available funds to bicycle and pedestrian path projects and forty percent to safe routes to schools. Preference ~~((with))~~ shall be given

to projects that provide a local match. ~~((The grant recipients may only be governmental entities.))~~ Any unallocated funding may be used for grants of up to a maximum of \$1,000 to nonprofit or governmental organizations for the purpose of supporting school-based safe routes to school promotions or programs. Specific conditions and amounts for mini-grants will be established by the department.

(12) ~~((\$19,540,000))~~ \$18,370,000 of the multimodal transportation account--state appropriation, \$6,000,000 of the freight mobility multimodal account--state appropriation, and ((\$12,000,000)) \$6,000,000 of the freight mobility investment account--state appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~((2005-6))~~ 2006-1, Local Programs (Z) as developed ~~((April 24, 2005))~~ February 27, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(13) \$870,000 of the multimodal transportation account--state appropriation is provided solely for the Yakima Avenue, 9th Street to Front Street, pedestrian safety improvement project.

(14) \$5,000,000 of the multimodal transportation account--state appropriation and \$2,000,000 of the motor vehicle account--federal appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified on the LEAP Transportation Document 2006-A, Pedestrian and Bicycle Safety Program Projects and Safe Routes to Schools Program Projects as developed February 27, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(15)(a) The legislature intends that federal funds administered by the department of transportation and used to fund projects selected by regional transportation planning organizations be used in a more effective and efficient manner. The legislature further intends that regional transportation planning organizations implement a project selection process which focuses on the highest priority investments in their regional transportation plan to solve the transportation issues facing that region. These federal funds are not to be used as "peanut butter" and spread through the region on low-priority projects. The regional transportation planning organization shall make these funds available for the wide range of projects eligible for these federal funds, including transit, highways and arterials, and rural transportation projects as long as the projects are a priority and address the regions most pressing transportation issues.

(b) The department shall provide a full and transparent accounting of all federal surface transportation program funds received and expected to be received by the state under the new federal surface transportation act and shall as soon as possible make this information available to regional transportation planning organizations and the legislature. The regional transportation planning organizations shall provide information to the department of transportation that details the project prioritization process and criteria, the prioritized list of projects, and the transportation problem that the project addresses. The department of transportation will issue a report to the transportation committees of the legislature providing information about the implementation of this subsection every November 1st covering the prior federal fiscal year. These funds shall not be used for administrative costs or participation in project selection processes or transportation improvement program compilation processes. Nothing in this subsection displaces currently

programmed projects, but to the extent practicable, the region is to implement this subsection as soon as possible.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2005 c 313 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement	
Account Appropriation	(\$354,913,000)
	<u>\$334,313,000</u>
Nondebt-Limit Reimbursable	
Account Appropriation	(\$8,775,000)
	<u>\$6,091,000</u>
Ferry Bond Retirement	
Account Appropriation	(\$39,010,000)
	<u>\$38,241,000</u>
Transportation Improvement Board	
Bond Retirement	
Account--State Appropriation	(\$30,899,000)
	<u>\$30,923,000</u>
Motor Vehicle Account--State Appropriation	(\$2,562,000)
	<u>\$674,000</u>
Transportation Improvement	
Account--State Appropriation	(\$105,000)
	<u>\$120,000</u>
Multimodal Transportation	
Account--State Appropriation	(\$303,000)
	<u>\$370,000</u>
Transportation 2003 Account	
(Nickel Account) Appropriation	(\$19,177,000)
	<u>\$6,638,000</u>
<u>Transportation Partnership</u>	
Account--State Appropriation	<u>\$1,125,000</u>
TOTAL APPROPRIATION	(\$455,744,000)
	<u>\$418,495,000</u>

Sec. 402. 2005 c 313 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Account--State Appropriation	(\$283,000)
	<u>\$246,000</u>
Transportation Improvement	
Account--State Appropriation	\$13,000
Multimodal Transportation	
Account--State Appropriation	(\$96,000)
	<u>\$35,000</u>
Transportation 2003 Account	
(Nickel Account)--State Appropriation	(\$2,400,000)
	<u>\$2,212,000</u>
Transportation Partnership	
Account--State Appropriation	(\$2,800,000)
	<u>\$375,000</u>
TOTAL APPROPRIATION	(\$5,592,000)
	<u>\$2,881,000</u>

Sec. 403. 2005 c 313 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

(1) Motor Vehicle Account--State Reappropriation:	
For transfer to the Tacoma Narrows	
toll bridge account	\$257,016,000

The department of transportation is authorized to sell up to \$257,016,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation:	
For transfer to the Puget Sound	
capital construction account	(\$72,000,000)
	<u>\$40,950,000</u>

The department of transportation is authorized to sell up to ~~(\$72,000,000)~~ \$40,950,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

Sec. 404. 2005 c 313 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties	(\$450,757,000)
	<u>\$487,612,000</u>

Sec. 405. 2005 c 313 s 405 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers	(\$820,769,000)
	<u>\$1,037,342,000</u>

Sec. 406. 2005 c 313 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

- (1) RV Account--State Appropriation: For transfer to the Motor Vehicle Account--State \$2,000,000
 - (2) Motor Vehicle Account--State Appropriation: For transfer to Puget Sound Capital Construction Account--State \$73,000,000
 - (3) Highway Safety Account--State Appropriation: For transfer to the Motor Vehicle Account--State ~~(\$10,000,000)~~ \$5,000,000
 - (4) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State ~~(\$19,087,000)~~ \$31,000,000
 - (5) Motor Vehicle Account--State Appropriation: For transfer to the Transportation Partnership Account--State ~~(\$51,372,000)~~ \$32,935,000
 - (6) Highway Safety Account--State Appropriation: For transfer to the Multimodal Transportation Account--State ~~(\$21,170,000)~~ \$25,980,000
 - (7) Transportation Partnership Account--State Appropriation: For transfer to the Small City Pavement and Sidewalk Account--State ~~(\$2,000,000)~~ \$1,000,000
 - (8) Transportation Partnership Account--State Appropriation: For transfer to the Transportation Improvement Account--State ~~(\$5,000,000)~~ \$2,500,000
 - (9) Transportation Partnership Account--State Appropriation: For transfer to the ~~(Rural)~~ County Arterial ~~(Trust)~~ Preservation Account--State ~~(\$3,000,000)~~ \$1,500,000
 - (10) License Plate Technology Account--State Appropriation: For transfer to the Motor Vehicle Account--State \$2,500,000
- ~~Motor Vehicle Account--State Appropriation: For transfer to the State Patrol Highway Account--State \$1,406,000~~

~~(12) Motor Vehicle Account--State Appropriation:~~
~~For transfer to the Transportation 2003 Account (Nickel Account)--~~
~~State \$461,000~~
~~(13)) (11) Multimodal Transportation Account--State~~
~~Appropriation:~~
~~For transfer to the Transportation~~
~~Partnership Account--State \$29,400,000~~
(12) Motor Vehicle Account--State Appropriation:
For transfer to the Freight Mobility Multimodal
Account--State, up to a maximum of \$3,700,000
(13) Multimodal Transportation Account--State Appropriation:
For transfer to the Tacoma Narrows Toll Bridge
Account--State \$2,700,000
(14) Motor Vehicle Account--State Appropriation:
For transfer to the Freight Mobility
Multimodal Account--State \$4,610,000

The transfers identified in this section are subject to the following conditions and limitations:

- (a) The department of transportation shall only transfer funds in subsection (2) of this section up to the level provided, on an as-needed basis.
- (b) ~~The amount ((identified in subsection (3) of this section may not include any revenues collected as passenger fares.)) transferred in subsection (12) of this section shall be the same as the Union Pacific Railroad's original contribution, adjusted for earned interest and expenditures, and shall be made on June 30, 2006.~~
- (c) The amount transferred in subsection (14) of this section is the equivalent of the Burlington Northern Santa Fe funds advanced to the SR 519 project and shall be invested in a freight mobility project agreed to by the freight mobility strategic investment board and the BNSF railway if the final design of the SR 519 project does not include the original rail benefit.

COMPENSATION

Sec. 501. 2005 c 313 s 501 (uncodified) is amended to read as follows:

EMPLOYEE SALARY COST OF LIVING ADJUSTMENT. For those funds that support noncapital FTE employees, agency appropriations in sections 101 through 408 of this act provide funding for salary cost of living adjustments subject to the following conditions and limitations:

- (1) In addition to the purposes set forth in subsection (2) through (4) of this section, the appropriations for cost of living adjustments provide for a 3.2% increase effective July 1, 2005, for all state employees represented by a collective bargaining unit under the personnel system reform act of 2002.
- (2) The appropriations for cost of living adjustments provide for a 3.2% increase effective September 1, 2005, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable.
- (3) The appropriations are also sufficient to fund a 3.2% salary increase effective September 1, 2005, for ferry system employees and for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.
- (4) The appropriations for cost of living adjustments provide for a 1.6% salary increase effective July 1, 2006, until June 30, 2007, for all state employees represented by a collective bargaining unit under the personnel system reform act of 2002. In addition, appropriation is provided for a 1.6% increase effective September 1, 2006, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of

personnel, as applicable. The appropriation is also sufficient to fund a 1.6% salary increase effective September 1, 2006, until June 30, 2007, for ferry system employees and for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials. This subsection shall not apply to Washington state patrol commissioned troopers and sergeants covered under sections 208(8)(a) and 210(6)(a) of this act. If a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006, this subsection shall not apply to Washington state patrol commissioned captains and lieutenants covered under sections 208(8)(b) and 210(6)(b) of this act.

(5)(a) NO. salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board or the director of personnel, as applicable.

(b) The average salary increases paid under this section to agency officials whose maximum salaries are established by the committee on agency official salaries shall not exceed the average increases provided under subsection (3) of this section.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. A new section is added to 2005 c 313 (uncodified) to read as follows:

Executive Order number 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions that issue grants or loans for capital projects shall comply with the requirements set forth in this executive order.

NEW SECTION. Sec. 602. 2005 c 313 s 602 (uncodified) is repealed.

Sec. 603. 2005 c 313 s 603 (uncodified) is amended to read as follows:

(1) The ~~((transportation commission))~~ director of the office of financial management may authorize a transfer of spending allocation within the appropriation provided and between projects funded with transportation 2003 account (nickel account) appropriations ~~((or the))~~, transportation partnership account appropriations, multimodal transportation account appropriations, freight mobility account appropriations, or freight mobility investment account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

- (a) Transfers may only be made within each specific fund source referenced on the respective project list;
- ~~(b)~~ (b) Transfers from a project may be made if the funds allocated to the project are in excess of the amount needed to complete the project;
- ~~((b))~~ (c) Transfers from a project may be made if the project is experiencing unavoidable expenditure delays;
- ~~((e))~~ (d) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;
- ~~((d))~~ (e) Each transfer between projects may only occur if the ~~((commission))~~ director of the office of financial management finds that any resulting change will not hinder the completion of the projects approved by the legislature; ~~(and~~
~~(e))~~ (f) Transfers may not occur to projects not identified on the applicable project list; and
- ~~(g)~~ (g) Transfers may not be made while the legislature is in session.

(2) Upon approval of every transfer, a report of the transfers made to date shall be submitted ((on October 1st of each fiscal year)) to the senate and house of representatives transportation committees. The report must also include a list of monitored projects or transfers currently under consideration by the department, and a financial plan consistent with legislative intent.

Sec. 604. RCW 47.29.170 and 2005 c 317 s 17 are each amended to read as follows:

Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;

(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are NO. letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before ~~((January 1))~~ June 30, 2007.

MISCELLANEOUS

NEW SECTION. Sec. 701. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 702. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Flannigan; Hankins; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen and Holmquist.

Passed to Committee on Rules for second reading.

February 28, 2006

SSB 6533 Prime Sponsor, Committee On Ways & Means: Providing a business and occupation tax credit for syrup taxes paid by a business. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

On page 1, line 10, strike "fifty percent" and insert "twenty-five percent from July 1, 2006, through June 30, 2007, fifty percent from July 1, 2007, through June 30, 2008, and one hundred percent after June 30, 2008,"

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

Passed to Committee on Rules for second reading.

February 28, 2006

SB 6680 Prime Sponsor, Senator Brandland: Implementing a biometric matching system for driver's licenses and identicards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.20.037 and 2004 c 273 s 3 are each amended to read as follows:

(1) NO. later than ~~((January 1, 2006;))~~ two years after full implementation of the provisions of Title II of P.L. 109-13, improved security for driver's licenses and personal identification cards (Real ID), as passed by Congress May 10, 2005, the department shall implement a voluntary biometric matching system for driver's licenses and identicards. ~~((The))~~ A biometric matching system shall be used only to verify the identity of an applicant for a renewal or duplicate driver's license or identicard by matching a biometric identifier submitted by the applicant against the biometric identifier submitted when the license was last issued. This project requires a full review by the information services board using the criteria for projects of the highest visibility and risk.

(2) ~~((The))~~ Any biometric matching system selected by the department shall be capable of highly accurate matching, and shall be compliant with biometric standards established by the American association of motor vehicle administrators.

(3) The biometric matching system selected by the department must incorporate a process that allows the owner of a driver's license or identicard to present a personal identification number or other code along with the driver's license or identicard before the information may be verified by a third party, including a governmental entity.

(4) Upon the establishment of a biometric driver's license and identicard system as described in this section, the department shall allow every person applying for an original, renewal, or duplicate driver's license or identicard to voluntarily submit a biometric identifier. Each applicant shall be informed of all ways in which the biometric identifier may be used, all parties to whom the identifier may be disclosed and the conditions of disclosure, the expected error rates for the biometric matching system which shall be regularly updated as the technology changes or empirical data is collected, and the potential consequences of those errors. The department shall adopt rules to allow applicants to verify the accuracy of the system at the time that biometric information is submitted, including the use of at least two separate devices.

(5) The department may not disclose biometric information to the public or any governmental entity except when authorized by court order.

(6) All biometric information shall be stored with appropriate safeguards, including but not limited to encryption.

(7) The department shall develop procedures to handle instances in which the biometric matching system fails to verify the identity of an applicant for a renewal or duplicate driver's license or identicard. These procedures shall allow an applicant to prove identity without using a biometric identifier.

(8) Any person who has voluntarily submitted a biometric identifier may choose to discontinue participation in the biometric matching program at any time, provided that the department utilizes a secure procedure to prevent fraudulent requests for a renewal or duplicate driver's license or identicard. When the person discontinues participation, any previously collected biometric information shall be destroyed.

(9) ~~((If Engrossed Substitute Senate Bill No. 5428 or House Bill No. 1681 is enacted into law;))~~ This section does not apply when an applicant renews his or her driver's license or identicard by mail or electronic commerce."

Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Woods, Ranking Minority Member; Appleton; Buck; Campbell; Clibborn; Curtis; Dickerson; Ericksen; Flannigan; Hankins; Holmquist; Hudgins; Jarrett; Kilmer; Lovick; Morris; Nixon; Rodne; Schindler; Sells; Shabro; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Signed by Representatives Skinner, Assistant Ranking Minority Member;

Passed to Committee on Rules for second reading.

February 28, 2006

SSB 6686 Prime Sponsor, Committee On Ways & Means: Authorizing a local sales and use tax that is credited against the state sales and use tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Roach, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Ahern.

Passed to Committee on Rules for second reading.

February 28, 2006

SB 6704 Prime Sponsor, Senator Rasmussen: Modifying the excise taxation of the manufacturing, selling, and processing of certain food products. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter shall not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing dairy products; or

(b) Selling manufactured dairy products to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) "Dairy products" means dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein.

(3) This section expires July 1, 2012.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or

(b) Selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) This section expires July 1, 2012.

Sec. 3. RCW 82.04.4266 and 2005 c 513 s 1 are each amended to read as follows:

(1) This chapter shall not apply to ~~((amounts received from))~~ the value of products or the gross proceeds of sales derived from:

~~((+))~~ (a) Manufacturing fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits ~~((and))~~ or vegetables; or

~~((=))~~ (b) Selling at wholesale ~~((fresh))~~ fruits ~~((and))~~ or vegetables ~~((canned, preserved, frozen, processed, or dehydrated))~~ manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state. ~~((As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record.))~~ A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) This section expires July 1, 2012.

Sec. 4. RCW 82.04.260 and 2005 c 513 s 2 and 2005 c 443 s 4 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2012, seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent;

(c) Beginning July 1, 2012, dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. ~~((As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record.))~~ Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(d) Beginning July 1, 2012, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were

transported by the purchaser in the ordinary course of business out of this state;

~~((#))~~ (e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

~~((#))~~ (f) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(b) Beginning October 1, 2005, upon every person engaging within this state in the business of making sales, at retail or wholesale, of commercial airplanes, or components of such airplanes, manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the airplanes or components multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(c) For the purposes of this subsection (11), "commercial airplane," "component," and "final assembly of a superefficient airplane" have the meanings given in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person eligible for the tax rate under this subsection (11) must report as required under RCW 82.32.545.

(e) This subsection (11) does not apply after the earlier of: July 1, 2024; or December 31, 2007, if assembly of a superefficient airplane does not begin by December 31, 2007, as determined under RCW 82.32.550.

(12) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

Sec. 5. RCW 82.32.610 and 2005 c 513 s 3 are each amended to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(2) Each person claiming a tax exemption under RCW 82.04.4266, section 1 of this act, or section 2 of this act shall report information to the department by filing a complete annual survey. The survey is due by March 31st of the year following any calendar year in which a tax exemption under RCW 82.04.4266, section 1 of this act, or section 2 of this act is taken. The department may extend

the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall include the amount of tax exemption taken. The survey shall also include the following information for employment positions in Washington:

(a) The number of total employment positions;

(b) Full-time, part-time, and temporary employment positions as a percent of total employment;

(c) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and thirty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(d) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

The first survey filed under this subsection shall also include information for the twelve-month period immediately before first use of a tax incentive.

(3) The department may request additional information necessary to measure the results of the exemption program, to be submitted at the same time as the survey.

(4) All information collected under this section, except the amount of the tax exemption taken, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax exemption taken is not subject to the confidentiality provisions of RCW 82.32.330.

(5) If a person fails to submit an annual survey under subsection (2) of this section by the due date of the ~~(report)~~ survey or any extension under RCW 82.32.590, the department shall declare the amount of taxes exempted for the previous calendar year to be immediately due and payable. The department shall assess interest, but not penalties, on the amounts due under this section. The amount due shall be calculated using a rate of 0.138 percent. The interest shall be assessed at the rate provided for delinquent taxes under this chapter, retroactively to the date the exemption was claimed, and shall accrue until the taxes for which the exemption was claimed are repaid. This information is not subject to the confidentiality provisions of RCW 82.32.330.

(6) The department shall use the information from this section to prepare summary descriptive statistics by category. NO. fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(7) The department shall study the tax exemption authorized in RCW 82.04.4266, section 1 of this act, and section 2 of this act. The department shall submit a report to the finance committee of the house of representatives and the ways and means committee of the senate by December 1, 2011. The report shall measure the effect of the exemption on job creation, job retention, company growth, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

Sec. 6. RCW 82.74.010 and 2005 c 513 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Cold storage warehouse" means a storage warehouse ~~(used)~~ owned or operated by a wholesaler or third-party warehouse as those terms are defined in RCW 82.08.820 to store fresh and/or frozen perishable fruits or vegetables, dairy products, seafood products, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

(3) "Dairy product" means dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein.

(4) "Dairy product manufacturing" means manufacturing, as defined in RCW 82.04.120, of dairy products.

(5) "Department" means the department of revenue.

~~((4))~~ (6) "Eligible investment project" means an investment in qualified buildings or qualified machinery and equipment, including

labor and services rendered in the planning, installation, and construction of the project. The lessor or owner of a qualified building is not eligible for a deferral unless (a) the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or (b)(i) the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments, and (ii) the lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey under RCW 82.74.040. The economic benefit of the deferral to the lessee may be evidenced by any type of payment, credit, or any other financial arrangement between the lessor or owner of the qualified building and the lessee.

~~((5))~~ (7) "Fresh fruit and vegetable processing" means manufacturing as defined in RCW 82.04.120 which consists of the canning, preserving, freezing, processing, or dehydrating fresh fruits and/or vegetables.

~~((6))~~ (8)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection ~~((4))~~ (6) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection ~~((4))~~ (6) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

~~((7))~~ (9) "Person" has the meaning given in RCW 82.04.030.

~~((8))~~ (10) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage ~~((warehouse))~~ warehousing, and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, plant, or laboratory used for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development. If a building is used partly for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

~~((9))~~ (11) "Qualified machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehouse, or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

~~((10))~~ (12) "Recipient" means a person receiving a tax deferral under this chapter.

~~((11))~~ (13) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process related to fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, or cold storage warehousing before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(14) "Seafood product" means any edible marine fish and shellfish that remains in a raw, raw frozen, or raw salted state.

(15) "Seafood product manufacturing" means the manufacturing, as defined in RCW 82.04.120, of seafood products.

Sec. 7. RCW 82.74.030 and 2005 c 513 s 6 are each amended to read as follows:

(1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes ~~((due))~~ imposed or authorized under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project if the investment project is undertaken for the purpose of fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development.

(2) This section expires July 1, 2012.

Sec. 8. RCW 82.74.040 and 2005 c 513 s 7 are each amended to read as follows:

(1)(a) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(b) Each recipient of a deferral granted under this chapter shall complete an annual survey. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.74.010~~((4))~~ (6), the lessee shall complete the annual survey and the applicant is not required to complete the annual survey. The survey is due by March 31st of the year following the calendar year in which the investment project is certified by the department as having been operationally complete and each of the seven succeeding calendar years. The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall include the amount of tax deferred. The survey shall also include the following information for employment positions in Washington:

- (i) The number of total employment positions;
- (ii) Full-time, part-time, and temporary employment positions as a percent of total employment;
- (iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and
- (iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(c) The department may request additional information necessary to measure the results of the deferral program, to be submitted at the same time as the survey.

(d) All information collected under this subsection, except the amount of the tax deferral taken, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax deferral taken is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(e) The department shall use the information from this section to prepare summary descriptive statistics by category. NO. fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(f) The department shall also use the information to study the tax deferral program authorized under this chapter. The department shall report to the legislature by December 1, 2011. The report shall measure the effect of the program on job creation, ~~((the number of jobs created for residents of eligible areas;))~~ company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

(2)(a) If a recipient of the deferral fails to complete the annual survey required under subsection (1) of this section by the date due or any extension under RCW 82.32.590, twelve and one-half percent of the deferred tax shall be immediately due. If the economic benefits of the deferral are passed to a lessee as provided in RCW

82.74.010~~((4))~~ (6), the lessee shall be responsible for payment to the extent the lessee has received the economic benefit. The department shall assess interest, but not penalties, on the amounts due under this section. The interest shall be assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, and shall accrue until the amounts due are repaid.

(b) A recipient who must repay deferred taxes under RCW 82.74.050(2) because the department has found that an investment project is used for purposes other than fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development is NO. longer required to file annual surveys under this section beginning on the date an investment project is used for nonqualifying purposes.

Sec. 9. RCW 82.74.050 and 2005 c 513 s 8 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, taxes deferred under this chapter need not be repaid.

(2) If, on the basis of survey under RCW 82.74.040 or other information, the department finds that an investment project is used for purposes other than fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development at any time during the calendar year in which the investment project is certified by the department as having been operationally completed, or at any time during any of the seven succeeding calendar years, a portion of deferred taxes shall be immediately due according to the following schedule:

Year in which <u>nonqualifying</u> use occurs	% of deferred taxes due
1	100%
2	87.5%
3	75%
4	62.5%
5	50%
6	37.5%
7	25%
8	12.5%

(3) The department shall assess interest, but not penalties, on the deferred taxes under subsection (2) of this section. The interest shall be assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, retroactively to the date of deferral, and shall accrue until the deferred taxes are repaid. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

(4) Notwithstanding subsection (2) of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

Sec. 10. RCW 82.08.820 and 1997 c 450 s 2 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Construction of a warehouse or grain elevator, including materials, and including service and labor costs, are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

(b) "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the construction began. "Construction" includes expansion if the expansion adds at least two hundred thousand square feet of additional space to an existing warehouse or additional storage capacity of at least one million bushels to an existing grain elevator. "Construction" does not include renovation, remodeling, or repair;

(c) "Department" means the department of revenue;

(d) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

(e) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product. "Finished goods" does not include logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk;

(f) "Grain elevator" means a structure used for storage and handling of grain in bulk;

(g) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repack finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

(h) "Person" has the meaning given in RCW 82.04.030;

(i) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

(j) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse shall be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

(k) "Third-party warehouse" means a person taxable under RCW 82.04.280(4);

(l) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

(m) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department shall on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(4) Warehouses, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, ~~((82.61,))~~ 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses and grain elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

Sec. 11. RCW 82.08.820 and 2005 c 513 s 11 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Construction of a warehouse or grain elevator, including materials, and including service and labor costs, are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

(b) "Cold storage warehouse" ~~((means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing))~~ has the meaning provided in RCW 82.74.010;

(c) "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the construction began. "Construction" includes expansion if the expansion adds at least twenty-five thousand square feet of additional space to an existing cold storage warehouse, at least two hundred thousand square feet of additional space to an existing warehouse other than a cold storage warehouse, or additional storage capacity of at least one million

bushels to an existing grain elevator. "Construction" does not include renovation, remodeling, or repair;

(d) "Department" means the department of revenue;

(e) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

(f) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product. "Finished goods" does not include logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk;

(g) "Grain elevator" means a structure used for storage and handling of grain in bulk;

(h) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repack finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

(i) "Person" has the meaning given in RCW 82.04.030;

(j) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

(k) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse shall be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

(l) "Third-party warehouse" means a person taxable under RCW 82.04.280(4);

(m) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

(n) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more, other than cold storage warehouses, and for grain elevators

with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department shall on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(4) Warehouses, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, ~~((82.61,))~~ 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses and grain elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

Sec. 12. RCW 82.08.820 and 2005 c 513 s 11 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Construction of a warehouse or grain elevator, including materials, and including service and labor costs, are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

(b) ~~("Cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing;~~

~~(c) "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the construction began. "Construction" includes expansion if the expansion adds ((at least twenty-five thousand square feet of additional space to an existing cold storage warehouse,)) at least two hundred thousand square feet of additional space to an existing warehouse ((other than a cold storage warehouse,)) or additional storage capacity of at least one million bushels to an existing grain elevator. "Construction" does not include renovation, remodeling, or repair;~~

((f)) (c) "Department" means the department of revenue;

((f)) (d) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

((f)) (e) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product. "Finished goods" does not include logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk;

((f)) (f) "Grain elevator" means a structure used for storage and handling of grain in bulk;

((f)) (g) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repackage finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

((f)) (h) "Person" has the meaning given in RCW 82.04.030;

((f)) (i) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

((f)) (j) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse shall be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

((f)) (k) "Third-party warehouse" means a person taxable under RCW 82.04.280(4);

((f)) (l) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

((f)) (m) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more (~~other than cold storage warehouses~~) and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for

qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. (~~For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.~~)

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department shall on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(4) Warehouses, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, (~~82.61~~) 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses and grain elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

Sec. 13. RCW 82.12.820 and 2005 c 513 s 12 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators, and retailers who own or operate distribution centers, and who have paid the tax levied under RCW 82.12.020 on:

(a) Material-handling equipment and racking equipment and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Materials incorporated in the construction of a warehouse or grain elevator, are eligible for an exemption on tax paid in the form of a remittance or credit against tax owed. The amount of the remittance or credit is computed under subsection (2) of this section and is based on the state share of use tax.

(2)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.12.020 to the department. The person may then apply to the department for remittance of all or part of the tax paid under RCW 82.12.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more (~~other than cold storage warehouses~~) and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction materials, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment. (~~For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment~~)

and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.)

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses, if applicable; and construction invoices and documents.

(c) The department shall on a quarterly basis remit or credit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(3) Warehouse, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, ~~(82.61)~~ 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Materials incorporated in warehouses and grain elevators upon which construction was initiated prior to May 20, 1997, are not eligible for a remittance under this section.

(4) The lessor or owner of the warehouse or grain elevator is not eligible for a remittance or credit under this section unless the underlying ownership of the warehouse or grain elevator and material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the exemption to the lessee in the form of reduced rent payments.

(5) The definitions in RCW 82.08.820 apply to this section.

NEW SECTION. Sec. 14. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales to persons who are subject to tax under RCW 82.04.260(12) of: (a) Materials used to package canned salmon including, but not limited to, clear wrap, boxes, tape, and box labels; and (b) glue, ink, or similar tangible personal property, that: (i) Affixes the label to the labeled product; or (ii) becomes a component of the label.

(2) The exemption is available only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

NEW SECTION. Sec. 15. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply with respect to the use by persons who are subject to tax under RCW 82.04.260(12) of: (1) Materials used to package canned salmon including, but not limited to, clear wrap, boxes, tape, and box labels; and (2) glue, ink, or similar tangible personal property, that: (a) Affixes the label to the labeled product; or (b) becomes a component of the label.

Sec. 16. RCW 82.32.600 and 2005 c 514 s 1002 are each amended to read as follows:

(1) Persons required to file surveys under RCW 82.04.4452, 82.32.610, or 82.74.040 must electronically file with the department all surveys, returns, and any other forms or information the department requires in an electronic format as provided or approved by the department ~~(; unless the department grants relief under subsection (2) of this section)~~. As used in this section, "returns" has the same meaning as "return" in RCW 82.32.050.

(2) ~~(Upon request, the department may relieve a person of the obligations in subsection (1) of this section if the person's taxes have been reduced a cumulative total of less than one thousand dollars from all of the credits, exemptions, or preferential business and occupation tax rates, for which a person is required to file an annual survey under RCW 82.04.4452, 82.32.535, 82.32.545, 82.32.570, 82.32.560, 82.60.070, or 82.63.020.~~

~~(3) Persons who NO. longer qualify for relief under subsection (2) of this section will be notified in writing by the department and must comply with subsection (1) of this section by the date provided in the notice.~~

~~(4)) Any survey, return, or any other form or information required to be filed in an electronic format under subsection (1) of this section is not filed until received by the department in an electronic format.~~

(3) The department may waive the electronic filing requirement in subsection (1) of this section for good cause shown.

Sec. 17. RCW 82.32.590 and 2005 c 514 s 1001 are each amended to read as follows:

(1) If the department finds that the failure of a taxpayer to file an annual survey under RCW 82.04.4452, 82.32.610, or 82.74.040 by the due date was the result of circumstances beyond the control of the taxpayer, the department shall extend the time for filing the survey. Such extension shall be for a period of thirty days from the date the department issues its written notification to the taxpayer that it qualifies for an extension under this section. The department may grant additional extensions as it deems proper.

(2) In making a determination whether the failure of a taxpayer to file an annual survey by the due date was the result of circumstances beyond the control of the taxpayer, the department shall be guided by rules adopted by the department for the waiver or cancellation of penalties when the underpayment or untimely payment of any tax was due to circumstances beyond the control of the taxpayer.

NEW SECTION. Sec. 18. (1) Except as otherwise provided in this section, this act takes effect July 1, 2006.

(2) Sections 6 through 9 and 11 of this act take effect July 1, 2007.

(3) Sections 12 and 13 of this act take effect July 1, 2012.

NEW SECTION. Sec. 19. Section 10 of this act expires July 1, 2007.

NEW SECTION. Sec. 20. Section 11 of this act expires July 1, 2012."

Correct the title.

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Roach, Assistant Ranking Minority Member; Ahern; Condotta; Conway; Ericks; Santos and Shabro.

MINORITY recommendation: Without recommendation.
Signed by Representatives Hasegawa.

Passed to Committee on Rules for second reading.

February 28, 2006

SSB 6785 Prime Sponsor, Committee On Transportation:
Modifying the administration of fuel taxes.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.36.010 and 2001 c 270 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Blended fuel" means a mixture of motor vehicle fuel and another liquid, other than a de minimis amount of the liquid, that can be used as a fuel to propel a motor vehicle.

(2) "Bond" means a bond duly executed with a corporate surety qualified under chapter 48.28 RCW, which bond is payable to the state of Washington conditioned upon faithful performance of all requirements of this chapter, including the payment of all taxes, penalties, and other obligations arising out of this chapter.

(3) "Bulk transfer" means a transfer of motor vehicle fuel by pipeline or vessel.

(4) "Bulk transfer-terminal system" means the motor vehicle fuel distribution system consisting of refineries, pipelines, vessels, and terminals. Motor vehicle fuel in a refinery, pipeline, vessel, or terminal is in the bulk transfer-terminal system. Motor vehicle fuel in the fuel tank of an engine, motor vehicle, or in a railcar, trailer, truck, or other equipment suitable for ground transportation is not in the bulk transfer-terminal system.

(5) ~~("Dealer" means a person engaged in the retail sale of motor vehicle fuel.~~

~~(6))~~ (6) "Department" means the department of licensing.

~~((7))~~ (7) "Director" means the director of licensing.

~~((8))~~ (8) "Evasion" or "evade" means to diminish or avoid the computation, assessment, or payment of authorized taxes or fees through:

(a) A knowing: False statement; misrepresentation of fact; or other act of deception; or

(b) An intentional: Omission; failure to file a return or report; or other act of deception.

~~((9))~~ (9) "Export" means to obtain motor vehicle fuel in this state for sales or distribution outside the state.

~~((10))~~ (10) "Highway" means every way or place open to the use of the public, as a matter of right, for the purpose of vehicular travel.

~~((11))~~ (11) "Import" means to bring motor vehicle fuel into this state by a means of conveyance other than the fuel supply tank of a motor vehicle.

(12) "International fuel tax agreement licensee" means a motor vehicle fuel user operating qualified motor vehicles in interstate commerce and licensed by the department under the international fuel tax agreement.

(13) "Licensee" means a person holding a motor vehicle fuel supplier, motor vehicle fuel importer, motor vehicle fuel distributor, motor vehicle fuel exporter, motor vehicle fuel blender, or international fuel tax agreement license issued under this chapter.

~~(14) ("Marine fuel dealer" means a person engaged in the retail sale of motor vehicle fuel whose place of business and/or sale outlet is located upon a navigable waterway.~~

~~((15))~~ (15) "Motor vehicle fuel blender" means a person who produces blended motor fuel outside the bulk transfer-terminal system.

~~((16))~~ (16) "Motor vehicle fuel distributor" means a person who acquires motor vehicle fuel from a supplier, distributor, or licensee for subsequent sale and distribution.

~~((17))~~ (17) "Motor vehicle fuel exporter" means a person who purchases motor vehicle fuel in this state and directly exports the fuel by a means other than the bulk transfer-terminal system to a destination outside of the state. If the exporter of record is acting as an agent, the person for whom the agent is acting is the exporter. If there is NO. exporter of record, the owner of the motor fuel at the time of exportation is the exporter.

~~((18))~~ (18) "Motor vehicle fuel importer" means a person who imports motor vehicle fuel into the state by a means other than the bulk transfer-terminal system. If the importer of record is acting as an agent, the person for whom the agent is acting is the importer. If there is NO. importer of record, the owner of the motor vehicle fuel at the time of importation is the importer.

~~((19))~~ (19) "Motor vehicle fuel supplier" means a person who holds a federal certificate of registry that is issued under the internal revenue code and authorizes the person to enter into federal tax-free transactions on motor vehicle fuel in the bulk transfer-terminal system.

~~((20))~~ (20) "Motor vehicle" means a self-propelled vehicle designed for operation upon land utilizing motor vehicle fuel as the means of propulsion.

~~((21))~~ (21) "Motor vehicle fuel" means gasoline and any other inflammable gas or liquid, by whatsoever name the gasoline, gas, or

liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats.

~~((22))~~ (22) "Person" means a natural person, fiduciary, association, or corporation. The term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

~~((23))~~ (23) "Position holder" means a person who holds the inventory position in motor vehicle fuel, as reflected by the records of the terminal operator. A person holds the inventory position in motor vehicle fuel if the person has a contractual agreement with the terminal for the use of storage facilities and terminating services at a terminal with respect to motor vehicle fuel. "Position holder" includes a terminal operator that owns motor vehicle fuel in their terminal.

~~((24))~~ (24) "Rack" means a mechanism for delivering motor vehicle fuel from a refinery or terminal into a truck, trailer, railcar, or other means of nonbulk transfer.

~~((25))~~ (25) "Refiner" means a person who owns, operates, or otherwise controls a refinery.

~~((26))~~ (26) "Removal" means a physical transfer of motor vehicle fuel other than by evaporation, loss, or destruction.

~~((27))~~ (27) "Terminal" means a motor vehicle fuel storage and distribution facility that has been assigned a terminal control number by the internal revenue service, is supplied by pipeline or vessel, and from which reportable motor vehicle fuel is removed at a rack.

~~((28))~~ (28) "Terminal operator" means a person who owns, operates, or otherwise controls a terminal.

~~((29))~~ (29) "Two-party exchange" or "buy-sell agreement" means a transaction in which taxable motor vehicle fuel is transferred from one licensed supplier to another licensed supplier under an exchange or buy-sell agreement whereby the supplier that is the position holder agrees to deliver taxable motor vehicle fuel to the other supplier or the other supplier's customer at the rack of the terminal at which the delivering supplier is the position holder.

Sec. 2. RCW 82.36.020 and 2001 c 270 s 2 are each amended to read as follows:

(1) There is hereby levied and imposed upon motor vehicle fuel ~~((users))~~ licensees, other than a motor vehicle fuel distributor, a tax at the rate computed in the manner provided in RCW 82.36.025 on each gallon of motor vehicle fuel.

(2) The tax imposed by subsection (1) of this section is imposed when any of the following occurs:

(a) Motor vehicle fuel is removed in this state from a terminal if the motor vehicle fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state;

(b) Motor vehicle fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the motor vehicle fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state;

(c) Motor vehicle fuel enters into this state ~~((for sale, consumption, use, or storage))~~ if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Motor vehicle fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the motor vehicle fuel;

(e) Blended motor vehicle fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended motor vehicle fuel subject to the tax is the difference between the total number of gallons of blended motor vehicle fuel removed or sold and the number of gallons of previously taxed motor vehicle fuel used to produce the blended motor vehicle fuel;

(f) Motor vehicle fuel is sold by a licensed motor vehicle fuel supplier to a motor vehicle fuel distributor, motor vehicle fuel importer, ~~((or))~~ motor vehicle fuel blender, or international fuel tax

agreement licensee and the motor vehicle fuel is not removed from the bulk transfer-terminal system.

(3) The proceeds of the motor vehicle fuel excise tax shall be distributed as provided in RCW 46.68.090.

Sec. 3. RCW 82.36.025 and 2005 c 314 s 101 are each amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than a motor vehicle fuel distributor.

(2) Beginning July 1, 2003, an additional and cumulative motor vehicle fuel tax rate of five cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than a motor vehicle fuel distributor. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) Beginning July 1, 2005, an additional and cumulative motor vehicle fuel tax rate of three cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than a motor vehicle fuel distributor.

(4) Beginning July 1, 2006, an additional and cumulative motor vehicle fuel tax rate of three cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than a motor vehicle fuel distributor.

(5) Beginning July 1, 2007, an additional and cumulative motor vehicle fuel tax rate of two cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than a motor vehicle fuel distributor.

(6) Beginning July 1, 2008, an additional and cumulative motor vehicle fuel tax rate of one and one-half cents per gallon ~~((applies to the sale, distribution, or use of))~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than a motor vehicle fuel distributor.

Sec. 4. RCW 82.36.026 and 2001 c 270 s 3 are each amended to read as follows:

(1) A licensed supplier shall ~~((remit))~~ be liable for and pay tax to the department as provided in RCW 82.36.020. On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer ~~((who))~~ shall ~~((buyer shall remit))~~ be liable for and pay the tax.

(2) A refiner shall ~~((remit))~~ be liable for and pay tax to the department on motor vehicle fuel removed from a refinery as provided in RCW 82.36.020(2)(b).

(3) ~~((An))~~ A licensed importer shall ((remit)) be liable for and pay tax to the department on motor vehicle fuel imported into this state as provided in RCW 82.36.020(2)(c).

(4) A licensed blender shall ~~((remit))~~ be liable for and pay tax to the department on the removal or sale of blended motor vehicle fuel as provided in RCW 82.36.020(2)(e).

(5) Nothing in this chapter shall prohibit the licensee liable for payment of the tax under this chapter from including as a part of the selling price an amount equal to the tax.

NEW SECTION. Sec. 5. A new section is added to chapter 82.36 RCW to read as follows:

International fuel tax agreement licensees, or persons operating motor vehicles under other reciprocity agreements entered into with the state of Washington, are liable for and must pay the tax under RCW 82.36.020 to the department on motor vehicle fuel used to operate motor vehicles on the highways of this state. This provision does not apply if the tax under RCW 82.36.020 has previously been imposed and paid by the international fuel tax agreement licensee or if the use of such fuel is exempt from the tax under this chapter.

Sec. 6. RCW 82.36.027 and 1998 c 176 s 9 are each amended to read as follows:

A terminal operator is jointly and severally liable for ~~((remitting))~~ payment of the tax imposed under RCW 82.36.020(1) if, at the time of removal:

(1) The position holder with respect to the motor vehicle fuel is a person other than the terminal operator and is not a licensee;

(2) The terminal operator is not a licensee;

(3) The position holder has an expired internal revenue service notification certificate issued under 26 C.F.R. Part 48; or

(4) The terminal operator had reason to believe that information on the notification certificate was false.

Sec. 7. RCW 82.36.029 and 1998 c 176 s 10 are each amended to read as follows:

Upon the taxable removal of motor vehicle fuel by a licensed supplier and upon importation by a licensed importer, the licensee who acquired or removed the motor vehicle fuel, other than a motor vehicle fuel exporter, shall be entitled to a deduction from the tax liability on the gallonage of taxable motor vehicle fuel removed or imported in order to account for handling losses, as follows: For a motor vehicle fuel supplier ~~((acting as a distributor))~~, one-quarter of one percent; and for ~~((all other licensees))~~ a licensed importer, thirty one-hundredths of one percent. For those licensees required to file tax reports, the handling loss deduction shall be reported on tax reports filed with the department. ~~((For motor vehicle fuel distributors, the handling loss deduction shall be shown on the invoice provided to the motor vehicle fuel distributor by the seller.))~~

Sec. 8. RCW 82.36.031 and 1998 c 176 s 11 are each amended to read as follows:

For the purpose of determining the amount of liability for the tax imposed under this chapter, and to periodically update license information, each licensee, other than a motor vehicle fuel distributor and an international fuel tax agreement licensee, shall file monthly tax reports with the department, on a form prescribed by the department. An international fuel tax licensee shall file quarterly tax reports with the department, on a form prescribed by the department.

A report shall be filed with the department even though NO. motor vehicle fuel tax is due for the reporting period. Each tax report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and made under penalties of perjury, which declaration has the same force and effect as a verification of the report and is in lieu of the verification. The report shall show information as the department may require for the proper administration and enforcement of this chapter. Tax reports shall be filed on or before the twenty-fifth day of the next succeeding calendar month following the period to which the reports relate. If the final filing date falls on a Saturday, Sunday, or legal holiday the next secular or business day shall be the final filing date.

The department, if it deems it necessary in order to ensure payment of the tax imposed under this chapter, or to facilitate the administration of this chapter, may require the filing of reports and tax remittances at shorter intervals than one month.

Sec. 9. RCW 82.36.045 and 1998 c 176 s 16 are each amended to read as follows:

(1) If the department determines that the tax reported by a licensee is deficient, the department shall assess the deficiency on the basis of information available to it, and shall add a penalty of two percent of the amount of the deficiency.

(2) If a licensee, or person acting as such, fails, neglects, or refuses to file a motor vehicle fuel tax report the department shall, on the basis of information available to it, determine the tax liability of the licensee or person for the period during which NO. report was filed. The department shall add the penalty provided in subsection (1) of this section to the tax. An assessment made by the department under this subsection or subsection (1) of this section is presumed to be correct. In any case, where the validity of the assessment is questioned, the burden is on the person who challenges the assessment to establish by a fair preponderance of evidence that it is erroneous or excessive, as the case may be.

(3) If a licensee or person acting as such files a false or fraudulent report with intent to evade the tax imposed by this chapter, the department shall add to the amount of deficiency a penalty equal

to twenty-five percent of the deficiency, in addition to the penalty provided in subsections (1) and (2) of this section and all other penalties prescribed by law.

(4) Motor vehicle fuel tax, penalties, and interest payable under this chapter bears interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the amount or any portion of it should have been paid until the date of payment. If a licensee or person acting as such establishes by a fair preponderance of evidence that the failure to pay the amount of tax due was attributable to reasonable cause and was not intentional or willful, the department may waive the penalty. The department may waive the interest when it determines the cost of processing or collection of the interest exceeds the amount of interest due.

(5) Except in the case of a fraudulent report, neglect or refusal to make a report, or failure to pay or to pay the proper amount, the department shall assess the deficiency under subsection (1) or (2) of this section within five years from the last day of the succeeding calendar month after the reporting period for which the amount is proposed to be determined or within five years after the return is filed, whichever period expires later.

(6) Except in the case of violations of filing a false or fraudulent report, if the department deems mitigation of penalties and interest to be reasonable and in the best interest of carrying out the purpose of this chapter, it may mitigate such assessments upon whatever terms the department deems proper, giving consideration to the degree and extent of the lack of records and reporting errors. The department may ascertain the facts regarding recordkeeping and payment penalties in lieu of more elaborate proceedings under this chapter.

(7) A licensee or person acting as such against whom an assessment is made under subsection (1) or (2) of this section may petition for a reassessment within thirty days after service upon the licensee of notice of the assessment. If the petition is not filed within the thirty-day period, the amount of the assessment becomes final at the expiration of that period.

If a petition for reassessment is filed within the thirty-day period, the department shall reconsider the assessment and, if the petitioner has so requested in its petition, shall grant the petitioner an oral hearing and give the petitioner twenty days' notice of the time and place of the hearing. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment becomes final thirty days after service of notice upon the petitioner.

An assessment made by the department becomes due and payable when it becomes final. If it is not paid to the department when due and payable, the department shall add a penalty of ten percent of the amount of the tax.

(8) In a suit brought to enforce the rights of the state under this chapter, the assessment showing the amount of taxes, penalties, interest, and cost unpaid to the state is prima facie evidence of the facts as shown.

(9) A notice of assessment required by this section must be served personally or by certified or registered mail. If it is served by mail, service shall be made by deposit of the notice in the United States mail, postage prepaid, addressed to the respondent at the most current address furnished to the department.

~~((10) The tax imposed by this chapter, if required to be collected by the seller, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.))~~

Sec. 10. RCW 82.36.060 and 2001 c 270 s 5 are each amended to read as follows:

(1) An application for a license issued under this chapter shall be made to the department on forms to be furnished by the

department and shall contain such information as the department deems necessary.

(2) Every application for a license must contain the following information to the extent it applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his or her fingerprints or those of the officers of a corporation making the application;

(b) The applicant's form and place of organization including proof that the individual, partnership, or corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant and any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has an unsatisfied judgment in a federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime that directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered a judgment within the preceding five years in a civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners.

(3) An applicant for a license as a motor vehicle fuel importer must list on the application each state, province, or country from which the applicant intends to import motor vehicle fuel and, if required by the state, province, or country listed, must be licensed or registered for motor vehicle fuel tax purposes in that state, province, or country.

(4) An applicant for a license as a motor vehicle fuel exporter must list on the application each state, province, or country to which the exporter intends to export motor vehicle fuel received in this state by means of a transfer outside of the bulk transfer-terminal system and, if required by the state, province, or country listed, must be licensed or registered for motor vehicle fuel tax purposes in that state, province, or country.

(5) An applicant for a license as a motor vehicle fuel supplier must have a federal certificate of registry that is issued under the internal revenue code and authorizes the applicant to enter into federal tax-free transactions on motor vehicle fuel in the terminal transfer system.

(6) After receipt of an application for a license, the director may conduct an investigation to determine whether the facts set forth are true. The director shall require a fingerprint record check of the applicant through the Washington state patrol criminal identification system and the federal bureau of investigation before issuance of a license. The results of the background investigation including criminal history information may be released to authorized department personnel as the director deems necessary. The department shall charge a license holder or license applicant a fee of fifty dollars for each background investigation conducted.

An applicant who makes a false statement of a material fact on the application may be prosecuted for false swearing as defined by RCW 9A.72.040.

(7) Except as provided by subsection (8) of this section, before granting any license issued under this chapter, the department shall require applicant to file with the department, in such form as shall be prescribed by the department, a corporate surety bond duly executed by the applicant as principal, payable to the state and conditioned for faithful performance of all the requirements of this chapter, including the payment of all taxes, penalties, and other obligations arising out of this chapter. The total amount of the bond or bonds shall be fixed by the department and may be increased or reduced by the department at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds, the department shall require a bond or bonds equivalent in total amount to twice the estimated monthly excise tax determined in such manner as the department may deem proper. If at any time the estimated excise tax to become due during the succeeding month amounts to more than fifty percent of the established bond, the department shall require additional bonds or securities to maintain the marginal ratio herein specified or shall demand excise tax payments to be made weekly or semimonthly to meet the requirements hereof.

The total amount of the bond or bonds required of any licensee shall never be less than five thousand dollars nor more than one hundred thousand dollars.

NO. recoveries on any bond or the execution of any new bond shall invalidate any bond and NO. revocation of any license shall effect the validity of any bond but the total recoveries under any one bond shall not exceed the amount of the bond.

In lieu of any such bond or bonds in total amount as herein fixed, a licensee may deposit with the state treasurer, under such terms and conditions as the department may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state, or any county of the state, of an actual market value not less than the amount so fixed by the department.

Any surety on a bond furnished by a licensee as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of thirty days from the date upon which such surety has lodged with the department a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the thirty day period. The department shall promptly, upon receiving any such request, notify the licensee who furnished the bond; and unless the licensee, on or before the expiration of the thirty day period, files a new bond, or makes a deposit in accordance with the requirements of this section, the department shall forthwith cancel the license. Whenever a new bond is furnished by a licensee, the department shall cancel the old bond as soon as the department and the attorney general are satisfied that all liability under the old bond has been fully discharged.

The department may require a licensee to give a new or additional surety bond or to deposit additional securities of the character specified in this section if, in its opinion, the security of the surety bond theretofore filed by such licensee, or the market value of the properties deposited as security by the licensee, shall become impaired or inadequate; and upon the failure of the licensee to give such new or additional surety bond or to deposit additional securities within thirty days after being requested so to do by the department, the department shall forthwith cancel his or her license.

(8) The department may waive the requirements of subsection (7) of this section for licensed distributors if, upon determination by the department, the licensed distributor has sufficient resources, assets, other financial instruments, or other means, to adequately make payments on the estimated monthly motor vehicle fuel tax payments, penalties, and interest arising out of this chapter. The department shall adopt rules to administer this subsection.

(9) An application for an international fuel tax agreement license must be made to the department. The application must be filed upon a form prescribed by the department and contain such information as the department may require. The department shall charge a fee of ten dollars per set of international fuel tax agreement decals issued to each applicant or licensee. The department shall transmit the fee to the state treasurer for deposit in the motor vehicle fund.

Sec. 11. RCW 82.36.080 and 1998 c 176 s 20 are each amended to read as follows:

(1) It shall be unlawful for any person to engage in business in this state as any of the following unless the person is the holder of an uncanceled license issued by the department authorizing the person to engage in that business:

- (a) Motor vehicle fuel supplier;
- (b) Motor vehicle fuel distributor;
- (c) Motor vehicle fuel exporter;
- (d) Motor vehicle fuel importer; ~~(or)~~
- (e) Motor vehicle fuel blender; or
- (f) International fuel tax agreement licensee.

(2) A person engaged in more than one activity for which a license is required must have a separate license classification for each activity, but a motor vehicle fuel supplier is not required to obtain a separate license classification for any other activity for which a license is required.

(3) If any person acts as a licensee without first securing the license required herein the excise tax shall be immediately due and payable on account of all motor vehicle fuel distributed or used by

the person. The director shall proceed forthwith to determine from the best available sources, the amount of the tax, and the director shall immediately assess the tax in the amount found due, together with a penalty of one hundred percent of the tax, and shall make a certificate of such assessment and penalty. In any suit or proceeding to collect the tax or penalty, or both, such certificate shall be prima facie evidence that the person therein named is indebted to the state in the amount of the tax and penalty therein stated. Any tax or penalty so assessed may be collected in the manner prescribed in this chapter with reference to delinquency in payment of the tax or by an action at law, which the attorney general shall commence and prosecute to final determination at the request of the director. The foregoing remedies of the state shall be cumulative and NO. action taken pursuant to this section shall relieve any person from the penal provisions of this chapter.

Sec. 12. RCW 82.36.160 and 1998 c 176 s 27 are each amended to read as follows:

Every licensee shall maintain in the office of his or her principal place of business in this state, for a period of five years, records of motor vehicle fuel received, sold, distributed, or used by the licensee, in such form as the director may prescribe, together with invoices, bills of lading, and other pertinent papers as may be required under the provisions of this chapter.

~~((Every dealer purchasing motor vehicle fuel taxable under this chapter for the purpose of resale, shall maintain within this state, for a period of two years a record of motor vehicle fuels received, the amount of tax paid to the licensee as part of the purchase price, together with delivery tickets, invoices, and bills of lading, and such other records as the director shall require:))~~

Sec. 13. RCW 82.36.180 and 1998 c 176 s 30 are each amended to read as follows:

The director, or duly authorized agents, may make such examinations of the records, stocks, facilities, and equipment of any licensee, ~~((and service stations,))~~ and make such other investigations as deemed necessary in carrying out the provisions of this chapter. If such examinations or investigations disclose that any reports of licensees theretofore filed with the director pursuant to the requirements of this chapter have shown incorrectly the gallonage of motor vehicle fuel distributed or the tax ~~((accruing))~~ liability thereon, the director may make such changes in subsequent reports and payments of such licensees as deemed necessary to correct the errors disclosed.

Every such licensee or such other person not maintaining records in this state so that an audit of such records may be made by the director or a duly authorized representative shall be required to make the necessary records available to the director upon request and at a designated office within this state; or, in lieu thereof, the director or a duly authorized representative shall proceed to any out-of-state office at which the records are prepared and maintained to make such examination.

Sec. 14. RCW 82.36.230 and 1998 c 176 s 34 are each amended to read as follows:

The provisions of this chapter requiring the payment of taxes do not apply to motor vehicle fuel imported into the state in interstate or foreign commerce and intended to be sold while in interstate or foreign commerce, nor to motor vehicle fuel exported from this state by a licensee nor to any motor vehicle fuel sold by a licensee to the armed forces of the United States or to the national guard for use exclusively in ships or for export from this state. The licensee shall report such imports, exports and sales to the department at such times, on such forms, and in such detail as the department may require, otherwise the exemption granted in this section is null and void, and all fuel shall be considered distributed in this state fully subject to the provisions of this chapter. Each invoice covering exempt sales shall have the statement "Ex Washington Motor Vehicle Fuel Tax" clearly marked thereon.

To claim any exemption from taxes under this section on account of sales by a licensee of motor vehicle fuel for export, the purchaser shall obtain from the selling licensee, and such selling licensee must furnish the purchaser, an invoice giving such details of

the sale for export as the department may require, copies of which shall be furnished the department and the entity of the state or foreign jurisdiction of destination which is charged by the laws of that state or foreign jurisdiction with the control or monitoring, or both, of the sales or movement of motor vehicle fuel in that state or foreign jurisdiction. For the purposes of this section, motor vehicle fuel distributed to a federally recognized Indian tribal reservation located within the state of Washington is not considered exported outside this state.

To claim any refund of taxes previously paid on account of sales of motor vehicle fuel to the armed forces of the United States or to the national guard, the licensee shall be required to execute an exemption certificate in such form as shall be furnished by the department, containing a certified statement by an authorized officer of the armed forces having actual knowledge of the purpose for which the exemption is claimed. The provisions of this section exempting motor vehicle fuel sold to the armed forces of the United States or to the national guard from the tax imposed hereunder do not apply to any motor vehicle fuel sold to contractors purchasing such fuel either for their own account or as the agents of the United States or the national guard for use in the performance of contracts with the armed forces of the United States or the national guard.

The provisions of this section relating to refunds of taxes do not apply to motor vehicle fuel distributors.

The department may at any time require of any licensee any information the department deems necessary to determine the validity of the claimed exemption, and failure to supply such data will constitute a waiver of all right to the exemption claimed. The department is hereby empowered with full authority to promulgate rules and regulations and to prescribe forms to be used by licensees in reporting to the department so as to prevent evasion of the tax imposed by this chapter.

Upon request from the officials to whom are entrusted the enforcement of the motor vehicle fuel tax law of any other state, the District of Columbia, the United States, its territories and possessions, the provinces, or the Dominion of Canada, the department may forward to such officials any information which the department may have relative to the import or export of any motor vehicle fuel by any licensee: PROVIDED, That such governmental unit furnish like information to this state.

NEW SECTION. Sec. 15. A new section is added to chapter 82.36 RCW to read as follows:

Motor vehicle fuel that is used exclusively for racing and is illegal for use on the public highways of this state under state or federal law is exempt from the tax imposed under this chapter.

Sec. 16. RCW 82.36.275 and 1969 ex.s. c 281 s 27 are each amended to read as follows:

Notwithstanding RCW 82.36.240, every urban passenger transportation system shall receive a refund of the amount of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel used (~~(whether such vehicle fuel tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such tax to the price of such fuel)~~).

For the purposes of this section "urban passenger transportation system" means every transportation system, publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over fifteen persons, over prescribed routes in such a manner that the routes of such motor vehicles and/or trackless trolleys (either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system) do not extend for a distance exceeding fifteen road miles beyond the corporate limits of the city in which the original starting points of such motor vehicles are located: PROVIDED, That NO. refunds authorized by this section shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than fifteen road miles beyond the corporate limits of the city in which said trip originated.

Sec. 17. RCW 82.36.280 and 1998 c 176 s 36 are each amended to read as follows:

Any person who uses any motor vehicle fuel for the purpose of operating any internal combustion engine not used on or in conjunction with any motor vehicle licensed to be operated over and along any of the public highways, and as the motive power thereof, upon which motor vehicle fuel excise tax has been paid, shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax paid on each gallon of motor vehicle fuel so used (~~(whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel)~~). NO. refund shall be made for motor vehicle fuel consumed by any motor vehicle as herein defined that is required to be registered and licensed as provided in chapter 46.16 RCW; and is operated over and along any public highway except that a refund shall be allowed for motor vehicle fuel consumed:

(1) In a motor vehicle owned by the United States that is operated off the public highways for official use; and

(2) By auxiliary equipment not used for motive power, provided such consumption is accurately measured by a metering device that has been specifically approved by the department or is established by either of the following formulae:

(a) For fuel used in pumping fuel or heating oils by a power take-off unit on a delivery truck, refund shall be allowed claimant for tax paid on fuel purchased at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered: PROVIDED, That claimant when presenting his or her claim to the department in accordance with the provisions of this chapter, shall provide to said claim, invoices of fuel oil delivered, or such other appropriate information as may be required by the department to substantiate his or her claim; or

(b) For fuel used in operating a power take-off unit on a cement mixer truck or load compactor on a garbage truck, claimant shall be allowed a refund of twenty-five percent of the tax paid on all fuel used in such a truck; and

(c) The department is authorized to establish by rule additional formulae for determining fuel usage when operating other types of equipment by means of power take-off units when direct measurement of the fuel used is not feasible. The department is also authorized to adopt rules regarding the usage of on board computers for the production of records required by this chapter.

Sec. 18. RCW 82.36.285 and 1996 c 244 s 5 are each amended to read as follows:

A private, nonprofit transportation provider regulated under chapter 81.66 RCW shall receive a refund of the amount of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel used to provide transportation services for persons with special transportation needs (~~(whether the vehicle fuel tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of the tax to the price of the fuel)~~).

Sec. 19. RCW 82.36.290 and 1961 c 15 s 82.36.290 are each amended to read as follows:

Every person who purchases and uses any motor vehicle fuel as an ingredient for manufacturing or for cleaning or dyeing or for some other similar purpose and upon which the motor vehicle fuel excise tax has been paid shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax paid on each gallon of motor vehicle fuel so used (~~(whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel)~~).

Sec. 20. RCW 82.36.320 and 1961 c 15 s 82.36.320 are each amended to read as follows:

Any person claiming refund on motor vehicle fuel used other than in motor vehicles as herein provided (~~(and any person purchasing motor vehicle fuel from a dealer who is claiming refund on account of the sale of such fuel under RCW 82.36.305)~~) may be required by the director to also furnish information regarding the amount of motor vehicle fuel purchased from other sources or for

other purposes during the period reported for which NO. refund is claimed.

Sec. 21. RCW 82.36.340 and 1961 c 15 s 82.36.340 are each amended to read as follows:

The director may in order to establish the validity of any claim for refund require the claimant ~~((or, in the case of a dealer filing a claim for refund as provided by RCW 82.36.305, the person to whom such fuel was sold,))~~ to furnish such additional proof of the validity of the claim as the director may determine, and may examine the books and records of the claimant or said person to whom the fuel was sold for such purpose. The records shall be sufficient to substantiate the accuracy of the claim and shall be in such form and contain such information as the director may require. The failure to maintain such records or to accede to a demand for an examination of such records may be deemed by the director as sufficient cause for denial of all right to the refund claimed on account of the transaction in question.

Sec. 22. RCW 82.36.370 and 1998 c 176 s 42 are each amended to read as follows:

(1) A refund shall be made in the manner provided in this chapter or a credit given to a licensee, other than a motor vehicle fuel distributor, allowing for the excise tax paid or accrued on all motor vehicle fuel which is lost or destroyed, while ~~((applicant shall be the owner thereof))~~ the licensee was the owner, through fire, lightning, flood, wind storm, or explosion.

(2) A refund shall be made in the manner provided in this chapter or a credit given allowing for the excise tax paid or accrued on all motor vehicle fuel of five hundred gallons or more which is lost or destroyed, while ~~((applicant))~~ the licensee, other than a motor vehicle fuel distributor, shall be the owner thereof, through leakage or other casualty except evaporation, shrinkage or unknown causes: PROVIDED, That the director shall be notified in writing as to the full circumstances surrounding such loss or destruction and the amount of the loss or destruction within thirty days from the day of discovery of such loss or destruction.

(3) Recovery for such loss or destruction under either subsection (1) or (2) must be susceptible to positive proof thereby enabling the director to conduct such investigation and require such information as the director may deem necessary.

In the event that the director is not satisfied that the fuel was lost or destroyed as claimed, wherefore required information or proof as required hereunder is not sufficient to substantiate the accuracy of the claim, the director may deem as sufficient cause the denial of all right relating to the refund or credit for the excise tax on motor vehicle fuel alleged to be lost or destroyed.

Sec. 23. RCW 82.36.380 and 2003 c 358 s 13 are each amended to read as follows:

(1) It is unlawful for a person or corporation to:

(a) Evade a tax or fee imposed under this chapter;

(b) File a false statement of a material fact on a motor fuel license application or motor fuel refund application;

(c) Act as a motor fuel importer, motor fuel blender, or motor fuel supplier unless the person holds an uncanceled motor fuel license issued by the department authorizing the person to engage in that business;

(d) Knowingly assist another person to evade a tax or fee imposed by this chapter;

(e) Knowingly operate a conveyance for the purpose of hauling, transporting, or delivering motor vehicle fuel in bulk and not possess an invoice, bill of sale, or other statement showing the name, address, and tax license number of the seller or consignor, the destination, the name, address, and tax license number of the purchaser or consignee, and the number of gallons.

(2) A violation of subsection (1) of this section is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the multimodal transportation account of the state.

(3) The tax imposed by this chapter is held in trust by the licensee until paid to the department, and a licensee who appropriates the tax to his or her own use or to any use other than the payment of the tax on the due date as prescribed in this chapter is guilty of a felony or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to pay to the department the tax imposed by this chapter is personally liable to the state for the amount of the tax.

Sec. 24. RCW 82.36.450 and 1995 c 320 s 2 are each amended to read as follows:

((The department of licensing may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding the imposition, collection, and use of this state's motor vehicle fuel tax, or the budgeting or use of moneys in lieu thereof, upon terms substantially the same as those in the consent decree entered by the federal district court (Eastern District of Washington) in *Confederated Tribes of the Colville Reservation v. DOL, et al.*, District Court No. CY 92-248-JLO.)) (1) The governor may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding payment of motor vehicle fuel taxes included in the price of fuel delivered to a retail station owned and operated by a tribe, tribal enterprise, or tribal member licensed by the tribe to operate a retail station located on reservation or trust property. The agreement must be between the governor and the tribe, and must provide that:

(a) The tribal retailer will pass on to the retail customer one hundred percent of any state fuel tax included in the price of the motor vehicle fuel;

(b) The tribal retailer will acquire all motor vehicle fuel only from persons or companies who are properly licensed in Washington state as a motor vehicle fuel distributor, supplier, or importer in accordance with this chapter, or a tribal distributor, supplier, or importer lawfully doing business in Indian country;

(c) The tribe will expend fuel tax proceeds or amounts equivalent thereto, on essential governmental services, including but not limited to: Planning, construction, and maintenance of roads, bridges, and boat ramps; transit services and facilities; transportation planning; police services; and other highway related purposes;

(d) The provisions of this section do not repeal existing state/tribal fuel tax agreements or consent decrees in existence on the effective date of this act, but the state and the tribe may agree to substitute a compact negotiated under this section for an existing agreement or consent decree.

(2) The department of licensing shall prepare and submit an annual report to the legislature on the status of existing agreements and any ongoing negotiations with tribes.

NEW SECTION. Sec. 25. A new section is added to chapter 82.36 RCW to read as follows:

It is the intent and purpose of this chapter that the tax shall be imposed at the time and place of the first taxable event and upon the first taxable person within this state. Any person whose activities would otherwise require payment of the tax imposed by RCW 82.36.020 but who is exempt from the tax nevertheless has a precollection obligation for the tax that must be imposed on the first taxable event within this state. Failure to pay the tax with respect to a taxable event shall not prevent tax liability from arising by reason of a subsequent taxable event.

Sec. 26. RCW 82.38.030 and 2005 c 314 s 102 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel ~~((users))~~ licensees, other than a special fuel distributor, a tax at the rate of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2) Beginning July 1, 2003, an additional and cumulative tax rate of five cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and

temperature shall be imposed on special fuel ~~((users)) licensees, other than a special fuel distributor.~~ This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) Beginning July 1, 2005, an additional and cumulative tax rate of three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users)) licensees, other than a special fuel distributor.~~

(4) Beginning July 1, 2006, an additional and cumulative tax rate of three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users)) licensees, other than a special fuel distributor.~~

(5) Beginning July 1, 2007, an additional and cumulative tax rate of two cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users)) licensees, other than a special fuel distributor.~~

(6) Beginning July 1, 2008, an additional and cumulative tax rate of one and one-half cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users)) licensees, other than a special fuel distributor.~~

(7) Taxes are imposed when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is ~~((to))~~ by a special fuel ~~((distributor))~~ supplier for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel ~~((distributor))~~ supplier for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Special fuel enters into this state ~~((for sale, consumption, use, or storage)), unless the fuel enters this state for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320, if either of the following applies:~~

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;

(e) Blended special fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended special fuel subject to tax is the difference between the total number of gallons of blended special fuel removed or sold and the number of gallons of previously taxed special fuel used to produce the blended special fuel;

(f) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the special fuel tax;

(g) Dyed special fuel is held for sale, sold, used, or is intended to be used in violation of this chapter;

(h) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(i) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel blender and the special fuel is not removed from the bulk transfer-terminal system.

~~((8)) The tax imposed by this chapter, if required to be collected by the licensee, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is~~

~~guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax-))~~

Sec. 27. RCW 82.38.032 and 1998 c 176 s 52 are each amended to read as follows:

~~((The tax under RCW 82.38.030, if not previously imposed and paid, must be paid over to the department by special fuel users and persons licensed under the international fuel tax agreement or other fuel tax reciprocity agreements entered into with the state of Washington, on the use of special fuel to operate motor vehicles on the highways of this state, unless the use is exempt from the tax under this chapter.)) International fuel tax agreement licensees, or persons operating motor vehicles under other reciprocity agreements entered into with the state of Washington, are liable for and must pay the tax under RCW 82.38.030 to the department on special fuel used to operate motor vehicles on the highways of this state. This provision does not apply if the tax under RCW 82.38.030 has previously been imposed and paid by the international fuel tax agreement licensee or if the use of such fuel is exempt from the tax under this chapter.~~

Sec. 28. RCW 82.38.035 and 2005 c 314 s 107 are each amended to read as follows:

(1) A licensed supplier shall ~~((remit))~~ be liable for and pay tax on special fuel to the department as provided in RCW 82.38.030(7)(a). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall ~~((remit))~~ be liable for and pay the tax.

(2) A refiner shall ~~((remit))~~ be liable for and pay tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030(7)(b).

(3) ~~((An))~~ A licensed importer shall ~~((remit))~~ be liable for and pay tax to the department on special fuel imported into this state as provided in RCW 82.38.030(7)(c).

(4) A licensed blender shall ~~((remit))~~ be liable for and pay tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030(7)(e).

(5) A licensed dyed special fuel user shall ~~((remit))~~ be liable for and pay tax to the department on the use of dyed special fuel as provided in RCW 82.38.030(7)(f).

~~((6)) Nothing in this chapter prohibits the licensee liable for payment of the tax under this chapter from including as a part of the selling price an amount equal to such tax.~~

Sec. 29. RCW 82.38.050 and 1990 c 250 s 82 are each amended to read as follows:

~~((Except as otherwise provided in this chapter, every special fuel user shall be liable for the tax on special fuel used in motor vehicles leased to the user for thirty days or more and operated on the highways of this state to the same extent and in the same manner as special fuel used in his own motor vehicles and operated on the highways of this state. PROVIDED, That)) A lessor who is engaged regularly in the business of leasing or renting for compensation motor vehicles and equipment he owns without drivers to carriers or other lessees for interstate operation, may be deemed to be the special fuel user when he supplies or pays for the special fuel consumed in such vehicles, and such lessor may be issued ~~((a))~~ an international fuel tax agreement license ~~((as a special fuel user))~~ when application and bond have been properly filed with and approved by the department for such license. Any lessee may exclude motor vehicles of which he or she is the lessee from reports and liabilities pursuant to this chapter, but only if the motor vehicles in question have been leased from a lessor holding a valid ~~((special fuel user's))~~ international fuel tax agreement license.~~

~~((Every such lessor shall file with the application for a special fuel user's license one copy of the lease form or service contract the lessor enters into with the various lessees of the lessor's motor vehicles.)) When the ~~((special fuel user's))~~ license has been secured, such lessor shall make and assign to each motor vehicle leased for interstate operation a photocopy of such license to be carried in the~~

cab compartment of the motor vehicle and on which shall be typed or printed on the back the unit or motor number of the motor vehicle to which it is assigned and the name of the lessee. Such lessor shall be responsible for the proper use of such photocopy of the license issued and its return to the lessor with the motor vehicle to which it is assigned.

The lessor shall be responsible for fuel tax licensing and reporting, as required by this chapter, on the operation of all motor vehicles leased to others for less than thirty days.

Sec. 30. RCW 82.38.100 and 1999 c 270 s 2 are each amended to read as follows:

(1) Any special fuel user operating a motor vehicle into this state for commercial purposes may make application for a trip permit that shall be good for a period of three consecutive days beginning and ending on the dates specified on the face of the permit issued, and only for the vehicle for which it is issued.

(2) Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety, signed, and dated by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, vehicle license number, or vehicle identification number invalidates the permit. A violation of, or a failure to comply with, this subsection is a gross misdemeanor.

(3) For each permit issued, there shall be collected a filing fee of one dollar, an administrative fee of ten dollars, and an excise tax of nine dollars. Such fees and tax shall be in lieu of the special fuel tax otherwise assessable against the permit holder for importing and using special fuel in a motor vehicle on the public highways of this state, and NO. report of mileage shall be required with respect to such vehicle. Trip permits will not be issued if the applicant has outstanding fuel taxes, penalties, or interest owing to the state or has had a special fuel license revoked for cause and the cause has not been removed.

(4) Blank permits may be obtained from field offices of the department of transportation, (~~Washington state patrol~~) department of licensing, or other agents appointed by the department. The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(5) A surcharge of five dollars is imposed on the issuance of trip permits. The portion of the surcharge paid by motor carriers must be deposited in the motor vehicle fund for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program. The remaining portion of the surcharge must be deposited in the motor vehicle fund for the purpose of supporting congestion relief programs. All other fees and excise taxes collected by the department for trip permits shall be credited and deposited in the same manner as the special fuel tax collected under this chapter and shall not be subject to exchange, refund, or credit.

Sec. 31. RCW 82.38.130 and 1998 c 176 s 65 are each amended to read as follows:

The department may revoke the license of any licensee for any of the grounds constituting cause for denial of a license set forth in RCW 82.38.120 or for other reasonable cause. Before revoking such license the department shall notify the licensee to show cause within twenty days of the date of the notice why the license should not be revoked: PROVIDED, That at any time prior to and pending such hearing the department may, in the exercise of reasonable discretion, suspend such license.

The department shall cancel any special fuel license immediately upon surrender thereof by the holder.

Any surety on a bond furnished by a licensee as provided in this chapter shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of forty-five days from the date which such surety shall have lodged with the department a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the

expiration of the forty-five day period. The department shall promptly, upon receiving any such request, notify the licensee who furnished the bond, and unless the licensee, on or before the expiration of the forty-five day period, files a new bond, in accordance with this section, the department (~~forthwith~~) shall cancel the (~~special fuel dealer's or special fuel user's~~) license.

The department may require a new or additional surety bond of the character specified in RCW 82.38.020(3) if, in its opinion, the security of the surety bond therefor filed by such licensee, shall become impaired or inadequate. Upon failure of the licensee to give such new or additional surety bond within forty-five days after being requested to do so by the department, or after he or she shall fail or refuse to file reports and remit or pay taxes at the intervals fixed by the department, the department forthwith shall cancel his or her license.

Sec. 32. RCW 82.38.140 and 1998 c 176 s 66 are each amended to read as follows:

(1) Every licensee and every person importing, manufacturing, refining, (~~dealing in,~~) transporting, blending, or storing special fuel in this state shall keep for a period of not less than five years open to inspection at all times during the business hours of the day to the department or its authorized representatives, a complete record of all special fuel purchased or received and all of such products sold, delivered, or used by them. Such records shall show:

- (a) The date of each receipt;
- (b) The name and address of the person from whom purchased or received;
- (c) The number of gallons received at each place of business or place of storage in the state of Washington;
- (d) The date of each sale or delivery;
- (e) The number of gallons sold, delivered, or used for taxable purposes;
- (f) The number of gallons sold, delivered, or used for any purpose not subject to the tax imposed in this chapter;
- (g) The name, address, and special fuel license number of the purchaser if the special fuel tax is not collected on the sale or delivery;
- (h) The inventories of special fuel on hand at each place of business at the end of each month.

(2)(a) All international fuel tax agreement licensees and dyed special fuel users authorized to use dyed special fuel on highway in vehicles licensed for highway operation shall maintain detailed mileage records on an individual vehicle basis.

(b) Such operating records shall show both on-highway and off-highway usage of special fuel on a daily basis for each vehicle.

(c) In the absence of operating records that show both on-highway and off-highway usage of special fuel on a daily basis for each vehicle, fuel consumption must be computed under RCW 82.38.060.

(3) The department may require a person other than a licensee engaged in the business of selling, purchasing, distributing, storing, transporting, or delivering special fuel to submit periodic reports to the department regarding the disposition of the fuel. The reports must be on forms prescribed by the department and must contain such information as the department may require.

(4) Every person operating any conveyance for the purpose of hauling, transporting, or delivering special fuel in bulk shall have and possess during the entire time the person is hauling special fuel, an invoice, bill of sale, or other statement showing the name, address, and license number of the seller or consigner, the destination, name, and address of the purchaser or consignee, license number, if applicable, and the number of gallons. The person hauling such special fuel shall at the request of any law enforcement officer or authorized representative of the department, or other person authorized by law to inquire into, or investigate those types of matters, produce for inspection such invoice, bill of sale, or other statement and shall permit such official to inspect and gauge the contents of the vehicle.

Sec. 33. RCW 82.38.150 and 1998 c 176 s 67 are each amended to read as follows:

For the purpose of determining the amount of liability for the tax herein imposed, and to periodically update license information, each licensee, other than a special fuel distributor, an international fuel tax agreement licensee, or a dyed special fuel user, shall file monthly tax reports with the department, on forms prescribed by the department.

Dyed special fuel users whose estimated yearly tax liability is two hundred fifty dollars or less, shall file a report yearly, and dyed special fuel users whose estimated yearly tax liability is more than two hundred fifty dollars, shall file reports quarterly. Special fuel users licensed under the international fuel tax agreement shall file reports quarterly. Special fuel distributors subject to the pollution liability insurance agency fee and reporting requirements shall remit pollution liability insurance agency returns and any associated payment due to the department annually.

The department shall establish the reporting frequency for each applicant at the time the special fuel license is issued. If it becomes apparent that any licensee is not reporting in accordance with the above schedule, the department shall change the licensee's reporting frequency by giving thirty days' notice to the licensee by mail to the licensee's address of record. A report shall be filed with the department even though NO. special fuel was used, or tax is due, for the reporting period. Each tax report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the report and is in lieu of such verification. The report shall show such information as the department may reasonably require for the proper administration and enforcement of this chapter. ~~((For counties within which an additional excise tax on special fuel has been levied by that jurisdiction under RCW 82.80.010, the report must show the quantities of special fuel sold, distributed, or withdrawn from bulk storage by the reporting dealer or user within the county's boundaries and the tax liability from its levy.))~~ A licensee shall file a tax report on or before the twenty-fifth day of the next succeeding calendar month following the period to which it relates.

Subject to the written approval of the department, tax reports may cover a period ending on a day other than the last day of the calendar month. Taxpayers granted approval to file reports in this manner will file such reports on or before the twenty-fifth day following the end of the reporting period. NO. change to this reporting period will be made without the written authorization of the department.

If the final filing date falls on a Saturday, Sunday, or legal holiday the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post office cancellation mark stamped upon an envelope containing such report properly addressed to the department, or on the date it was mailed if proof satisfactory to the department is available to establish the date it was mailed.

The department, if it deems it necessary in order to insure payment of the tax imposed by this chapter, or to facilitate the administration of this chapter, has the authority to require the filing of reports and tax remittances at shorter intervals than one month if, in its opinion, an existing bond has become insufficient.

Sec. 34. RCW 82.38.180 and 1998 c 176 s 71 are each amended to read as follows:

Any person who has purchased special fuel on which tax has been paid ~~((a special fuel tax either directly or to the vendor from whom it was purchased))~~ may file a claim with the department for a refund of the tax ~~((so paid and shall be reimbursed and repaid the amount of))~~ for:

(1) ~~((Any))~~ Taxes previously paid on special fuel used for purposes other than for the propulsion of motor vehicles upon the public highways in this state.

(2) ~~((Any))~~ Taxes previously paid on special fuel exported for use outside of this state. Special fuel carried from this state in the fuel tank of a motor vehicle is deemed to be exported from this state. Special fuel distributed to a federally recognized Indian tribal reservation located within the state of Washington is not considered exported outside this state.

(3) ~~((Any))~~ Tax, penalty, or interest erroneously or illegally collected or paid.

(4) ~~((Any))~~ Taxes previously paid on all special fuel which is lost or destroyed, while ~~((applicant))~~ the licensee, other than a special fuel distributor, shall be the owner thereof, through fire, lightning, flood, wind storm, or explosion.

(5) ~~((Any))~~ Taxes previously paid on all special fuel of five hundred gallons or more which is lost or destroyed while ~~((applicant))~~ the licensee, other than a special fuel distributor, shall be the owner thereof, through leakage or other casualty except evaporation, shrinkage, or unknown causes.

(6) ~~((Any))~~ Taxes previously paid on special fuel that is inadvertently mixed with dyed special fuel.

Recovery for such loss or destruction under either subsection (4), (5), or (6) of this section must be susceptible to positive proof thereby enabling the department to conduct such investigation and require such information as ~~((they))~~ it may deem necessary. In the event that the department is not satisfied that the fuel was lost, destroyed, or contaminated as claimed because information or proof as required hereunder is not sufficient to substantiate the accuracy of the claim, ~~((they))~~ it may deem such as sufficient cause to deny all right relating to the refund or credit for the excise tax paid on special fuel alleged to be lost or destroyed.

NO. refund or claim for credit shall be approved by the department unless the gallons of special fuel claimed as nontaxable satisfy the conditions specifically set forth in this section and the nontaxable event or use occurred during the period covered by the refund claim. Refunds or claims for credit ~~((by sellers or users of special fuel))~~ shall not be allowed for anticipated nontaxable use or events.

Sec. 35. RCW 82.38.270 and 2003 c 358 s 14 are each amended to read as follows:

(1) It is unlawful for a person or corporation to:

(a) Have dyed diesel in the fuel supply tank of a vehicle that is licensed or required to be licensed for highway use or maintain dyed diesel in bulk storage for highway use, unless the person or corporation maintains an uncanceled dyed diesel user license or is otherwise exempted by this chapter;

(b) Evade a tax or fee imposed under this chapter;

(c) File a false statement of a material fact on a special fuel license application or special fuel refund application;

(d) Act as a special fuel importer, special fuel blender, or special fuel supplier unless the person holds an uncanceled special fuel license issued by the department authorizing the person to engage in that business;

(e) Knowingly assist another person to evade a tax or fee imposed by this chapter;

(f) Knowingly operate a conveyance for the purpose of hauling, transporting, or delivering special fuel in bulk and not possess an invoice, bill of sale, or other statement showing the name, address, and tax license number of the seller or consignor, the destination, the name, address, and tax license number of the purchaser or consignee, and the number of gallons.

(2)(a) A single violation of subsection (1)(a) of this section is a gross misdemeanor under chapter 9A.20 RCW.

(b) Multiple violations of subsection (1)(a) of this section and violations of subsection (1)(b) through (f) of this section are a class C felony under chapter 9A.20 RCW.

(3) In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1)(b) through (f) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the multimodal transportation account of the state.

(4) The tax imposed by this chapter is held in trust by the licensee until paid to the department, and a licensee who appropriates the tax to his or her own use or to any use other than the payment of the tax on the due date as prescribed in this chapter is guilty of a felony or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or

corporate officer who fails to pay to the department the tax imposed by this chapter is personally liable to the state for the amount of the tax.

Sec. 36. RCW 82.38.310 and 1995 c 320 s 3 are each amended to read as follows:

((The department of licensing may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding the imposition, collection, and use of this state's special fuel tax, or the budgeting or use of moneys in lieu thereof, upon terms substantially the same as those in the consent decree entered by the federal district court (Eastern District of Washington) in *Confederated Tribes of the Colville Reservation v. DOL, et al.*, District Court No. CY 92-248-JLG.)) (1) The governor may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding payment of special fuel taxes included in the price of fuel delivered to a retail station owned and operated by a tribe, tribal enterprise, or tribal member licensed by the tribe to operate a retail station located on reservation or trust property. The agreement must be between the governor and the tribe, and must provide that:

(a) The tribal retailer will pass on to the retail customer one hundred percent of any state fuel tax included in the price of the special fuel;

(b) The tribal retailer will acquire all special fuel only from persons or companies who are properly licensed in Washington state as a special fuel distributor, supplier, or importer in accordance with this chapter, or a tribal distributor, supplier, or importer lawfully doing business in Indian country;

(c) The tribe will expend fuel tax proceeds or amounts equivalent thereto, on essential governmental services, including but not limited to: Planning, construction, and maintenance of roads, bridges, and boat ramps; transit services and facilities; transportation planning; police services; and other highway related purposes;

(d) The provisions of this section do not repeal existing state/tribal fuel tax agreements or consent decrees in existence on the effective date of this act, but the state and the tribe may agree to substitute a compact negotiated under this section for an existing agreement or consent decree.

(2) The department of licensing shall prepare and submit an annual report to the legislature on the status of existing agreements and any ongoing negotiations with tribes.

Sec. 37. RCW 82.38.320 and 1998 c 176 s 83 are each amended to read as follows:

(1) An international fuel tax agreement licensee who meets the qualifications in subsection (2) of this section may be given special authorization by the department to purchase special fuel delivered into bulk storage without payment of the special fuel tax at the time the fuel is purchased. The special authorization applies only to full truck-trailer loads filled at a terminal rack and delivered directly to the bulk storage facilities of the special authorization holder. The licensee shall pay special fuel tax on the fuel at the time the licensee files their international fuel tax agreement tax return and accompanying schedule with the department. The accompanying schedule shall be provided in a form and manner determined by the department and shall contain information on purchases and usage of all nondyed special fuel purchased during the reporting period. In addition, by the fifteenth day of the month following the month in which fuel under the special authorization was purchased, the licensee must report to the department, the name of the seller and the number of gallons purchased for each purchase of such fuel, and any other information as the department may require.

(2) To receive or maintain special authorization under subsection (1) of this section, the following conditions regarding the international fuel tax agreement licensee must apply:

(a) During the period encompassing the four consecutive calendar quarters immediately preceding the fourth calendar quarter of the previous year, the number of gallons consumed outside the state of Washington as reported on the licensee's international fuel tax agreement tax returns must have been equal to at least twenty percent of the nondyed special fuel gallons, including fuel used on-road and off-road, purchased by the licensee in the state of Washington, as

reported on the accompanying schedules required under subsection (1) of this section;

(b) The licensee must have been licensed under the provisions of the international fuel tax agreement during each of the four consecutive calendar quarters immediately preceding the fourth calendar quarter of the previous year; and

(c) The licensee has not violated the reporting requirements of this section.

(3) Only a licensed special fuel supplier or special fuel importer may sell special fuel to a special authorization holder in the manner prescribed by this section.

(4) A special fuel ((distributor)) supplier or importer who sells special fuel under the special authorization provisions of this section is not liable for the special fuel tax on the fuel. ((By the fifteenth day of the month following the month in which the fuel was sold, the special fuel distributor shall report to the department, the name and special authorization number of the purchaser and the number of gallons sold for each purchase of such special fuel, and any other information as the department may require.)) The special fuel supplier or importer will report such sales, in a manner prescribed by the department, at the time the special fuel supplier or importer submits the monthly tax report.

((4) A supplier selling special fuel under the provisions of this section shall not be responsible for taxes due for special fuel purchased under the provisions of this section.

((5) An international fuel tax agreement licensee who qualifies for a special authorization under this section for calendar year 1999 is not subject to the special fuel user requirements of RCW 82.38.289.))

NEW SECTION. Sec. 38. A new section is added to chapter 82.38 RCW to read as follows:

It is the intent and purpose of this chapter that the tax shall be imposed at the time and place of the first taxable event and upon the first taxable person within this state. Any person whose activities would otherwise require payment of the tax imposed by RCW 82.38.030 but who is exempt from the tax nevertheless has a precollection obligation for the tax that must be imposed on the first taxable event within this state. Failure to pay the tax with respect to a taxable event shall not prevent tax liability from arising by reason of a subsequent taxable event.

NEW SECTION. Sec. 39. The office of financial management, with the cooperation of the department of licensing, Washington oil marketers association, and western states petroleum association, shall prepare and submit a report to the legislative transportation committees documenting the methodology used to repeal RCW 82.36.035(6) and 82.38.160(3) effective June 1, 2007. The report must be completed and submitted NO. later than December 1, 2006.

NEW SECTION. Sec. 40. The following acts or parts of acts are each repealed:

- RCW 82.36.044 (Credit for worthless accounts receivable--Report--Adjustment) and 1998 c 176 s 15;
- RCW 82.36.273 (Refunds to licensee for fuel purchased by exempt person--Exception--Invoice or proof) and 1998 c 176 s 35;
- RCW 82.36.305 (Refunds to dealer delivering fuel exclusively for marine use--Limitations--Supporting certificate) and 1965 ex.s. c 79 s 12 & 1961 c 15 s 82.36.305;
- RCW 82.36.360 (Separate invoices for nontaxed fuel) and 1961 c 15 s 82.36.360;
- RCW 82.36.373 (Refund for worthless accounts receivable--Rules--Apportionment after receipt) and 1998 c 176 s 43;
- RCW 82.36.407 (Tax liability of user--Payment--Exceptions) and 1998 c 176 s 48;
- RCW 82.38.070 (Credit for sales for which NO. consideration was received--Report--Adjustment) and 1998 c 176 s 58, 1990 c 250 s 83, & 1971 ex.s. c 175 s 8;
- RCW 82.38.071 (Refund for worthless accounts receivable--Rules--Apportionment after receipt) and 1998 c 176 s 59;
- RCW 82.38.081 (Exemptions--Motor vehicle fuel used for racing) and 1998 c 115 s 6;

- RCW 82.38.185 (Refunds--Tax paid purchased by exempt person--Application) and 1998 c 176 s 73; and
- RCW 82.38.285 (Tax liability of user--Exceptions) and 1998 c 176 s 81.

NEW SECTION. Sec. 41. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 42. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Murray, Chairman; Wallace, Vice Chairman; Appleton; Clibborn; Dickerson; Flannigan; Hudgins; Kilmer; Lovick; Morris; Sells; Simpson; B. Sullivan; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Woods, Ranking Minority Member; Buck; Campbell; Curtis; Ericksen; Hankins; Holmquist; Jarrett; Nixon; Rodne; Schindler and Shabro.

Passed to Committee on Rules for second reading.

February 28, 2006

SB 6826 Prime Sponsor, Senator Benton: Exempting fees and charges for public transportation services from public utility taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.16.050 and 2004 c 153 s 308 are each amended to read as follows:

In computing tax there may be deducted from the gross income the following items:

(1) Amounts derived by municipally owned or operated public service businesses, directly from taxes levied for the support or maintenance thereof: PROVIDED, That this section shall not be construed to exempt service charges which are spread on the property tax rolls and collected as taxes;

(2) Amounts derived from the sale of commodities to persons in the same public service business as the seller, for resale as such within this state. This deduction is allowed only with respect to water distribution, gas distribution or other public service businesses which furnish water, gas or any other commodity in the performance of public service businesses;

(3) Amounts actually paid by a taxpayer to another person taxable under this chapter as the latter's portion of the consideration due for services furnished jointly by both, if the total amount has been credited to and appears in the gross income reported for tax by the former;

(4) The amount of cash discount actually taken by the purchaser or customer;

(5) The amount of bad debts, as that term is used in 26 U.S.C. Sec. 166, as amended or renumbered as of January 1, 2003, on which tax was previously paid under this chapter;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived from the distribution of water through an irrigation system, for irrigation purposes;

(8) Amounts derived from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state, with respect to which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities from points of origin in the state to an export elevator, wharf, dock or ship side on tidewater or navigable tributaries thereto from which such commodities are forwarded, without intervening transportation, by vessel, in their original form, to interstate or foreign destinations: PROVIDED, That NO deduction will be allowed when the point of origin and the point of delivery to such an export elevator, wharf, dock, or ship side are located within the corporate limits of the same city or town;

(9) Amounts derived from the production, sale, or transfer of electrical energy for resale within or outside the state or for consumption outside the state;

(10) Amounts derived from the distribution of water by a nonprofit water association and used for capital improvements by that nonprofit water association;

(11) Amounts paid by a sewerage collection business taxable under RCW 82.16.020(1)(a) to a person taxable under chapter 82.04 RCW for the treatment or disposal of sewage;

(12) Amounts derived from fees or charges imposed on persons for transit services provided by a public transportation agency. For the purposes of this subsection, "public transportation agency" means a municipality, as defined in RCW 35.58.272, and urban public transportation systems, as defined in RCW 47.04.082. Public transportation agencies shall spend an amount equal to the reduction in tax provided by this tax deduction solely to adjust routes to improve access for citizens using food banks and senior citizen services or to extend or add new routes to assist low-income citizens and seniors."

Signed by Representatives McIntire, Chairman; Hunter, Vice Chairman; Orcutt, Ranking Minority Member; Condotta; Conway; Ericks; Hasegawa; Santos and Shabro.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Assistant Ranking Minority Member; Ahern.

Passed to Committee on Rules for second reading.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 6597, By Senate Committee on Judiciary (originally sponsored by Senators Johnson, Kline, Weinstein and Esser)

Modifying trusts and estates, generally.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, 40th Day, February 17, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lantz and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6597, as amended by the House.

MOTIONS

On motion of Representative Santos, Representatives Kenney, McIntire, Sommers and Upthegrove were excused. On motion of Representative Clements, Representatives Campbell, Holmquist, Kretz and Talcott were excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6597, as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Excused - 8.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 90.

Excused: Representatives Campbell, Holmquist, Kenney, Kretz, McIntire, Sommers, Talcott and Upthegrove - 8.

SUBSTITUTE SENATE BILL NO. 6597, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6606, By Senators Fraser, Oke, Fairley, Deccio, Berkey, McAuliffe, Keiser, Kline, Regala, Honeyford, Thibaudeau, Mulliken, Pridemore, Rockefeller, Delvin, Rasmussen and Kohl-Welles

Requiring standards for educational interpreters for students who are deaf or hard of hearing.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6606.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6606 and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Excused - 7.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 91.

Excused: Representatives Campbell, Holmquist, Kretz, McIntire, Sommers, Talcott, and Upthegrove - 7.

ENGROSSED SENATE BILL NO. 6606, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6637, By Senators Keiser and Deccio

Concerning qualifications for adult family home providers.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6637.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6637 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P.,

Sump, Takko, Talcott, Tom, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Campbell, Holmquist, Kretz, Sommers, and Upthegrove - 5.

SENATE BILL NO. 6637, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6674, By Senator Oke

Requiring that funds collected from construction of the second Tacoma Narrows bridge be deposited in the Tacoma Narrows toll bridge account.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilmer and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6674.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6674 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Holmquist, and Upthegrove - 3.

SENATE BILL NO. 6674, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6723, By Senators Eide, Delvin, Keiser, Kohl-Welles and Rasmussen; by request of LEOFF Plan 2 Retirement Board

Determining the retirement allowance of a member who is killed in the course of employment.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6723.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6723 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Campbell, Holmquist, and Upthegrove - 3.

SENATE BILL NO. 6723, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6776, By Senate Committee on Water, Energy & Environment (originally sponsored by Senators Finkbeiner, Poulsen, Weinstein, Esser, Rasmussen, Keiser, Oke, Kline and Kohl-Welles)

Prohibiting the unauthorized sale of telephone records.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Kilmer spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6776.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6776 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist,

Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Campbell and Upthegrove - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6776, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6791, By Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Poulsen, Kohl-Welles and Rockefeller)

Concerning liquor licenses issued to entities providing concession services on ferries.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Condotta and Morris spoke in favor of passage of the bill.

Representatives Strow and Ahern spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6791.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6791 and the bill passed the House by the following vote: Yeas - 72, Nays - 24, Excused - 2.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Chandler, Chase, Clibborn, Cody, Condotta, Conway, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Talcott, Wallace, Walsh, Wood, Woods and Mr. Speaker - 72.

Voting nay: Representatives Ahern, Anderson, Buri, Clements, Cox, Crouse, Curtis, Darneille, Dunn, Ericks, Haler, Hasegawa, Kretz, Kristiansen, McCune, Moeller, Orcutt, Roberts, Rodne, Schindler, Strow, Sump, Tom and Williams - 24.

Excused: Representatives Campbell and Upthegrove - 2.

SUBSTITUTE SENATE BILL NO. 6791, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6840, By Senate Committee on Water, Energy & Environment (originally sponsored by Senators Morton and Poulsen)

Modifying energy efficiency provisions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Technology, Energy & Communications was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Morris and Haler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6840, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6840, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Campbell and Upthegrove - 2.

SUBSTITUTE SENATE BILL NO. 6840, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6851, By Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Prentice and Fairley)

Revising provisions concerning closure of mobile home parks and manufactured housing communities.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Housing was adopted. (For Committee amendment, see Journal, 45th Day, February 22, 2006.)

Representative Holmquist moved the adoption of amendment (1023):

On page 4, after line 32, insert:

"**NEW SECTION. Sec. 3.** The department of community, trade and economic development, working in collaboration with mobile home park associations and other interested parties, shall provide notice of this act to mobile or manufactured home landlords or park owners by mailing written notification to all known park landlords and owners, and by other reasonable means. Notification must take place before July 1, 2006.

NEW SECTION. Sec. 4. With respect to written mobile or manufactured home space rental agreements in effect on the effective date of this act, section 2 of this act applies prospectively when the term of the tenancy under the agreement is renewed."

Correct the title.

Representatives Holmquist and Miloscia spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Miloscia and Holmquist spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6851, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6851, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Armstrong, Kretz and Sump - 3.

Excused: Representatives Campbell and Upthegrove - 2.

SUBSTITUTE SENATE BILL NO. 6851, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6870, By Senate Committee on Transportation (originally sponsored by Senator Haugen)

Funding the board of pilotage commissioners' training program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6870.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6870 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Campbell and Upthegrove - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6870, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6236, By Senators Schmidt, Kastama, Swecker, Oke, Berkey and Benson; by request of Secretary of State

Changing election dates and deadlines.

The bill was read the second time.

With the consent of the House, amendment (1015) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh, Nixon, Armstrong, McDermott, Strow, Clements, Orcutt, Bailey, Flannigan and Hunt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6236.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6236 and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Dunn, Kirby and Roach - 3.
Excused: Representative Campbell - 1.

ENGROSSED SENATE BILL NO. 6236, having received the necessary constitutional majority, was declared passed.

SECOND READING SUSPENSION

SENATE BILL NO. 5439, By Senators Roach, Swecker, Delvin, Sheldon, Parlette, Kohl-Welles and McCaslin; by request of Washington State Patrol

Authorizing background checks on gubernatorial appointees.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Nixon and Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5439.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5439, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy,

McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SENATE BILL NO. 5439, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6144, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Benton, Carrell, Regala, Benson and Pflug)

Changing registration requirements for sex offenders coming from outside the state who establish or reestablish Washington residency.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Criminal Justice & Corrections was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

The bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6144, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6144, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6144, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6169, By Senators Kohl-Welles, Fairley, Prentice, Schmidt, Keiser, Benson, Kline, Franklin, Pridemore, Poulsen and Esser

Authorizing removal of discriminatory provisions in the governing documents of homeowners' associations.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Lantz, Priest, Talcott and Chase spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6169.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6169 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SENATE BILL NO. 6169, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6208, By Senators Rockefeller and Johnson; by request of Statute Law Committee

Simplifying session law publication.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Williams and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6208.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6208 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6208, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6359, By Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Parlette and Kline; by request of Employment Security Department)

Ensuring employers do not evade their contribution rate.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Conway and Holmquist spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6359.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6359 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P.,

Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6359, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6406, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Doumit, McAuliffe, Regala, Rasmussen, Benton and Oke; by request of Attorney General)

Including assault of a child in the second degree in the list of two-strike offenses.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6406.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6406 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6406, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6537, By Senators Kohl-Welles, Parlette, Hewitt, Honeyford, Keiser and McAuliffe; by request of Liquor Control Board

Modifying requirements for the direct sale of wine to Washington state consumers.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Conway and Holmquist spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6537.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6537 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

ENGROSSED SENATE BILL NO. 6537, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6540, By Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Parlette and Keiser; by request of Liquor Control Board)

Concerning the processing of liquor licenses.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

The bill was placed on final passage.

Representatives Wood and Holmquist spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6540.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6540 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6540, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6720, By Senators Brandland, Kohl-Welles, McAuliffe, Hargrove, Rockefeller, Schmidt, Rasmussen, Stevens, Delvin and Roach

Revising reporting requirements for criminal history record information.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6720.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6720 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6720, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6731, By Senators Fraser, Kohl-Welles, Deccio, Fairley, Mulliken, Prentice, Roach, Honeyford, McAuliffe, Keiser, Regala, Delvin, Franklin, Shin, Sheldon, Berkey, Rasmussen, Haugen, Thibaudeau, Kline and Parlette

Prohibiting sellers of travel from promoting travel for sex tourism.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

The bill was placed on final passage.

Representatives Kenney and Holmquist spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6731, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6731, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6731, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6802, By Senate Committee on Water, Energy & Environment (originally sponsored by Senator Brown)

Regarding air pollution control authority boards.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Simpson and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6802.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6802 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Straw, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6802, having received the necessary constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2006-4715, By Representatives Kessler, Anderson, Chandler, Kenney, Roach, Morris, Linville, Hasegawa, McCoy, Ericks, Skinner, Hankins and Ericksen

WHEREAS, In 1884 an angry mob calling themselves the "Nooksack Vigilance Committee" crossed the United States-Canada border from Washington territory to British Columbia in search of Louie Sam, a 14-year-old boy from the Sto:lo Nation community of Kilgard, Canada, whom they accused of the murder of a Nooksack shopkeeper; and

WHEREAS, Having found the boy in the custody of a special deputy and awaiting being transported back to Canadian officials, the mob forcibly removed Louie Sam and lynched him; and

WHEREAS, The Washington territorial government was requested by federal officials in Washington, D.C., at the request of the Canadian government, to conduct an investigation to determine the identity of the members of the lynch mob, but failed to adequately do so; and

WHEREAS, Despite the fact that members of the 1884 cross-border lynch mob openly bragged about their participation in the crime, the Washington territorial government of the day reported that they were unable to determine the identity of those involved in the lynching; and

WHEREAS, Canadian undercover detectives sent into Washington Territory determined that Louie Sam was not responsible for the murder yet failed to follow up with the

evidence that they had gathered thus compounding the injustice; and

WHEREAS, The family and neighbors of Louie Sam were so afraid of further cross-border violence that they permanently abandoned their village adjacent to the Canadian-American border to live with relatives; and

WHEREAS, By acknowledging this unfortunate historical injustice, the House of Representatives of the State of Washington join our peers in the Government of British Columbia and seek to promote healing among the Sto:lo people and reconciliation between Natives and nonnatives on the Pacific Coast;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize that the territorial government of Washington and the Government of British Columbia both failed to take adequate action to identify the true culprit of the murder and bring the organizers and members of the lynch mob to justice; express the deepest sympathy to the descendants of Louie Sam, who was deprived of his life, and whose relatives were denied the opportunity to see his murderers brought to justice; and remember this tragic moment in the relations of Natives and nonnatives, to ensure that such a tragedy will neither be forgotten nor repeated; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the leaders of the Sto:lo Nation; John van Dongen, Minister of State for Intergovernmental Relations for the Providence of British Columbia; Ms. Iona Campagnolo, Lieutenant Governor of British Columbia; Washington State Governor's Office of Indian Affairs; members of our state's congressional delegation; and the Secretary of the Bureau of Indian Affairs.

Representative Kessler moved the adoption of the resolution.

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

HOUSE RESOLUTION NO. 4715 was adopted.

SECOND READING

ENGROSSED SENATE BILL NO. 5179, By Senators Morton, Jacobsen, Sheldon and Stevens

Studying forest health issues.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Upthegrove and Buck spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5179, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5179, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SENATE BILL NO. 5179, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6152, By Senators Kastama and Kline; by request of Public Disclosure Commission

Regarding penalties for violations of the public disclosure act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6152.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6152 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers,

Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Dunn - 1.

ENGROSSED SENATE BILL NO. 6152, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6159, By Senators Jacobsen, Oke and Spanel

Concerning recreational fishing for albacore tuna.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Sullivan and Buck spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6159.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6159 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives DeBolt and Dunn - 2.

SENATE BILL NO. 6159, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6188, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Johnson, Keiser, Oke, Rockefeller, Thibodeau and Kohl-Welles)

Providing health benefit plans offering coverage for prostate cancer screening.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Morrell and Hinkle spoke in favor of passage of the bill.

Representative Bailey spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6188, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6188, as amended by the House, and the bill passed the House by the following vote: Yeas - 86, Nays - 12, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 86.

Voting nay: Representatives Ahern, Armstrong, Bailey, Chandler, Condotta, Cox, Dunn, Ericksen, Newhouse, Nixon, Orcutt and Talcott - 12.

SUBSTITUTE SENATE BILL NO. 6188, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6194, By Senators Franklin, Regala, Keiser, Eide, Prentice, Thibaudeau, Jacobsen, Fairley, McAuliffe, Fraser, Spanel, Kline, Kohl-Welles and Shin

Requiring multicultural education for health professionals.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was before the House for purpose of amendment. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

Representative Hinkle moved the adoption of amendment (1037) to the committee amendment:

On page 2, line 3 of the amendment, after "profession." insert "A disciplining authority may require that instructors of continuing education or continuing competency programs integrate multicultural health into their curricula when it is appropriate to the subject matter of the instruction."

Representatives Hinkle and Morrell spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Morrell and Santos spoke in favor of passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6194, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6194, as amended by the House, and the bill passed the House by the following vote: Yeas - 67, Nays - 31, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Dunn, Ericksen, Hinkle, Holmquist, Kretz, Kristiansen, Newhouse, Nixon, Orcutt, Pearson, Roach, Rodne, Schindler, Serben, Shabro, Strow, Sump and Talcott - 31.

ENGROSSED SENATE BILL NO. 6194, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6223, By Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Rockefeller, Regala, Oke, Berkey and Spanel)

Modifying provisions regarding abandoned or derelict vessels.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Natural Resources, Ecology & Parks was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan and Buck spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6223, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6223, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6223, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6338, By Senators Haugen, Oke, Berkey, Swecker, Eide, Mulliken, Spanel, Kline, Rasmussen, McAuliffe, Shin and Fairley

Regarding the property tax exemption for seniors and for persons retired due to disability.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6338.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6338 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta,

Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6338, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6365, By Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen, Schoesler, Jacobsen, Fraser and Shin; by request of Department of Agriculture)

Changing fees in the weights and measures program.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Economic Development, Agriculture & Trade was not adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

Representative Linville moved the adoption of amendment (1020):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.94.175 and 1995 c 355 s 7 are each amended to read as follows:

(1) Pursuant to RCW 19.94.015, the following annual registration fees shall be charged for each weighing or measuring instrument or device used for commercial purposes in this state:

- (a) Weighing devices:
 - (i) Small scales "zero to four hundred pounds capacity" \$ ~~((5.00))~~ 7.50
 - (ii) Intermediate scales "four hundred one pounds to five thousand pounds capacity" \$ ~~((20.00))~~ 30.00
 - (iii) Large scales "over five thousand pounds capacity" \$ ~~((52.00))~~ 63.50
 - (iv) ~~((Large scales with supplemental devices~~ \$ ~~52.00~~
 - (v) Railroad track scales \$ 800.00
- (b) Liquid fuel metering devices:
 - (i) Motor fuel meters with flows of ~~((less than))~~ twenty gallons or less per minute \$ ~~((5.00))~~ 7.50
 - (ii) Motor fuel meters with flows of more than twenty but not more than one hundred fifty gallons per minute \$ ~~((16.00))~~ 24.00

(iii) Motor fuel meters with flows over one hundred fifty gallons per minute	\$	((25.00)) <u>37.50</u>
(c) Liquid petroleum gas meters:		
(i) With one inch diameter or smaller dispensers	\$	((10.00)) <u>17.50</u>
(ii) With greater than one inch diameter dispensers	\$	((30.00)) <u>40.00</u>
(d) Fabric meters	\$	((5.00)) <u>7.50</u>
(e) Cordage meters	\$	((5.00)) <u>7.50</u>
(f) Mass flow meters	\$	((14.00)) <u>107.00</u>
(g) Taxi meters	\$	((5.00)) <u>15.00</u>

(2) With the exception of subsection (3) of this section, NO person shall be required to pay more than the ~~((established))~~ annual registration fee ((adopted under this section)) for any weighing or measuring instrument or device in any one year.

(3) The department or a city sealer may establish reasonable inspection and testing fees for each type or class of weighing or measuring instrument or device specially requested to be inspected or tested by the device owner. These inspection and testing fees shall be limited to those amounts necessary for the department or city sealer to cover the direct costs associated with such inspection and testing. The fees ~~((established under this subsection))~~ shall not be set so as to compete with service agents normally engaged in such services.

Sec. 2. RCW 19.94.175 and 1995 c 355 s 7 are each amended to read as follows:

(1) Pursuant to RCW 19.94.015, the following annual registration fees shall be charged for each weighing or measuring instrument or device used for commercial purposes in this state:

(a) Weighing devices:		
(i) Small scales "zero to four hundred pounds capacity"	\$	((5.00)) <u>10.00</u>
(ii) Intermediate scales "four hundred one pounds to five thousand pounds capacity"	\$	((20.00)) <u>40.00</u>
(iii) Large scales "over five thousand pounds capacity"	\$	((52.00)) <u>75.00</u>
(iv) ((Large scales with supplemental devices	\$	52.00
(v) Railroad track scales	\$	800.00
(b) Liquid fuel metering devices:		
(i) Motor fuel meters with flows of ((less than)) twenty gallons or less per minute	\$	((5.00)) <u>10.00</u>
(ii) Motor fuel meters with flows of more than twenty but not more than one hundred fifty gallons per minute	\$	((16.00)) <u>32.00</u>
(iii) Motor fuel meters with flows over one hundred fifty gallons per minute	\$	((25.00)) <u>50.00</u>
(c) Liquid petroleum gas meters:		

(i) With one inch diameter or smaller dispensers	\$	((10.00)) <u>25.00</u>
(ii) With greater than one inch diameter dispensers	\$	((30.00)) <u>50.00</u>
(d) Fabric meters	\$	((5.00)) <u>10.00</u>
(e) Cordage meters	\$	((5.00)) <u>10.00</u>
(f) Mass flow meters	\$	((14.00)) <u>200.00</u>
(g) Taxi meters	\$	((5.00)) <u>25.00</u>

(2) With the exception of subsection (3) of this section, NO person shall be required to pay more than the ~~((established))~~ annual registration fee ((adopted under this section)) for any weighing or measuring instrument or device in any one year.

(3) The department or a city sealer may establish reasonable inspection and testing fees for each type or class of weighing or measuring instrument or device specially requested to be inspected or tested by the device owner. These inspection and testing fees shall be limited to those amounts necessary for the department or city sealer to cover the direct costs associated with such inspection and testing. The fees ~~((established under this subsection))~~ shall not be set so as to compete with service agents normally engaged in such services.

Sec. 3. RCW 15.80.450 and 1969 ex.s. c 100 s 16 are each amended to read as follows:

Any person may apply to the director for a weighmaster's license. Such application shall be on a form prescribed by the director and shall include:

- (1) The full name of the person applying for such license and if the applicant is a partnership, association or corporation, the full name of each member of the partnership or the names of the officers of the association or corporation;
- (2) The principal business address of the applicant in this state and elsewhere;
- (3) The names of the persons authorized to receive and accept service of summons and legal notice of all kinds for the applicant;
- (4) The location of any scale or scales subject to the applicant's control and from which certified weights will be issued; and
- (5) Such other information as the director feels necessary to carry out the purposes of this chapter.

Such annual application shall be accompanied by a license fee of ~~((twenty))~~ fifty dollars for each scale from which certified weights will be issued and a bond as provided for in RCW 15.80.480.

Sec. 4. RCW 15.80.490 and 1969 ex.s. c 100 s 20 are each amended to read as follows:

Any weighmaster may file an application with the director for a license for any employee or agent to operate and issue certified weight tickets from a scale which such weighmaster is licensed to operate under the provisions of this chapter. Such application shall be submitted on a form prescribed by the director and shall contain the following:

- (1) Name of the weighmaster;
- (2) The full name of the employee or agent and his resident address;
- (3) The position held by such person with the weighmaster;
- (4) The scale or scales from which such employee or agent will issue certified weights; and
- (5) Signature of the weigher and the weighmaster.

Such annual application shall be accompanied by a license fee of ~~((five))~~ ten dollars.

Sec. 5. RCW 19.94.2582 and 1995 c 355 s 16 are each amended to read as follows:

(1) Each request for an official registration certificate shall be in writing, under oath, and on a form prescribed by the department and

shall contain any relevant information as the director may require, including but not limited to the following:

(a) The name and address of the person, corporation, partnership, or sole proprietorship requesting registration;

(b) The names and addresses of all individuals requesting an official registration certificate from the department; and

(c) The tax registration number as required under RCW 82.32.030 or uniform business identifier provided on a master license issued under RCW 19.02.070.

(2) Each individual when submitting a request for an official registration certificate or a renewal of such a certificate shall pay a fee to the department in the amount of ~~((eighty))~~ one hundred sixty dollars per individual.

(3) The department shall issue a decision on a request for an official registration certificate within twenty days of receipt of the request. If an individual is denied their request for an official registration certificate, the department must notify that individual in writing stating the reasons for the denial and shall refund any payments made by that individual in connection with the request.

NEW SECTION. Sec. 6. The director of the department of agriculture or the director's designee shall convene its weights and measures advisory committee on a quarterly basis to monitor implementation of this act. The department and the advisory committee shall report to the appropriate committees of the legislature by December 1, 2006, if they have any recommended changes to the implementation of the weights and measures program.

NEW SECTION. Sec. 7. The department of agriculture shall provide a report to appropriate committees of the legislature on the status of the weights and measures program by December 15, 2007.

NEW SECTION. Sec. 8. (1) Sections 1 and 3 through 7 of this act take effect July 1, 2006.

(2) Section 2 of this act takes effect July 1, 2007.

NEW SECTION. Sec. 9. Section 1 of this act expires July 1, 2007."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 19.94.175, 19.94.175, 15.80.450, 15.80.490, and 19.94.2582; creating new sections; providing effective dates; and providing an expiration date."

Representatives Linville and Kristiansen spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Linville and Kristiansen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6365, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6365, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn,

Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Cox - 1.

SUBSTITUTE SENATE BILL NO. 6365, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6377, By Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Doumit, Rasmussen, Schoesler, Swecker, Morton, Zarelli, Shin and Pflug)

Changing the regulation of milk and milk products.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Economic Development, Agriculture & Trade was before the House for purpose of amendment. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

Representative Linville moved adoption of amendment (1021) to the committee amendment:

On page 7, line 35 of the amendment, strike all of section 9

Representative Linville spoke in favor of adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Linville and Kristiansen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6377, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6377, as amended by the House, and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Campbell,

Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 88.

Voting nay: Representatives Buri, Cox, Crouse, Dunn, Ericksen, Hinkle, Holmquist, Pearson, Schindler and Serben - 10.

SUBSTITUTE SENATE BILL NO. 6377, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6480, By Senate Committee on Transportation (originally sponsored by Senators Kohl-Welles, Haugen, Brown and Keiser; by request of Department of Transportation)

Modifying public works apprenticeship utilization requirements.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Wood spoke in favor of passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6480.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6480 and the bill passed the House by the following vote: Yeas - 71, Nays - 27, Excused - 0.

Voting yea: Representatives Appleton, Blake, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cox, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 71.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Chandler, Condotta, Crouse, Curtis,

DeBolt, Dunn, Ericksen, Hinkle, Holmquist, Kretz, Kristiansen, Newhouse, Nixon, Orcutt, Pearson, Rodne, Schindler, Serben, Sump, Talcott and Woods - 27.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6480, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6549, By Senators Benson, Jacobsen, Mulliken and Berkey; by request of Washington State Patrol

Modifying commercial vehicle provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6549.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6549 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Buri and Cox - 2.

SENATE BILL NO. 6549, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6576, By Senators Hargrove, Brandland, Rasmussen and McAuliffe; by request of Washington State Patrol

Clarifying procedures for forwarding sex offender information.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6576.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6576 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6576, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6596, By Senators Kline, Johnson, Weinstein and Esser

Revising the dissolution of Washington corporations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Williams and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6596.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6596 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson,

Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6596, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6617, By Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen and Rasmussen)

Regarding the contents of farm plans prepared by conservation districts.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Simpson, Schindler and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6617, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6617, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6617, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6630, By Senate Committee on Ways & Means (originally sponsored by Senators Kline, Prentice, Keiser, Fairley, Regala, McAuliffe and Kohl-Welles)

Establishing the community protection program for persons with developmental disabilities.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Children & Family Services was not adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

Representative Roberts moved the adoption of amendment (1057):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The department of social and health services is providing a structured, therapeutic environment for persons who are eligible for placement in the community protection program in order for them to live safely and successfully in the community while minimizing the risk to public safety.

The legislature approves of steps already taken by the department to create a community protection program within the division of developmental disabilities.

NEW SECTION. Sec. 2. Sections 3 through 9 of this act apply to a person:

(1)(a) Who has been charged with or convicted of a crime and meets the following criteria:

(i) Has been convicted of one of the following:

(A) A crime of sexual violence as defined in chapter 9A.44 or 71.09 RCW including, but not limited to, rape, rape of a child, and child molestation;

(B) Sexual acts directed toward strangers, individuals with whom a relationship has been established or promoted for the primary purpose of victimization, or persons of casual acquaintance with whom NO. substantial personal relationship exists; or

(C) One or more violent offenses, as defined by RCW 9.94A.030; and

(ii) Constitutes a current risk to others as determined by a qualified professional. Charges or crimes that resulted in acquittal must be excluded; or

(b) Who has not been charged with and/or convicted of a crime, but meets the following criteria:

(i) Has a history of stalking, violent, sexually violent, predatory, and/or opportunistic behavior which demonstrates a likelihood to commit a violent, sexually violent, and/or predatory act; and

(ii) Constitutes a current risk to others as determined by a qualified professional; and

(2) Who has been determined to have a developmental disability as defined by RCW 71A.10.020(3).

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessment" means the written opinion of a qualified professional stating, at a minimum:

(a) Whether a person meets the criteria established in section 2 of this act;

(b) What restrictions are necessary.

(2) "Certified community protection program intensive supported living services" means access to twenty-four-hour supervision, instruction, and support services as identified in the person's plan of care.

(3) "Community protection program" means services specifically designed to support persons who meet the criteria of section 2 of this act.

(4) "Constitutes a risk to others" means a determination of a person's risk and/or dangerousness based upon a thorough assessment by a qualified professional.

(5) "Department" means the department of social and health services.

(6) "Developmental disability" means that condition defined in RCW 71A.10.020(3).

(7) "Disclosure" means providing copies of professional assessments, incident reports, legal documents, and other information pertaining to community protection issues to ensure the provider has all relevant information. Polygraph and plethysmograph reports are excluded from disclosure.

(8) "Division" means the division of developmental disabilities.

(9) "Managed successfully" means that a person supported by a community protection program does not engage in the behavior identified in section 2 of this act.

(10) "Opportunistic behavior" means an act committed on impulse, which is not premeditated.

(11) "Predatory" means acts directed toward strangers, individuals with whom a relationship has been established or promoted for the primary purpose of victimization, or casual acquaintances with whom NO. substantial personal relationship exists. Predatory behavior may be characterized by planning and/or rehearsing the act, stalking, and/or grooming the victim.

(12) "Qualified professional" means a person with at least three years' prior experience working with individuals with developmental disabilities, and: (a) If the person being assessed has demonstrated sexually aggressive or sexually violent behavior, that person must be assessed by a qualified professional who is a certified sex offender treatment provider, or affiliate sex offender treatment provider working under the supervision of a certified sex offender treatment provider; or (b) If the person being assessed has demonstrated violent, dangerous, or aggressive behavior, that person must be assessed by a licensed psychologist or psychiatrist who has received specialized training in the treatment of or has at least three years' prior experience treating violent or aggressive behavior.

(13) "Treatment team" means the program participant and the group of people responsible for the development, implementation, and monitoring of the person's individualized supports and services. This group may include, but is not limited to, the case resource manager, therapist, residential provider, employment/day program provider, and the person's legal representative and/or family, provided the person consents to the family member's involvement.

(14) "Violent offense" means any felony defined as a violent offense in RCW 9.94A.030.

(15) "Waiver" means the community-based funding under section 1915 of Title XIX of the federal social security act.

NEW SECTION. Sec. 4. (1) Prior to receiving services through the community protection program, a person must first receive an assessment of risk and/or dangerousness by a qualified professional. The assessment must be consistent with the guidelines for risk assessments and psychosexual evaluations developed by the department. The person requesting services and the person's legal representative have the right to choose the qualified professional who will perform the assessment from a list of state contracted qualified professionals. The assessment must contain, at a minimum, a determination by the qualified professional whether the person can be managed successfully in the community with reasonably available safeguards and that lesser restrictive residential placement alternatives have been considered and would not be reasonable for the person seeking services. The department may request an additional evaluation by a qualified professional evaluator who is contracted with the state.

(2) Any person being considered for placement in the community protection program and his or her legal representative must be informed in writing of the following: (a) Limitations regarding the services that will be available due to the person's community protection issues; (b) disclosure requirements as a condition of receiving services other than case management; (c) the requirement to engage in therapeutic treatment may be a condition of receiving certain services; (d) anticipated restrictions that may be provided including, but not limited to intensive supervision, limited access to television viewing, reading material, videos; (e) the right to accept or decline services; (f) the anticipated consequences of declining services such as the loss of existing services and removal from waiver services; (g) the right to an administrative fair hearing in accordance with department and division policy; (h) the requirement

to sign a preplacement agreement as a condition of receiving community protection intensive supported living services; (i) the right to retain current services during the pendency of any challenge to the department's decision; (j) the right to refuse to participate in the program.

(3)(a) If the department determines that a person is appropriate for placement in the community protection program, the individual and his or her legal representative shall receive in writing a determination by the department that the person meets the criteria for placement within the community protection program.

(b) If the department determines that a person cannot be managed successfully in the community protection program with reasonably available safeguards, the department must notify the person and his or her legal representative in writing.

NEW SECTION. Sec. 5. (1) Individuals receiving services through the department's community protection waiver retain all appeal rights provided for in RCW 71A.10.050. In addition, such individuals have a right to an administrative hearing pursuant to chapter 34.05 RCW to appeal the following decisions by the department:

(a) Termination of community protection waiver eligibility;
 (b) Assignment of the applicant to the community protection waiver;
 (c) Denial of a request for less restrictive community residential placement.

(2) Final administrative decisions may be appealed pursuant to the provisions of RCW 34.05.510.

(3) The secretary shall adopt rules concerning the procedure applicable to requests for hearings under this section and governing the conduct thereof.

(4) When the department takes any action described in subsection (1) of this section it shall give notice as provided by RCW 71A.10.060. The notice must include a statement advising the person enrolled on the community protection waiver of the right to an adjudicative proceeding and the time limits for filing an application for an adjudicative proceeding. Notice must also include a statement advising the recipient of the right to file a petition for judicial review of a final administrative decision as provided in chapter 34.05 RCW.

(5) Nothing in this section creates an entitlement to placement on the community protection waiver nor does it create a right to an administrative hearing on department decisions denying placement on the community protection waiver.

NEW SECTION. Sec. 6. (1) Community protection program participants shall have appropriate opportunities to receive services in the least restrictive manner and in the least restrictive environments possible.

(2) There must be a review by the treatment team every ninety days to assess each participant's progress, evaluate use of less restrictive measures, and make changes in the participant's program as necessary. The team must review all restrictions and recommend reductions if appropriate. The therapist must write a report annually evaluating the participant's risk of offense and/or risk of behaviors that are dangerous to self or others. The department shall have rules in place describing this process. If a treatment team member has reason to be concerned that circumstances have changed significantly, the team member may request that a complete reassessment be conducted at any time.

NEW SECTION. Sec. 7. A participant who demonstrates success in complying with reduced restrictions and remains free of offenses that may indicate a relapse for at least twelve months, may be considered for placement in a less restrictive community residential setting.

The process to move a participant to a less restrictive residential placement shall include, at a minimum:

(1) Written verification of the person's treatment progress, compliance with reduced restrictions, an assessment of low risk of reoffense, and a recommendation as to suitable placement by the treatment team;

(2) Development of a gradual phase out plan by the treatment team, projected over a reasonable period of time and includes specific

criteria for evaluating reductions in restrictions, especially supervision;

(3) The absence of any incidents that may indicate relapse for a minimum of twelve months;

(4) A written plan that details what supports and services, including the level of supervision the person will receive from the division upon exiting the community protection program;

(5) An assessment consistent with the guidelines for risk assessments and psychosexual evaluations developed by the division, conducted by a qualified professional. At a minimum, the assessment shall include:

(a) An evaluation of the participant's risk of reoffense and/or dangerousness; and

(b) An opinion as to whether or not the person can be managed successfully in a less restrictive community residential setting;

(6) Recommendation by the treatment team that the participant is ready to move to a less restrictive community residential placement.

NEW SECTION. Sec. 8. (1) The department is authorized to take one or more of the enforcement actions listed in subsection (2) of this section when the department finds that a provider of residential services and support with whom the department entered into an agreement under this chapter has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under it;

(b) Failed or refused to cooperate with the certification process;

(c) Prevented or interfered with a certification, inspection, or investigation by the department;

(d) Failed to comply with any applicable requirements regarding vulnerable adults under chapter 74.34 RCW; or

(e) Knowingly, or with reason to know, made a false statement of material fact related to certification or contracting with the department, or in any matter under investigation by the department.

(2) The department may:

(a) Decertify or refuse to renew the certification of a provider;

(b) Impose conditions on a provider's certification status;

(c) Suspend department referrals to the provider; or

(d) Require a provider to implement a plan of correction developed by the department and to cooperate with subsequent monitoring of the provider's progress. In the event a provider fails to implement the plan of correction or fails to cooperate with subsequent monitoring, the department may impose civil penalties of not more than one hundred fifty dollars per day per violation. Each day during which the same or similar action or inaction occurs constitutes a separate violation.

(3) When determining the appropriate enforcement action or actions under subsection (2) of this section, the department must select actions commensurate with the seriousness of the harm or threat of harm to the persons being served by the provider. Further, the department may take enforcement actions that are more severe for violations that are uncorrected, repeated, pervasive, or which present a serious threat of harm to the health, safety, or welfare of persons served by the provider. The department shall by rule develop criteria for the selection and implementation of enforcement actions authorized in subsection (2) of this section. Rules adopted under this section shall include a process for an informal review upon request by a provider.

(4) The provisions of chapter 34.05 RCW apply to enforcement actions under this section. Except for the imposition of civil penalties, the effective date of enforcement actions shall not be delayed or suspended pending any hearing or informal review.

(5) The enforcement actions and penalties authorized in this section are not exclusive or exhaustive and nothing in this section prohibits the department from taking any other action authorized in statute or rule or under the terms of a contract with the provider.

NEW SECTION. Sec. 9. The department shall develop and maintain rules, guidelines, or policy manuals, as appropriate, for implementing and maintaining the community protection program under this chapter.

Sec. 10. RCW 71.09.020 and 2003 c 216 s 2 and 2003 c 50 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, federally approved renal dialysis center or facility, or federally approved blood bank.

(3) "Health care practitioner" means an individual or firm licensed or certified to engage actively in a regulated health profession.

(4) "Health care services" means those services provided by health professionals licensed pursuant to RCW 18.120.020(4).

(5) "Health profession" means those licensed or regulated professions set forth in RCW 18.120.020(4).

(6) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092. A less restrictive alternative may not include placement in the community protection program as pursuant to section 4 of this act.

(7) "Likely to engage in predatory acts of sexual violence if not confined in a secure facility" means that the person more probably than not will engage in such acts if released unconditionally from detention on the sexually violent predator petition. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

(8) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(9) "Predatory" means acts directed towards: (a) Strangers; (b) individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or (c) persons of casual acquaintance with whom NO. substantial personal relationship exists.

(10) "Recent overt act" means any act or threat that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act.

(11) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, public and private youth camps, and others identified by the department following the hearings on a potential site required in RCW 71.09.315. For purposes of this chapter, "school bus stops" does not include bus stops established primarily for public transit.

(12) "Secretary" means the secretary of social and health services or the secretary's designee.

(13) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.

(14) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established pursuant to RCW 71.09.250(1)(a)(i) and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.

(15) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

(16) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

(17) "Total confinement facility" means a secure facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a total confinement facility by the secretary.

Sec. 11. RCW 71.09.060 and 2001 c 286 s 7 are each amended to read as follows:

(1) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. In determining whether or not the person would be likely to engage in predatory acts of sexual violence if not confined in a secure facility, the fact finder may consider only placement conditions and voluntary treatment options that would exist for the person if unconditionally released from detention on the sexually violent predator petition. The community protection program under section 4 of this act may not be considered as a placement condition or treatment option available to the person if unconditionally released from detention on a sexually violent predator petition. When the determination is made by a jury, the verdict must be unanimous.

If, on the date that the petition is filed, the person was living in the community after release from custody, the state must also prove beyond a reasonable doubt that the person had committed a recent overt act. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated as provided in RCW 71.09.020(~~((6))~~)(15)(c), the state must prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated as defined in RCW 9.94A.030.

If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of social and health services for placement in a secure facility operated by the department of social and health services for control, care, and treatment until such time as: (a) The person's condition has so changed that the person NO. longer meets the definition of a sexually violent predator; or (b) conditional release to a less restrictive alternative as set forth in RCW 71.09.092 is in the best interest of the person and conditions can be imposed that would adequately protect the community.

If the court or unanimous jury decides that the state has not met its burden of proving that the person is a sexually violent predator, the court shall direct the person's release.

If the jury is unable to reach a unanimous verdict, the court shall declare a mistrial and set a retrial within forty-five days of the date of the mistrial unless the prosecuting agency earlier moves to dismiss

the petition. The retrial may be continued upon the request of either party accompanied by a showing of good cause, or by the court on its own motion in the due administration of justice provided that the respondent will not be substantially prejudiced. In NO. event may the person be released from confinement prior to retrial or dismissal of the case.

(2) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to or has been released pursuant to RCW 10.77.090(4), and his or her commitment is sought pursuant to subsection (1) of this section, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal under RCW 10.77.090(4) that the person committed the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on his or her own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, it shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

(3) The state shall comply with RCW 10.77.220 while confining the person pursuant to this chapter, except that during all court proceedings the person shall be detained in a secure facility. The department shall not place the person, even temporarily, in a facility on the grounds of any state mental facility or regional habilitation center because these institutions are insufficiently secure for this population.

(4) A court has jurisdiction to order a less restrictive alternative placement only after a hearing ordered pursuant to RCW 71.09.090 following initial commitment under this section and in accord with the provisions of this chapter.

NEW SECTION. Sec. 12. Sections 2 through 9 of this act are each added to chapter 71A.12 RCW."

Correct the title.

Representative Roberts spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Roberts and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6630, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6630, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6630, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6635, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Franklin, Benton, Zarelli, Stevens, Honeyford and Rasmussen)

Changing provisions relating to adoption.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Children & Family Services was be for the House for purpose of amendment. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

Representative Kagi moved the adoption of amendment (1045) to the committee amendment:

On page 1, line 19 of the amendment, after "employees" strike "on a space-available basis"

Beginning on page 1, line 21 of the amendment, strike all of section 2 of the amendment and insert the following:

"NEW SECTION. Sec. 2. The department of health, in cooperation with the department of social and health services, shall recommend a process for the efficient collection, compilation, and annual publication of adoption statistical data, including data regarding fees, costs, and expenses paid by adoptive families. In developing recommendations, the department of health and the department of social and health services shall consider current processes and requirements for adoption data collection and reporting. The department of health shall report to the legislature not later than October 1, 2006, regarding its recommendations."

On page 2, line 6 of the amendment, after "department of" strike "health" and insert "social and health services"

Correct the title.

Representative Kagi spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6635, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6635, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6635, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6658, By Senators Thibaudeau and Deccio

Revising experience requirements for licensed mental health counselors.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6658.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6658 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson,

Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6658, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6661, By Senators Rasmussen, Esser, Jacobsen, Schoesler and Kohl-Welles

Establishing the Washington beer commission.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Economic Development, Agriculture & Trade was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan and Newhouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6661, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6661, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Cox, Kagi and Nixon - 3.

ENGROSSED SENATE BILL NO. 6661, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6679, By Senate Committee on Transportation (originally sponsored by Senator Haugen)

Introducing federal law preemption in regulating train speeds. (REVISED FOR ENGROSSED: Revising the provisions regulating train speeds.)

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6679.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6679 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6679, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6762, By Senators Mulliken, Benson, Schoesler and Sheldon

Limiting the posting of hazards to motorcycles to paved roadways.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace and Buri spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6762.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6762 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6762, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6766, By Senators Schmidt, McAuliffe and Rasmussen

Regarding the national guard conditional scholarship.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6766.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6766 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6766, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6861, By Senators Delvin, Poulsen, Mulliken, Morton and Honeyford

Requiring a study of competing interests of domestic water users.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haler and Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6861.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6861 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6861, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5232, By Senators Oke, Swecker and Jacobsen

Requiring a turkey tag to hunt for turkey.

The bill was read the second time.

Representative Roach moved the adoption of amendment (1035):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.32.460 and 2000 c 109 s 2 are each amended to read as follows:

(1) A small game hunting license is required to hunt for all classified wild animals and wild birds, except big game. A small game license also allows the holder to hunt for unclassified wildlife. (~~The small game license includes one transport tag for turkey.~~)

(a) The fee for this license is thirty dollars for residents, one hundred fifty dollars for nonresidents, and fifteen dollars for youth.

(b) The fee for this license if purchased in conjunction with a big game combination license package is sixteen dollars for residents, eighty dollars for nonresidents, and eight dollars for youth.

(c) The fee for a three-consecutive-day small game license is fifty dollars for nonresidents.

(2) In addition to a small game license, a turkey tag is required to hunt for turkey.

(a) The fee for a primary turkey tag is fourteen dollars for residents and forty dollars for nonresidents. A primary turkey tag will, on request, be issued to the purchaser of a youth small game license at NO. charge.

(b) The fee for each additional turkey tag is ~~(eighteen)~~ fourteen dollars for residents, sixty dollars for nonresidents, and nine dollars for youth.

(c) All moneys received from turkey tags must be deposited in the state wildlife account. One-third of the moneys received from turkey tags must be appropriated solely for the purposes of turkey management. An additional one-third of the moneys received from turkey tags must be appropriated solely for upland game bird management. Moneys received from turkey tags may not supplant existing funds provided for these purposes."

Representatives Roach and B. Sullivan spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan and Buck spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5232, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5232, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 6, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morris, Murray, Newhouse, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Dunn, Morrell, Nixon, Orcutt, Roach, and Talcott - 6.

ENGROSSED SENATE BILL NO. 5232, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6225, By Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Rasmussen, Honeyford, Haugen, Morton, Hewitt, Rockefeller, Pflug, Parlette, Shin and Oke)

Regulating the business of installing, repairing, and maintaining domestic water pumping systems.

The bill was read the second time.

Representative Conway moved the adoption of amendment (1038):

On page 23, beginning on line 4, after "holders of" strike "pump and irrigation or domestic pump specialty certificates" and insert "the specialty plumber certificate under 18.106.010(10)(c)"

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

COLLOQUY

Representative Condotta: "Will SSB 6225 affect the existing examination for plumbers?"

Representative Conway: "No, there is no intent that SSB 6225 will affect the existing examination for plumbers and this was confirmed by the Department of Labor and Industries in its testimony on this legislation."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6225, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6225, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Nixon - 1.

SUBSTITUTE SENATE BILL NO. 6225, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6257, By Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senator Delvin)

Exempting guest services or crowd management employees from the requirements of chapter 18.170 RCW.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

Representative Hudgins moved the adoption of amendment (1069):

On page 2, line 2, after "of a" strike "security officer" and insert "private security guard"

On page 2, beginning on line 3, strike all of section 2

Correct the title.

Representatives Hudgins and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hudgins and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6257, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6257, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6257, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6411, By Senators Doumit, Parlette, Pridemore, Delvin, Fraser, McAuliffe, Shin and Kohl-Welles

Allowing six-year long collective bargaining agreements.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was not adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

Representative Condotta moved the adoption of amendment (1075):

On page 2, line 10, after "~~(three)~~" strike "six" and insert "four"

Representative Condotta spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6411.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6411 and the bill passed the House by the following vote: Yeas - 74, Nays - 24, Excused - 0.

Voting yea: Representatives Alexander, Appleton, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schual-Berke, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 74.

Voting nay: Representatives Ahern, Anderson, Armstrong, Bailey, Buck, Chandler, Clements, Condotta, Curtis, Dunn, Ericksen, Holmquist, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Rodne, Schindler, Serben, Shabro, Sump, Talcott and Woods - 24.

SENATE BILL NO. 6411, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6415, By Senators Pridemore, McAuliffe, Mulliken and Kohl-Welles

Allowing interpreters to assist hearing impaired persons during driver's license examinations.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wallace and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6415, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6415, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6415, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6508, By Senate Committee on Water, Energy & Environment (originally sponsored by Senators Rasmussen, Poulsen, Kline, McCaslin, Brown, Oke, Schmidt, Swecker, Finkbeiner and Kohl-Welles; by request of Governor Gregoire)

Developing minimum renewable fuel content requirements and fuel quality standards in an alternative fuels market.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Technology, Energy & Communications was not adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

With the consent of the House, amendments (1036), (1039), (1040), (1041), (1042), (1043), (1044), (1070), (1072) and (1073) were withdrawn.

Representative Morris moved the adoption of amendment (1066):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is in the public interest to establish a market for alternative fuels in Washington. By requiring a growing percentage of our fuel supply to be renewable biofuel that meets appropriate fuel quality standards, we will reduce our dependence on imports of foreign oil, improve the health and quality of life for Washingtonians, and stimulate the creation of a new industry in Washington that benefits our farmers and rural communities. The legislature finds that it is in the public interest for the state to play a central role in spurring the market by purchasing an increasing amount of alternative fuels produced in Washington. The legislature finds that we must act now and that the time available before the requirements of this act take effect is sufficient for feedstock and fuel providers to prepare for successful implementation.

The legislature intends for consumers to have a choice of fuels and to encourage and promote the development, availability, and use of a diversity of renewable fuels and fuel blends ranging from fuels composed of NO. renewable content to completely renewable fuels.

NEW SECTION. Sec. 2. A new section is added to chapter 19.112 RCW to read as follows:

(1) Special fuel licensees under chapter 82.38 RCW, other than international fuel tax agreement licensees, dyed special fuel users, and special fuel distributors, shall provide evidence to the department of licensing that at least two percent of the total annual diesel fuel sold in Washington is biodiesel fuel, following the earlier of: (a) November 30, 2008; or (b) when a determination is made by the director, published in the Washington State Register, that feedstock grown in Washington state can satisfy a two-percent requirement.

(2) Special fuel licensees under chapter 82.38 RCW, other than international fuel tax agreement licensees, dyed special fuel users, and special fuel distributors, shall provide evidence to the department of licensing that at least five percent of total annual diesel fuel sold in Washington is biodiesel fuel, when the director determines, and publishes this determination in the Washington State Register, that both in-state oil seed crushing capacity and feedstock grown in Washington state can satisfy a three-percent requirement.

(3) The requirements of subsections (1) and (2) of this section shall take effect NO. sooner than one hundred eighty days after the determination has been published in the Washington State Register.

(4) The director and the director of licensing shall each adopt rules, in coordination with each other, for enforcing and carrying out the purposes of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 19.112 RCW to read as follows:

(1) By December 1, 2008, motor vehicle fuel licensees under chapter 82.36 RCW, other than motor vehicle fuel distributors, shall provide evidence to the department of licensing that at least two percent of total gasoline sold in Washington, measured on a quarterly basis, is denatured ethanol.

(2) If the director of ecology determines that ethanol content greater than two percent of the total gasoline sold in Washington will not jeopardize continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution in Washington and the director of agriculture determines and publishes this determination in the Washington State Register that sufficient

raw materials are available within Washington to support economical production of ethanol at higher levels, the director of agriculture may require by rule that licensees provide evidence to the department of licensing that denatured ethanol comprises between two percent and at least ten percent of total gasoline sold in Washington, measured on a quarterly basis.

(3) The requirements of subsections (1) and (2) of this section shall take effect NO. sooner than one hundred eighty days after the determination has been published in the Washington State Register.

(4) The director and the director of licensing shall each adopt rules, in coordination with each other, for enforcing and carrying out the purposes of this section.

(5) Nothing in this section is intended to prohibit the production, sale, or use of motor fuel for use in federally designated flexibly fueled vehicles capable of using up to eighty-five percent ethanol fuel blends. Nothing in this section is intended to limit the use of high octane gasoline not blended with ethanol for use in aircraft.

NEW SECTION. Sec. 4. A new section is added to chapter 19.112 RCW to read as follows:

The director of the department of licensing shall establish rules to ensure that information submitted as required by section 2 or 3 of this act can be combined or aggregated for reporting purposes by the department of licensing without releasing identifying individual company information.

Sec. 5. RCW 19.112.060 and 1990 c 102 s 7 are each amended to read as follows:

(1)(a) Any person who knowingly violates any provision of this chapter or rules adopted under it is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both.

(b) The director shall assess a civil penalty ranging from one hundred dollars to ten thousand dollars per occurrence, giving due consideration to the appropriateness of the penalty with respect to the gravity of the violation, and the history of previous violations. Civil penalties collected under this chapter shall be deposited into the motor vehicle fund.

(2) The penalties in subsection (1)(a) of this section do not apply to violations of sections 2 and 3 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 19.112 RCW to read as follows:

(1) The director shall adopt rules for maintaining standards for biodiesel fuel or fuel blended with biodiesel fuel by adopting all or part of the standards set forth in the Annual Book of ASTM Standards and supplements, amendments, or revisions thereof, all or part of the standards set forth in the National Institute of Standards and Technology (NIST) Handbook 130, Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality rules, and any supplements, amendments, or revisions thereof, together with applicable federal environmental protection agency standards. If a conflict exists between federal environmental protection agency standards, ASTM standards, or NIST standards, for purposes of uniformity, federal environmental protection agency standards shall take precedence over ASTM and NIST standards. The department of agriculture shall not exceed ASTM standards for diesel.

(2) The rules adopted under subsection (1) of this section shall be updated to provide for fuel stability standards when national or international fuel stability standards have been adopted.

Sec. 7. RCW 19.112.020 and 1990 c 102 s 3 are each amended to read as follows:

(1) This chapter shall be administered by the director or his or her authorized agent. For the purpose of administering this chapter, for motor fuel except biodiesel fuel, the standards set forth in the Annual Book of ASTM Standards and supplements thereto, and revisions thereof, are adopted, together with applicable federal environmental protection agency standards. If a conflict exists between federal environmental protection agency standards, ASTM standards, or state standards, for purposes of uniformity, federal environmental

protection agency standards shall take precedence over ASTM standards. Any state standards adopted must be consistent with federal environmental protection agency standards and ASTM standards not in conflict with federal environmental protection agency standards.

(2) The director may establish a fuel testing laboratory or may contract with a laboratory for testing. The director may also adopt rules on false and misleading advertising, labeling and posting of prices, and the standards for, and identity of, motor fuels. The director shall require fuel pumps offering biodiesel and ethanol blends to be identified by a label stating the percentage of biodiesel or ethanol.

NEW SECTION. Sec. 8. A new section is added to chapter 19.112 RCW to read as follows:

The director shall establish a biofuels advisory committee to advise the director on implementing or suspending the minimum renewable fuel content requirements. The committee shall advise the director on applicability to all users; logistical, technical, and economic issues of implementation, including the potential for credit trading, compliance and enforcement provisions, and tracking and reporting requirements; and how the use of renewable fuel blends greater than two percent and renewable fuels other than biodiesel or ethanol could achieve the goals of chapter ..., Laws of 2006 (this act). The director shall make recommendations to the legislature and the governor on the implementation or suspension of chapter . . . , Laws of 2006 (this act) by September 1, 2007.

Sec. 9. RCW 43.19.642 and 2003 c 17 s 2 are each amended to read as follows:

(1) All state agencies are encouraged to use a fuel blend of twenty percent biodiesel and eighty percent petroleum diesel for use in diesel-powered vehicles and equipment.

(2) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(3) Effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(4) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file quarterly reports with the department of general administration documenting the use of the fuel and a description of how any problems encountered were resolved.

NEW SECTION. Sec. 10. A new section is added to chapter 19.112 RCW to read as follows:

The governor, by executive order, may suspend all or portions of the minimum renewable fuel content requirements in section 2 or 3 of this act, or RCW 43.19.642, based on a determination that such requirements are temporarily technically or economically infeasible, or pose a significant risk to public safety.

NEW SECTION. Sec. 11. A new section is added to chapter 43.19 RCW to read as follows:

(1) The department of general administration must assist state agencies seeking to meet the biodiesel fuel requirements in RCW 43.19.642 by coordinating the purchase and delivery of biodiesel if requested by any state agency. The department may use long-term contracts of up to ten years, when purchasing from in-state suppliers who use predominantly in-state feedstock, to secure a sufficient and stable supply of biodiesel for use by state agencies.

(2) The department shall compile and analyze the reports submitted under RCW 43.19.642(4) and report in an electronic format its findings and recommendations to the governor and committees of the legislature with responsibility for energy issues, within sixty days from the end of each reporting period. The

governor shall consider these reports in determining whether to temporarily suspend minimum renewable fuel content requirements as authorized under section 10 of this act.

NEW SECTION. Sec. 12. A new section is added to chapter 19.112 RCW to read as follows:

(1) By November 30, 2008, the director shall determine whether the state's diesel fuel supply is comprised of at least ten percent biodiesel made predominantly from Washington feedstock.

(2) By November 30, 2008, the director shall determine whether the state's gasoline fuel supply is comprised of at least twenty percent ethanol made predominantly from Washington feedstock, without jeopardizing continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution.

(3) By December 1, 2008, the director shall notify the governor and the legislature of the findings in subsections (1) and (2) of this section.

(4) If the findings from the director indicate that the goals of subsection (1) or (2) of this section, or both, have been achieved, then the governor shall issue an executive order declaring that section 2 or 3 of this act, or both, are NO. longer applicable.

NEW SECTION. Sec. 13. A new section is added to chapter 19.112 RCW to read as follows:

(1) If either or both of the goals in section 12 of this act are not achieved by November 30, 2008, the director shall monitor the state's diesel and gasoline fuel supply until such time as those goals, or either of them, is met.

(2) The director shall report to the governor and the legislature regarding the goals in section 12 of this act by November 30th of the year in which a goal is met.

(3) Following notification under this section that a goal has been met, the governor shall prepare executive request legislation repealing section 2 or 3 of this act, or both, as applicable.

Sec. 14. RCW 19.112.010 and 1991 c 145 s 1 are each amended to read as follows:

~~(As used in this chapter.)~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Biodiesel fuel" means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet the registration requirements for fuels and fuel additives established by the federal environmental protection agency and standards established by the American society of testing and materials.

(2) "Diesel" means special fuel as defined in RCW 82.38.020, and diesel fuel dyed in accordance with the regulations in 26 C.F.R. Sec. 48.4082-1T as of October 24, 2005.

(3) "Director" means the director of agriculture.

(4) "Motor fuel" means any liquid product used for the generation of power in an internal combustion engine used for the propulsion of a motor vehicle upon the highways of this state, and any biodiesel fuel. Motor fuels containing ethanol may be marketed if either (a) the base motor fuel meets the applicable standards before the addition of the ethanol or (b) the resultant blend meets the applicable standards after the addition of the ethanol.

~~((2) "Director" means the director of agriculture.))~~

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative Nixon moved the adoption of amendment (1081) to amendment (1066):

On page 3, beginning on line 11 of the amendment, strike all of section 4 and insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 19.112 RCW to read as follows:

The department of licensing shall not publicly release, unless pursuant to an order of a court of competent jurisdiction, information submitted as evidence as required by section 2 or section 3 of this act, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees.

Sec. 5. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; and

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); ~~(and)~~

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter; and

(13) Financial and commercial information provided as evidence to the department of licensing as required by section 2 or section 3 of this act, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 8, after line 1 of the amendment, insert the following:

"NEW SECTION. Sec. 15. This act takes effect July 1, 2006."

Renumber the remaining section consecutively.

Correct the title.

Representatives Nixon and Morris spoke in favor of the adoption of the amendment to amendment (1066).

The amendment to amendment (1066) was adopted.

Representative Morris moved the adoption of amendment (1080) to amendment (1066):

On page 4, line 7 of the amendment, after "standards." insert "The rules shall provide that the biodiesel refiner is responsible for meeting the ASTM standards required by this act when providing biodiesel fuel into the distribution system."

On page 4, after line 36 of the amendment, insert "(3) The rules adopted under section 6 of this act shall also provide that the diesel refiner is responsible for meeting the ASTM standards required by this act when providing diesel fuel into the distribution system."

Representatives Morris and Haler spoke in favor of the adoption of the amendment to amendment (1066).

The amendment to amendment (1066) was adopted.

Representative Linville moved the adoption of amendment (1074) to amendment (1066):

On page 5, line 11 of the amendment, after "act)." insert "In addition, the committee shall make recommendations to the legislature and governor on the potential to use alternatives to biodiesel, which are produced from nonpetroleum renewable sources (inclusive of vegetable oils and animal fats), to meet the minimum renewable fuel content requirement."

Representatives Linville, Morris and Haler spoke in favor of the adoption of the amendment to amendment (1066).

The amendment to amendment (1066) was adopted.

Representative Haler moved the adoption of amendment (1079) to amendment (1066):

On page 7, line 21 of the amendment, after ""Biodiesel fuel means" insert "(a)"

On page 7, line 25 of the amendment, after "materials" insert ". or (b) a diesel fuel substitute made from nonpetroleum renewable sources produced in the state (inclusive of vegetable oils and animal fats) that meets the registration requirements for fuels and fuel additives established by the US EPA in 40 CFR Part 79, as of January 1, 2006, and any blending components derived from renewable fuel produced in the state"

Representative Haler spoke in favor of the adoption of the amendment to amendment (1066).

Representative Morris spoke against the adoption of the amendment to amendment (1066).

The amendment to amendment (1066) was not adopted.

Representative Haler moved the adoption of amendment (1071) to amendment (1066):

On page 8, after line 1 of the amendment, insert the following:

"NEW SECTION. Sec. 15. A new section is added to chapter 19.112 RCW to read as follows:

A person or entity selling or offering for sale biodiesel fuel, or fuel blended with biodiesel fuel, that is in compliance with ASTM standards adopted under section 6 of this act, as determined by testing in a fuel testing laboratory, established or under contract, under section of this act, is not liable for any damages, real or alleged, resulting from the transportation, storage, or use, intended or unintended, of the biodiesel fuel."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Haler spoke in favor of the adoption of the amendment to amendment (1066).

Representative Morris spoke against the adoption of the amendment to amendment (1066).

The amendment to amendment (1066) was not adopted.

Amendment (1066) was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Morris and Holmquist spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6508, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6508, as amended by the House, and the bill passed the House by the following vote: Yeas - 68, Nays - 30, Excused - 0.

Voting yea: Representatives Anderson, Appleton, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold,

Grant, Green, Haigh, Hankins, Hasegawa, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 68.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hinkle, Kretz, Kristiansen, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler, Serben, Shabro, Sump and Talcott - 30.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6508, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6185, By Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Keiser, Kohl-Welles, Thibaudeau, Kline and Poulsen)

Modifying the family and medical leave act.

The bill was read the second time.

Representative Condotta moved the adoption of amendment (1065):

On page 2, beginning on line 15, strike all of subsections (4) and (5), and insert the following:

"(4)(a) "Employee" means a person ((other than an independent contractor employed by an employer on a continuous basis for the previous fifty-two weeks for at least thirty-five hours per week)) who has been employed: (i) For at least twelve months by the employer with respect to whom leave is requested under section 3 of this act; and (ii) for at least one thousand two hundred fifty hours of service with the employer during the previous twelve-month period.

(b) "Employee" does not mean a person who is employed at a worksite at which the employer employs less than fifty employees if the total number of employees employed by that employer within seventy-five miles of that worksite is less than fifty.

((4)) (5) "Employer" means:

(a) Any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and ((includes any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision, which (i) employed a daily average of one hundred or more employees during the last calendar quarter at the place where the employee requesting leave reports for work, or (ii) employed a daily average of one hundred or more employees during the last calendar quarter within a twenty mile radius of the place where the employee requesting leave reports for work, where the employer maintains a central hiring location and customarily transfers employees among workplaces; and)) which employs fifty or more employees for each working day during each of twenty or more calendar workweeks in the current or preceding calendar year. "Employer" includes: (i) Any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer; and (ii) any successor in interest of an employer;

(b) The state, state institutions, and state agencies; and

(c) Any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision."

Representatives Condotta and Chandler spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Condotta moved the adoption of amendment (1065):

On page 12, beginning on line 28, strike all of section 12 and insert the following:

"**NEW SECTION, Sec. 12.** A new section is added to chapter 49.78 RCW to read as follows:

(1) Upon receiving a complaint by an employee, the director shall determine whether the complaint involves employee rights under state law that are greater than employee rights under federal law, including, but not limited to:

(a) An employee's right to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment at a workplace within twenty miles of the employee's workplace when leave commenced under section 9 of this act; and

(b) An employee's right to leave for sickness or temporary disability because of pregnancy or childbirth under chapter 49.60 RCW and the rules adopted under chapter 49.60 RCW.

(2) If the director determines that the complaint involves employee rights under state law that are greater than employee rights under federal law, the director shall investigate to determine if there has been compliance with this chapter and the rules adopted under this chapter. If the investigation indicates that a violation may have occurred, a hearing must be held in accordance with chapter 34.05 RCW. The director must issue a written determination including his or her findings after the hearing. A judicial appeal from the director's determination may be taken in accordance with chapter 34.05 RCW, with the prevailing party entitled to recover reasonable costs and attorneys' fees.

(3) If the director determines that the complaint involves employee rights under state law that are the same or less than employee rights under federal law, the director shall forward the complaint to the United States department of labor."

Representative Condotta spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

COLLOQUY

Representative Hankins: "The bill amends state law to conform, in large part, with federal law. Under federal law, an employee is eligible for leave only if he or she satisfies a variety of requirements, including being employed at a work site where 50 or more employees are employed by the employer within 75 miles of that work site. Under the bill, is there a similar limitation on eligibility?"

Representative Dickerson: "Yes. The bill specifies that state law must be construed in a manner that is consistent with similar provisions of federal law. It also defines "employee"

as excluding a person who is employed at a work site where less than 50 employees are employed by the employer, including public employers, within 75 miles of that work site."

Representatives Dickerson and Conway spoke in favor of passage of the bill.

Representatives Condotta and Chandler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6185.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6185 and the bill passed the House by the following vote: Yeas - 54, Nays - 44, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McIntire, Miloscia, Morrell, Morris, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 54.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDermott, McDonald, Moeller, Murray, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 44.

SUBSTITUTE SENATE BILL NO. 6185, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6417, By Senate Committee on Judiciary (originally sponsored by Senators Roach, Kline, Jacobsen, Esser, Weinstein, Thibaudeau, Benson, Rasmussen, Schmidt, Carrell, Morton, Deccio, Stevens, Mulliken, McCaslin, Hargrove and Delvin)

Changing provisions relating to animal cruelty.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6417.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6417 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6417, having received the necessary constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of the following bills, and the bills were placed on the Second Reading calendar:

HOUSE BILL NO. 3315,
 SUBSTITUTE SENATE BILL NO. 5236,
 ENGROSSED SENATE BILL NO. 5330,
 SECOND SUBSTITUTE SENATE BILL NO. 5333,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5385,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5535,
 SENATE BILL NO. 6059,
 SECOND SUBSTITUTE SENATE BILL NO. 6172,
 SECOND SUBSTITUTE SENATE BILL NO. 6193,
 SECOND SUBSTITUTE SENATE BILL NO. 6197,
 SUBSTITUTE SENATE BILL NO. 6234,
 SUBSTITUTE SENATE BILL NO. 6241,
 SUBSTITUTE SENATE BILL NO. 6246,
 SUBSTITUTE SENATE BILL NO. 6308,
 SECOND SUBSTITUTE SENATE BILL NO. 6319,
 SUBSTITUTE SENATE BILL NO. 6320,
 SUBSTITUTE SENATE BILL NO. 6323,
 SUBSTITUTE SENATE BILL NO. 6330,
 SUBSTITUTE SENATE BILL NO. 6362,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6428,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6459,
 SUBSTITUTE SENATE BILL NO. 6527,
 SUBSTITUTE SENATE BILL NO. 6555,
 SENATE BILL NO. 6568,
 SUBSTITUTE SENATE BILL NO. 6613,
 SENATE BILL NO. 6680,
 ENGROSSED SENATE BILL NO. 6741,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6800,
 SECOND SUBSTITUTE SENATE BILL NO. 6823,

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed:

THIRD SUBSTITUTE HOUSE BILL NO. 1458,
 SECOND SUBSTITUTE HOUSE BILL NO. 2292,
 HOUSE BILL NO. 2338,
 ENGROSSED HOUSE BILL NO. 2340,
 SUBSTITUTE HOUSE BILL NO. 2344,
 HOUSE BILL NO. 2367,
 SUBSTITUTE HOUSE BILL NO. 2372,
 SUBSTITUTE HOUSE BILL NO. 2376,
 HOUSE BILL NO. 2406,
 HOUSE BILL NO. 2454,

SUBSTITUTE HOUSE BILL NO. 2497,
 SUBSTITUTE HOUSE BILL NO. 2538,
 SUBSTITUTE HOUSE BILL NO. 2608,
 HOUSE BILL NO. 2676,
 SUBSTITUTE HOUSE BILL NO. 2684,
 SUBSTITUTE HOUSE BILL NO. 2715,
 SUBSTITUTE HOUSE BILL NO. 2759,
 SUBSTITUTE HOUSE BILL NO. 2776,
 HOUSE BILL NO. 2829,
 HOUSE BILL NO. 2897,
 ENGROSSED HOUSE BILL NO. 2910,
 HOUSE BILL NO. 3019,
 SUBSTITUTE HOUSE BILL NO. 3024,
 SUBSTITUTE HOUSE BILL NO. 3150,
 SUBSTITUTE HOUSE BILL NO. 3190,
 HOUSE BILL NO. 3266,
 HOUSE JOINT MEMORIAL NO. 4038,

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

There being no objection, the House adjourned until 10:00 a.m., March 2, 2006, the 53rd Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FIFTY THIRD DAY

House Chamber, Olympia, Thursday, March 2, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Anna Grazankowski and Charlie Thompson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Jim Cammack, the Bahai's of Mason County.

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

MESSAGES FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2723,
HOUSE BILL NO. 3001,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 1, 1006

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2651,
SUBSTITUTE HOUSE BILL NO. 2691,
SUBSTITUTE HOUSE BILL NO. 2780,
SUBSTITUTE HOUSE BILL NO. 2898,
SUBSTITUTE HOUSE BILL NO. 3085,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 1, 2006

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1383,
HOUSE BILL NO. 2328,
HOUSE BILL NO. 2330,
HOUSE BILL NO. 2562,
HOUSE BILL NO. 2874,
SUBSTITUTE HOUSE BILL NO. 3087,
SUBSTITUTE HOUSE BILL NO. 3185,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION & FIRST READING

HB 3319 By Representatives Grant, Armstrong and Newhouse

AN ACT Relating to application of the Washington clean indoor air act; amending RCW 70.160.020, 70.160.030, 70.160.050, and 70.160.070; adding new sections to chapter 70.160 RCW; and creating a new section.

Referred to Committee on Health Care.

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

RESOLUTION

HOUSE RESOLUTION NO. 2006-4696, By Representatives Green, Ericks, Hankins and Skinner

WHEREAS, Colorectal cancer is second to lung cancer in the number of deaths it causes in the United States; and

WHEREAS, In the United States alone, over 145,000 people are diagnosed with and over 55,000 people die of colorectal cancer every year; and

WHEREAS, It is estimated that in Washington State 3,000 people are diagnosed with and 1,000 people will die every year of colorectal cancer; and

WHEREAS, Colorectal cancer can affect anyone of any age, race, or sex. Nine out of ten diagnoses will occur in people aged 50 and older. Men are slightly more likely to be diagnosed with colorectal cancer than women. Also, African-Americans are 10% more likely to be diagnosed with colorectal cancer than Caucasians and 30% more likely to die of the disease; and

WHEREAS, Despite its high incidence, colorectal cancer is one of the most detectable and, if found early, most treatable forms of cancer. Ninety percent of those diagnosed early, while the cancer is still localized, survive more than five years. Sadly, only 37% of all colorectal cancers are detected early enough for survival to occur. When the cancer is diagnosed at a more advanced stage, having spread to the surrounding region, the five-year survival rate drops from 90% to 65%. When diagnosed at an advanced stage, having spread to distant organs, the five-year survival rate is only 9%; and

WHEREAS, Early detection is still our best defense against this devastating disease and regular screening can prevent over half of all colon cancer deaths in the United States. Yet, a majority of Americans are not being screened on a regular basis early enough to catch the cancer while it is still localized. In a recent survey, the Centers for Disease Control found that only 40% of all Americans reported having ever used the most inferior of screening methods and just 42% reported having used a more advanced screening. This compares to 85% of all women who had been screened for breast cancer; and

WHEREAS, Low screening rates for colorectal cancer are due to many factors, including a lack of public awareness about colorectal cancer and of the benefits of regular screening, negative attitudes towards the screening procedures, the complete lack of symptoms in most cases, and the absence of social support for openly discussing and doing something about this particular disease; and

WHEREAS, The United States Senate has designated March as National Colorectal Cancer Awareness Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the month of March as Colorectal Cancer Awareness Month, and

hereby urge Washingtonians to become more aware of the risks facing them regarding this disease and actively fight it by getting regular screenings for colorectal cancer; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the American Cancer Society.

Representative Green moved the adoption of the resolution.

Representatives Green and Hinkle spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4696 was adopted.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5236, By Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Parlette, Keiser, Fraser, Honeyford and Kline; by request of Department of Labor & Industries)

Providing additional funding to the prevailing wage program of the department of labor and industries by discontinuing the transfer of moneys from the public works administration account to the general fund-state account.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5236.

MOTION

On motion of Representative Hunt, Representative Dunshee was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5236 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach,

Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Hankins - 1.

Excused: Representative Dunshee - 1.

SUBSTITUTE SENATE BILL NO. 5236, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5330, By Senators Shin, Rasmussen, Berkey, McAuliffe and Kohl-Welles

Creating the economic development grants program.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Economic Development, Agriculture & Trade was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Linville, Kristiansen and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5330, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5330, as amended by the House, and the bill passed the House by the following vote: Yeas - 86, Nays - 11, Excused - 1.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cox, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 86.

Voting nay: Representatives Ahern, Anderson, Chandler, Condotta, Crouse, Kretz, Newhouse, Nixon, Orcutt, Schindler, and Shabro - 11.

Excused: Representative Dunshee - 1.

ENGROSSED SENATE BILL NO. 5330, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5385, By Senate Committee on Natural Resources, Ocean

& Recreation (originally sponsored by Senators Jacobsen, Oke, Fraser, Swecker and Kline)

Creating the Washington invasive species council.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Natural Resources, Ecology & Parks was adopted. (For Committee amendment, see Journal, 46th Day, February 23, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan, Buck and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5385, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5385, as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 7, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Buri, Chandler, Clements, Cox, Hinkle, Holmquist and Kristiansen - 7.

Excused: Representative Dunshee - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5385, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE SENATE BILL NO. 5386.

DAN KRISTIANSEN, 39th District

ENGROSSED SUBSTITUTE SENATE BILL NO. 5535, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Brandland, Berkey, Spanel, Schoesler, Rockefeller, Delvin, Kohl-Welles, Oke and Shin)

Modifying optometry licensing requirements.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For Committee amendment, see Journal, 44th Day, February 21, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5535, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5535, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Dunshee - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5535, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6059, By Senators Berkey, Haugen, McAuliffe, Franklin, Rockefeller, Schoesler, Eide, Weinstein, Rasmussen, Shin, Delvin, Mulliken, Oke, Parlette and Kohl-Welles

Authorizing state agencies to create sick leave pools for employees.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government Operations & Accountability was before the House for purpose of amendment. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

Representative Kenney moved the adoption of amendment (1019) to the committee amendment:

On page 1, line 6 of the amendment, after "rules" insert "or policies"

On page 1, line 10 of the amendment, after "leave" insert ", annual leave, and compensatory leave"

On page 1, line 13 of the amendment, after "personnel" insert "and other personnel authorities"

On page 1, line 22 of the amendment, after "(2)" strike "Rules adopted by the department shall provide:" and insert "The department and other personnel authorities, except the personnel authorities for higher education institutions, shall adopt rules which provide:"

On page 2, after line 30 of the amendment, insert:

"(3) Personnel authorities for higher education institutions shall adopt policies consistent with the needs of the employees under their respective jurisdictions."

Representatives Kenney and Nixon spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives McDermott and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6059, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6059, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Anderson and Chandler - 2.
Excused: Representative Dunshee - 1.

SENATE BILL NO. 6059, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 6193, By Senate Committee on Ways & Means (originally sponsored by Senators Franklin, Regala, Keiser, Eide, Prentice, Rasmussen, Jacobsen, Fairley, McAuliffe, Fraser, Brown, Kline, Kohl-Welles, Parlette and Shin)

Requiring surveys of health professions work force supply and demographics.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Morrell and Hinkle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6193, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6193, as amended by the House, and the bill passed the House by the following vote: Yeas - 75, Nays - 23, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Blake, Buck, Campbell, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 75.

Voting nay: Representatives Ahern, Armstrong, Bailey, Buri, Chandler, Clements, Condotta, Cox, Crouse, DeBolt, Dunn, Haler, Holmquist, Kretz, Kristiansen, Pearson, Roach, Schindler, Serben, Shabro, Strow, Sump, and Talcott - 23.

SECOND SUBSTITUTE SENATE BILL NO. 6193, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6197, By Senate Committee on Ways & Means (originally sponsored by Senators Franklin, Regala, Eide, Prentice, Fraser, Brown, Kline, Kohl-Welles and Shin)

Creating the governor's interagency coordinating council on health disparities.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For

Committee amendment, see Journal, 50th Day, February 27, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Morrell spoke in favor of passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6197, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6197, as amended by the House, and the bill passed the House by the following vote: Yeas - 58, Nays - 40, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Walsh and Woods - 40.

SECOND SUBSTITUTE SENATE BILL NO. 6197, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6234, By Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Fairley, Keiser, Spanel and Esser; by request of Insurance Commissioner)

Creating the insurance fraud program.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriation was adopted. (For Committee amendment, see Journal, 50th Day, February 27, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kirby and Roach spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6234, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6234, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6234, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6246, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Roach, Eide, Pflug and Shin; by request of Lieutenant Governor)

Outlining the duties of the lieutenant governor.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Green and Nixon spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6246.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6246 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson,

Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Williams - 1.

SUBSTITUTE SENATE BILL NO. 6246, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6308, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Stevens, Regala, Schoesler, Schmidt, Oke and Rasmussen)

Creating a joint select committee on offenders programs, sentencing, and supervision.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Criminal Justice & Corrections was before the House for purpose of amendment. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

Representative O'Brien moved the adoption of amendment (1033) to the committee amendment:

On page 1, line 18, after "appoint" strike "two members" and insert "one member"

On page 1, line 21, after "appoint" strike "two members" and insert "one member"

Representatives O'Brien and Pearson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Green moved the adoption of amendment (1077) to the committee amendment:

On page 3, line 10 of the amendment, after "community;" strike "and"

On page 3, line 13 of the amendment, after "recidivism" insert "; and"

(f) The operation of inmate work release programs and on how such work release programs are sited and placed throughout the state"

Representatives Green and Pearson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives O'Brien, Pearson and Dunn spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6308, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6308, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6308, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 6319, By Senate Committee on Ways & Means (originally sponsored by Senators Regala, Brandland, Stevens, Kline, Weinstein, Doumit, Carrell, Keiser, Rockefeller, Berkey, Haugen, Fairley, Spanel, Pflug, Sheldon, Rasmussen, McAuliffe, Shin, Roach and Benton)

Changing provisions for sex offender registration.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 50th Day, February 27, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6319, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6319, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SECOND SUBSTITUTE SENATE BILL NO. 6319, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6320, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Brandland, Franklin, Doumit, Rasmussen, Carrell, Haugen, Pridemore, Kline, Stevens, Keiser, Berkey, Thibaudeau, Jacobsen, Pflug, Sheldon, Kohl-Welles, McAuliffe, Roach and Benton)

Revising the model policy for disclosure of sex offender information.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6320.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6320 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson,

Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6320, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6323, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Regala, Swecker, Kastama and Rasmussen)

Concerning campaign finance disclosure.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government Operations & Accountability was adopted. (For Committee amendment, see Journal, 44th Day, February 21, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunt and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6323, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6323, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Chandler - 1.

SUBSTITUTE SENATE BILL NO. 6323, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 6323.

JIM DUNN, 17th District

SUBSTITUTE SENATE BILL NO. 6330, By Senate Committee on International Trade & Economic Development (originally sponsored by Senators Shin, Kastama, Sheldon, Rasmussen, Doumit, Weinstein, Fraser, Swecker, McAuliffe, Oke, Eide, Honeyford, Franklin, Mulliken, Prentice, Pflug, Kohl-Welles, Jacobsen and Roach)

Establishing the Washington trade corps fellowship program.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 50th Day, February 27, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Linville spoke in favor of passage of the bill.

Representative Kristiansen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6330, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6330, as amended by the House, and the bill passed the House by the following vote: Yeas - 65, Nays - 33, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Holmquist, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Talcott, Upthegrove, Wallace, Williams, Wood, Woods and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hinkle, Jarrett, Kretz, Kristiansen, McCune, Nixon, Orcutt, Pearson, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Tom, and Walsh - 33.

SUBSTITUTE SENATE BILL NO. 6330, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6428, By Senate Committee on Water, Energy & Environment (originally sponsored by Senators Pridemore, Esser, Poulsen, Morton, Schmidt, Fairley, Benson, Berkey, Regala, Kohl-Welles, Weinstein, Prentice, Kastama,

Johnson, Thibaudeau, Kline, Eide, Shin, Rockefeller, Jacobsen, Haugen, Doumit, Oke, Franklin, Swecker, Carrell, Rasmussen, Spanel, Fraser, McAuliffe, Keiser, Brown, Finkbeiner, Brandland and Benton)

Providing for electronic product recycling.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 50th Day, February 27, 2006.)

Representative B. Sullivan moved the adoption of amendment (1094):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a convenient, safe, and environmentally sound system for the collection, transportation, and recycling of covered electronic products must be established. The legislature further finds that the system must encourage the design of electronic products that are less toxic and more recyclable. The legislature further finds that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the collection, transportation, and recycling system.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington materials management and financing authority created under section 29 of this act.

(2) "Authorized party" means a manufacturer who submits an individual independent plan or the entity authorized to submit an independent plan for more than one manufacturer.

(3) "Board" means the board of directors of the Washington materials management and financing authority created under section 30 of this act.

(4) "Collector" means an entity licensed to do business in the state that gathers unwanted covered electronic products from households, small businesses, school districts, small governments, and charities for the purpose of recycling and meets minimum standards that may be developed by the department.

(5) "Contract for services" means an instrument executed by the authority and one or more persons or entities that delineates collection, transportation, and recycling services, in whole or in part, that will be provided to the citizens of the state within service areas as described in the approved standard plan.

(6) "Covered electronic product" includes a cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally, a desktop computer, a laptop or a portable computer, or a cathode ray tube or flat panel television having a viewable area greater than four inches when measured diagonally that has been used in the state by any covered entity regardless of original point of purchase. "Covered electronic product" does not include: (a) A motor vehicle or replacement parts for use in motor vehicles or aircraft, or any computer, computer monitor, or television that is contained within, and is not separate from, the motor vehicle or aircraft; (b) monitoring and control instruments or systems; (c) medical devices; (d) products including materials intended for use as ingredients in those products as defined in the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) or the virus-serum-toxin act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts; (e) equipment used in the delivery of patient care in a health care setting; (f) a computer, computer monitor, or television that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or (g) hand-held portable

voice or data devices used for commercial mobile services as defined in 47 U.S.C. Sec. 332 (d)(1).

(7) "Covered entity" means any household, charity, school district, small business, or small government located in Washington state.

(8) "Curbside service" means a collection service providing regularly scheduled pickup of covered electronic products from households or other covered entities in quantities generated from households.

(9) "Department" means the department of ecology.

(10) "Electronic product" includes a cathode ray tube or flat panel computer monitor having a viewable area greater than four inches when measured diagonally; a desktop computer; a laptop or a portable computer; or a cathode ray tube or flat screen television having a viewable area greater than four inches when measured diagonally.

(11) "Equivalent share" means the weight in pounds of covered electronic products identified for an individual manufacturer under this chapter as determined by the department under section 20 of this act.

(12) "Household" means a single detached dwelling unit or a single unit of a multiple dwelling unit and appurtenant structures.

(13) "Independent plan" means a plan for the collection, transportation, and recycling of unwanted covered electronic products that is developed, implemented, and financed by an individual manufacturer or by an authorized party.

(14) "Manufacturer" means any person, in business or no longer in business but having a successor in interest, who, irrespective of the selling technique used, including by means of distance or remote sale:

(a) Manufactures or has manufactured a covered electronic product under its own brand names for sale in or into this state;

(b) Assembles or has assembled a covered electronic product that uses parts manufactured by others for sale in or into this state under the assembler's brand names;

(c) Resells or has resold in or into this state under its own brand names a covered electronic product produced by other suppliers, including retail establishments that sell covered electronic products under their own brand names;

(d) Manufactures or manufactured a cobranded product for sale in or into this state that carries the name of both the manufacturer and a retailer;

(e) Imports or has imported a covered electronic product into the United States that is sold in or into this state. However, if the imported covered electronic product is manufactured by any person with a presence in the United States meeting the criteria of manufacturer under (a) through (d) of this subsection, that person is the manufacturer. For purposes of this subsection, "presence" means any person that performs activities conducted under the standards established for interstate commerce under the commerce clause of the United States Constitution; or

(f) Sells at retail a covered electronic product acquired from an importer that is the manufacturer as described in (e) of this subsection, and elects to register in lieu of the importer as the manufacturer for those products.

(15) "New entrant" means: (a) A manufacturer of televisions that have been sold in the state for less than ten years; or (b) a manufacturer of desktop computers, laptop and portable computers, or computer monitors that have been sold in the state for less than five years. However, a manufacturer of both televisions and computers or a manufacturer of both televisions and computer monitors that is deemed a new entrant under either only (a) or (b) of this subsection is not considered a new entrant for purposes of this chapter.

(16) "Orphan product" means a covered electronic product that lacks a manufacturer's brand or for which the manufacturer is no longer in business and has no successor in interest.

(17) "Plan's equivalent share" means the weight in pounds of covered electronic products for which a plan is responsible. A plan's equivalent share is equal to the sum of the equivalent shares of each manufacturer participating in that plan.

(18) "Plan's return share" means the sum of the return shares of each manufacturer participating in that plan.

(19) "Premium service" means services such as at-location system upgrade services provided to covered entities and at-home pickup services offered to households. "Premium service" does not include curbside service.

(20) "Processor" means an entity engaged in disassembling, dismantling, or shredding electronic products to recover materials contained in the electronic products and prepare those materials for reclaiming or reuse in new products in accordance with processing standards established by this chapter and by the department. A processor may also salvage parts to be used in new products.

(21) "Product type" means one of the following categories: Computer monitors; desktop computers; laptop and portable computers; and televisions.

(22) "Program" means the collection, transportation, and recycling activities conducted to implement an independent plan or the standard plan.

(23) "Program year" means each full calendar year after the program has been initiated.

(24) "Recycling" means transforming or remanufacturing unwanted electronic products, components, and byproducts into usable or marketable materials for use other than landfill disposal or incineration. "Recycling" does not include energy recovery or energy generation by means of combusting unwanted electronic products, components, and byproducts with or without other waste. Smelting of electronic materials to recover metals for reuse in conformance with all applicable laws and regulations is not considered disposal or energy recovery.

(25) "Retailer" means a person who offers covered electronic products for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer.

(26) "Return share" means the percentage of covered electronic products by weight identified for an individual manufacturer, as determined by the department under section 19 of this act.

(27) "Reuse" means any operation by which an electronic product or a component of a covered electronic product changes ownership and is used for the same purpose for which it was originally purchased.

(28) "Small business" means a business employing less than fifty people.

(29) "Small government" means a city in the state with a population less than fifty thousand, a county in the state with a population less than one hundred twenty-five thousand, and special purpose districts in the state.

(30) "Standard plan" means the plan for the collection, transportation, and recycling of unwanted covered electronic products developed, implemented, and financed by the authority on behalf of manufacturers participating in the authority.

(31) "Transporter" means an entity that transports covered electronic products from collection sites or services to processors or other locations for the purpose of recycling, but does not include any entity or person that hauls their own unwanted electronic products.

(32) "Unwanted electronic product" means a covered electronic product that has been discarded or is intended to be discarded by its owner.

(33) "White box manufacturer" means a person who manufactured unbranded covered electronic products offered for sale in the state within ten years prior to a program year for televisions or within five years prior to a program year for desktop computers, laptop or portable computers, or computer monitors.

NEW SECTION. Sec. 3. (1) A manufacturer must participate in an independent plan or the standard plan to implement and finance the collection, transportation, and recycling of covered electronic products.

(2) An independent plan or the standard plan must be implemented and fully operational no later than January 1, 2009.

(3) The manufacturers participating in an approved plan are responsible for covering all administrative and operational costs associated with the collection, transportation, and recycling of their plan's equivalent share of covered electronic products. If costs are passed on to consumers, it must be done without any fees at the time

the unwanted electronic product is delivered or collected for recycling. However, this does not prohibit collectors providing premium or curbside services from charging customers a fee for the additional collection cost of providing this service, when funding for collection provided by an independent plan or the standard plan does not fully cover the cost of that service.

(4) Nothing in this chapter changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste in the state of Washington, including curbside collection of residential recyclable materials, nor does this chapter change or limit the authority of a city or town to provide such service itself or by contract pursuant to RCW 81.77.020.

(5) Manufacturers are encouraged to collaborate with electronic product retailers, certificated waste haulers, processors, recyclers, charities, and local governments within the state in the development and implementation of their plans.

NEW SECTION. Sec. 4. (1) By January 1, 2007, and annually thereafter, each manufacturer must register with the department.

(2) A manufacturer must submit to the department with each registration or annual renewal a fee to cover the administrative costs of this chapter as determined by the department under section 23 of this act.

(3) The department shall review the registration or renewal application and notify the manufacturer if their registration does not meet the requirements of this section. Within thirty days of receipt of such a notification from the department, the manufacturer must file with the department a revised registration addressing the requirements noted by the department.

(4) The registration must include the following information:

(a) The name and contact information of the manufacturer submitting the registration;

(b) The manufacturer's brand names of covered electronic products, including all brand names sold in the state in the past, all brand names currently being sold in the state, and all brand names for which the manufacturer has legal responsibility under section 10 of this act;

(c) The method or methods of sale used in the state; and

(d) Whether the registrant will be participating in the standard plan or submitting an independent plan to the department for approval.

(5) The registrant shall submit any changes to the information provided in the registration to the department within fourteen days of such change.

(6) The department shall identify, using all reasonable means, manufacturers that are in business or that are no longer in business but that have a successor in interest by examining best available return share data and other pertinent data. The department shall notify manufacturers that have been identified and for whom an address has been found of the requirements of this chapter, including registration and plan requirements under this section and section 5 of this act.

NEW SECTION. Sec. 5. (1) A manufacturer must participate in the standard plan administered by the authority, unless the manufacturer obtains department approval for an independent plan for the collection, transportation, and recycling of unwanted electronic products.

(2) An independent plan may be submitted by an individual manufacturer or by a group of manufacturers, provided that:

(a) Each independent plan represents at least a five percent return share of covered electronic products; and

(b) No manufacturer may participate in an independent plan if it is a new entrant or a white box manufacturer.

(3) An individual manufacturer submitting an independent plan to the department is responsible for collecting, transporting, and recycling its equivalent share of covered electronic products.

(4)(a) Manufacturers collectively submitting an independent plan are responsible for collecting, transporting, and recycling the sum of the equivalent shares of each participating manufacturer.

(b) Each group of manufacturers submitting an independent plan must designate a party authorized to file the plan with the department on their behalf. A letter of certification from each of the

manufacturers designating the authorized party must be submitted to the department together with the plan.

(5) Each manufacturer in the standard plan or in an independent plan retains responsibility and liability under this chapter in the event that the plan fails to meet the manufacturer's obligations under this chapter.

NEW SECTION. Sec. 6. (1) All initial independent plans and the initial standard plan required under section 5 of this act must be submitted to the department by February 1, 2008. The department shall review each independent plan and the standard plan.

(2) The authority submitting the standard plan and each authorized party submitting an independent plan to the department must pay a fee to the department to cover the costs of administering and implementing this chapter. The department shall set the fees as described under section 23 of this act.

(3) The fees in subsection (2) of this section apply to the initial plan submission and plan updates and revisions required in section 7 of this act.

(4) Within ninety days after receipt of a plan, the department shall determine whether the plan complies with this chapter. If the plan is approved, the department shall send a letter of approval. If a plan is rejected, the department shall provide the reasons for rejecting the plan to the authority or authorized party. The authority or authorized party must submit a new plan within sixty days after receipt of the letter of disapproval.

(5) An independent plan and the standard plan must contain the following elements:

(a) Contact information for the authority or authorized party and a comprehensive list of all manufacturers participating in the plan and their contact information;

(b) A description of the collection, transportation, and recycling systems and service providers used, including a description of how the authority or authorized party will:

(i) Seek to use businesses within the state, including retailers, charities, processors, and collection and transportation services;

(ii) Fairly compensate collectors for providing collection services; and

(iii) Fairly compensate processors for providing processing services;

(c) The method or methods for the reasonably convenient collection of all product types of covered electronic products in rural and urban areas throughout the state, including how the plan will provide for collection services in each county of the state and for a minimum of one collection site or alternate collection service for each city or town with a population greater than ten thousand. A collection site for a county may be the same as a collection site for a city or town in the county;

(d) A description of how the plan will provide service to small businesses, small governments, charities, and school districts in Washington;

(e) The processes and methods used to recycle covered electronic products including a description of the processing that will be used and the facility location;

(f) Documentation of audits of each processor used in the plan and compliance with processing standards established under sections 25 and 26 of this act;

(g) A description of the accounting and reporting systems that will be employed to track progress toward the plan's equivalent share;

(h) A timeline describing startup, implementation, and progress towards milestones with anticipated results;

(i) A public information campaign to inform consumers about how to recycle their covered electronic products at the end of the product's life; and

(j) A description of how manufacturers participating in the plan will communicate and work with processors utilized by that plan to promote and encourage design of electronic products and their components for recycling.

(6) The standard plan shall address how it will incorporate and fairly compensate registered collectors providing curbside or premium services such that they are not compensated at a lower rate for collection costs than the compensation offered other collectors providing drop-off collection sites in that geographic area.

(7) All transporters, collectors, and processors used to fulfill the requirements of this section must be registered as described in section 24 of this act.

NEW SECTION. Sec. 7. (1) An independent plan and the standard plan must be updated at least every five years and as required in (a) and (b) of this subsection.

(a) If the program fails to provide service in each county in the state or meet other plan requirements, the authority or authorized party shall submit to the department within sixty days of failing to provide service an updated plan addressing how the program will be adjusted to meet the program geographic coverage and collection service requirements established in section 9 of this act.

(b) The authority or authorized party shall notify the department of any modification to the plan. If the department determines that the authority or authorized party has significantly modified the program described in the plan, the authority or authorized party shall submit a revised plan describing the changes to the department within sixty days of notification by the department.

(2) Within sixty days after receipt of a revised plan, the department shall determine whether the revised plan complies with this chapter. If the revised plan is approved, the department shall send a letter of approval. If the revised plan is rejected, the department shall provide the reasons for rejecting the plan to the authority or authorized party. The authority or authorized party must submit a new plan revision within sixty days after receipt of the letter of disapproval.

(3) The authority or authorized parties may buy and sell collected covered electronic products with other programs without submitting a plan revision for review.

NEW SECTION. Sec. 8. (1) A manufacturer participating in an independent plan may join the standard plan by notifying the authority and the department of its intention at least five months prior to the start of the next program year.

(2) Manufacturers may not change from one plan to another plan during a program year.

(3) A manufacturer participating in the standard plan wishing to implement or participate in an independent plan may do so by complying with rules adopted by the department under section 23 of this act.

NEW SECTION. Sec. 9. (1) A program must provide collection services for covered electronic products of all product types that are reasonably convenient and available to all citizens of the state residing within its geographic boundaries, including both rural and urban areas. Each program must provide collection service in every county of the state. A program may provide collection services jointly with another plan or plans.

(a) For any city or town with a population of greater than ten thousand, each program shall provide a minimum of one collection site or alternate collection service described in subsection (3) of this section or a combination of sites and alternate service that together provide at least one collection opportunity for all product types. A collection site for a county may be the same as a collection site for a city or town in the county.

(b) Collection sites may include electronics recyclers and repair shops, recyclers of other commodities, reuse organizations, charities, retailers, government recycling sites, or other suitable locations.

(c) Collection sites must be staffed, open to the public at a frequency adequate to meet the needs of the area being served, and on an on-going basis.

(2) A program may limit the number of covered electronic products or covered electronic products by product type accepted per customer per day or per delivery at a collection site or service. All covered entities may use a collection site as long as the covered entities adhere to any restrictions established in the plans.

(3) A program may provide collection services in forms different than collection sites, such as curbside services, if those alternate services provide equal or better convenience to citizens and equal or increased recovery of unwanted covered electronic products.

(4) For rural areas without commercial centers or areas with widely dispersed population, a program may provide collection at the

nearest commercial centers or solid waste sites, collection events, mail-back systems, or a combination of these options.

(5) For small businesses, small governments, charities, and school districts that may have large quantities of covered electronic products that cannot be handled at collection sites or curbside services, a program may provide alternate services. At a minimum, a program must provide for processing of these large quantities of covered electronic products at no charge to the small businesses, small governments, charities, and school districts.

NEW SECTION. Sec. 10. Any person acquiring a manufacturer, or who has acquired a manufacturer, shall have all responsibility for the acquired company's covered electronic products, including covered electronic products manufactured prior to the effective date of this section, unless that responsibility remains with another entity per the purchase agreement and the acquiring manufacturer provides the department with a letter from the other entity accepting responsibility for the covered electronic products. Cobranded manufacturers may negotiate with retailers for responsibility for those products and must notify the department of the results of their negotiations.

NEW SECTION. Sec. 11. (1) An independent plan and the standard plan must implement and finance an auditable, statistically significant sampling of covered electronic products entering its program every program year. The information collected must include a list of the brand names of covered electronic products by product type, the number of covered electronic products by product type, the weight of covered electronic products that are identified for each brand name or that lack a manufacturer's brand, the total weight of the sample by product type, and any additional information needed to assign return share.

(2) The sampling must be conducted in the presence of the department or a third-party organization approved by the department. The department may, at its discretion, audit the methodology and the results.

(3) After the fifth program year, the department may reassess the sampling required in this section. The department may adjust the frequency at which manufacturers must implement the sampling or may adjust the frequency at which manufacturers must provide certain information from the sampling. Prior to making any changes, the department shall notify the public, including all registered manufacturers, and provide a comment period. The department shall notify all registered manufacturers of any such changes.

NEW SECTION. Sec. 12. (1) An independent plan and the standard plan must inform covered entities about where and how to reuse and recycle their covered electronic products at the end of the product's life, including providing a web site or a toll-free telephone number that gives information about the recycling program in sufficient detail to educate covered entities regarding how to return their covered electronic products for recycling.

(2) The department shall promote covered electronic product recycling by:

(a) Posting information describing where to recycle unwanted covered electronic products on its web site;

(b) Providing information about recycling covered electronic products through a toll-free telephone service; and

(c) Developing and providing artwork for use in flyers and signage to retailers upon request.

(3) Local governments shall promote covered electronic product recycling, including listings of local collection sites and services, through existing educational methods typically used by each local government.

(4) A retailer who sells new covered electronic products shall provide information to consumers describing where and how to recycle covered electronic products and opportunities and locations for the convenient collection or return of the products. This requirement can be fulfilled by providing the department's toll-free telephone number and web site. Remote sellers may include the information in a visible location on their web site as fulfillment of this requirement.

(5) Manufacturers, state government, local governments, retailers, and collection sites and services shall collaborate in the development and implementation of the public information campaign.

NEW SECTION. Sec. 13. (1) The electronic products recycling account is created in the custody of the state treasurer. All payments resulting from plans not reaching their equivalent share, as described in section 22 of this act, shall be deposited into the account. Any moneys collected for manufacturer registration fees, fees associated with reviewing and approving plans and plan revisions, and penalties levied under this chapter shall be deposited into the account.

(2) Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(3) Moneys in the account may be used solely by the department for the purposes of fulfilling department responsibilities specified in this chapter and for expenditures to the authority and authorized parties resulting from plans exceeding their equivalent share, as described in section 22 of this act. Funds in the account may not be diverted for any purpose or activity other than those specified in this section.

NEW SECTION. Sec. 14. (1) By March 1st of the second program year and each program year thereafter, the authority and each authorized party shall file with the department an annual report for the preceding program year.

(2) The annual report must include the following information:

(a) The total weight in pounds of covered electronic products collected and recycled, by county, during the preceding program year including documentation verifying collection and processing of that material. The total weight in pounds includes orphan products. The report must also indicate and document the weight in pounds received from each nonprofit charitable organization primarily engaged in the business of reuse and resale used by the plan. The report must document the weight in pounds that were received in large quantities from small businesses, small governments, charities and school districts as described in section 9(5) of this act;

(b) The collection services provided in each county and for each city with a population over ten thousand including a list of all collection sites and services operating in the state in the prior program year and the parties who operated them;

(c) A list of processors used, the weight of covered electronic products processed by each direct processor, and a description of the processes and methods used to recycle the covered electronic products including a description of the processing and facility locations. The report must also include a list of subcontractors who further processed or recycled unwanted covered electronic products, electronic components, or electronic scrap described in section 26(1) of this act, including facility locations;

(d) Other documentation as established under section 26(3) of this act;

(e) Educational and promotional efforts that were undertaken;

(f) The results of sampling and sorting as required in section 11 of this act, including a list of the brand names of covered electronic products by product type, the number of covered electronic products by product type, the weight of covered electronic products that are identified for each brand name or that lack a manufacturer's brand, and the total weight of the sample by product type;

(g) The list of manufacturers that are participating in the standard plan; and

(h) Any other information deemed necessary by the department.

(3) The department shall review each report within ninety days of its submission and shall notify the authority or authorized party of any need for additional information or documentation, or any deficiency in its program.

(4) All reports submitted to the department must be available to the general public through the internet. Proprietary information submitted to the department under this chapter is exempt from public disclosure under RCW 42.56.270.

NEW SECTION. Sec. 15. Nonprofit charitable organizations that qualify for a taxation exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) that are primarily engaged in the business of reuse and resale and that are used by a plan to collect covered electronic products shall file a report with the department by March 1st of the second program year and each program year thereafter. The report must indicate and document the weight of covered electronic products sent for recycling during the previous program year attributed to each plan that the charitable organization is participating in.

NEW SECTION. Sec. 16. (1) Beginning January 1, 2007, no person may sell or offer for sale an electronic product to any person in the state unless the electronic product is labeled with the manufacturer's brand. The label must be permanently affixed and readily visible.

(2) In-state retailers in possession of unlabeled products on January 1, 2007, may exhaust their stock through sales to the public.

NEW SECTION. Sec. 17. No person may sell or offer for sale a covered electronic product to any person in this state unless the manufacturer of the covered electronic product has filed a registration with the department under section 4 of this act and is participating in an approved plan under section 5 of this act. A person that sells or offers for sale a covered electronic product in the state shall consult the department's web site for lists of manufacturers with registrations and approved plans prior to selling a covered electronic product in the state. A person is considered to have complied with this section if on the date the product was ordered from the manufacturer or its agent, the manufacturer was listed as having registered and having an approved plan on the department's web site.

NEW SECTION. Sec. 18. (1) The department shall maintain on its web site the following information:

(a) The names of the manufacturers and the manufacturer's brands that are registered with the department under section 4 of this act;

(b) The names of the manufacturers and the manufacturer's brands that are participating in an approved plan under section 5 of this act;

(c) The names and addresses of the collectors and transporters that are listed in registrations filed with the department under section 24 of this act;

(d) The names and addresses of the processors used to fulfill the requirements of the plans;

(e) Return and equivalent shares for all manufacturers.

(2) The department shall update this web site information promptly upon receipt of a registration or a report.

NEW SECTION. Sec. 19. (1) The department shall determine the return share for each manufacturer in the standard plan or an independent plan by dividing the weight of covered electronic products identified for each manufacturer by the total weight of covered electronic products identified for all manufacturers in the standard plan or an independent plan, then multiplying the quotient by one hundred.

(2) For the first program year, the department shall determine the return share for such manufacturers using all reasonable means and based on best available information regarding return share data from other states and other pertinent data.

(3) For the second and each subsequent program year, the department shall determine the return share for such manufacturers using all reasonable means and based on the most recent sampling of covered electronic products conducted in the state under section 11 of this act.

NEW SECTION. Sec. 20. (1) The department shall determine the total equivalent share for each manufacturer in the standard plan or an independent plan by dividing the return share percentage for each manufacturer by one hundred, then multiplying the quotient by the total weight in pounds of covered electronic products collected for that program year, allowing as needed for the additional credit authorized in subsection (3) of this section.

(2)(a) By June 1st of each program year, the department shall notify each manufacturer of the manufacturer's equivalent share of covered electronic products to be applied to the previous program year. The department shall also notify each manufacturer of how its equivalent share was determined.

(b) By June 1st of each program year, the department shall bill any authorized party or authority that has not attained its plan's equivalent share as determined under section 22 of this act. The authorized party or authority shall remit payment to the department within sixty days from the billing date.

(c) By September 1st of each program year, the department shall pay any authorized party or authority that exceeded its plan's equivalent share.

(3) Plans that utilize the collection services of nonprofit charitable organizations that qualify for a taxation exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) that are primarily engaged in the business of reuse and resale must be given an additional five percent credit to be applied toward a plan's equivalent share for pounds that are received for recycling from those organizations. The department may adjust the percentage of credit annually.

NEW SECTION. Sec. 21. (1) By June 1, 2007, the department shall notify each manufacturer of its preliminary return share of covered electronic products for the first program year.

(2) Preliminary return share of covered electronic products must be announced annually by June 1st of each program year for the next program year.

(3) Manufacturers may challenge the preliminary return share by written petition to the department. The petition must be received by the department within thirty days of the date of publication of the preliminary return shares.

(4) The petition must contain a detailed explanation of the grounds for the challenge, an alternative calculation, and the basis for such a calculation, documentary evidence supporting the challenge, and complete contact information for requests for additional information or clarification.

(5) Sixty days after the publication of the preliminary return share, the department shall make a final decision on return share, having fully taken into consideration any and all challenges to its preliminary calculations.

(6) A written record of challenges received and a summary of the bases for the challenges, as well as the department's response, must be published at the same time as the publication of the final return share.

(7) By August 1, 2007, the department shall publish the final return shares for the first program year. By August 1st of each program year, the department shall publish the final return shares for use in the coming program year.

NEW SECTION. Sec. 22. (1) For an independent plan and the standard plan, if the total weight in pounds of covered electronic products collected during a program year is less than the plan's equivalent share of covered electronic products for that year, then the authority or authorized party shall submit to the department a payment equal to the weight in pounds of the deficit multiplied by the reasonable collection, transportation, and recycling cost for covered electronic products and an administrative fee. Moneys collected by the department must be deposited in the electronic products recycling account.

(2) For an independent plan and the standard plan, if the total weight in pounds of covered electronic products collected during a program year is more than the plan's equivalent share of covered electronic products for that year, then the department shall submit to the authority or authorized party, a payment equal to the weight in pounds of the surplus multiplied by the reasonable collection, transportation, and recycling cost for covered electronic products.

(3) For purposes of this section, the initial reasonable collection, transportation, and recycling cost for covered electronic products is forty-five cents per pound and the administrative fee is five cents per pound.

(4) The department may annually adjust the reasonable collection, transportation, and recycling cost for covered electronic

products and the administrative fee described in this section. Prior to making any changes in the fees described in this section, the department shall notify the public, including all registered manufacturers, and provide a comment period. The department shall notify all registered manufacturers of any changes to the reasonable collection, transportation, and recycling cost or the administrative fee by January 1st of the program year in which the change is to take place.

NEW SECTION. Sec. 23. (1) The department shall adopt rules to determine the process for manufacturers to change plans under section 8 of this act.

(2) The department shall establish annual registration and plan review fees for administering this chapter. An initial fee schedule must be established by rule and be adjusted no more often than once every two years. All fees charged must be based on factors relating to administering this chapter and be based on a sliding scale that is representative of annual sales of covered electronic products in the state. Fees must be established in amounts to fully recover and not to exceed expenses incurred by the department to implement this chapter.

(3) The department shall establish an annual process for local governments and local communities to report their satisfaction with the services provided by plans under this chapter. This information must be used by the department in reviewing plan updates and revisions.

(4) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

NEW SECTION. Sec. 24. (1) Each collector and transporter of covered electronic products in the state must register annually with the department. The registration must include all identification requirements for licensure in the state and the geographic area of the state that they serve. The department shall develop a single form for registration of both collectors and transporters.

(2) Each processor of covered electronic products utilized by an independent or standard plan must register annually with the department. The registration must include identification information and documentation of any necessary operating permits issued by state or local authorities.

NEW SECTION. Sec. 25. (1) The authority and each authorized party shall ensure that each processor used directly by the authority or the authorized party to fulfill the requirements of their respective standard plan or independent plan has provided the authority or the authorized party a written statement that the processor will comply with the requirements of this section and section 26 of this act.

(2) The department shall establish by rule performance standards for environmentally sound management for processors directly used to fulfill the requirements of an independent plan or the standard plan. Performance standards may include financial assurance to ensure proper closure of facilities consistent with environmental standards.

(3) The department shall establish by rule guidelines regarding nonrecycled residual that may be properly disposed after covered electronic products have been processed.

(4) The department may audit processors that are utilized to fulfill the requirements of an independent plan or the standard plan.

(5) No plan or program required under this chapter may include the use of federal or state prison labor for processing.

NEW SECTION. Sec. 26. (1) The international export of any unwanted covered electronic products or electronic components or electronic scrap derived from such products destined for disposal or recycling that are capable of leaching lead, cadmium, mercury, hexavalent chromium, or selenium or selenium compounds in concentrations above the limits listed in 40 C.F.R. Sec. 261.24 as of the effective date of this section are prohibited except for exports to:

(a) Countries that are members of the organization for economic cooperation and development;

(b) Countries that are members of the European Union; or

(c) Countries that have entered into an agreement with the United States that allows for such exports.

(2) Any unwanted electronic products or electronic components derived from such products that are capable of leaching lead, cadmium, mercury, hexavalent chromium, or selenium or selenium compounds in concentrations exceeding the levels established in 40 C.F.R. Sec. 261.24 as of the effective date of this section and exported to countries that are not members of the organization for economic cooperation and development or the European Union or with whom the United States has not entered into an agreement for such export for reuse, must be tested and labeled as fully functional or needing only repairs that do not result in the replacement of components capable of leaching these substances in concentrations exceeding the levels established in 40 C.F.R. Sec. 261.24 as of the effective date of this section.

(3) The department shall establish rules to implement this section, including any requirements necessary to ensure that full compliance is adequately documented.

NEW SECTION. Sec. 27. (1) No manufacturer may sell or offer for sale a covered electronic product in or into the state unless the manufacturer of the covered electronic product is participating in an approved plan. The department shall send a written warning to a manufacturer that does not have an approved plan or is not participating in an approved plan as required under section 5 of this act. The written warning must inform the manufacturer that it must participate in an approved plan within thirty days of the notice. Any violation after the initial written warning shall be assessed a penalty of up to ten thousand dollars for each violation.

(2) If the authority or any authorized party fails to implement their approved plan, the department must assess a penalty of up to five thousand dollars for the first violation along with notification that the authority or authorized party must implement its plan within thirty days of the violation. After thirty days, the authority or any authorized party failing to implement their approved plan must be assessed a penalty of up to ten thousand dollars for the second and each subsequent violation.

(3) Any person that does not comply with manufacturer registration requirements under section 4 of this act, education and outreach requirements under section 12 of this act, reporting requirements under section 14 of this act, labeling requirements under section 16 of this act, retailer responsibility requirements under section 17 of this act, collector or transporter registration requirements under section 24 of this act, or requirements under sections 25 and 26 of this act, must first receive a written warning including a copy of the requirements under this chapter and thirty days to correct the violation. After thirty days, a person must be assessed a penalty of up to one thousand dollars for the first violation and up to two thousand dollars for the second and each subsequent violation.

(4) All penalties levied under this section must be deposited into the electronic products recycling account created under section 13 of this act.

(5) The department shall enforce this section.

NEW SECTION. Sec. 28. (1) By December 31, 2012, the department shall provide a report to the appropriate committees of the legislature that includes the following information:

(a) For each of the preceding program years, the weight of covered electronic products recycled in the state by plan, by county, and in total;

(b) The performance of each plan in meeting its equivalent share, and payments received from and disbursed to each plan from the electronic products recycling account;

(c) A description of the various collection programs used to collect covered electronic products in the state;

(d) An evaluation of how the pounds per capita recycled of covered electronic products in the state compares to programs in other states;

(e) Comments received from local governments and local communities regarding satisfaction with the program, including accessibility and convenience of services provided by the plans;

(f) Recommendations on how to improve the statewide collection, transportation, and recycling system for convenient, safe, and environmentally sound recycling of electronic products; and

(g) An analysis of whether and in what amounts unwanted electronic products and electronic components and electronic scrap exported from Washington have been exported to countries that are not members of the organization for economic cooperation and development or the European union, and recommendations for addressing such exports.

(2) By April 1, 2010, the department shall provide a report to the appropriate committees of the legislature regarding the amount of orphan products collected as a percent of the total amount of covered electronic products collected. If the orphan products collected exceed ten percent of the total amount of covered electronic products collected, the department shall report to the appropriate committees of the legislature within ninety days describing the orphan products collected and include recommendations for decreasing the amount of orphan products or alternative methods for financing the collection, transportation, and recycling of orphan products.

NEW SECTION. Sec. 29. (1) The Washington materials management and financing authority is established as a public body corporate and politic, constituting an instrumentality of the state of Washington exercising essential governmental functions.

(2) The authority shall plan and implement a collection, transportation, and recycling program for manufacturers that have registered with the department their intent to participate in the standard program as required under section 4 of this act.

(3) Membership in the authority is comprised of registered participating manufacturers. Any registered manufacturer who does not qualify or is not approved to submit an independent plan, or whose independent plan has not been approved by the department, is a member of the authority. All new entrants and white box manufacturers are also members of the authority.

(4) The authority shall act as a business management organization on behalf of the citizens of the state to manage financial resources and contract for services for collection, transportation, and recycling of covered electronic products.

(5) The authority's standard plan is responsible for collecting, transporting, and recycling the sum of the equivalent shares of each participating manufacturer.

(6) The authority shall accept into the standard program covered electronic products from any registered collector who meets the requirements of this chapter. The authority shall compensate registered collectors for the reasonable costs associated with collection, but is not required to compensate nor restricted from compensating the additional collection costs resulting from the additional convenience offered to customers through premium and curbside services.

(7) The authority shall accept and utilize in the standard program any registered processor meeting the requirements of this chapter and any requirements described in the authority's operating plan or through contractual arrangements. Processors utilized by the standard plan shall provide documentation to the authority at least annually regarding how they are meeting the requirements in sections 25 and 26 of this act, including enough detail to allow the standard plan to meet its reporting requirements in section 14(2) (c) and (d), and must submit to audits conducted by or for the authority. The authority shall compensate such processors for the reasonable costs, as determined by the authority, associated with processing unwanted electronic products. Such processors must demonstrate that the unwanted electronic products have been received from registered collectors or transporters, and provide other documentation as may be required by the authority.

(8) Except as specifically allowed in this chapter, the authority shall operate without using state funds or lending the credit of the state or local governments.

(9) The authority shall develop innovative approaches to improve materials management efficiency in order to ensure and increase the use of secondary material resources within the economy.

NEW SECTION. Sec. 30. (1)(a) The authority is governed by a board of directors. The board of directors is comprised of eleven

participating manufacturers, appointed by the director of the department. Five board positions are reserved for representatives of the top ten brand owners by return share of covered electronic products, and six board positions are reserved for representatives of other brands, including at least one board position reserved for a manufacturer who is also a retailer selling their own private label. The return share of covered electronic products used to determine the top ten brand owners for purposes of electing the board must be determined by the department by January 1, 2007.

(b) The board must have representation from both television and computer manufacturers.

(2) The board shall select from its membership the chair of the board and such other officers as it deems appropriate.

(3) A majority of the board constitutes a quorum.

(4) The directors of the department of community, trade, and economic development and the department of ecology, and the state treasurer serve as ex officio members. The state agency directors and the state treasurer serving in ex officio capacity may each designate an employee of their respective departments to act on their behalf in all respects with regard to any matter to come before the authority. Ex officio designations must be made in writing and communicated to the authority director.

(5) The board shall create its own bylaws in accordance with the laws of the state of Washington.

(6) Any member of the board may be removed for misfeasance, malfeasance, or willful neglect of duty after notice and a public hearing, unless the notice and hearing are expressly waived in writing by the affected member.

(7) The members of the board serve without compensation but are entitled to reimbursement, solely from the funds of the authority, for expenses incurred in the discharge of their duties under this chapter.

NEW SECTION. Sec. 31. (1) Manufacturers participating in the standard plan shall pay the authority to cover all administrative and operational costs associated with the collection, transportation, and recycling of covered electronic products within the state of Washington incurred by the standard program operated by the authority to meet the standard plan's equivalent share obligation as described in section 29(5) of this act.

(2) The authority shall assess charges on each manufacturer participating in the standard plan and collect funds from each participating manufacturer for the manufacturer's portion of the costs in subsection (1) of this section. Such apportionment shall be based on return share, market share, any combination of return share and market share, or any other equitable method. The authority's apportionment of costs to manufacturers participating in the standard plan may not include nor be based on electronic products imported through the state and subsequently exported outside the state. Charges assessed under this section must not be formulated in such a way as to create incentives to divert imported electronic products to ports or distribution centers in other states. The authority shall adjust the charges to manufacturers participating in the standard plan as necessary in order to ensure that all costs associated with the identified activities are covered.

(3) The authority may require financial assurances or performance bonds for manufacturers participating in the standard plan, including but not limited to new entrants and white box manufacturers, when determining equitable methods for apportioning costs to ensure that the long-term costs for collecting, transporting, and recycling of a covered electronic product are borne by the appropriate manufacturer in the event that the manufacturer ceases to participate in the program.

(4) Nothing in this section authorizes the authority to assess fees or levy taxes directly on the sale or possession of electronic products.

(5) If a manufacturer has not met its financial obligations as determined by the authority under this section, the authority shall notify the department that the manufacturer is no longer participating in the standard plan.

(6) The authority shall submit its plan for assessing charges and apportioning cost on manufacturers participating in the standard plan to the department for review and approval along with the standard plan as provided in section 6 of this act.

(7)(a) Any manufacturer participating in the standard plan may appeal an assessment of charges or apportionment of costs levied by the authority under this section by written petition to the director of the department. The director of the department or the director's designee shall review all appeals within timelines established by the department and shall reverse any assessments of charges or apportionment of costs if the director finds that the authority's assessments or apportionment of costs was an arbitrary administrative decision, an abuse of administrative discretion, or is not an equitable assessment or apportionment of costs. The director shall make a fair and impartial decision based on sound data. If the director of the department reverses an assessment of charges, the authority must redetermine the assessment or apportionment of costs.

(b) Disputes regarding a final decision made by the director or director's designee may be challenged through arbitration. The director shall appoint one member to serve on the arbitration panel and the challenging party shall appoint one other. These two persons shall choose a third person to serve. If the two persons cannot agree on a third person, the presiding judge of the Thurston county superior court shall choose a third person. The decision of the arbitration panel shall be final and binding, subject to review by the superior court solely upon the question of whether the decision of the panel was arbitrary or capricious.

NEW SECTION. Sec. 32. (1) The authority shall use any funds legally available to it for any purpose specifically authorized by this chapter to:

(a) Contract and pay for collecting, transporting, and recycling of covered electronic products and education and other services as identified in the standard plan;

(b) Pay for the expenses of the authority including, but not limited to, salaries, benefits, operating costs and consumable supplies, equipment, office space, and other expenses related to the costs associated with operating the authority;

(c) Pay into the electronic products recycling account amounts billed by the department to the authority for any deficit in reaching the standard plan's equivalent share as required under section 22 of this act; and

(d) Pay the department for the fees for submitting the standard plan and any plan revisions.

(2) If practicable, the authority shall avoid creating new infrastructure already available through private industry in the state.

(3) The authority may not receive an appropriation of state funds, other than:

(a) Funds that may be provided as a one-time loan to cover administrative costs associated with start up of the authority, such as electing the board of directors and conducting the public hearing for the operating plan, provided that no appropriated funds may be used to pay for collection, transportation, or recycling services; and

(b) Funds received from the department from the electronic products recycling account for exceeding the standard plan's equivalent share.

(4) The authority may receive additional sources of funding that do not obligate the state to secure debt.

(5) All funds collected by the authority under this chapter, including interest, dividends, and other profits, are and must remain under the complete control of the authority and its board of directors, be fully available to achieve the intent of this chapter, and be used for the sole purpose of achieving the intent of this chapter.

NEW SECTION. Sec. 33. (1) The board shall adopt a general operating plan of procedures for the authority. The board shall also adopt operating procedures for collecting funds from participating covered electronic manufacturers and for providing funding for contracted services. These operating procedures must be adopted by resolution prior to the authority operating the applicable programs.

(2) The general operating plan must include, but is not limited to: (a) Appropriate minimum reserve requirements to secure the authority's financial stability; (b) appropriate standards for contracting for services; and (c) standards for service.

(3) The board shall conduct at least one public hearing on the general operating plan prior to its adoption. The authority shall

provide and make public a written response to all comments received by the public.

(4) The general operating plan must be adopted by resolution of the board. The board may periodically update the general operating plan as necessary, but must update the plan no less than once every four years. The general operating plan or updated plan must include a report on authority activities conducted since the commencement of authority operation or since the last reported general operating plan, whichever is more recent, including a statement of results achieved under the purposes of this chapter and the general operating plan. Upon adoption, the authority shall conduct its programs in observance of the objectives established in the general operating plan.

NEW SECTION. Sec. 34. (1) The authority shall employ a chief executive officer, appointed by the board, and a chief financial officer, as well as professional, technical, and support staff, appointed by the chief executive officer, necessary to carry out its duties.

(2) Employees of the authority are not classified employees of the state. Employees of the authority are exempt from state service rules and may receive compensation only from the authority at rates competitive with state service.

(3) The authority may retain its own legal counsel.

(4) The departments of ecology and community, trade, and economic development shall provide staff to assist in the creation of the authority. If requested by the authority, the departments of ecology and community, trade, and economic development shall also provide start-up support staff to the authority for its first twelve months of operation, or part thereof, to assist in the quick establishment of the authority. Staff expenses must be paid through funds collected by the authority and must be reimbursed to the departments from the authority's financial resources within the first twenty-four months of operation.

(5) In addition to accomplishing the activities specifically authorized in this chapter, the authority may:

(a) Maintain an office or offices;

(b) Make and execute all manner of contracts, agreements, and instruments and financing documents with public and private parties as the authority deems necessary, useful, or convenient to accomplish its purposes;

(c) Make expenditures as appropriate for paying the administrative costs and expenses of the authority in carrying out the provisions of this chapter;

(d) Give assistance to private and public bodies contracted to provide collection, transportation, and recycling services by providing information, guidelines, forms, and procedures for implementing their programs;

(e) Delegate, through contract, any of its powers and duties if consistent with the purposes of this chapter; and

(f) Exercise any other power the authority deems necessary, useful, or convenient to accomplish its purposes and exercise the powers expressly granted in this chapter.

NEW SECTION. Sec. 35. This chapter is void if a federal law, or a combination of federal laws, takes effect that establishes a national program for the collection and recycling of covered electronic products that substantially meets the intent of this chapter, including the creation of a financing mechanism for collection, transportation, and recycling of all covered electronic products from households, small businesses, school districts, small governments, and charities in the United States.

NEW SECTION. Sec. 36. A new section is added to chapter 43.19 RCW to read as follows:

(1) The department of general administration shall establish purchasing and procurement policies that establish a preference for electronic products that meet environmental performance standards relating to the reduction or elimination of hazardous materials.

(2) The department of general administration shall ensure that their surplus electronic products, other than those sold individually to private citizens, are managed only by registered transporters and by processors meeting the requirements of sections 25 and 26 of this act.

(3) The department of general administration shall ensure that their surplus electronic products are directed to legal secondary materials markets by requiring a chain of custody record that documents to whom the products were initially delivered through to the end use manufacturer.

Sec. 37. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; ~~((and))~~

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter; and

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.-- RCW (sections 1 through 35 of this act) to implement chapter 70.-- RCW (sections 1 through 35 of this act).

NEW SECTION. Sec. 38. This act must be liberally construed to carry out its purposes and objectives.

NEW SECTION. Sec. 39. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 40. This act takes effect July 1, 2006.

NEW SECTION. Sec. 41. Sections 1 through 35 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 2 of the title, after "opportunities;" strike the remainder of the title and insert "amending RCW 42.56.270; adding a new section to chapter 43.19 RCW; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date."

Representative B. Sullivan spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan, Eickmeyer, Priest and Upthegrove spoke in favor of passage of the bill.

Representatives Buck, Orcutt, Curtis and Armstrong spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6428, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6428, as amended by the House, and the bill passed the House by the following vote: Yeas - 69, Nays - 29, Excused - 0.

Voting yea: Representatives Anderson, Appleton, Blake, Buri, Campbell, Chase, Clibborn, Cody, Conway, Cox, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Erickson, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben,

Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Walsh, Williams, Wood and Mr. Speaker - 69.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buck, Chandler, Clements, Condotta, Crouse, Curtis, DeBolt, Dunn, Haler, Hankins, Hinkle, Holmquist, Kirby, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Schindler, Shabro, Skinner, Sump, Talcott, Wallace and Woods - 29.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6428, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6459, By Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Brandland, Thibaudeau, Spanel, Rasmussen, Kline, Parlette and Kohl-Welles)

Supporting community-based health care solutions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell, Serben, Linville, Alexander and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6459.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6459 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Erickson, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Chandler and Dunn - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6459, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6527, By Senate Committee on Transportation (originally sponsored by

Senators Jacobsen, Mulliken, Haugen and Sheldon; by request of Department of Transportation)

Extending the negotiation period for the Milwaukee Road trail.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wallace and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6527, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6527, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Anderson, Chandler and Cox - 3.

SUBSTITUTE SENATE BILL NO. 6527, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6555, By Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Haugen, Mulliken, Berkey, Kastama and Rasmussen)

Providing research and services for special purpose districts.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For

Committee amendment, see Journal, 50th Day, February 27, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Simpson and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6555, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6555, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6555, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6568, By Senators Regala, Carrell and Oke

Modifying animal fighting provisions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lantz and Serben spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6568, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6568, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6568, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6613, By Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Prentice, Keiser, Kline, Rasmussen and Shin)

Prohibiting internet gambling.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6613.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6613 and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Chandler, Dunn, Holmquist, Morris and Nixon - 5.

SUBSTITUTE SENATE BILL NO. 6613, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6680, By Senators Brandland, Haugen and Rasmussen

Implementing a biometric matching system for driver's licenses and identicards.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, 52nd Day, March 1, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Morris, Woods and Hunter spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6680, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6680, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6680, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6741, By Senators Stevens, Hargrove, Carrell, Brandland and Rasmussen

Regarding the joint task force on the administration and delivery of services to children.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Children & Family Services was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Schual-Berke and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6741, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6741, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SENATE BILL NO. 6741, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6823, By Senate Committee on Ways & Means (originally sponsored by Senator Kohl-Welles; by request of Liquor Control Board)

Modifying provisions relating to the distribution of beer and wine.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Condotta, Armstrong and Newhouse spoke in favor of passage of the bill.

COLLOQUY

Representative Condotta: "The Liquor Control Board interprets this bill as treating all out-of-state wineries and breweries who choose to sell direct to retailers as though they

are distributors. Is that consistent with the committee's intent in recommending passage of this bill?"

Representative Conway: "Yes. An out-of-state winery or brewery choosing to sell directly to retailers is choosing to act as a distributor, and this law will require them to comply with all the laws governing distributors."

Representative Condotta: "The Liquor Control Board interprets this bill as continuing the current prohibition against freight allowances with respect to sales to retailers. Is that consistent with the committee's intent in recommending passage of this bill?"

Representative Conway: "Yes. Current law requires in-state wineries and breweries selling direct to retailers to post prices as distributors and requires them to offer the same price to all retailers in the state, with no variations for freight or anything else. A producer acting as a distributor may post a price that does not include delivery so long as that price is the same for all retailers in the state. The laws governing distributor pricing prohibit freight allowances on sales to retailers, and this law will extend that prohibition to out-of-state wineries and breweries who choose to sell directly to retailers in Washington."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6823.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6823 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SECOND SUBSTITUTE SENATE BILL NO. 6823, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Morris to preside.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6241, By Senate Committee on Transportation (originally sponsored by Senators Haugen, Benson and Jacobsen; by request of Governor Gregoire)

Making 2006 supplemental transportation appropriations.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendment. (For Committee amendment, see Journal, 52nd Day, March 1, 2006.)

With the consent of the House, amendments (1095) and (1101) were withdrawn.

Representative Nixon moved the adoption of amendment (1091) to the committee amendment::

On page 6, line 5, increase the appropriation by \$100,000

On page 8, after line 19, insert the following:

"(7) \$100,000 of the motor vehicle account-state appropriation is provided solely to contract with the Washington institute for public policy for a study of the Washington state patrol salary structure. In consultation with the Washington association of sheriffs and police chiefs and the Washington state patrol, the institute shall develop standard categories of non-salary compensation of law enforcement officers that shall include, but not be limited to, insurance coverage, pensions, uniforms, vehicle use, and other benefits. The institute shall survey a statistically-valid sample of law enforcement agencies statewide, comparing overall compensation packages including both salary and non-salary compensation in all standard categories, of Washington state patrol troopers to those of local law enforcement officers. The institute shall submit a report detailing and summarizing the survey to the senate and house transportation committees by December 1, 2006."

Representatives Nixon and Woods spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Simpson and Murray spoke against the adoption of the amendment to the committee amendment:

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Morris presiding) stated the question before the House to be adoption of amendment (1091) to the committee amendment to Substitute Senate Bill No. 6241.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1091) to the committee amendment to Substitute Senate Bill No. 6241, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 52, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Jarrett, Kenney, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Pettigrew, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Upthegrove, and Woods - 46.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hudgins, Hunt, Hunter, Kagi, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Quall,

Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Wallace, Walsh, Williams, Wood, and Mr. Speaker - 52.

Representative Upthegrove moved the adoption of amendment (1093) to the committee amendment:

On page 18, after line 38 of the amendment, insert:

"(6) The Department of Licensing, in consultation with the Department of Transportation, Washington State Patrol, local law enforcement agencies, and other appropriate organizations, shall study the feasibility of creating a toll-free hotline for the public to report violations of accessible parking laws, including RCW 46.16.381 and 46.61.581. A report on the findings of this study is due to the transportation committees of the legislature by December 1, 2006, and shall include recommendations on how to disseminate and publicize information to the public that explains the existence, purpose, and method of accessing such a hotline, and how to partner with appropriate law enforcement agencies in the jurisdiction in which alleged violations occurred. In making recommendations regarding the potential establishment of an accessible parking violation hotline, the Department of Licensing shall consider how to utilize or partner with existing statewide and regional hotlines."

Representatives Upthegrove and Woods spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Takko moved the adoption of amendment (1103) to the committee amendment:

On page 40, line 29, increase the Transportation 2003 Account (Nickel Account)--State Appropriation by \$5,692,000

On page 41, line 9, correct the total

On page 41, line 17, after "for:" insert "(i)"

On page 41, line 20, after "program" insert ". (ii) Add the Svensen's Curve safety project to the project list"

Representatives Takko, Orcutt and Murray spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative B. Sullivan moved the adoption of amendment (1097) to the committee amendment:

On page 18, after line 38 of the amendment, insert:

"(5) The department, prior to renewing the current contract with the vendor that provides driver's license and identification card services, shall consider new technologies for safeguarding identity and levels of funding needed to create driver's licenses and identification cards that are fraud and tamper proof. In considering new technologies, the department shall also consider the requirements of RCW 46.20.037 and the provisions of Title II of P.L. 109-13, improved security for driver's license and personal identification cards (Real ID), as passed by Congress May 10, 2005. The department shall report its findings to the senate and house transportation committees by December 1, 2006."

Representatives B. Sullivan and Woods spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was

adopted.

Representative Ericksen moved the adoption of amendment (1098) to the committee amendment:

On page 40, line 29, strike "1,180,217,000" and insert "1,187,852,000"

On page 40, line 33, strike "390,742,000" and insert "384,307,000"

On page 41, line 17, after "for: " insert "(i)"

On page 41, line 20, after "program" insert ". (ii) Restore nickel funding to SR 543, I-5 to International Border project"

Representative Ericksen spoke in favor of the adoption of the amendment to the committee amendment.

Representative Murray spoke against the adoption of the amendment to the committee amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Morris presiding) stated the question before the House to be adoption of amendment (1098) to the committee amendment to Substitute Senate Bill No. 6241.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1098) to the committee amendment to Substitute Senate Bill No. 6241, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 55, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, Linville, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom and Woods - 43.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 55.

Representative Simpson moved the adoption of amendment (1083) to the committee amendment:

On page 40, line 31, increase the motor vehicle account--state appropriation by \$500,000

On page 41, line 9, correct the total

On page 41, line 17, after "except for: " insert "(1)"

On page 41, line 20, after "program" insert ". (2) Add the SR 164 Bypass Feasibility Study to the project list"

Representatives Simpson and Shabro spoke in favor of the

adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Lovick moved the adoption of amendment (1086) to the committee amendment:

On page 40, line 31, increase the motor vehicle account--state appropriation by \$700,000

On page 41, line 9, correct the total

On page 41, line 17, after "except for: " insert "(1)"

On page 41, line 20, after "program" insert ". (2) Add the US 2 route development plan project to the list"

Representatives Lovick, Kristiansen and Pearson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Murray moved the adoption of amendment (1090) to the committee amendment:

On page 45, line 24, after "(18)" strike all material through "hand" on line 27 and insert "No later than January 1, 2007, the office of financial management must review a finance plan for the Alaskan Way viaduct and Seattle seawall replacement project that clearly identifies secured and anticipated funding sources. Based on this review, the governor must make a finding of whether the finance plan is feasible and sufficient to complete the project as described in the draft environmental impact statement. Nothing in this subsection shall be interpreted to delay construction of the project"

Representatives Murray, Jarrett, Dickerson and Clements spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Buri moved the adoption of amendment (1062) to the committee amendment:

On page 52, after line 27, insert the following: "(e) In order to maintain the operation of the Palouse River & Coulee City rail lines, the office of financial management is authorized to negotiate an agreement wherein they may forgive all or part of the existing freight rail assistance loan to the current operator of the Palouse River & Coulee City rail lines in exchange for good and valuable consideration."

Representatives Buri and Murray spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Flannigan moved the adoption of amendment (1078) to the committee amendment:

On page 53, line 4, after "engineering" strike all material through "south" on line 6

Representatives Flannigan and Murray spoke in favor of

the adoption of the amendment to the committee amendment.

Representatives Woods and Alexander spoke against the adoption of the amendment to the committee amendment

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 54 - YEAS; 44 -NAYS.

The amendment to the committee amendment was adopted.

Representative Grant moved the adoption of amendment (1082) to the committee amendment:

On page 53, line 8, after "solely for" insert "acquisition and"

Representatives Grant and Woods spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Skinner moved the adoption of amendment (1084) to the committee amendment:

On page 53, line 30, increase the transportation 2003 account (nickel account)--state appropriation by \$2,500,000

On page 53, line 34, increase the total appropriation by \$2,500,000

On page 58, after line 12, insert the following:
"(16) \$2,500,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for the Yakima downtown futures initiative safety improvements."

On page 41, line 17, after "except for:" insert "(1)"

On page 41, line 20, after "program" insert ":(2) total funding for the US 12/Old Naches Highway - Interchange project is reduced by \$2,500,000"

Representatives Skinner and Murray spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Murray, Woods, Kessler, Jarrett and Armstrong spoke in favor of passage of the bill.

Representatives Serben and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6241, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute

Senate Bill No. 6241, as amended by the House, and the bill passed the House by the following vote: Yeas - 85, Nays - 13, Excused - 0.

Voting yea: Representatives Ahern, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 85.

Voting nay: Representatives Alexander, Chandler, Condotta, Cox, DeBolt, Dunn, Ericksen, Kretz, Newhouse, Orcutt, Serben, Sump and Talcott - 13.

SUBSTITUTE SENATE BILL NO. 6241, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6839, By Senate Committee on Transportation (originally sponsored by Senator Haugen)

Modifying transportation accounts and revenue distributions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

With the consent of the House, amendment (1022) was withdrawn.

Representative Murray moved the adoption of amendment (1085):

On page 17, after line 5, insert the following:

"**Sec. 12.** RCW 46.68.080 and 1961 c 12 s 46.68.080 are each amended to read as follows:

~~((A)) (1) Motor vehicle license fees ((and all motor vehicle)) collected under RCW 46.16.0621 and 46.16.070 and fuel taxes collected under RCW 82.36.025(1) and 82.38.030(1) and directly or indirectly paid by the residents of those counties composed entirely of islands and which have neither a fixed physical connection with the mainland nor any state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such ((motor)) vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.~~

(2) One-half of ((all)) the motor vehicle license fees ((and motor vehicle)) collected under RCW 46.16.0621 and 46.16.070 and one-half of the fuel taxes collected under RCW 82.36.025(1) and 82.38.030(1) and directly or indirectly paid by the residents of those counties composed entirely of islands and which have either a fixed physical connection with the mainland or state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they

accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

(3) All funds paid to the county treasurer of the counties of either class (~~above~~) referred to (~~as in this section provided~~) in subsections (1) and (2) of this section, shall be by such county treasurer distributed and credited to the several road districts of each such county and paid to the city treasurer of each incorporated city and town within each such county, in the direct proportion that the assessed valuation of each such road district and incorporated city and town shall bear to the total assessed valuation of each such county.

(4) The amount of motor vehicle fuel tax paid by the residents of those counties composed entirely of islands shall, for the purposes of this section, be that percentage of the total amount of motor vehicle fuel tax collected in the state that the motor vehicle license fees paid by the residents of counties composed entirely of islands bears to the total motor vehicle license fees paid by the residents of the state.

(5)(a) An amount of fuel taxes shall be deposited into the Puget Sound ferry operations account. This amount shall equal the difference between the total amount of fuel taxes collected in the state under RCW 82.36.020 and 82.38.030 less the total amount of fuel taxes collected in the state under RCW 82.36.020(1) and 82.38.030(1) and be multiplied by a fraction. The fraction shall equal the amount of motor vehicle license fees collected under RCW 46.16.0621 and 46.16.070 from counties described in subsection (1) of this section divided by the total amount of motor vehicle license fees collected in the state under RCW 46.16.0621 and 46.16.070.

(b) An additional amount of fuel taxes shall be deposited into the Puget Sound ferry operations account. This amount shall equal the difference between the total amount of fuel taxes collected in the state under RCW 82.36.020 and 82.38.030 less the total amount of fuel taxes collected in the state under RCW 82.36.020(1) and 82.38.030(1) and be multiplied by a fraction. The fraction shall equal the amount of motor vehicle license fees collected under RCW 46.16.0621 and 46.16.070 from counties described in subsection (2) of this section divided by the total amount of motor vehicle license fees collected in the state under RCW 46.16.0621 and 46.16.070, and this shall be multiplied by one-half."

Renumber the remaining sections consecutively and correct the title.

Representatives Murray and Woods spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Murray and Woods spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6839, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6839, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 6, Excused - 0.

Voting yea: Representatives Ahern, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan,

Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Alexander, Buri, Cox, DeBolt, Dunn, and Ericksen - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6839, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6800, By Senate Committee on Transportation (originally sponsored by Senators Haugen, Jacobsen and Rockefeller; by request of Governor Gregoire)

Refining the roles of the transportation commission and department of transportation.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendment. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

Representative Woods moved the adoption of amendment (1104) to the committee amendment:

On page 2, line 22 of the amendment, after "for cause," insert "No commissioner shall be appointed for more than two consecutive terms."

On page 4, line 20 of the amendment, after "To" strike "((prepare a))" and insert "prepare ((a))."

On page 4, line 30 of the amendment, after "facilities)" strike all material through "47.01.101(12)" on line 31 of the amendment, and insert ", which shall be subject to the approval of the legislature in the biennial transportation budget act"

On page 7, line 32 of the amendment, after "law;" insert "and"

On page 7, line 36 of the amendment, after "assessments" strike all material through "input" on page 8, line 8 of the amendment.

On page 11, line 16 of the amendment, after "The" strike "((transportation commission)) department, in consultation with the office of financial management," and insert "transportation commission"

On page 11, line 22 of the amendment, after "and the legislature" insert ", and is subject to the approval of the legislature in the biennial transportation budget act"

On page 11, line 23 of the amendment, after "the" strike "((transportation commission, in consultation with the Washington state) department ((of transportation,))" and insert "transportation commission, in consultation with the Washington state department of transportation,"

On page 12, line 25 of the amendment, after "The" strike

~~((transportation commission))~~ department" and insert "transportation commission"

Correct any internal references accordingly.

Representative Woods spoke in favor of the adoption of the amendment to the committee amendment.

Representative Wallace spoke against the adoption of the amendment to the committee amendment

The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wallace and Appleton spoke in favor of passage of the bill.

Representative Woods spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6800, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6800, as amended by the House, and the bill passed the House by the following vote: Yeas - 57, Nays - 41, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 41.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6800, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6196, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Regala, Keiser, Eide, Rockefeller, Prentice, Thibaudeau, Jacobsen, Fairley, McAuliffe, Fraser, Sheldon, Brown, Spanel, Kline, Kohl-Welles, Shin and Esser)

Including a health official from a federally recognized tribe on the state board of health.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was before the House for purpose of amendment. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

Representative Hinkle moved the adoption of amendment (1032) to the committee amendment:

On page 1, line 9 of the amendment, after "tribe" insert "that has agreed to comply with all rules adopted by the state board"

Representative Hinkle spoke in favor of the adoption of the amendment to the committee amendment.

Representative Morrell spoke against the adoption of the amendment to the committee amendment

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 43 - YEAS; 55 -NAYS.

The amendment to the committee amendment was not adopted.

Representative Tom moved the adoption of amendment (1067) to the committee amendment:

On page 1, line 9, after "tribe" insert "that has agreed to comply with and enforce the provisions of chapter 70.160 RCW"

Representatives Tom, Hinkle and Curtis spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Morrell and Dunn spoke against the adoption of the amendment to the committee amendment

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 42 - YEAS; 56 -NAYS.

The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Morrell, McCoy, Schual-Berke, Santos and Kenney spoke in favor of passage of the bill.

Representative Hinkle, Bailey, Armstrong, Clements, Sump, Anderson, Buck, Orcutt, Chandler, Ericksen, Ahern and Holmquist spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6196, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6196, as amended by the House, and the bill

passed the House by the following vote: Yeas - 56, Nays - 42, Excused - 0.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roach, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 56.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Erickson, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 42.

SUBSTITUTE SENATE BILL NO. 6196, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6566, By Senate Committee on Transportation (originally sponsored by Senators Eide, Esser, Swecker, Haugen, Prentice and McAuliffe; by request of Department of Transportation)

Revising commute trip reduction provisions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Wallace spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6566, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6566, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Erickson, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray,

Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6566, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6618, By Senators McAuliffe and Schmidt

Revising the high school assessment system.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives P. Sullivan and Haler spoke in favor of passage of the bill.

Representatives Anderson, Tom and Schindler spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6618, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6618, as amended by the House, and the bill passed the House by the following vote: Yeas - 71, Nays - 27, Excused - 0.

Voting yea: Representatives Appleton, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Cox, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 71.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Clements, Condotta, Crouse, Curtis, DeBolt, Dunn, Erickson, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, Orcutt, Pearson, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump and Woods - 27.

SUBSTITUTE SENATE BILL NO. 6618, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6362, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Kohl-Welles, Keiser, Jacobsen and Kline)**Modifying voter registration provisions.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government Operations & Accountability was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

With the consent of the House, amendment (1047) was withdrawn.

Representative Nixon moved the adoption of amendment (1107):

On page 1, beginning on line 6, strike all of section 1 and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 29A.08 RCW to read as follows:

The county auditor shall, within seventy-two hours of receipt, publish on the auditor's internet web site the entire content of any voter challenge filed under chapter 29A.08 RCW. Immediately after publishing any voter challenge, the county auditor shall notify any person who requests to receive such notifications on an ongoing basis."

On page 7, line 36, after "provide to" strike "each party representative" and insert "any person, upon request."

Representatives Nixon and Haigh spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Nixon moved the adoption of amendment (1048):

On page 2, line 10, after "(3)" strike "Mailing address, if different from the residential address."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 2, after line 20 insert:

"The residential address provided must identify the actual physical residence of the voter in Washington, as defined in RCW 29A.04.151, with detail sufficient to allow the voter to be assigned to the proper precinct and to locate the voter to confirm his or her residence for purposes of verifying qualification to vote under Article VI, section 1 of the state Constitution. A residential address may be either a "traditional address" or a "non-traditional address." A traditional address consists of a street number and name, optional apartment number or unit number, and city or town, as assigned by a local government, which serves to identify the parcel or building of residence and the unit if a multi-unit residence. A non-traditional address consists of a narrative description of the location of the voter's residence, and may be used when a traditional address has not been assigned to the voter's residence. If the postal service does not deliver mail to the voter's residential address, or the voter prefers to receive mail at a different address, the voter may separately provide the mailing address at which they receive mail. Any mailing address provided shall be used only for mail delivery purposes and not for precinct assignment or confirmation of residence for voter

qualification purposes."

On page 3, line 1, after "the" strike all material through "residence. (" on line 3 and insert "county courthouse, city hall, or other public building near the area that the voter considers his or her residence."

Representatives Nixon and Haigh spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Nixon moved the adoption of amendment (1049):

On page 4, beginning on line 8, strike all of subsection (c) through "located" on line 22 and insert the following:

"(c) The challenged voter does not live at the residential address provided, in which case the challenger must either:

(i) Provide the challenged voter's actual residence; or

(ii) Submit evidence that he or she exercised due diligence to verify that the challenged voter does not reside at the address provided and to attempt to contact the challenged voter to learn the challenged voter's actual residence, including that the challenger personally:

(A) Sent a letter with return receipt requested to the challenged voter's residential address provided, and to the challenged voter's mailing address, if provided;

(B) Visited the residential address provided to contact persons at the address to determine whether the voter resides at the address and, if not, to attempt to obtain the voter's current address;

(C) Searched local telephone directories, including online directories, to determine whether the voter maintains a telephone listing at any address in the county;

(D) Searched county auditor property records to determine whether the challenged voter owns any property in the county; and

(E) Searched the statewide voter registration database to determine if the voter is registered at any other address in the state"

Representatives Nixon and Haigh spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Nixon moved the adoption of amendment (1050):

On page 4, line 32, after "belief," insert "having exercised due diligence to personally verify the evidence presented."

Representatives Nixon and Haigh spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Nixon moved the adoption of amendment (1051):

On page 6, line 12, after "special," insert "or within ten days of the voter being added to the voter registration database, whichever is later."

On page 6, line 20, after "made" insert "immediately"

Representatives Nixon and Haigh spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Nixon moved the adoption of amendment

(1052):

On page 9, line 10, after "available" insert ". A challenge is not required to be submitted on the provided voter challenge form, but may be prepared using an official electronic voter challenge form template provided by the auditor or secretary of state that has been printed and signed by the challenger for submission"

Representatives Nixon and Haigh spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Haigh and Nixon spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6362, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6362, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Chandler, Crouse, Schindler and Serben - 4.

SUBSTITUTE SENATE BILL NO. 6362, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6885, By Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, McAuliffe, Thibaudeau, Keiser and Fairley)

Modifying unemployment insurance provisions.

The bill was read the second time.

Representative Conway moved the adoption of amendment (1108):

Strike everything after the enacting clause and insert the following:

"PART I - BENEFIT PROVISIONS

Sec. 1. RCW 50.20.120 and 2005 c 133 s 3 are each amended to read as follows:

(1)(a) Subject to the other provisions of this title, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of thirty times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title: PROVIDED, That as to any week which falls in an extended benefit period as defined in RCW 50.22.010(1), an individual's eligibility for maximum benefits in excess of twenty-six times his or her weekly benefit amount will be subject to the terms and conditions set forth in RCW 50.22.020.

(b) With respect to claims that have an effective date on or after the first Sunday of the calendar month immediately following the month in which the commissioner finds that the state unemployment rate is six and eight-tenths percent or less, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of twenty-six times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title.

(2)(a) For claims with an effective date before January 4, 2004, an individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(b) With respect to claims with an effective date on or after January 4, 2004, and before January 2, 2005, an individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the three quarters of the individual's base year in which such total wages were highest.

(c)(i) With respect to claims with an effective date on or after January 2, 2005, except as provided in (c)(ii) of this subsection, an individual's weekly benefit amount shall be an amount equal to one percent of the total wages paid in the individual's base year.

(ii) With respect to claims with an effective date on or after the first Sunday following April 22, 2005, ~~(and before July 1, 2007;)~~ an individual's weekly benefit amount shall be an amount equal to three and eighty-five one-hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(3) The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th.

(a)(i) With respect to claims that have an effective date before January 4, 2004, the maximum amount payable weekly shall be seventy percent of the "average weekly wage" for the calendar year preceding such June 30th.

(ii) With respect to claims that have an effective date on or after January 4, 2004, the maximum amount payable weekly shall be either four hundred ninety-six dollars or sixty-three percent of the "average weekly wage" for the calendar year preceding such June 30th, whichever is greater.

(b) The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th.

(4) If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar.

Sec. 2. RCW 50.20.050 and 2003 2nd sp.s. c 4 s 4 are each amended to read as follows:

(1) With respect to claims that have an effective date before January 4, 2004:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven

calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

- (i) The duration of the work;
- (ii) The extent of direction and control by the employer over the work; and
- (iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual shall not be considered to have left work voluntarily without good cause when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if the claimant took all reasonable precautions, in accordance with any regulations that the commissioner may prescribe, to protect his or her employment status by having promptly notified the employer of the reason for the absence and by having promptly requested reemployment when again able to assume employment: PROVIDED, That these precautions need not have been taken when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system;

(iii) He or she has left work to relocate for the spouse's employment that is due to an employer-initiated mandatory transfer that is outside the existing labor market area if the claimant remained employed as long as was reasonable prior to the move; or

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110.

(c) In determining under this subsection whether an individual has left work voluntarily without good cause, the commissioner shall only consider work-connected factors such as the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness for the work, the individual's ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment and where, in the judgment of the department, the distance is customarily traveled by workers in the individual's job classification and labor market, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment, unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work an unreasonable hardship on the individual were he or she required to continue in the employment.

(d) Subsection (1)(a) and (c) of this section shall not apply to an individual whose marital status or domestic responsibilities cause him or her to leave employment. Such an individual shall not be eligible for unemployment insurance benefits beginning with the first day of the calendar week in which he or she left work and thereafter for seven calendar weeks and until he or she has requalified, either by obtaining bona fide work in employment covered by this title and earning wages in that employment equal to seven times his or her weekly benefit amount or by reporting in person to the department during ten different calendar weeks and certifying on each occasion that he or she is ready, able, and willing to immediately accept any suitable work which may be offered, is actively seeking work pursuant to customary trade practices, and is utilizing such employment counseling and placement services as are available through the department. This subsection does not apply to individuals covered by (b)(ii) or (iii) of this subsection.

(2) With respect to claims that have an effective date on or after January 4, 2004:

- (a) An individual shall be disqualified from benefits beginning

with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

- (i) The duration of the work;
- (ii) The extent of direction and control by the employer over the work; and
- (iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual is not disqualified from benefits under (a) of this subsection when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) (A) With respect to claims that have an effective date before July 2, 2006, he or she: ~~((A))~~ (1) Left work to relocate for the spouse's employment that, due to a mandatory military transfer: ~~((H))~~ (1) Is outside the existing labor market area; and ~~((H))~~ (2) is in Washington or another state that, pursuant to statute, does not consider such an individual to have left work voluntarily without good cause; and ~~((B))~~ (II) remained employed as long as was reasonable prior to the move;

(B) With respect to claims that have an effective date on or after July 2, 2006, he or she: (1) Left work to relocate for the spouse's employment that, due to a mandatory military transfer, is outside the existing labor market area; and (II) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time; or

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs.

NEW SECTION. Sec. 3. 2005 c 133 s 10 (uncodified) is repealed.

PART II - TAX PROVISIONS

Sec. 4. RCW 50.29.025 and 2005 c 133 s 5 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be determined under this subsection.

(a) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the September 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(b) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in (c) of this subsection shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
2.90 and above	AA
2.10 to 2.89	A
1.70 to 2.09	B
1.40 to 1.69	C
1.00 to 1.39	D
0.70 to 0.99	E
Less than 0.70	F

(c) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (i) Identification number; (ii) benefit ratio; (iii) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (iv) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (v) the percentage equivalent of the cumulative total of taxable payrolls.

(d) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in (e) of this subsection: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(e) Except as provided in RCW 50.29.026, the contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under (d) of this subsection, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls		Schedules of Contributions Rates for Effective Tax Schedule							
Rate Class		AA	A	B	C	D	E	F	
0.00	5.00	1	0.47	0.47	0.57	0.97	1.47	1.87	2.47
5.01	10.00	2	0.47	0.47	0.77	1.17	1.67	2.07	2.67
10.01	15.00	3	0.57	0.57	0.97	1.37	1.77	2.27	2.87
15.01	20.00	4	0.57	0.73	1.11	1.51	1.90	2.40	2.98
20.01	25.00	5	0.72	0.92	1.30	1.70	2.09	2.59	3.08
25.01	30.00	6	0.91	1.11	1.49	1.89	2.29	2.69	3.18
30.01	35.00	7	1.00	1.29	1.69	2.08	2.48	2.88	3.27
35.01	40.00	8	1.19	1.48	1.88	2.27	2.67	3.07	3.47
40.01	45.00	9	1.37	1.67	2.07	2.47	2.87	3.27	3.66
45.01	50.00	10	1.56	1.86	2.26	2.66	3.06	3.46	3.86
50.01	55.00	11	1.84	2.14	2.45	2.85	3.25	3.66	3.95
55.01	60.00	12	2.03	2.33	2.64	3.04	3.44	3.85	4.15
60.01	65.00	13	2.22	2.52	2.83	3.23	3.64	4.04	4.34
65.01	70.00	14	2.40	2.71	3.02	3.43	3.83	4.24	4.54
70.01	75.00	15	2.68	2.90	3.21	3.62	4.02	4.43	4.63
75.01	80.00	16	2.87	3.09	3.42	3.81	4.22	4.53	4.73
80.01	85.00	17	3.27	3.47	3.77	4.17	4.57	4.87	4.97

85.01	90.00	18	3.67	3.87	4.17	4.57	4.87	4.97	5.17
90.01	95.00	19	4.07	4.27	4.57	4.97	5.07	5.17	5.37
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40	5.40

(f) The contribution rate for each employer not qualified to be in the array shall be as follows:

(i) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned a contribution rate two-tenths higher than that in rate class 20 for the applicable rate year, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to a contribution rate two-tenths higher than that in rate class 20 for the applicable rate year; and

(ii) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent.

(2) Beginning with contributions assessed for rate year 2005, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be the sum of the array calculation factor rate and the graduated social cost factor rate determined under this subsection, and the solvency surcharge determined under RCW 50.29.041, if any.

(a) The array calculation factor rate shall be determined as follows:

(i) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (A) Identification number; (B) benefit ratio; and (C) taxable payrolls for the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(ii) Each employer in the array shall be assigned to one of forty rate classes according to his or her benefit ratio as follows, and, except as provided in RCW 50.29.026, the array calculation factor rate for each employer in the array shall be the rate specified in the rate class to which the employer has been assigned:

At least	Benefit Ratio	Rate Class	Rate (percent)
	Less than 0.000001	1	0.00
0.000001	0.001250	2	0.13
0.001250	0.002500	3	0.25
0.002500	0.003750	4	0.38
0.003750	0.005000	5	0.50
0.005000	0.006250	6	0.63
0.006250	0.007500	7	0.75
0.007500	0.008750	8	0.88
0.008750	0.010000	9	1.00
0.010000	0.011250	10	1.15
0.011250	0.012500	11	1.30
0.012500	0.013750	12	1.45
0.013750	0.015000	13	1.60
0.015000	0.016250	14	1.75
0.016250	0.017500	15	1.90
0.017500	0.018750	16	2.05
0.018750	0.020000	17	2.20
0.020000	0.021250	18	2.35
0.021250	0.022500	19	2.50
0.022500	0.023750	20	2.65
0.023750	0.025000	21	2.80
0.025000	0.026250	22	2.95
0.026250	0.027500	23	3.10
0.027500	0.028750	24	3.25
0.028750	0.030000	25	3.40
0.030000	0.031250	26	3.55
0.031250	0.032500	27	3.70
0.032500	0.033750	28	3.85
0.033750	0.035000	29	4.00
0.035000	0.036250	30	4.15
0.036250	0.037500	31	4.30
0.037500	0.040000	32	4.45
0.040000	0.042500	33	4.60
0.042500	0.045000	34	4.75
0.045000	0.047500	35	4.90

0.047500	0.050000	36	5.05
0.050000	0.052500	37	5.20
0.052500	0.055000	38	5.30
0.055000	0.057500	39	5.35
0.057500		40	5.40

(b) The graduated social cost factor rate shall be determined as follows:

(i)(A) Except as provided in (b)(i)(B)(~~(c)~~) and (C)(~~(c)~~ and ~~(D)~~)) of this subsection, the commissioner shall calculate the flat social cost factor for a rate year by dividing the total social cost by the total taxable payroll. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The flat social cost factor shall be expressed as a percentage.

(B) If, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide more than ten months of unemployment benefits, the commissioner shall calculate the flat social cost factor for the rate year immediately following the cut-off date by reducing the total social cost by the dollar amount that represents the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits above ten months and dividing the result by the total taxable payroll. However, the calculation under this subsection (2)(b)(i)(B) for a rate year may not result in a flat social cost factor that is more than ~~((two-tenths))~~ four-tenths lower than the calculation under (b)(i)(A) of this subsection for that rate year.

For the purposes of this subsection, the commissioner shall determine the number of months of unemployment benefits in the unemployment compensation fund using the benefit cost rate for the average of the three highest calendar benefit cost rates in the twenty consecutive completed calendar years immediately preceding the cut-off date or a period of consecutive calendar years immediately preceding the cut-off date that includes three recessions, if longer.

(C) The minimum flat social cost factor calculated under this subsection (2)(b) shall be six-tenths of one percent, except that if the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide:

(I) At least twelve months but less than fourteen months of unemployment benefits, the minimum shall be five-tenths of one percent; or

(II) At least fourteen months of unemployment benefits, the minimum shall be five-tenths of one percent, except that, for employers in rate class 1, the minimum shall be forty-five hundredths of one percent.

~~((D) With respect to rate year 2007, the flat social cost factor shall be the lesser of:~~

~~(i) The flat social cost factor determined under (b)(i)(A) through (C) of this subsection; or~~

~~(ii) The flat social cost factor that would be determined under (b)(i)(A) through (C) of this subsection if RCW 50.20.120(2)(c)(i) had been in effect during the immediately preceding rate year.)~~

(ii)(A) Except as provided in (b)(ii)(B) of this subsection, the graduated social cost factor rate for each employer in the array is the flat social cost factor multiplied by the percentage specified as follows for the rate class to which the employer has been assigned in (a)(ii) of this subsection, except that the sum of an employer's array calculation factor rate and the graduated social cost factor rate may not exceed six and five-tenths percent or, for employers whose North American industry classification system code is within "111," "112," "1141," "115," "3114," "3117," ~~((or))~~ "42448," or "49312," may not exceed six percent through rate year 2007 and may not exceed five and seven-tenths percent for rate year 2008 and thereafter:

- (I) Rate class 1 - 78 percent;
- (II) Rate class 2 - 82 percent;
- (III) Rate class 3 - 86 percent;
- (IV) Rate class 4 - 90 percent;
- (V) Rate class 5 - 94 percent;
- (VI) Rate class 6 - 98 percent;
- (VII) Rate class 7 - 102 percent;
- (VIII) Rate class 8 - 106 percent;
- (IX) Rate class 9 - 110 percent;

(X) Rate class 10 - 114 percent;

(XI) Rate class 11 - 118 percent; and

(XII) Rate classes 12 through 40 - 120 percent.

(B) For contributions assessed beginning July 1, 2005, through ~~((June 30,))~~ December 31, 2007, for employers whose North American industry classification system code is "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," the graduated social cost factor rate is zero.

(iii) For the purposes of this section:

(A) "Total social cost" means(~~(:~~

~~(i) Except as provided in (b)(iii)(A)(ii) of this subsection,)) the amount calculated by subtracting the array calculation factor contributions paid by all employers with respect to the four consecutive calendar quarters immediately preceding the computation date and paid to the employment security department by the cut-off date from the total unemployment benefits paid to claimants in the same four consecutive calendar quarters. To calculate the flat social cost factor for rate year 2005, the commissioner shall calculate the total social cost using the array calculation factor contributions that would have been required to be paid by all employers in the calculation period if (a) of this subsection had been in effect for the relevant period.~~

~~((ii) For rate year 2007, the amount calculated under (b)(iii)(A)(i) of this subsection reduced by the amount of benefits charged that exceed the contributions paid in the four consecutive calendar quarters immediately preceding the applicable computation date because, as applicable, specified employers are subject to the social cost contributions under (b)(ii)(B) of this subsection, and/or because the social cost factor contributions are paid under (b)(i)(D)(ii) of this subsection.))~~

(B) "Total taxable payroll" means the total amount of wages subject to tax, as determined under RCW 50.24.010, for all employers in the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(c) The array calculation factor rate for each employer not qualified to be in the array shall be as follows:

(i) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned an array calculation factor rate two-tenths higher than that in rate class 40, except employers who have an approved agency-deferred payment contract by September 30th of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to an array calculation factor rate two-tenths higher than that in rate class 40; and

(ii) For all other employers not qualified to be in the array, the array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, plus fifteen percent of that amount; however, the rate may not be less than one percent or more than the array calculation factor rate in rate class 40.

(d) The graduated social cost factor rate for each employer not qualified to be in the array shall be as follows:

(i) For employers whose array calculation factor rate is determined under (c)(i) of this subsection, the social cost factor rate shall be the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(ii) For employers whose array calculation factor rate is determined under (c)(ii) of this subsection, the social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, plus fifteen percent of that amount, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(3) Assignment of employers by the commissioner to industrial classification, for purposes of this section, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the standard industrial classification code, or in the North American industry classification system code.

Sec. 5. RCW 50.29.041 and 2003 2nd sp.s. c 4 s 16 are each amended to read as follows:

Beginning with contributions assessed for rate year 2005, the contribution rate of each employer subject to contributions under RCW 50.24.010 shall include a solvency surcharge determined as follows:

(1) This section shall apply to employers' contributions for a rate year immediately following a cut-off date only if, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide fewer than ~~((six))~~ seven months of unemployment benefits.

(2) The solvency surcharge shall be the lowest rate necessary, as determined by the commissioner, but not more than two-tenths of one percent, to provide revenue during the applicable rate year that will fund unemployment benefits for the number of months that is the difference between ~~((eight))~~ nine months and the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits.

(3) The basis for determining the number of months of unemployment benefits shall be the same basis used in RCW 50.29.025(2)(b)(i)(B).

Sec. 6. RCW 50.29.021 and 2005 c 133 s 4 are each amended to read as follows:

(1) This section applies to benefits charged to the experience rating accounts of employers for claims that have an effective date on or after January 4, 2004.

(2)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if the individual qualifies for benefits under:

(i) RCW 50.20.050(2)(b)(i), as applicable, and became unemployed after having worked and earned wages in the bona fide work; or

(ii) RCW 50.20.050(2)(b)(v) through (x).

(3) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individual later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the

experience rating account of the contribution paying employer from whom that separation took place.

(e) Individuals who qualify for benefits under RCW 50.20.050(2)(b)(iv), as applicable, shall not have their benefits charged to the experience rating account of any contribution paying employer.

(f) With respect to claims with an effective date on or after the first Sunday following April 22, 2005, ~~((and before July 1, 2007,))~~ benefits paid that exceed the benefits that would have been paid if the weekly benefit amount for the claim had been determined as one percent of the total wages paid in the individual's base year shall not be charged to the experience rating account of any contribution paying employer.

(4)(a) A contribution paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster; or

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

Sec. 7. RCW 50.16.030 and 2005 c 133 s 6 are each amended to read as follows:

(1)(a) Except as provided in (b) ~~((and (c)))~~ of this subsection, moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and repayment of loans from the federal government to guarantee solvency of the unemployment compensation fund in accordance with regulations prescribed by the commissioner, except that money credited to this state's account pursuant to section 903 of the social security act, as amended, shall be used exclusively as provided in RCW 50.16.030(5). The commissioner shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as he or she deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his or her warrants for the payment of benefits solely from such benefits account.

(b) Moneys for the payment of regular benefits as defined in RCW 50.22.010 shall be requisitioned during fiscal year ~~((and 2007))~~ 2006 in the following order:

(i) First, from the moneys credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended in section 209 of the temporary extended unemployment compensation act of 2002 (42 U.S.C. Sec. 1103(d)), the amount equal to the amount of benefits charged that exceed the contributions paid in the four consecutive calendar quarters ending on June 30, 2006, ~~((for the fiscal year 2006 calculation, and ending on June 30, 2007, for the fiscal year 2007 calculation,))~~ because the social cost factor contributions that employers are subject to under RCW 50.29.025(2)(b)(ii)(B) are less than the social cost factor

contributions that these employers would have been subject to if RCW 50.29.025(2)(b)(ii)(A) had applied to these employers; and

(ii) Second, after the requisitioning required under (b)(i) of this subsection (~~in the respective fiscal year~~), from all other moneys credited to this state's account in the unemployment trust fund.

~~((c) After the requisitioning required under (b) of this subsection, if applicable, moneys for the payment of regular benefits as defined in RCW 50.22.010 shall be requisitioned during calendar year 2007 in the following order:~~

~~(i) First, from the moneys credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended in section 209 of the temporary extended unemployment compensation act of 2002 (42 U.S.C. Sec. 1103(d)); the amount equal to the amount of benefits paid under RCW 50.20.120(2)(c)(ii) beginning on the first Sunday following April 22, 2005, and ending on June 30, 2007, that exceed the amount of benefits that would have been paid if the weekly benefit amount had been determined as one percent of the total wages paid in the individual's base year; and~~

~~(ii) Second, after the requisitioning required under (c)(i) of this subsection in the respective calendar year, from all other moneys credited to this state's account in the unemployment trust fund;))~~

(2) Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, and RCW 43.01.050, as amended, shall not apply. All warrants issued by the treasurer for the payment of benefits and refunds shall bear the signature of the treasurer and the countersignature of the commissioner, or his or her duly authorized agent for that purpose.

(3) Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or in the discretion of the commissioner, shall be redeposited with the secretary of the treasury of the United States of America to the credit of this state's account in the unemployment trust fund.

(4) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the social security act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this title pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(a) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor;

(b) Limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law; and

(c) Limits the amount which may be obligated during a twelve-month period beginning on July 1st and ending on the next June 30th to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act, as amended, during the same twelve-month period and the thirty-four preceding twelve-month periods, exceeds (ii) the aggregate of the amounts obligated pursuant to RCW 50.16.030 (4), (5) and (6) and charged against the amounts credited to the account of this state during any of such thirty-five twelve-month periods. For the purposes of RCW 50.16.030 (4), (5) and (6), amounts obligated during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during any such twelve-month period may be charged against any amount credited during such a twelve-month period earlier than the thirty-fourth twelve-month period preceding such period: PROVIDED, That any amount credited to this state's account under section 903 of the social security act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund shall be excluded from the unemployment compensation fund balance for the purpose of experience rating credit determination.

(5) Money credited to the account of this state pursuant to section 903 of the social security act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses of administration and of public employment offices pursuant to RCW 50.16.030 (4), (5) and (6). However, moneys credited because of excess amounts in federal accounts in federal fiscal years 1999, 2000, and 2001 shall be used solely for the administration of the unemployment compensation program and are not subject to appropriation by the legislature for any other purpose.

(6) Money requisitioned as provided in RCW 50.16.030 (4), (5) and (6) for the payment of expenses of administration shall be deposited in the unemployment compensation fund, but until expended, shall remain a part of the unemployment compensation fund. The commissioner shall maintain a separate record of the deposit, obligation, expenditure and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended, shall be returned promptly to the account of this state in the unemployment trust fund.

PART III - REENACTED PROVISIONS

Sec. 8. RCW 50.04.293 and 2003 2nd sp.s. c 4 s 5 are each reenacted to read as follows:

With respect to claims that have an effective date before January 4, 2004, "misconduct" means an employee's act or failure to act in willful disregard of his or her employer's interest where the effect of the employee's act or failure to act is to harm the employer's business.

Sec. 9. RCW 50.04.294 and 2003 2nd sp.s. c 4 s 6 are each reenacted to read as follows:

With respect to claims that have an effective date on or after January 4, 2004:

(1) "Misconduct" includes, but is not limited to, the following conduct by a claimant:

(a) Willful or wanton disregard of the rights, title, and interests of the employer or a fellow employee;

(b) Deliberate violations or disregard of standards of behavior which the employer has the right to expect of an employee;

(c) Carelessness or negligence that causes or would likely cause serious bodily harm to the employer or a fellow employee; or

(d) Carelessness or negligence of such degree or recurrence to show an intentional or substantial disregard of the employer's interest.

(2) The following acts are considered misconduct because the acts signify a willful or wanton disregard of the rights, title, and interests of the employer or a fellow employee. These acts include, but are not limited to:

(a) Insubordination showing a deliberate, willful, or purposeful refusal to follow the reasonable directions or instructions of the employer;

(b) Repeated inexcusable tardiness following warnings by the employer;

(c) Dishonesty related to employment, including but not limited to deliberate falsification of company records, theft, deliberate deception, or lying;

(d) Repeated and inexcusable absences, including absences for which the employee was able to give advance notice and failed to do so;

(e) Deliberate acts that are illegal, provoke violence or violation of laws, or violate the collective bargaining agreement. However, an employee who engages in lawful union activity may not be disqualified due to misconduct;

(f) Violation of a company rule if the rule is reasonable and if the claimant knew or should have known of the existence of the rule; or

(g) Violations of law by the claimant while acting within the scope of employment that substantially affect the claimant's job performance or that substantially harm the employer's ability to do business.

(3) "Misconduct" does not include:

(a) Inefficiency, unsatisfactory conduct, or failure to perform well as the result of inability or incapacity;

- (b) Inadvertence or ordinary negligence in isolated instances; or
- (c) Good faith errors in judgment or discretion.

(4) "Gross misconduct" means a criminal act in connection with an individual's work for which the individual has been convicted in a criminal court, or has admitted committing, or conduct connected with the individual's work that demonstrates a flagrant and wanton disregard of and for the rights, title, or interest of the employer or a fellow employee.

Sec. 10. RCW 50.20.010 and 2003 2nd sp.s. c 4 s 3 are each reenacted to read as follows:

(1) An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week in his or her eligibility period only if the commissioner finds that:

(a) He or she has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which the commissioner finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

(b) He or she has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(c) He or she is able to work, and is available for work in any trade, occupation, profession, or business for which he or she is reasonably fitted.

(i) With respect to claims that have an effective date before January 4, 2004, to be available for work an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner's agents.

(ii) With respect to claims that have an effective date on or after January 4, 2004, to be available for work an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner's agents. If a labor agreement or dispatch rules apply, customary trade practices must be in accordance with the applicable agreement or rules;

(d) He or she has been unemployed for a waiting period of one week;

(e) He or she participates in reemployment services if the individual has been referred to reemployment services pursuant to the profiling system established by the commissioner under RCW 50.20.011, unless the commissioner determines that:

(i) The individual has completed such services; or

(ii) There is justifiable cause for the claimant's failure to participate in such services; and

(f) As to weeks beginning after March 31, 1981, which fall within an extended benefit period as defined in RCW 50.22.010, the individual meets the terms and conditions of RCW 50.22.020 with respect to benefits claimed in excess of twenty-six times the individual's weekly benefit amount.

(2) An individual's eligibility period for regular benefits shall be coincident to his or her established benefit year. An individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits.

Sec. 11. RCW 50.20.060 and 2003 2nd sp.s. c 4 s 7 are each reenacted to read as follows:

With respect to claims that have an effective date before January 4, 2004, an individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has been discharged or suspended for misconduct connected with his or her work and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her

weekly benefit amount. Alcoholism shall not constitute a defense to disqualification from benefits due to misconduct.

Sec. 12. RCW 50.20.065 and 2003 2nd sp.s. c 4 s 8 are each reenacted to read as follows:

With respect to claims that have an effective date before January 4, 2004:

(1) An individual who has been discharged from his or her work because of a felony or gross misdemeanor of which he or she has been convicted, or has admitted committing to a competent authority, and that is connected with his or her work shall have all hourly wage credits based on that employment canceled.

(2) The employer shall notify the department of such an admission or conviction, not later than six months following the admission or conviction.

(3) The claimant shall disclose any conviction of the claimant of a work-connected felony or gross misdemeanor occurring in the previous two years to the department at the time of application for benefits.

(4) All benefits that are paid in error based on wage/hour credits that should have been removed from the claimant's base year are recoverable, notwithstanding RCW 50.20.190 or 50.24.020 or any other provisions of this title.

Sec. 13. RCW 50.20.066 and 2003 2nd sp.s. c 4 s 9 are each reenacted to read as follows:

With respect to claims that have an effective date on or after January 4, 2004:

(1) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has been discharged or suspended for misconduct connected with his or her work and thereafter for ten calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to ten times his or her weekly benefit amount. Alcoholism shall not constitute a defense to disqualification from benefits due to misconduct.

(2) An individual who has been discharged from his or her work because of gross misconduct shall have all hourly wage credits based on that employment or six hundred eighty hours of wage credits, whichever is greater, canceled.

(3) The employer shall notify the department of a felony or gross misdemeanor of which an individual has been convicted, or has admitted committing to a competent authority, not later than six months following the admission or conviction.

(4) The claimant shall disclose any conviction of the claimant of a work-connected felony or gross misdemeanor occurring in the previous two years to the department at the time of application for benefits.

(5) All benefits that are paid in error based on this section are recoverable, notwithstanding RCW 50.20.190 or 50.24.020 or any other provisions of this title.

Sec. 14. RCW 50.20.100 and 2004 c 110 s 2 are each reenacted to read as follows:

(1) Suitable work for an individual is employment in an occupation in keeping with the individual's prior work experience, education, or training and if the individual has no prior work experience, special education, or training for employment available in the general area, then employment which the individual would have the physical and mental ability to perform. In determining whether work is suitable for an individual, the commissioner shall also consider the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness, the individual's length of unemployment and prospects for securing local work in the individual's customary occupation, the distance of the available work from the individual's residence, and such other factors as the commissioner may deem pertinent, including state and national emergencies.

(2) For individuals with base year work experience in agricultural labor, any agricultural labor available from any employer shall be deemed suitable unless it meets conditions in RCW 50.20.110 or the commissioner finds elements of specific work opportunity unsuitable for a particular individual.

(3) For part-time workers as defined in RCW 50.20.119, suitable work includes suitable work under subsection (1) of this section that is for seventeen or fewer hours per week.

(4) For individuals who have qualified for unemployment compensation benefits under RCW 50.20.050 (1)(b)(iv) or (2)(b)(iv), as applicable, an evaluation of the suitability of the work must consider the individual's need to address the physical, psychological, legal, and other effects of domestic violence or stalking.

Sec. 15. RCW 50.20.119 and 2003 2nd sp.s. c 4 s 12 are each reenacted to read as follows:

(1) With respect to claims that have an effective date on or after January 2, 2005, an otherwise eligible individual may not be denied benefits for any week because the individual is a part-time worker and is available for, seeks, applies for, or accepts only work of seventeen or fewer hours per week by reason of the application of RCW 50.20.010(1)(c), 50.20.080, or 50.22.020(1) relating to availability for work and active search for work, or failure to apply for or refusal to accept suitable work.

(2) For purposes of this section, "part-time worker" means an individual who: (a) Earned wages in "employment" in at least forty weeks in the individual's base year; and (b) did not earn wages in "employment" in more than seventeen hours per week in any weeks in the individual's base year.

Sec. 16. RCW 50.20.240 and 2004 c 110 s 1 are each reenacted to read as follows:

(1)(a) To ensure that following the initial application for benefits, an individual is actively engaged in searching for work, the employment security department shall implement a job search monitoring program. Effective January 4, 2004, the department shall contract with employment security agencies in other states to ensure that individuals residing in those states and receiving benefits under this title are actively engaged in searching for work in accordance with the requirements of this section. The department may use interactive voice technology and other electronic means to ensure that individuals are subject to comparable job search monitoring, regardless of whether they reside in Washington or elsewhere.

(b) Except for those individuals with employer attachment or union referral, individuals who qualify for unemployment compensation under RCW 50.20.050 (1)(b)(iv) or (2)(b)(iv), as applicable, and individuals in commissioner-approved training, an individual who has received five or more weeks of benefits under this title, regardless of whether the individual resides in Washington or elsewhere, must provide evidence of seeking work, as directed by the commissioner or the commissioner's agents, for each week beyond five in which a claim is filed. With regard to claims with an effective date before January 4, 2004, the evidence must demonstrate contacts with at least three employers per week or documented in-person job search activity at the local reemployment center. With regard to claims with an effective date on or after January 4, 2004, the evidence must demonstrate contacts with at least three employers per week or documented in-person job search activities at the local reemployment center at least three times per week.

(c) In developing the requirements for the job search monitoring program, the commissioner or the commissioner's agents shall utilize an existing advisory committee having equal representation of employers and workers.

(2) Effective January 4, 2004, an individual who fails to comply fully with the requirements for actively seeking work under RCW 50.20.010 shall lose all benefits for all weeks during which the individual was not in compliance, and the individual shall be liable for repayment of all such benefits under RCW 50.20.190.

Sec. 17. RCW 50.04.335 and 2003 2nd sp.s. c 4 s 2 are each reenacted to read as follows:

After December 31, 2003, for the purpose of the payment of contributions, the term "wages" does not include an employee's income attributable to the transfer of shares of stock to the employee pursuant to his or her exercise of a stock option granted for any reason connected with his or her employment.

Sec. 18. RCW 50.16.010 and 2005 c 518 s 933 are each

reenacted to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); and

(viii) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d) During the 2005-2007 fiscal biennium, the cost of the job skills program at community and technical colleges as appropriated by the legislature.

Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

Sec. 19. RCW 50.16.015 and 2003 2nd sp.s. c 4 s 24 are each reenacted to read as follows:

A separate and identifiable fund to provide for the payment of interest on advances received from this state's account in the federal unemployment trust fund shall be established and administered under the direction of the commissioner. This fund shall be known as the federal interest payment fund and shall consist of contributions paid under RCW 50.16.070. All money in this fund shall be expended solely for the payment of interest on advances received from this state's account in the federal unemployment trust fund and for no other purposes whatsoever.

Sec. 20. RCW 50.24.014 and 2003 2nd sp.s. c 4 s 25 are each reenacted to read as follows:

(1)(a) A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at a basic rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

(b) A separate and identifiable account is established in the administrative contingency fund for financing the employment security department's administrative cost under RCW 50.22.150 and the costs under RCW 50.22.150(9). All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, those employers described under RCW 50.29.025(1)(f)(ii), and those qualified employers assigned rate class 20 or rate class 40, as applicable, under RCW 50.29.025, at a basic rate of one one-hundredth of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010. Any amount of contributions payable under this subsection (1)(b) that exceeds the amount that would have been collected at a rate of four one-thousandths of one percent must be deposited in the unemployment compensation trust fund.

(c) For the first calendar quarter of 1994 only, the basic two one-hundredths of one percent contribution payable under (a) of this subsection shall be increased by one-hundredth of one percent to a total rate of three one-hundredths of one percent. The proceeds of this incremental one-hundredth of one percent shall be used solely for the purposes described in section 22, chapter 483, Laws of 1993, and for the purposes of conducting an evaluation of the call center approach to unemployment insurance under section 5, chapter 161, Laws of 1998. During the 1997-1999 fiscal biennium, any surplus from contributions payable under this subsection (c) may be deposited in the unemployment compensation trust fund, used to support tax and wage automated systems projects that simplify and streamline employer reporting, or both.

(2)(a) Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(b) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) If the commissioner determines that federal funding has been increased to provide financing for the services specified in chapter 50.62 RCW, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st.

Sec. 21. RCW 50.20.190 and 2005 c 518 s 934 are each reenacted to read as follows:

(1) An individual who is paid any amount as benefits under this

title to which he or she is not entitled shall, unless otherwise relieved pursuant to this section, be liable for repayment of the amount overpaid. The department shall issue an overpayment assessment setting forth the reasons for and the amount of the overpayment. The amount assessed, to the extent not collected, may be deducted from any future benefits payable to the individual: PROVIDED, That in the absence of a back pay award, a settlement affecting the allowance of benefits, fraud, misrepresentation, or willful nondisclosure, every determination of liability shall be mailed or personally served not later than two years after the close of or final payment made on the individual's applicable benefit year for which the purported overpayment was made, whichever is later, unless the merits of the claim are subjected to administrative or judicial review in which event the period for serving the determination of liability shall be extended to allow service of the determination of liability during the six-month period following the final decision affecting the claim.

(2) The commissioner may waive an overpayment if the commissioner finds that the overpayment was not the result of fraud, misrepresentation, willful nondisclosure, or fault attributable to the individual and that the recovery thereof would be against equity and good conscience: PROVIDED, HOWEVER, That the overpayment so waived shall be charged against the individual's applicable entitlement for the eligibility period containing the weeks to which the overpayment was attributed as though such benefits had been properly paid.

(3) Any assessment herein provided shall constitute a determination of liability from which an appeal may be had in the same manner and to the same extent as provided for appeals relating to determinations in respect to claims for benefits: PROVIDED, That an appeal from any determination covering overpayment only shall be deemed to be an appeal from the determination which was the basis for establishing the overpayment unless the merits involved in the issue set forth in such determination have already been heard and passed upon by the appeal tribunal. If no such appeal is taken to the appeal tribunal by the individual within thirty days of the delivery of the notice of determination of liability, or within thirty days of the mailing of the notice of determination, whichever is the earlier, the determination of liability shall be deemed conclusive and final. Whenever any such notice of determination of liability becomes conclusive and final, the commissioner, upon giving at least twenty days notice by certified mail return receipt requested to the individual's last known address of the intended action, may file with the superior court clerk of any county within the state a warrant in the amount of the notice of determination of liability plus a filing fee under RCW 36.18.012(10). The clerk of the county where the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the person(s) mentioned in the warrant, the amount of the notice of determination of liability, and the date when the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to, and any interest in, all real and personal property of the person(s) against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of such clerk. A warrant so docketed shall be sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law for a civil judgment. A copy of the warrant shall be mailed to the person(s) mentioned in the warrant by certified mail to the person's last known address within five days of its filing with the clerk.

(4) On request of any agency which administers an employment security law of another state, the United States, or a foreign government and which has found in accordance with the provisions of such law that a claimant is liable to repay benefits received under such law, the commissioner may collect the amount of such benefits from the claimant to be refunded to the agency. In any case in which under this section a claimant is liable to repay any amount to the agency of another state, the United States, or a foreign government, such amounts may be collected without interest by civil action in the name of the commissioner acting as agent for such agency if the other state, the United States, or the foreign government extends such collection rights to the employment security department of the state of Washington, and provided that the court costs be paid by the

governmental agency benefiting from such collection.

(5) Any employer who is a party to a back pay award or settlement due to loss of wages shall, within thirty days of the award or settlement, report to the department the amount of the award or settlement, the name and social security number of the recipient of the award or settlement, and the period for which it is awarded. When an individual has been awarded or receives back pay, for benefit purposes the amount of the back pay shall constitute wages paid in the period for which it was awarded. For contribution purposes, the back pay award or settlement shall constitute wages paid in the period in which it was actually paid. The following requirements shall also apply:

(a) The employer shall reduce the amount of the back pay award or settlement by an amount determined by the department based upon the amount of unemployment benefits received by the recipient of the award or settlement during the period for which the back pay award or settlement was awarded;

(b) The employer shall pay to the unemployment compensation fund, in a manner specified by the commissioner, an amount equal to the amount of such reduction;

(c) The employer shall also pay to the department any taxes due for unemployment insurance purposes on the entire amount of the back pay award or settlement notwithstanding any reduction made pursuant to (a) of this subsection;

(d) If the employer fails to reduce the amount of the back pay award or settlement as required in (a) of this subsection, the department shall issue an overpayment assessment against the recipient of the award or settlement in the amount that the back pay award or settlement should have been reduced; and

(e) If the employer fails to pay to the department an amount equal to the reduction as required in (b) of this subsection, the department shall issue an assessment of liability against the employer which shall be collected pursuant to the procedures for collection of assessments provided herein and in RCW 50.24.110.

(6) When an individual fails to repay an overpayment assessment that is due and fails to arrange for satisfactory repayment terms, the commissioner shall impose an interest penalty of one percent per month of the outstanding balance. Interest shall accrue immediately on overpayments assessed pursuant to RCW 50.20.070 and shall be imposed when the assessment becomes final. For any other overpayment, interest shall accrue when the individual has missed two or more of the individual's monthly payments either partially or in full. The interest penalty shall be used, first, to fully fund either social security number cross-match audits or other more effective activities that ensure that individuals are entitled to all amounts of benefits that they are paid, second, to fund other detection and recovery of overpayment and collection activities, and third, during the 2005-07 fiscal biennium, the cost of the job skills program at community and technical colleges as appropriated by the legislature.

Sec. 22. RCW 50.04.206 and 2003 2nd sp.s. c 4 s 27 are each reenacted to read as follows:

The term "employment" shall not include service that is performed by a nonresident alien for the period he or she is temporarily present in the United States as a nonimmigrant under subparagraph (F), (H)(ii), (H)(iii), or (J) of section 101(a)(15) of the federal immigration and naturalization act, as amended, and that is performed to carry out the purpose specified in the applicable subparagraph of the federal immigration and naturalization act.

NEW SECTION. Sec. 23. (1) Sections 8 through 13 and 16 of this act apply retroactively to claims that have an effective date on or after January 4, 2004.

(2) Sections 14 and 15 of this act apply retroactively to claims that have an effective date on or after January 2, 2005.

(3) Sections 17 through 22 of this act apply retroactively to June 20, 2003.

PART IV - MISCELLANEOUS

NEW SECTION. Sec. 24. The employment security department shall study the following and report its findings and

recommendations, if any, to the unemployment insurance advisory committee and to the house of representatives commerce and labor committee and the senate labor, commerce, research, and development committee, or their successor committees, by December 1, 2006:

(1) Employment patterns involving repeat episodes of unemployment to achieve improved employer retention rates, improved claimant placement rates, and increased employment opportunities;

(2) Employers in rate class 40, including types of industries, sizes of employers, contributions paid, and benefit charges attributable to such employers;

(3) Reasons for the unusually high rate of employer turnover among Washington employers, which leads to a high volume of charges against inactive accounts and increases socialized costs; and

(4) Fraud prevention methods such as corporate officer eligibility for unemployment insurance, and personal liability of corporate officers for failure to accurately report employee information or pay taxes owed.

NEW SECTION. Sec. 25. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 26. Sections 4 and 5 of this act apply to rate years beginning on or after January 1, 2007.

NEW SECTION. Sec. 27. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state."

Correct the title.

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Conway, Condotta, Clibborn and Dunn spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6885, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6885, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson,

Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 97.

Voting nay: Representative Woods - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6885, as amended by the House, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Conway: "I do want to thank all of our staff who are in the wings for the very hard work they did with all of us here in working on this very important issue. I know that many of you had questions of staff regarding these issues. Would the staff come forward, please? Also, Mr. Speaker, we thank all the members of the task force, many who are from business and labor who also put in endless hours in helping us reach this compromise. Thank you so much."

There being no objection, the Rules Committee was relieved of the following bills, and the bills were placed on the Second Reading calendar:

SENATE BILL NO. 5106,
 SUBSTITUTE SENATE BILL NO. 5126,
 SUBSTITUTE SENATE BILL NO. 6141,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6151,
 SENATE BILL NO. 6162,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6175,
 SUBSTITUTE SENATE BILL NO. 6201,
 SUBSTITUTE SENATE BILL NO. 6221,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6239,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6244,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6255,
 SENATE BILL NO. 6264,
 SUBSTITUTE SENATE BILL NO. 6287,
 SUBSTITUTE SENATE BILL NO. 6325,
 SECOND SUBSTITUTE SENATE BILL NO. 6326,
 SENATE BILL NO. 6344,
 SENATE BILL NO. 6364,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6366,
 SENATE BILL NO. 6368,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6396,
 SENATE BILL NO. 6412,
 SENATE BILL NO. 6418,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6427,
 SENATE BILL NO. 6429,
 SENATE BILL NO. 6453,
 SECOND SUBSTITUTE SENATE BILL NO. 6460,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6475,
 SUBSTITUTE SENATE BILL NO. 6512,
 SUBSTITUTE SENATE BILL NO. 6676,
 SUBSTITUTE SENATE BILL NO. 6697,
 SUBSTITUTE SENATE BILL NO. 6717,
 SENATE BILL NO. 6826,

There being no objection, the Committee on Appropriations was relieved of SENATE BILL NO. 6368, and the bill was placed on the Second Reading calendar.

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

There being no objection, the House adjourned until 9:30 a.m., March 3, 2006, the 54th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FIFTY FOURTH DAY

House Chamber, Olympia, Friday, March 3, 2006

The House was called to order at 9:30 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags was escorted to the rostrum by the Marine Corps Security Force Company, Bangor. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Chaplain Ed Carroll, Naval Base, Kitsap Bangor.

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

RESOLUTION

HOUSE RESOLUTION NO. 2006-4688. By Representatives Hinkle and Lovick

WHEREAS, Throughout our nation's history, our armed forces have engaged in conflicts during which ordinary men and women witness and perform incredible acts of comradeship, courage, and selflessness that transform them into heroes; and

WHEREAS, Sergeant Jim Harrison distinguished himself while serving as a Special Forces Advisor to the Vietnamese Reaction Company in the 5th Special Forces Group (Airborne) from Fort Bragg, North Carolina; and

WHEREAS, On October 21, 1967, Sergeant Jim Harrison demonstrated exceptional valor and intrepidity in his mission to exploit a Viet Cong base camp while in conflict with armed hostile forces in the Republic of Vietnam; and

WHEREAS, Sergeant Jim Harrison led his platoon through intense automatic weapons fire, exposing him to a savage hail of bullets while he fearlessly led soldiers across the open field until they reached the enemy and assaulted the first line defensive trenches and bunkers; and

WHEREAS, Acting with great selflessness and in the face of ravaging hostile fire, Sergeant Jim Harrison saved the lives of many of his comrades by providing cover fire while his wounded troops were removed from the battlefield; and

WHEREAS, Armed with one automatic rifle and several grenades, Sergeant Jim Harrison charged an enemy fortification alone, and delivered the heaviest and most lethal fire, destroying a bunker and personally killing six enemy soldiers; and

WHEREAS, Sergeant Jim Harrison withdrew across the open field of battle to allow air strikes on the enemy's base camp and then led troops back into battle across the open field; and

WHEREAS, Sergeant Jim Harrison's disregard for his personal safety and his unremitting valor resulted in an overwhelming victory over the insurgents; and

WHEREAS, Sergeant Jim Harrison earned a Silver Star, the third highest award designated solely for heroism in combat, a Bronze Star, a Presidential Unit Citation, Vietnamese Jump Wings, and the Expert Infantryman Badge

for his service to the United States during the Vietnam War; and

WHEREAS, Sergeant Jim Harrison's patriotism and bravery are in the highest traditions of the military service, and reflect great credit upon himself, his unit, and the United States Army;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington salute and honor Sergeant Jim Harrison's courage, heroism, dedication, and selfless duty to his country; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Sergeant Jim Harrison, the Chairman of the Joint Chiefs of Staff, and the President of the United States.

Representative Hinkle moved the adoption of the resolution.

Representatives Hinkle and Lovick spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4688 was adopted.

MESSAGES FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1504,
SUBSTITUTE HOUSE BILL NO. 2414,
SUBSTITUTE HOUSE BILL NO. 2670,
SUBSTITUTE HOUSE BILL NO. 2876,
ENGROSSED HOUSE BILL NO. 3074,
ENGROSSED HOUSE BILL NO. 3192,
HOUSE BILL NO. 3252,
HOUSE JOINT MEMORIAL NO. 4031,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 2, 2006

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1641,
SUBSTITUTE HOUSE BILL NO. 2394,
HOUSE BILL NO. 2690,
HOUSE BILL NO. 2857,
HOUSE BILL NO. 2932,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2951,
SUBSTITUTE HOUSE BILL NO. 3128,
HOUSE BILL NO. 3154,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 2, 2006

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1471,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056,

HOUSE BILL NO. 2380,
 SUBSTITUTE HOUSE BILL NO. 2804,
 SECOND SUBSTITUTE HOUSE BILL NO. 2805,
 SUBSTITUTE HOUSE BILL NO. 2908,
 HOUSE JOINT MEMORIAL NO. 4023,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 2, 2006

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2479,
 HOUSE BILL NO. 2520,
 SUBSTITUTE HOUSE BILL NO. 2713,
 SUBSTITUTE HOUSE BILL NO. 2726,
 HOUSE BILL NO. 3134,
 SUBSTITUTE HOUSE BILL NO. 3137,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 2, 2006

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1305,
 HOUSE BILL NO. 2366,
 HOUSE BILL NO. 2379,
 SUBSTITUTE HOUSE BILL NO. 2987,
 HOUSE BILL NO. 3056,
 SUBSTITUTE HOUSE BILL NO. 3120,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 3, 2006

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 6152,
 SENATE BILL NO. 6159,
 ENGROSSED SENATE BILL NO. 6169,
 SUBSTITUTE SENATE BILL NO. 6185,
 SENATE BILL NO. 6208,
 ENGROSSED SENATE BILL NO. 6236,
 SENATE BILL NO. 6338,
 SUBSTITUTE SENATE BILL NO. 6359,
 SUBSTITUTE SENATE BILL NO. 6406,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6480,
 ENGROSSED SENATE BILL NO. 6537,
 SENATE BILL NO. 6549,
 SENATE BILL NO. 6576,
 SUBSTITUTE SENATE BILL NO. 6596,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

The Speaker (Representative Morris presiding) called upon Representative Lovick to preside.

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

SECOND READING

SENATE BILL NO. 6453, By Senators Mulliken, Pridemore, Fraser, Rockefeller, Franklin and Spanel; by request of Select Committee on Pension Policy

Establishing a one thousand dollar minimum monthly benefit for certain plan 1 members of the public employees' retirement system and certain plan 1 members of the teachers' retirement system.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6453.

MOTION

On motion of Representative Clements, Representatives Alexander, Campbell and Skinner were excused.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6453 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Alexander, Campbell and Skinner - 3.

SENATE BILL NO. 6453, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6255, By Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Eide and McAuliffe)

Improving student performance through student-centered planning.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For Committee amendment, see Journal, 46th Day, February 23, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Quall and Anderson spoke in favor of passage of the bill.

Representative Schindler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6255, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6255, as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Dunn and Schindler - 2.
Excused: Representatives Alexander and Skinner - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6255, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SUBSTITUTE SENATE BILL NO. 6255.

JIM DUNN, 17th District

ENGROSSED SUBSTITUTE SENATE BILL NO. 6475, By Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators McAuliffe, Schmidt, Eide, Weinstein, Haugen, Berkey, Kastama, Shin, Kohl-Welles and Rasmussen; by request of Superintendent of Public Instruction)

Authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was not adopted. (For Committee amendment, see Journal, 46th Day, February 23, 2006.)

Representative Quall moved the adoption of amendment (1111):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.655 RCW to read as follows:

(1) The legislature has made a commitment to rigorous academic standards for receipt of a high school diploma. The primary way that students will demonstrate that they meet the standards in reading, writing, mathematics, and science is through the Washington assessment of student learning. Only objective assessments that are comparable in rigor to the state assessment are authorized as an alternative assessment. Before seeking an alternative assessment, the legislature expects students to make a genuine effort to meet state standards, through retaking the Washington assessment of student learning; regular and consistent attendance at school; and participation in extended learning and other assistance programs.

(2) Under RCW 28A.655.061, beginning in the 2006-07 school year, the superintendent of public instruction shall implement objective alternative assessment methods as provided in this section for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school Washington assessment of student learning. A student may access an alternative if the student meets applicable eligibility criteria in RCW 28A.655.061 and other eligibility criteria established by the superintendent of public instruction, including but not limited to attendance criteria and participation in the remediation or supplemental instruction contained in the student learning plan developed under RCW 28A.655.061. A school district may waive attendance or remediation criteria for special, unavoidable circumstances.

(3) For the purposes of this section, "applicant" means a student seeking to use one of the alternative assessment methods in this section.

(4) One alternative assessment method shall be a combination of the applicant's grades in applicable courses and the applicant's highest score on the high school Washington assessment of student learning, as provided in this subsection. The superintendent of public instruction shall determine which high school courses are applicable to the alternative assessment method and shall issue guidelines to school districts.

(a) Using guidelines prepared by the superintendent of public instruction, a school district shall identify the group of students in the same school as the applicant who took the same high school courses as the applicant in the applicable content area. From the group of students identified in this manner, the district shall select the comparison cohort that shall be those students who met or slightly exceeded the state standard on the Washington assessment of student learning.

(b) The district shall compare the applicant's grades in high school courses in the applicable content area to the grades of students in the comparison cohort for the same high school courses. If the applicant's grades are equal to or above the mean grades of the comparison cohort, the applicant shall be deemed to have met the state standard on the alternative assessment.

(c) An applicant may not use the alternative assessment under this subsection (4) if there are fewer than six students in the comparison cohort.

(5) The superintendent of public instruction shall develop an alternative assessment method that shall be an evaluation of a collection of work samples prepared and submitted by the applicant, as provided in this subsection and, for career and technical applicants, the additional requirements of subsection (6) of this section.

(a) The superintendent of public instruction shall develop guidelines for the types and number of work samples in each content area that may be submitted as a collection of evidence that the applicant has met the state standard in that content area. Work samples may be collected from academic, career and technical, or remedial courses and may include performance tasks as well as written products. The superintendent shall submit the guidelines for approval by the state board of education.

(b) The superintendent shall develop protocols for submission of the collection of work samples that include affidavits from the applicant's teachers and school district that the samples are the work of the applicant and a requirement that a portion of the samples be prepared under the direct supervision of a classroom teacher. The superintendent shall submit the protocols for approval by the state board of education.

(c) The superintendent shall develop uniform scoring criteria for evaluating the collection of work samples and submit the scoring criteria for approval by the state board of education. Collections shall be scored at the state level or regionally by a panel of educators selected and trained by the superintendent to ensure objectivity, reliability, and rigor in the evaluation. An educator may not score work samples submitted by applicants from the educator's school district. If the panel awards an applicant's collection of work samples the minimum required score, the applicant shall be deemed to have met the state standard on the alternative assessment.

(d) Using an open and public process that includes consultation with district superintendents, school principals, and other educators, the state board of education shall consider the guidelines, protocols, scoring criteria, and other information regarding the collection of work samples submitted by the superintendent of public instruction. The collection of work samples may be implemented as an alternative assessment after the state board of education has approved the guidelines, protocols, and scoring criteria and determined that the collection of work samples: (i) will meet professionally accepted standards for a valid and reliable measure of the grade level expectations and the essential academic learning requirements; and (ii) is comparable to or exceeds the rigor of the skills and knowledge that a student must demonstrate on the Washington assessment of student learning in the applicable content area. The state board shall make an approval decision and determination no later than December 1, 2006, and thereafter may increase the required rigor of the collection of work samples.

(e) By September of 2006, the superintendent of public instruction shall develop informational materials for parents, teachers, and students regarding the collection of work samples and the status of its development as an alternative assessment method. The materials shall provide specific guidance regarding the type and number of work samples likely to be required, include examples of work that meets the state learning standards, and describe the scoring criteria and process for the collection. The materials shall also encourage students in the graduating class of 2008 to begin creating a collection if they believe they may seek to use the collection once it is implemented as an alternative assessment.

(6)(a) For students enrolled in a career and technical education program approved under section 2 of this act, the superintendent of public instruction shall develop additional guidelines for a collection of work samples that evidences that the collection:

- (i) Is relevant to the student's particular career and technical program;
- (ii) Focuses on the application of academic knowledge and skills within the program;
- (iii) Includes completed activities or projects where demonstration of academic knowledge is inferred; and
- (iv) Is related to the essential academic learning requirements and state standards that students must meet to earn a certificate of academic achievement or certificate of individual achievement, but also represents the knowledge and skills that successful individuals in the career and technical field of the approved program are expected to possess.

(b) To meet the state standard on the alternative assessment under this subsection (6), an applicant must also attain the state or nationally recognized certificate or credential associated with the approved career and technical program.

(c) The superintendent shall consult with community and technical colleges, employers, the work force training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create an appropriate collection of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards.

(7) The superintendent of public instruction shall study the feasibility of using existing mathematics assessments in languages other than English as an additional alternative assessment option. The study shall include an estimation of the cost of translating the tenth grade mathematics assessment into other languages and scoring the assessments should they be implemented.

(8) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments; and

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who: (i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or (ii) have special, unavoidable circumstances.

(9) The superintendent of public instruction may adopt rules to implement this section.

NEW SECTION. Sec. 2. A new section is added to chapter 28C.04 RCW to read as follows:

The superintendent of public instruction shall develop a list of approved career and technical education programs that qualify for the objective alternative assessment for career and technical students developed under section 1 of this act. Programs on the list must meet the following minimum criteria:

(1) Lead to a certificate or credential that is state or nationally recognized by trades, industries, or other professional associations as necessary for employment or advancement in that field;

(2) Require a sequenced progression of multiple courses, both exploratory and preparatory, that are vocationally intensive and rigorous; and

(3) Have a high potential for providing the program completer with gainful employment or entry into a postsecondary work force training program.

NEW SECTION. Sec. 3. (1) By September 10, 2006, the superintendent of public instruction shall report the following, in detail, to the education committees of the legislature:

(a) Results of the pilot testing of the alternative assessments authorized under section 1 of this act, particularly the pilot testing of the collection of work samples or collection of evidence;

(b) The proposed guidelines, protocols, and procedures to be used by the superintendent in implementing the alternative assessments, particularly the collection of evidence;

(c) The proposed criteria, rubrics, and methodology for scoring the collection of evidence;

(d) A description of the training to be provided for school districts, educators serving on scoring panels, and teachers assisting students with collections of evidence;

(e) Preliminary results of the feasibility study in section 1(7) of this act; and

(f) Updated estimates of the number of students likely to be eligible or apply for an alternative assessment method.

(2) By December 1, 2006, and again by February 1, 2007, the superintendent of public instruction shall provide the education committees of the legislature with an update on the number of students eligible for or participating in an alternative assessment method.

(3) The Washington state institute for public policy shall conduct an independent and objective evaluation of the reliability, validity, and rigor of the alternative assessment methods authorized under section 1 of this act, including an examination of a representative sample of the collections of work samples submitted by the graduating classes of 2008 and 2009. The institute shall submit its findings to the education committees of the legislature by September 1, 2009, to enable the legislature to develop and consider statutory changes to the alternative assessment during the 2010 legislative session.

Sec. 4. RCW 28A.655.061 and 2004 c 19 s 101 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection ((1+)) (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in

rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection ~~((11))~~ (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has retaken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement. ~~((The student's transcript shall note whether the certificate of academic achievement was acquired by means of the Washington assessment of student learning or by an alternative assessment.))~~

(4) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

~~(7) ((Beginning with the graduating class of 2006, the highest scale score and level achieved in each content area on the high school Washington assessment of student learning shall be displayed on a student's transcript. In addition, beginning with the graduating class of 2008, each student shall receive a scholar's designation on his or her transcript for each content area in which the student achieves level four the first time the student takes that content area assessment.))~~

~~((8))~~ Beginning in 2006, school districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

~~((9))~~ (8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

~~((10))~~ (9) Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006, opportunities to retake the assessment at least twice a year shall be available to each school district.

~~((11))~~ (10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

~~((12))~~ (b) A student's score on the mathematics portion of the preliminary scholastic assessment test (PSAT), the scholastic assessment test (SAT), or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the mathematics standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the mathematics portion of the PSAT, SAT, or ACT to meet or exceed the state standard for mathematics. The state board of education shall identify the first scores by December 1, 2006, and thereafter may increase but not decrease the scores required for students to meet or exceed the state standard for mathematics.

~~((13))~~ (11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

~~((14))~~ (12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection ~~((13))~~ (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. This requirement shall be phased in as follows:

(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection ~~((13))~~ (12)(a) shall have a plan.

(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection ~~((13))~~ (12)(a) shall have a plan.

(iii) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

(iv) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of a student described in this subsection ~~((13))~~ (12)(b) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.655 RCW to read as follows:

Subject to the availability of funds appropriated for this purpose, school districts shall reimburse students for the cost of taking the tests in RCW 28A.655.061(10)(b) when the students take the tests for the purpose of using the mathematics results as an objective alternative assessment.

Sec. 6. RCW 28A.305.220 and 2004 c 19 s 108 are each amended to read as follows:

(1) The state board of education shall develop for use by all public school districts a standardized high school transcript. The state board of education shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include ~~(the following information:~~

~~— (a) The highest scale score and level achieved in each content area on the high school Washington assessment of student learning or other high school measures successfully completed by the student as provided by RCW 28A.655.061 and 28A.155.045;~~

~~— (b) All scholar designations as provided by RCW 28A.655.061;~~

~~— (c)) a notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement ((by means of the Washington assessment of student learning or by an alternative assessment)).~~

(3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act and section 5 of this act, referencing this act and section 5 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 5 of this act is null and void."

Correct the title.

Representatives Quall and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Quall, Talcott, Anderson, Shabro, Hunter, Tom, Ericksen, Wallace and Ahern spoke in favor of passage of the bill.

Representative Clements spoke against the passage of the bill.

Representative Simpson demanded the previous question and the demand was sustained.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6475, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6475, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Chandler, Clements, Eickmeyer and Linville - 4.

Excused: Representatives Alexander and Skinner - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6475, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6244, By Senate Committee on Water, Energy & Environment (originally sponsored by Senators Rockefeller, Morton, Poulsen, Fairley, Kline, Shin, Kohl-Welles and Spanel; by request of Department of Ecology)

Changing provisions relating to oil spill prevention, preparedness, and response.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Natural Resources, Ecology & Parks was adopted. (For Committee amendment, see Journal, 46th Day, February 23, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan and Buck spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6244, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6244, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan,

Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6244, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6396, By Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Schmidt, Pridemore, Keiser, Franklin, Thibaudeau, Spanel and Jacobsen)

Modifying the accumulation and use of sick leave accrued by part-time faculty.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education & Workforce Education was adopted. (For Committee amendment, see Journal, 46th Day, February 23, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6396, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6396, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Chandler - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6396, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6264, By Senators Kohl-Welles, Parlette, Honeyford, Keiser, Prentice, Kline, McAuliffe and Roach; by request of Department of Labor & Industries

Allowing an injured worker to change total permanent disability pension options under certain circumstances.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6264.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6264 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6264, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6775, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Rasmussen and McAuliffe; by request of Attorney General)

Creating the crime of criminal trespass against children.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Criminal Justice & Corrections was adopted. (For Committee amendment, see Journal, 47th Day, February 25, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6775, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6775, as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 7, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDonald, McIntire, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Woods and Mr. Speaker - 91.

Voting nay: Representatives Chase, Darneille, Flannigan, McDermott, Moeller, Ormsby and Wood - 7.

SUBSTITUTE SENATE BILL NO. 6775, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6460, By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Stevens, McCaslin, McAuliffe, Keiser, Rasmussen, Benton, Roach and Oke; by request of Attorney General)

Increasing penalties for crimes committed with sexual motivation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien, Pearson, Sump and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6460.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6460 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Chase, Flannigan and Moeller - 3.

SECOND SUBSTITUTE SENATE BILL NO. 6460, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6239, By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Johnson, Doumit, Oke, Stevens and Esser; by request of Attorney General)

Changing provisions relating to controlled substances.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 50th Day, February 27, 2006.)

With the consent of the House, amendment (1105) was withdrawn.

Representative B. Sullivan moved the adoption of amendment (1110) to the committee amendment:

On page 13 of the amendment, after line 7, strike all material through "January 1, 2007." on page 16, line 2 and insert the following:

"Sec. 201. RCW 64.44.010 and 1999 c 292 s 2 are each amended to read as follows:

The words and phrases defined in this section shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

(1) "Authorized contractor" means a person who decontaminates, demolishes, or disposes of contaminated property as required by this chapter who is certified by the department as provided for in RCW 64.44.060.

(2) "Contaminated" or "contamination" means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards. Property that at one time was contaminated but has been satisfactorily decontaminated according to procedures established by the state board of health is not "contaminated."

(3) "Department" means the department of health.

(4) "Hazardous chemicals" means the following substances ~~(used in)~~ associated with the illegal manufacture of (illegal drugs) ~~controlled substances:~~ (a) Hazardous substances as defined in RCW 70.105D.020 ~~(and)~~; (b) precursor substances as defined in RCW 69.43.010 which the state board of health, in consultation with the state board of pharmacy, has determined present an immediate or long-term health hazard to humans; and (c) the controlled substance or substances being manufactured, as defined in RCW 69.50.101.

~~((4))~~ (5) "Officer" means a local health officer authorized under chapters 70.05, 70.08, and 70.46 RCW.

~~((5))~~ (6) "Property" means any real or personal property, (site, structure, or part of a structure which) or segregable part thereof, that is involved in or affected by the unauthorized manufacture, distribution, or storage of hazardous chemicals. This includes but is not limited to single-family residences, units of multiplexes, condominiums, apartment buildings, boats, motor vehicles, trailers, manufactured housing, ~~((or))~~ any shop, booth, ~~((or))~~ garden, or storage shed, and all contents of the items referenced in this subsection.

Sec. 202. RCW 64.44.020 and 1999 c 292 s 3 are each amended to read as follows:

Whenever a law enforcement agency becomes aware that property has been contaminated by hazardous chemicals, that agency shall report the contamination to the local health officer. The local health officer shall ~~((post))~~ cause a posting of a written warning on the premises within one working day of notification of the contamination and shall inspect the property within fourteen days after receiving the notice of contamination. The warning posting for any property that includes a hotel or motel holding a current license under RCW 70.62.220, shall be limited to inside the room or on the door of the contaminated room and no written warning posting shall be posted in the lobby of the facility. The warning shall inform the potential occupants that hazardous chemicals may exist on, or have been removed from, the premises and that entry is unsafe. If a property owner believes that a tenant has contaminated property that was being leased or rented, and the property is vacated or abandoned, then the property owner shall contact the local health officer about the possible contamination. Local health officers or boards may charge property owners reasonable fees for inspections of suspected contaminated property requested by property owners.

A local health officer may enter, inspect, and survey at reasonable times any properties for which there are reasonable grounds to believe that the property has become contaminated. If the property is contaminated, the local health officer shall post a written notice declaring that the officer intends to issue an order prohibiting use of the property as long as the property is contaminated.

If access to the property is denied, a local health officer in consultation with law enforcement may seek a warrant for the purpose of conducting administrative inspections. A superior, district, or municipal court within the jurisdiction of the property may, based upon probable cause that the property is contaminated, issue warrants for the purpose of conducting administrative inspections.

Local health officers must report all cases of contaminated property to the state department of health. The department may make the list of contaminated properties available to health associations, landlord and realtor organizations, prosecutors, and other interested groups. The department shall promptly update the list of contaminated properties to remove those which have been decontaminated according to provisions of this chapter.

The local health officer may determine when the services of an authorized contractor are necessary.

Sec. 203. RCW 64.44.030 and 1999 c 292 s 4 are each amended to read as follows:

(1) If after the inspection of the property, the local health officer finds that it is contaminated, then the ~~((property shall be found unfit for))~~ local health officer shall issue an order declaring the property unfit and prohibiting its use. The local health officer shall cause the order to be served ~~((an order prohibiting use))~~ either personally or by certified mail, with return receipt requested, upon all occupants and persons having any interest therein as shown upon the records of the auditor's office of the county in which such property is located. The local health officer shall also ~~((post))~~ cause the order ((prohibiting use)) to be posted in a conspicuous place on the property. If the whereabouts of such persons is unknown and the same cannot be ascertained by the local health officer in the exercise of reasonable diligence, and the health officer makes an affidavit to that effect, then the serving of the order upon such persons may be made either by personal service or by mailing a copy of the order by certified mail, postage prepaid, return receipt requested, to each person at the

address appearing on the last equalized tax assessment roll of the county where the property is located or at the address known to the county assessor, and the order shall be posted conspicuously at the residence. A copy of the order shall also be mailed, addressed to each person or party having a recorded right, title, estate, lien, or interest in the property. The order shall contain a notice that a hearing before the local health board or officer shall be held upon the request of a person required to be notified of the order under this section. The request for a hearing must be made within ten days of serving the order. The hearing shall then be held within not less than twenty days nor more than thirty days after the serving of the order. The officer shall prohibit use as long as the property is found to be contaminated. A copy of the order shall also be filed with the auditor of the county in which the property is located, where the order pertains to real property, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. In any hearing concerning whether property is fit for use, the property owner has the burden of showing that the property is decontaminated or fit for use. The owner or any person having an interest in the property may file an appeal on any order issued by the local health board or officer within thirty days from the date of service of the order with the appeals commission established pursuant to RCW 35.80.030. All proceedings before the appeals commission, including any subsequent appeals to superior court, shall be governed by the procedures established in chapter 35.80 RCW.

(2) If the local health officer determines immediate action is necessary to protect public health, safety, or the environment, the officer may issue or cause to be issued an emergency order, and any person to whom such an order is directed shall comply immediately. Emergency orders issued pursuant to this section shall expire no later than seventy-two hours after issuance and shall not impair the health officer from seeking an order under subsection (1) of this section.

Sec. 204. RCW 64.44.040 and 1999 c 292 s 5 are each amended to read as follows:

(1) Upon issuance of an order declaring property unfit and prohibiting its use, the city or county in which the contaminated property is located may take action to prohibit use, occupancy, or removal of such property; condemn, decontaminate, or demolish the property; or ~~((or))~~ require that the property be vacated or the contents removed from the property. The city or county may use an authorized contractor if property is demolished, decontaminated, or removed under this section. The city, county, or contractor shall comply with all orders of the health officer during these processes. No city or county may condemn, decontaminate, or demolish property pursuant to this section until all procedures granting the right of notice and the opportunity to appeal in RCW 64.44.030 have been exhausted, but may prohibit use, occupancy, or removal of contaminated property pending appeal of the order.

(2)(a) It is unlawful for any person to enter upon any property, or to remove any property, that has been found unfit for use by a local health officer pursuant to RCW 64.44.030.

(b) This subsection does not apply to: (i) Health officials, law enforcement officials, or other government agents performing their official duties; (ii) authorized contractors or owners performing decontamination pursuant to authorization by the local health officer; and (iii) any person acting with permission of a local health officer, or of a superior court or hearing examiner following an appeal of a decision of the local health officer.

(c) Any person who violates this subsection is guilty of a misdemeanor.

(3) No provision of this section may be construed to limit the ability of the local health officer to permit occupants or owners of the property at issue to remove uncontaminated personal property from the premises.

Sec. 205. RCW 64.44.050 and 1999 c 292 s 6 are each amended to read as follows:

(1) An owner of contaminated property who desires to have the property decontaminated, demolished, or disposed of shall use the services of an authorized contractor unless otherwise authorized by the local health officer. The contractor and property owner shall prepare and submit a written work plan for decontamination,

demolition, or disposal to the local health officer. The local health officer may charge a reasonable fee for review of the work plan. If the work plan is approved and the decontamination, demolition, or disposal is completed and the property is retested according to the plan and properly documented, then the health officer shall allow reuse of the property. A release for reuse document shall be recorded in the real property records indicating the property has been decontaminated, demolished, or disposed of in accordance with rules of the state department of health. The property owner is responsible for: (a) The costs of any property testing which may be required to demonstrate the presence or absence of hazardous chemicals; and (b) the costs of the property's decontamination, demolition, and disposal expenses, as well as costs incurred by the local health officer resulting from the enforcement of this chapter.

(2) The local health officer has thirty days from the issuance of an order declaring a property unfit and prohibiting its use to establish a reasonable timeline for decontamination. The department of health shall establish the factors to be considered by the local health officer in establishing the appropriate amount of time.

The local health officer shall notify the property owner of the proposed time frame by United States mail to the last known address. Notice shall be postmarked no later than the thirtieth day from the issuance of the order. The property owner may request a modification of the time frame by submitting a letter identifying the circumstances which justify such an extension to the local health officer within thirty-five days of the date of the postmark on the notification regardless of when received.

Sec. 206. RCW 64.44.060 and 1999 c 292 s 7 are each amended to read as follows:

(1) A contractor, supervisor, or worker may not perform decontamination, demolition, or disposal work unless issued a certificate by the state department of health. The department shall establish performance standards for contractors, supervisors, and workers by rule in accordance with chapter 34.05 RCW, the administrative procedure act. The department shall train and test, or may approve courses to train and test, contractors, supervisors, and ~~(their employees)~~ workers on the essential elements in assessing property used as an illegal ~~(drug)~~ controlled substances manufacturing or storage site to determine hazard reduction measures needed, techniques for adequately reducing contaminants, use of personal protective equipment, methods for proper decontamination, demolition, removal, and disposal of contaminated property, and relevant federal and state regulations. Upon successful completion of the training, and after a background check, the contractor, supervisor, or ~~(employee)~~ worker shall be certified.

(2) The department may require the successful completion of annual refresher courses provided or approved by the department for the continued certification of the contractor or employee.

(3) The department shall provide for reciprocal certification of any individual trained to engage in decontamination, demolition, or disposal work in another state when the prior training is shown to be substantially similar to the training required by the department. The department may require such individuals to take an examination or refresher course before certification.

(4) The department may deny, suspend, ~~((or))~~ revoke, or place restrictions on a certificate for failure to comply with the requirements of this chapter or any rule adopted pursuant to this chapter. A certificate may be denied, suspended, ~~((or))~~ revoked, or have restrictions placed on it on any of the following grounds:

(a) Failing to perform decontamination, demolition, or disposal work under the supervision of trained personnel;

(b) Failing to perform decontamination, demolition, or disposal work using department of health certified decontamination personnel;

(c) Failing to file a work plan;

~~((c))~~ (d) Failing to perform work pursuant to the work plan;

~~((d))~~ (e) Failing to perform work that meets the requirements of the department and the requirements of the local health officers;

~~((e))~~ The certificate was obtained by error, misrepresentation, or fraud; or)

(f) Failing to properly dispose of contaminated property;

(g) Committing fraud or misrepresentation in: (i) Applying for or obtaining a certification, recertification, or reinstatement; (ii)

seeking approval of a work plan; and (iii) documenting completion of work to the department or local health officer;

(h) Failing the evaluation and inspection of decontamination projects pursuant to section 208 of this act; or

(i) If the person has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

(5) A contractor, supervisor, or worker who violates any provision of this chapter may be assessed a fine not to exceed five hundred dollars for each violation.

(6) The department of health shall prescribe fees as provided for in RCW 43.70.250 for: The issuance and renewal of certificates, conducting background checks of applicants, the administration of examinations, and ~~((or))~~ the review of training courses.

(7) The decontamination account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in this account. Moneys in the account may only be spent after appropriation for costs incurred by the department in the administration and enforcement of this chapter.

Sec. 207. RCW 64.44.070 and 1999 c 292 s 8 are each amended to read as follows:

(1) The state board of health shall promulgate rules and standards for carrying out the provisions in this chapter in accordance with chapter 34.05 RCW, the administrative procedure act. The local board of health and the local health officer are authorized to exercise such powers as may be necessary to carry out this chapter. The department shall provide technical assistance to local health boards and health officers to carry out their duties under this chapter.

(2) The department shall adopt rules for decontamination of a property used as ~~((an illegal drug))~~ a laboratory for the production of controlled substances and methods for the testing of porous and nonporous surfaces, ground water, surface water, soil, and septic tanks for contamination. The rules shall establish decontamination standards for hazardous chemicals, including but not limited to methamphetamine, lead, mercury, and total volatile organic compounds.

(3) The department shall adopt rules regarding independent third party sampling including those pertaining to:

(a) Verification of possible property contamination due to the illegal manufacture of controlled substances;

(b) Verification of satisfactory decontamination of property deemed contaminated and unfit for use;

(c) Certification of independent third party samplers;

(d) Qualifications and performance standards for independent third party samplers;

(e) Administration of background checks for third party sampler applicants; and

(f) The denial, suspension, or revocation of independent third party sampler certification.

(4) For the purposes of this section, an independent third party sampler is a person who is not an employee, agent, representative, partner, joint venturer, shareholder, or parent or subsidiary company of the authorized contractor, the authorized contractor's company, or the property owner.

NEW SECTION. Sec. 208. A new section is added to chapter 64.44 RCW to read as follows:

The department may evaluate annually a number of the property decontamination projects performed by licensed contractors to determine the adequacy of the decontamination work, using the services of an independent environmental contractor or state or local agency. If a project fails the evaluation and inspection, the contractor is subject to a civil penalty and license suspension, pursuant to RCW 64.44.060 (4) and (5); and the contractor is prohibited from performing additional work until deficiencies have been corrected.

NEW SECTION. Sec. 209. The department of community, trade, and economic development shall report to the legislature on the feasibility of providing incentives and protections to landlords to encourage housing rentals to recovering substance abusers or those convicted of drug crimes. A final report must be submitted to the appropriate committees of the legislature by January 1, 2007.

NEW SECTION. Sec. 210. The department of ecology shall, in consultation with interested local health jurisdictions and their corresponding city or county governments, conduct a pilot program to demonstrate application of existing legal methods and grant programs administered under the model toxics control act in chapter 70.105D RCW, and other available authorities and funds to clean up methamphetamine-contaminated property for a public purpose. This pilot program shall include: (1) A facility with hazardous substance releases to soil or ground water resulting from a former methamphetamine lab or other historic uses of the property that created liability under chapter 70.105D RCW; and (2) a facility where the primary issue is decontamination or demolition of methamphetamine contaminated structures and other solid waste related issues. The department of ecology shall submit a report on the pilot program to the appropriate committees of the legislature by January 1, 2007."

Representatives B. Sullivan and Buck spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives O'Brien, Pearson, Takko, Ahern, McDonald, Priest and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6239, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6239, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6239, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of the following bills, and the bills were placed on the Second Reading calendar:

ENGROSSED SENATE BILL NO. 5048,
SENATE BILL NO. 6280,
SENATE BILL NO. 6379,
SENATE BILL NO. 6541,
SUBSTITUTE SENATE BILL NO. 6806,

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, By Senate Committee on Water, Energy & Environment (originally sponsored by Senators Schoesler, Poulsen, Mulliken, Rasmussen, Jacobsen, Morton and Delvin)

Protecting aquifer levels.

The bill was read the second time.

Representative Linville moved the adoption of amendment (1119):

On page 2, line 30, after "(2)" insert "(a) A water right holder choosing to not exercise a water right in accordance with the provisions of this section must provide notice to the department in writing within one hundred eighty days of such choice. The notice shall include the name of the water right holder and the number of the permit, certificate, or claim.

(b) When a water right holder chooses to discontinue nonuse under the provisions of this section, notice of such action must be provided to the department in writing. Notice is not required under this subsection (2)(b) for seasonal fluctuations in use if the right is not fully exercised as reflected in the notice provided under this subsection (2)(a) of this section.

(3) The provisions of this section relating to the nonuse of all or a portion of a water right are in addition to any other provisions relating to such nonuse under existing law.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Linville and Linville (again) spoke in favor of the adoption of the amendment.

Representatives Chandler, Buri, Cox and Dunn spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 56 - YEAS; 42 -NAYS.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Linville, Newhouse and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6151, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6151, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Buri and Cox - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SUBSTITUTE SENATE BILL NO. 6151.

DAVID BURI, 9th District

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SUBSTITUTE HOUSE BILL NO. 6151.

DON COX, 9th District

SUBSTITUTE SENATE BILL NO. 6287, By Senate Committee on Transportation (originally sponsored by Senators Fairley, Thibaudeau and Shin)

Authorizing special parking privileges for the legally blind.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

Representative Cody moved the adoption of amendment (1118):

On page 2, line 14, after "blind" insert "and has limited mobility"

Representatives Cody, Murray, Dickerson and Cody (again) spoke in favor of the adoption of the amendment.

Representatives Ericksen, Nixon, Buck, Shabro, Orcutt, Nixon (again), Ahern and Armstrong spoke against the adoption of the amendment.

There being no objection, the House deferred action on SUBSTITUTE SENATE BILL NO. 6287 and the bill held its place on second reading.

SENATE BILL NO. 6364, By Senators Roach, Rasmussen, Kastama, Haugen and Kline

Prohibiting certain activities on motor driven boats and vessels.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, 50th Day, February 27, 2006.)

Representative Walsh moved the adoption of amendment (1117) to the committee amendment:

On page 1, line 27, after "is" strike "an" and insert "a natural resource"

On page 1, line 28, after "RCW" insert ", however the fine imposed may not exceed one hundred dollars"

Representatives Serben and B. Sullivan spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Walsh, B. Sullivan, Shabro, Buck, Condotta and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6364, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6364, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells,

Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Anderson - 1.

SENATE BILL NO. 6364, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6427, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Mulliken, Morton and Rasmussen; by request of Department of Community, Trade, and Economic Development)

Concerning schedules for the review of comprehensive plans and development regulations.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Simpson and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6427, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6427, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6427, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

MOTION

On motion of Representative Quall, the House immediately reconsidered the vote by which ENGROSSED SUBSTITUTE SENATE BILL NO. 6475 passed the House.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6475, By Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators McAuliffe, Schmidt, Eide, Weinstein, Haugen, Berkey, Kastama, Shin, Kohl-Welles and Rasmussen; by request of Superintendent of Public Instruction)

Authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement.

There being no objection, the rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 6475 was returned to Second Reading for purpose of amendment.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6475, By Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators McAuliffe, Schmidt, Eide, Weinstein, Haugen, Berkey, Kastama, Shin, Kohl-Welles and Rasmussen; by request of Superintendent of Public Instruction)

Authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement.

Representative Quall moved adoption of amendment (1120):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.655 RCW to read as follows:

(1) The legislature has made a commitment to rigorous academic standards for receipt of a high school diploma. The primary way that students will demonstrate that they meet the standards in reading, writing, mathematics, and science is through the Washington assessment of student learning. Only objective assessments that are comparable in rigor to the state assessment are authorized as an alternative assessment. Before seeking an alternative assessment, the legislature expects students to make a genuine effort to meet state standards, through retaking the Washington assessment of student learning; regular and consistent attendance at school; and participation in extended learning and other assistance programs.

(2) Under RCW 28A.655.061, beginning in the 2006-07 school year, the superintendent of public instruction shall implement objective alternative assessment methods as provided in this section for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school Washington assessment of student learning. A student may access an alternative if the student meets applicable eligibility criteria in RCW 28A.655.061 and other eligibility criteria established by the superintendent of public instruction, including but not limited to attendance criteria and participation in the remediation or

supplemental instruction contained in the student learning plan developed under RCW 28A.655.061. A school district may waive attendance and/or remediation criteria for special, unavoidable circumstances.

(3) For the purposes of this section, "applicant" means a student seeking to use one of the alternative assessment methods in this section.

(4) One alternative assessment method shall be a combination of the applicant's grades in applicable courses and the applicant's highest score on the high school Washington assessment of student learning, as provided in this subsection. The superintendent of public instruction shall determine which high school courses are applicable to the alternative assessment method and shall issue guidelines to school districts.

(a) Using guidelines prepared by the superintendent of public instruction, a school district shall identify the group of students in the same school as the applicant who took the same high school courses as the applicant in the applicable content area. From the group of students identified in this manner, the district shall select the comparison cohort that shall be those students who met or slightly exceeded the state standard on the Washington assessment of student learning.

(b) The district shall compare the applicant's grades in high school courses in the applicable content area to the grades of students in the comparison cohort for the same high school courses. If the applicant's grades are equal to or above the mean grades of the comparison cohort, the applicant shall be deemed to have met the state standard on the alternative assessment.

(c) An applicant may not use the alternative assessment under this subsection (4) if there are fewer than six students in the comparison cohort.

(5) The superintendent of public instruction shall develop an alternative assessment method that shall be an evaluation of a collection of work samples prepared and submitted by the applicant, as provided in this subsection and, for career and technical applicants, the additional requirements of subsection (6) of this section.

(a) The superintendent of public instruction shall develop guidelines for the types and number of work samples in each content area that may be submitted as a collection of evidence that the applicant has met the state standard in that content area. Work samples may be collected from academic, career and technical, or remedial courses and may include performance tasks as well as written products. The superintendent shall submit the guidelines for approval by the state board of education.

(b) The superintendent shall develop protocols for submission of the collection of work samples that include affidavits from the applicant's teachers and school district that the samples are the work of the applicant and a requirement that a portion of the samples be prepared under the direct supervision of a classroom teacher. The superintendent shall submit the protocols for approval by the state board of education.

(c) The superintendent shall develop uniform scoring criteria for evaluating the collection of work samples and submit the scoring criteria for approval by the state board of education. Collections shall be scored at the state level or regionally by a panel of educators selected and trained by the superintendent to ensure objectivity, reliability, and rigor in the evaluation. An educator may not score work samples submitted by applicants from the educator's school district. If the panel awards an applicant's collection of work samples the minimum required score, the applicant shall be deemed to have met the state standard on the alternative assessment.

(d) Using an open and public process that includes consultation with district superintendents, school principals, and other educators, the state board of education shall consider the guidelines, protocols, scoring criteria, and other information regarding the collection of work samples submitted by the superintendent of public instruction. The collection of work samples may be implemented as an alternative assessment after the state board of education has approved the guidelines, protocols, and scoring criteria and determined that the collection of work samples: (i) will meet professionally accepted standards for a valid and reliable measure of the grade level expectations and the essential academic

learning requirements; and (ii) is comparable to or exceeds the rigor of the skills and knowledge that a student must demonstrate on the Washington assessment of student learning in the applicable content area. The state board shall make an approval decision and determination no later than December 1, 2006, and thereafter may increase the required rigor of the collection of work samples.

(e) By September of 2006, the superintendent of public instruction shall develop informational materials for parents, teachers, and students regarding the collection of work samples and the status of its development as an alternative assessment method. The materials shall provide specific guidance regarding the type and number of work samples likely to be required, include examples of work that meets the state learning standards, and describe the scoring criteria and process for the collection. The materials shall also encourage students in the graduating class of 2008 to begin creating a collection if they believe they may seek to use the collection once it is implemented as an alternative assessment was before

(6)(a) For students enrolled in a career and technical education program approved under section 2 of this act, the superintendent of public instruction shall develop additional guidelines for a collection of work samples that evidences that the collection:

(i) Is relevant to the student's particular career and technical program;

(ii) Focuses on the application of academic knowledge and skills within the program;

(iii) Includes completed activities or projects where demonstration of academic knowledge is inferred; and

(iv) Is related to the essential academic learning requirements and state standards that students must meet to earn a certificate of academic achievement or certificate of individual achievement, but also represents the knowledge and skills that successful individuals in the career and technical field of the approved program are expected to possess.

(b) To meet the state standard on the alternative assessment under this subsection (6), an applicant must also attain the state or nationally recognized certificate or credential associated with the approved career and technical program.

(c) The superintendent shall consult with community and technical colleges, employers, the work force training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create an appropriate collection of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards.

(7) The superintendent of public instruction shall study the feasibility of using existing mathematics assessments in languages other than English as an additional alternative assessment option. The study shall include an estimation of the cost of translating the tenth grade mathematics assessment into other languages and scoring the assessments should they be implemented.

(8) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments; and

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who: (i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or (ii) have special, unavoidable circumstances.

(9) The superintendent of public instruction may adopt rules to implement this section.

NEW SECTION. Sec. 2. A new section is added to chapter 28C.04 RCW to read as follows:

The superintendent of public instruction shall develop a list of approved career and technical education programs that qualify for the objective alternative assessment for career and technical students developed under section 1 of this act. Programs on the list must meet the following minimum criteria:

(1) Lead to a certificate or credential that is state or nationally recognized by trades, industries, or other professional associations as necessary for employment or advancement in that field;

(2) Require a sequenced progression of multiple courses, both exploratory and preparatory, that are vocationally intensive and rigorous; and

(3) Have a high potential for providing the program completer with gainful employment or entry into a postsecondary work force training program.

NEW SECTION. Sec. 3. was before(1) By September 10, 2006, the superintendent of public instruction shall report the following, in detail, to the education committees of the legislature:

(a) Results of the pilot testing of the alternative assessments authorized under section 1 of this act, particularly the pilot testing of the collection of work samples or collection of evidence;

(b) The proposed guidelines, protocols, and procedures to be used by the superintendent in implementing the alternative assessments, particularly the collection of evidence;

(c) The proposed criteria, rubrics, and methodology for scoring the collection of evidence;

(d) A description of the training to be provided for school districts, educators serving on scoring panels, and teachers assisting students with collections of evidence;

(e) Preliminary results of the feasibility study in section 1(7) of this act; and

(f) Updated estimates of the number of students likely to be eligible or apply for an alternative assessment method.

was before(2) By December 1, 2006, and again by February 1, 2007, the superintendent of public instruction shall provide the education committees of the legislature with an update on the number of students eligible for or participating in an alternative assessment method.

was before(3) The Washington state institute for public policy shall conduct an independent and objective evaluation of the reliability, validity, and rigor of the alternative assessment methods authorized under section 1 of this act, including an examination of a representative sample of the collections of work samples submitted by the graduating classes of 2008 and 2009. The institute shall submit its findings to the education committees of the legislature by September 1, 2009, to enable the legislature to develop and consider statutory changes to the alternative assessment during the 2010 legislative session.

Sec. 4. RCW 28A.655.061 and 2004 c 19 s 101 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection ~~((++))~~ (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to

subsection ~~((++))~~ (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has retaken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement. ~~((The student's transcript shall note whether the certificate of academic achievement was acquired by means of the Washington assessment of student learning or by an alternative assessment.))~~

(4) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

~~((7))~~ ~~((Beginning with the graduating class of 2006, the highest scale score and level achieved in each content area on the high school Washington assessment of student learning shall be displayed on a student's transcript. In addition, beginning with the graduating class of 2008, each student shall receive a scholar's designation on his or her transcript for each content area in which the student achieves level four the first time the student takes that content area assessment.))~~

~~((8))~~ Beginning in 2006, school districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

~~((9))~~ (8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

~~((+0))~~ (9) Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006, opportunities to retake the assessment at least twice a year shall be available to each school district.

~~((++))~~ (10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in section 1 of this act or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

~~((+2))~~ (b) A student's score on the mathematics portion of the preliminary scholastic assessment test (PSAT), the scholastic assessment test (SAT), or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the mathematics standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the mathematics portion of the PSAT, SAT, or ACT to meet or

exceed the state standard for mathematics. The state board of education shall identify the first scores by December 1, 2006, and thereafter may increase but not decrease the scores required for students to meet or exceed the state standard for mathematics.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

~~((13))~~ (12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection ~~((13))~~ (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. This requirement shall be phased in as follows:

(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection ~~((13))~~ (12)(a) shall have a plan.

(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection ~~((13))~~ (12)(a) shall have a plan.

(iii) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

(iv) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of a student described in this subsection ~~((13))~~ (12)(b) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.655 RCW to read as follows:

Subject to the availability of funds appropriated for this purpose, school districts shall reimburse students for the cost of taking the tests in RCW 28A.655.061(10)(b) when the students take the tests for the purpose of using the mathematics results as an objective alternative assessment.

Sec. 6. RCW 28A.305.220 and 2004 c 19 s 108 are each amended to read as follows:

(1) The state board of education shall develop for use by all public school districts a standardized high school transcript. The state board of education shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include ~~(the following information:~~

~~(a) The highest scale score and level achieved in each content area on the high school Washington assessment of student learning or other high school measures successfully completed by the student as provided by RCW 28A.655.061 and 28A.155.045;~~

~~(b) All scholar designations as provided by RCW 28A.655.061;~~

~~(c)) a notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement ((by means of the Washington assessment of student learning or by an alternative assessment)).~~

(3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act and section 5 of this act, referencing this act and section 5 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 5 of this act is null and void."

Correct the title.

Representatives Quall and Talcott spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6475, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6475, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Uptegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Chandler and Clements - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6475, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6366, By Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Thibaudeau and Kline)

Concerning preparation and response to pandemic influenza.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 50th Day, February 27, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Morrell, Haler, Schual-Berke, Hinkle, Bailey, Curtis and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6366, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6366, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6366, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6412, By Senators Doumit, Zarelli and Hargrove

Increasing the number of superior court judges in Clallam and Cowlitz counties.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Williams and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6412.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6412 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Anderson - 1.

SENATE BILL NO. 6412, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6519, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Benton, Benson, Schoesler, Carrell, Esser, Jacobsen, Pflug, Mulliken, Johnson, Honeyford, Sheldon, Roach, Kline, Oke, Rasmussen and Keiser)

Requiring level III sex offenders to report to law enforcement every three months.

The bill was read the second time.

Representative Strow moved the adoption of amendment (1092):

On page 9, line 9, after "level" insert "II or"

On page 9, line 10, after "registered" strike ", for a period of five years"

On page 9, beginning on line 12, after "hours." strike all material through "days." on line 15

On page 20, line 3, after "level" insert "II or"

On page 20, line 4, after "registered" strike ", for a period of five years"

On page 20, beginning on line 6, after "hours." strike all material through "days." on line 9

Representatives Strow and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives O'Brien, Strow, Ericksen and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6519, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6519, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6519, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6325, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Kline, Fairley, Stevens, Rasmussen and McAuliffe)

Establishing residence restrictions for sex offenders.

The bill was read the second time.

With the consent of the House, amendments (1027), (1028), (1029), (1030), (1031), (1087), (1088) and (1089) were withdrawn.

Representative Clements moved the adoption of amendment (1102):

On page 1, line 5, after "**Sec. 1.**" insert "(1)"

On page 1, line 8, after "subject matter." insert "The state preemption created in this section applies to all rules, regulations, codes, statutes, and ordinances pertaining to residency restrictions for persons convicted of any sex offense at any time."

On page 1, after line 8, insert:

"(2) This section does not apply to rules, regulations, codes, statutes, or ordinances adopted by cities, counties, municipalities, or local agencies prior to March 1, 2006, except as required by an order issued by a court of competent jurisdiction pursuant to litigation regarding the rules, regulations, codes, statutes, or ordinances.

(3) This section expires one year after the effective date of this act."

On page 1, after line 12, insert:

"**NEW SECTION. Sec. 3.** (1) The association of Washington cities, working with the cities and towns of Washington state, shall develop statewide standards for cities and towns to consider when

determining whether to impose residency restrictions on sex offenders within their jurisdiction.

(2) The association of Washington cities shall be encouraged to work in consultation with a representative from each of the following agencies and organizations:

- (a) The attorney general of Washington;
- (b) The Washington state association of counties;
- (c) The department of community, trade, and economic development;
- (d) The department of corrections;
- (e) The Washington association of sheriffs and police chiefs; and
- (f) Any other agencies and organizations as deemed appropriate by the association of Washington cities, such as the Washington association of prosecuting attorneys, the juvenile rehabilitation administration of the department of social and health services, the indeterminate sentence review board, the Washington association for the treatment of sexual abusers, and the Washington coalition of sexual assault programs.

(3) The statewide standards for whether to impose residency restrictions on sex offenders should consider the following elements:

- (a) An identification of areas in which sex offenders should not reside due to concerns regarding public safety and welfare;
 - (b) An identification of areas in which sex offenders may reside, taking into consideration factors such as:
 - (i) How many housing units must reasonably be available in order to accommodate registered sex offenders in a city or town;
 - (ii) The average response time of emergency services to the areas;
 - (iii) The proximity of risk potential activities to the areas; and
 - (iv) The proximity of medical care, mental health care providers, and sex offender treatment providers to the areas;
 - (c) A prohibition against completely precluding sex offender residences within a city or town, implicating a sex offender's right to travel, or enacting a criminal regulatory measure;
 - (d) Appropriate civil remedies for violations of a local ordinance; and
 - (e) Unique local conditions that should be given due deference, such as proximity to state facilities that house or treat sex offenders.
- (4) The association of Washington cities, on behalf of the cities and towns in Washington, shall present the statewide standards, along with any recommendations and proposed legislation, to the governor and the legislature no later than December 31, 2006."

Correct the title.

Representatives Clements, O'Brien, Pearson, Ahern, Rodne and Kristiansen, spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pearson, O'Brien and Ahern spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6325, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6325, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell,

Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Darneille - 1.

SUBSTITUTE SENATE BILL NO. 6325, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6172, By Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, Hargrove, Thibaudeau, Shin, Weinstein, Rockefeller, Keiser, Regala, Eide, Rasmussen and Benton)

Increasing penalties for specified sex offenses.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Criminal Justice & Corrections was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6172, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6172, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove,

Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Chase and McDermott - 2.

SECOND SUBSTITUTE SENATE BILL NO. 6172, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6541, By Senators Prentice and Zarelli

Regarding appeal bond requirements against signatories of the tobacco master settlement agreement.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, 45th Day, February 22, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sommers and Alexander spoke in favor of passage of the bill.

Representative Tom spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6541, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6541, as amended by the House, and the bill passed the House by the following vote: Yeas - 87, Nays - 11, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Jarrett, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Wallace, Walsh, Woods and Mr. Speaker - 87.

Voting nay: Representatives Appleton, Campbell, Hunter, Kagi, Morrell, Ormsby, Schual-Berke, Tom, Upthegrove, Williams and Wood - 11.

SENATE BILL NO. 6541, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6280, By Senator Regala

Removing the irrevocable dedication requirement for exemption from property taxes for nonprofit entities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6280.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6280 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6280, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6826, By Senator Benton

Exempting fees and charges for public transportation services from public utility taxes.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was before the House for purpose of amendment. (For Committee amendment, see Journal, 52nd Day, March 1, 2006.)

With the consent of the House, amendment (1122) was withdrawn.

There being no objection, the committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunter and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6826, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6826, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6826, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6418, By Senators Keiser and Deccio

Adding requirements to renew initial limited licenses for dental hygienists.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell and Hinkle spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6418.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6418 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson,

Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6418, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6429, By Senators Jacobsen, Oke, Haugen, Honeyford and Rasmussen; by request of Archaeology and Historic Preservation

Exempting certain Native American cultural resources information from public disclosure.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government Operations & Accountability was adopted. (For Committee amendment, see Journal, 44th Day, February 21, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Green and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6429, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6429, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6429, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6717, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Brandland, McAuliffe, Hargrove, Rockefeller, Shin, Rasmussen, Schmidt and Stevens)

Extending the joint task force on criminal background check processes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6717, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6717, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6717, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House immediately resumed consideration of SUBSTITUTE SENATE BILL NO. 6287.

SUBSTITUTE SENATE BILL NO. 6287, By Senate Committee on Transportation (originally sponsored by Senators Fairley, Thibaudeau and Shin)

Authorizing special parking privileges for the legally blind.

There being no objection, amendment (1118) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

COLLOQUY

Representative Buck: "Does the term "Limited Mobility" only refer to a physical limitation?"

Representative Cody: "No. "Limited Mobility" also refers to difficulty in navigating with a Service Animal or a White Cane."

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6287, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6287, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6287, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6806, By Senate Committee on Judiciary (originally sponsored by Senators Esser, Hargrove, Brandland, Johnson and Rasmussen)

Establishing the domestic violence hope card study committee.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Juvenile Justice & Family Law was before the House for purpose of amendment. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

Representative Dickerson moved the adoption of amendment (1106) to the committee amendment:

On page 2, line 36, after "advocacy" strike ", senate committee services, and the office of program research"

Representatives Dickerson and McDonald spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Moeller and McDonald spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6806, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6806, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6806, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5048, By Senators Oke, Brown, Keiser, Swecker, Kline, Morton, Rockefeller, Deccio, Thibaudeau, Finkbeiner, McAuliffe, Sheldon, Rasmussen, Spanel, Berkey, Eide, Doumit, Regala, Kohl-Welles, Jacobsen, Franklin, Haugen, Fraser, Kastama and Weinstein

Prohibiting tobacco product sampling.

The bill was read the second time.

Representative Hinkle moved the adoption of amendment (1123):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.155.010 and 2003 c 113 s 1 are each amended to read as follows:

The definitions set forth in RCW 82.24.010 shall apply to RCW 70.155.020 through 70.155.130. In addition, for the purposes of this chapter, unless otherwise required by the context:

- (1) "Board" means the Washington state liquor control board.
- (2) "Delivery sale" means any sale of cigarettes to a consumer in the state where either: (a) The purchaser submits an order for a sale by means of a telephonic or other method of voice transmission, mail delivery, any other delivery service, or the internet or other on-line service; or (b) the cigarettes are delivered by use of mail delivery or any other delivery service. A sale of cigarettes shall be a delivery sale regardless of whether the seller is located within or without the

state. A sale of cigarettes not for personal consumption to a person who is a wholesaler licensed pursuant to chapter 82.24 RCW or a retailer pursuant to chapter 82.24 RCW is not a delivery sale.

(3) "Delivery service" means any private carrier engaged in the commercial delivery of letters, packages, or other containers that requires the recipient of that letter, package, or container to sign to accept delivery.

(4) "Minor" refers to an individual who is less than eighteen years old.

~~(5) ("Public place" means a public street, sidewalk, or park, or any area open to the public in a publicly owned and operated building.~~

~~(6))~~ "Sample" means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotion purposes.

~~(7))~~ (6) "Sampler" means a person engaged in the business of sampling other than a retailer.

~~(8))~~ (7) "Sampling" means the distribution of samples to members of the ~~(general)~~ public ~~(in a public place)~~.

~~(9))~~ (8) "Shipping container" means a container in which cigarettes are shipped in connection with a delivery sale.

~~(10))~~ (9) "Shipping documents" means bills of lading, airbills, or any other documents used to evidence the undertaking by a delivery service to deliver letters, packages, or other containers.

~~(11))~~ (10) "Tobacco product" means a product that contains tobacco and is intended for human consumption.

(11) "Twenty-one and over location" means a permanent building that:

(a) Sells any type of liquor as defined in chapter 66.04 RCW;

(b) Is classified as off-limits to persons under twenty-one years of age under chapter 66.24 RCW; and

(c) Is located over on thousand feet from an outdoor venue.

Sec. 2. RCW 70.155.060 and 1993 c 507 s 7 are each amended to read as follows:

~~((1))~~ No person may distribute or offer to distribute samples in ~~((a public place. This prohibition does not apply to sampling (a) in an area to which persons under the age of eighteen are denied admission, (b) in or at a store or concession to which a retailer's license has been issued, or (c) at or adjacent to a production, repair, or outdoor construction site or facility.~~

~~((2) Notwithstanding subsection (1) of this section, no person may distribute or offer to distribute samples in or on a public street, sidewalk, or park that is within five hundred feet of a playground, school, or other facility when that facility is being used primarily by persons under the age of eighteen for recreational, educational, or other purposes)) any place other than a twenty-one and over location."~~

Correct the title.

Representatives Armstrong and Ericksen spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Grant moved the adoption of amendment (1124):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.155.050 and 1993 c 507 s 6 are each amended to read as follows:

(1) No person may engage in the business of sampling within the state unless licensed to do so by the board. If a firm contracts with a manufacturer to distribute samples of the manufacturer's products, that firm is deemed to be the person engaged in the business of sampling. No person may engage in the business of sampling cigarettes.

(2) The board shall issue a license to a sampler not otherwise disqualified by RCW 70.155.100 upon application and payment of the fee.

(3) A sampler's license expires on the thirtieth day of June of each year and must be renewed annually upon payment of the appropriate fee.

(4) The board shall annually determine the fee for a sampler's license and each renewal. However, the fee for a manufacturer whose employees distribute samples within the state is five hundred dollars per annum, and the fee for all other samplers must be not less than fifty dollars per annum.

(5) A sampler's license entitles the licensee, and employees or agents of the licensee, to distribute samples at any lawful location in the state during the term of the license. A person engaged in sampling under the license shall carry the license or a copy at all times. A violation of this section is a misdemeanor."

Correct the title.

Representative Grant spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell and Tom spoke in favor of passage of the bill.

Representatives Grant, Armstrong and Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5048.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5048 and the bill passed the House by the following vote: Yeas - 73, Nays - 25, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cox, Crouse, Curtis, Darneille, Dickerson, Dunshee, Ericks, Ericksen, Fromhold, Green, Haigh, Haler, Hasegawa, Hinkle, Holmquist, Hudgins, Hunter, Jarrett, Kagi, Kenney, Kilmer, Lantz, Linville, Lovick, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Pearson, Priest, Quall, Roach, Roberts, Rodne, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 73.

Voting nay: Representatives Armstrong, Bailey, Blake, Buck, Condotta, DeBolt, Dunn, Eickmeyer, Flannigan, Grant, Hankins, Hunt, Kessler, Kirby, Kretz, Kristiansen, McCoy, Nixon, Orcutt, Ormsby, Pettigrew, Santos, Sullivan, B., Sump and Talcott - 25.

ENGROSSED SENATE BILL NO. 5048, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3293, By Representatives Roach, Chase, Takko, Shabro, Rodne, Simpson, Serben, Nixon, Williams, Morrell, Sells, Haler, Campbell and Ahern

Regarding disorderly conduct.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3293 was substituted for House Bill No. 3293 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3293 was read the second time.

With the consent of the House, amendment (1004) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Roach, Lantz, Curtis, Moeller and Dunn spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3293.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3293 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 3293, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2424, with the following amendment:

On page 1, line 8, after "diesel fuel" insert ", or aircraft fuel as defined in RCW 82.42.010(5),"

On page 2, line 4, after "diesel fuel" insert ", or aircraft fuel as defined in RCW 82.42.010(5),"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2424 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Grant and Buri spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2424, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2424, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Tom - 1.

HOUSE BILL NO. 2424, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 3278, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.20.050 and 2003 2nd sp.s. c 4 s 4 are each reenacted to read as follows:

(1) With respect to claims that have an effective date before January 4, 2004:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

- (i) The duration of the work;
 - (ii) The extent of direction and control by the employer over the work; and
 - (iii) The level of skill required for the work in light of the individual's training and experience.
- (b) An individual shall not be considered to have left work voluntarily without good cause when:
- (i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;
 - (ii) The separation was because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if the claimant took all reasonable precautions, in accordance with any regulations that the commissioner may prescribe, to protect his or her employment status by having promptly notified the employer of the reason for the absence and by having promptly requested reemployment when again able to assume employment: PROVIDED, That these precautions need not have been taken when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system;
 - (iii) He or she has left work to relocate for the spouse's employment that is due to an employer-initiated mandatory transfer that is outside the existing labor market area if the claimant remained employed as long as was reasonable prior to the move; or
 - (iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110.

(c) In determining under this subsection whether an individual has left work voluntarily without good cause, the commissioner shall only consider work-connected factors such as the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness for the work, the individual's ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment and where, in the judgment of the department, the distance is customarily traveled by workers in the individual's job classification and labor market, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment, unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work an unreasonable hardship on the individual were he or she required to continue in the employment.

(d) Subsection (1)(a) and (c) of this section shall not apply to an individual whose marital status or domestic responsibilities cause him or her to leave employment. Such an individual shall not be eligible for unemployment insurance benefits beginning with the first day of the calendar week in which he or she left work and thereafter for seven calendar weeks and until he or she has requalified, either by obtaining bona fide work in employment covered by this title and earning wages in that employment equal to seven times his or her weekly benefit amount or by reporting in person to the department during ten different calendar weeks and certifying on each occasion that he or she is ready, able, and willing to immediately accept any suitable work which may be offered, is actively seeking work pursuant to customary trade practices, and is utilizing such employment counseling and placement services as are available through the department. This subsection does not apply to individuals covered by (b)(ii) or (iii) of this subsection.

(2) With respect to claims that have an effective date on or after January 4, 2004:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in

employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

- (i) The duration of the work;
- (ii) The extent of direction and control by the employer over the work; and
- (iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual is not disqualified from benefits under (a) of this subsection when:

- (i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;
- (ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) He or she: (A) Left work to relocate for the spouse's employment that, due to a mandatory military transfer: (I) Is outside the existing labor market area; and (II) is in Washington or another state that, pursuant to statute, does not consider such an individual to have left work voluntarily without good cause; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time; or

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs.

NEW SECTION. Sec. 2. Section 1 of this act applies retroactively to claims that have an effective date on or after January 4, 2004."

On page 1, line 2 of the title, after "equity;" strike the remainder of the title and insert "reenacting RCW 50.20.050; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

On motion of Representative Conway, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 3278 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Conway and Condotta spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 3278, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3278, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED HOUSE BILL NO. 3278, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The President has signed SENATE BILL NO. 5439, and the same is herewith transmitted.

Thomas Hoemann, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

HOUSE BILL NO. 1305,
 ENGROSSED HOUSE BILL NO. 1383,
 HOUSE BILL NO. 1471,
 SUBSTITUTE HOUSE BILL NO. 1504,
 HOUSE BILL NO. 1641,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056,
 HOUSE BILL NO. 2328,
 HOUSE BILL NO. 2330,
 HOUSE BILL NO. 2366,
 HOUSE BILL NO. 2379,
 HOUSE BILL NO. 2380,
 SUBSTITUTE HOUSE BILL NO. 2394,
 SUBSTITUTE HOUSE BILL NO. 2414,
 HOUSE BILL NO. 2424,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2479,

HOUSE BILL NO. 2520,
 HOUSE BILL NO. 2562,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2651,
 SUBSTITUTE HOUSE BILL NO. 2670,
 HOUSE BILL NO. 2690,
 SUBSTITUTE HOUSE BILL NO. 2691,
 SUBSTITUTE HOUSE BILL NO. 2713,
 SUBSTITUTE HOUSE BILL NO. 2723,
 SUBSTITUTE HOUSE BILL NO. 2726,
 SUBSTITUTE HOUSE BILL NO. 2780,
 SUBSTITUTE HOUSE BILL NO. 2804,
 SECOND SUBSTITUTE HOUSE BILL NO. 2805,
 HOUSE BILL NO. 2857,
 HOUSE BILL NO. 2874,
 SUBSTITUTE HOUSE BILL NO. 2876,
 SUBSTITUTE HOUSE BILL NO. 2898,
 SUBSTITUTE HOUSE BILL NO. 2908,
 HOUSE BILL NO. 2932,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2951,
 SUBSTITUTE HOUSE BILL NO. 2987,
 HOUSE BILL NO. 3001,
 HOUSE BILL NO. 3056,
 ENGROSSED HOUSE BILL NO. 3074,
 SUBSTITUTE HOUSE BILL NO. 3085,
 SUBSTITUTE HOUSE BILL NO. 3087,
 SUBSTITUTE HOUSE BILL NO. 3120,
 SUBSTITUTE HOUSE BILL NO. 3128,
 HOUSE BILL NO. 3134,
 SUBSTITUTE HOUSE BILL NO. 3137,
 HOUSE BILL NO. 3154,
 SUBSTITUTE HOUSE BILL NO. 3185,
 ENGROSSED HOUSE BILL NO. 3192,
 HOUSE BILL NO. 3252,
 ENGROSSED HOUSE BILL NO. 3278,
 HOUSE JOINT MEMORIAL NO. 4023,
 HOUSE JOINT MEMORIAL NO. 4031,
 SENATE BILL NO. 5439,
 ENGROSSED SENATE BILL NO. 6152,
 SENATE BILL NO. 6159,
 ENGROSSED SENATE BILL NO. 6169,
 SUBSTITUTE SENATE BILL NO. 6185,
 SENATE BILL NO. 6208,
 ENGROSSED SENATE BILL NO. 6236,
 SENATE BILL NO. 6338,
 SUBSTITUTE SENATE BILL NO. 6359,
 SUBSTITUTE SENATE BILL NO. 6406,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6480,
 ENGROSSED SENATE BILL NO. 6537,
 SENATE BILL NO. 6549,
 SENATE BILL NO. 6576,
 SENATE BILL NO. 6596,

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 2424,
 SUBSTITUTE HOUSE BILL NO. 2715,
 ENGROSSED HOUSE BILL NO. 3278,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

There being no objection, the House adjourned until 10:00 a.m., March 4, 2006, the 55th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FIFTY FIFTH DAY

House Chamber, Olympia, Saturday, March 4, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rachael Lee and Cassie Hollowell. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Jim Dunson, Centralia First Presbyterian Church.

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

The Speaker (Representative Lovick presiding) called upon Representative Linville to preside.

MESSAGES FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1069,
SECOND SUBSTITUTE HOUSE BILL NO. 1384,
SUBSTITUTE HOUSE BILL NO. 2033,
HOUSE BILL NO. 2681,
HOUSE BILL NO. 2704,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 3, 2006

Mr. Speaker:

The Senate has passed:

FOURTH SUBSTITUTE HOUSE BILL NO. 1483,
HOUSE BILL NO. 1966,
SECOND SUBSTITUTE HOUSE BILL NO. 2342,
HOUSE BILL NO. 2386,
SUBSTITUTE HOUSE BILL NO. 2426,
SUBSTITUTE HOUSE BILL NO. 2446,
HOUSE BILL NO. 2477,
HOUSE BILL NO. 2501,
SUBSTITUTE HOUSE BILL NO. 2537,
SUBSTITUTE HOUSE BILL NO. 2654,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2848,
SUBSTITUTE HOUSE BILL NO. 2867,
SUBSTITUTE HOUSE BILL NO. 2958,
HOUSE BILL NO. 3041,
HOUSE BILL NO. 3048,
SUBSTITUTE HOUSE BILL NO. 3113,
HOUSE BILL NO. 3205,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 3, 2006

Mr. Speaker:

The President has signed SECONDSUBSTITUTE HOUSE BILL NO. 2292, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 3, 2006

Mr. Speaker:

The President has signed:

THIRD SUBSTITUTE HOUSE BILL NO. 1458,
HOUSE BILL NO. 2338,
ENGROSSED HOUSE BILL NO. 2340,
SUBSTITUTE HOUSE BILL NO. 2344,
HOUSE BILL NO. 2367,
SUBSTITUTE HOUSE BILL NO. 2372,
SUBSTITUTE HOUSE BILL NO. 2376,
HOUSE BILL NO. 2406,
HOUSE BILL NO. 2454,
SUBSTITUTE HOUSE BILL NO. 2538,
SUBSTITUTE HOUSE BILL NO. 2608,
HOUSE BILL NO. 2676,
SUBSTITUTE HOUSE BILL NO. 2684,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 3, 2006

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2759,
SUBSTITUTE HOUSE BILL NO. 2776,
HOUSE BILL NO. 2829,
HOUSE BILL NO. 2897,
ENGROSSED HOUSE BILL NO. 2910,
HOUSE BILL NO. 3019,
SUBSTITUTE HOUSE BILL NO. 3024,
SUBSTITUTE HOUSE BILL NO. 3150,
SUBSTITUTE HOUSE BILL NO. 3190,
HOUSE BILL NO. 3266,
HOUSE JOINT MEMORIAL NO. 4038,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 3, 2006

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6885, and passed the bills as amended by the House.

Thomas Hoemann, Secretary

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 6141, By Senate Committee on Water, Energy & Environment (originally sponsored by Senator Honeyford)

Including the value of wind turbine facilities in the property tax levy limit calculation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6141.

MOTIONS

On motion of Representative Santos, Representative Schual-Berke was excused. On motion of Representative Serben, Representative Campbell was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6141 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Campbell and Schual-Berke - 2.

SUBSTITUTE SENATE BILL NO. 6141, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6175, By Senate Committee on Ways & Means (originally sponsored by Senator Jacobsen; by request of Department of Natural Resources)

Concerning the regulation of surface mining.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 50th Day, February 27, 2006.)

With the consent of the House, amendment (1106) was withdrawn.

Representative B. Sullivan moved the adoption of amendment (1096):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 78.44.085 and 2001 1st sp.s. c 5 s 1 are each amended to read as follows:

(1) An applicant for ~~(a)~~ an expansion of a permitted surface mine, a new reclamation permit under RCW 78.44.081, or for

combining existing public or private reclamation permits, shall pay a nonrefundable application fee to the department before being granted ~~((a surface mining)) the requested permit or permit expansion.~~ The amount of the application fee shall be ~~((one)) two thousand five hundred~~ dollars.

(2) Permit holders submitting a revision to an application for an existing reclamation plan that is not an expansion shall pay a nonrefundable reclamation plan revision fee of one thousand dollars.

(3) After June 30, ~~((2004)) 2006~~, each public or private permit holder shall pay an annual permit fee ~~((of one thousand dollars)) in an amount pursuant to this section.~~ The annual permit fee shall be payable to the department prior to the reclamation permit being issued and on the ~~((first)) anniversary of the permit date ~~((and))~~ each year thereafter.~~

(4)(a) Except as otherwise provided in this subsection, each public or private permit holder must pay an annual fee under this section based on the categories of aggregate or mineral mined or extracted during the previous twelve months, as follows:

(i) Zero to fifty thousand tons: A fee of one thousand two hundred fifty dollars;

(ii) More than fifty thousand tons to three hundred fifty thousand tons: A fee of two thousand five hundred dollars;

(iii) More than three hundred fifty thousand tons: A fee of three thousand five hundred dollars.

(b) Annual fees paid by a county for mines used exclusively for public works projects and having less than seven acres of disturbed area per mine shall not exceed one thousand dollars.

(c) Annual fees are waived for all mines used primarily for public works projects if the mines are owned and primarily operated by counties with 1993 populations of less than twenty thousand persons, and if each mine has less than seven acres of disturbed area.

~~((5)) (5) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department are to be held as confidential and not released as part of a public records request under chapter 42.56 RCW.~~

(6) Appeals from any determination of the department shall not stay the requirement to pay any annual permit fee. Failure to pay the annual fees may constitute grounds for an order to suspend surface mining, pay fines, or ~~((cancellation of)) cancel~~ the reclamation permit as provided in this chapter.

~~((7)) (7) All fees collected by the department shall be deposited into the surface mining reclamation account created in RCW 78.44.045.~~

~~((8)) (8) If the department delegates enforcement responsibilities to a county, city, or town, the department may allocate funds collected under this section to the county, city, or town.~~

~~((9)) (9) Within sixty days after receipt of ~~((a permit application)) an application for a new or expanded permit, the department shall advise applicants of any information necessary to successfully complete the application.~~~~

(10) In addition to other enforcement authority, the department may refer matters to a collection agency licensed under chapter 19.16 RCW when permit fees or fines are past due. The collection agency may impose its own fees for collecting delinquent permit fees or fines.

Sec. 2. RCW 78.44.045 and 1993 c 518 s 10 are each amended to read as follows:

(1) The surface mining reclamation account is created in the state treasury. Annual mining fees, funds received by the department from state, local, or federal agencies for research purposes, as well as other mine-related funds and fines received by the department shall be deposited into this account. Except as otherwise provided in this section, the surface mine reclamation account may be used by the department only to:

~~((1)) (a) Administer its regulatory program pursuant to this chapter;~~

~~((2)) (b) Undertake research relating to surface mine regulation, reclamation of surface mine lands, and related issues; and~~

~~((3)) (c) Cover costs arising from appeals from determinations made under this chapter.~~

(2) At the end of each fiscal biennium, any money collected from fees charged under RCW 78.44.085 that was not used for the administration and enforcement of surface mining regulation under this chapter must be used by the department for surveying and mapping sand and gravel sites in the state.

(3) Fines, interest, and other penalties collected by the department under the provisions of this chapter shall be used to reclaim surface mines abandoned prior to 1971.

Sec. 3. RCW 78.44.087 and 1997 c 186 s 1 are each amended to read as follows:

(1) The department should ensure that a sufficient performance security is available to reclaim each surface mine permitted under this chapter. To ensure sufficient funds are available:

(a) The department shall not issue a reclamation permit, except to public or governmental agencies, until the applicant has either deposited with the department an acceptable performance security on forms prescribed ~~((and furnished))~~ by the department that is deemed adequate by the department to cover reclamation costs or has complied with the blanket performance security option in section 4 of this act. A public or governmental agency shall not be required to post performance security.

(b) No person may create a disturbed area that meets or exceeds the minimum threshold for a reclamation permit without first submitting an adequate and acceptable performance security to the department and complying with all requirements of this chapter.

(2) ~~((This performance security may be))~~ The department may refuse to accept any performance security that the department, for any reason, deems to be inadequate to cover reclamation costs or is not in a form that is acceptable to the department.

(3) Acceptable forms of performance security are:

(a) Bank letters of credit acceptable to the department or irrevocable bank letters of credit from a bank or financial institution or organization authorized to transact business in the United States;

(b) A cash deposit;

(c) ~~((Negotiable))~~ Other forms of performance securities acceptable to the department as determined by rule;

(d) An assignment of a savings account;

(e) A savings certificate in a Washington bank on an assignment form prescribed by the department;

(f) ~~((Assignments of interests in real property within the state of Washington))~~ Approved participants in a state security pool if one is established; or

(g) A corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under Title 48 RCW and authorized by the department.

~~((3))~~ (4) The performance security shall be conditioned upon the faithful performance of the requirements set forth in this chapter ~~((and of)),~~ the rules adopted under it, and the reclamation permit.

~~((4))~~ (5)(a) The department ~~((shall have the authority to determine the amount of the performance security using a standardized performance security formula developed by the department. The amount of the security shall be determined by the department and based on the estimated costs of completing reclamation according to the approved reclamation plan or minimum standards and related administrative overhead for the area to be surface mined during (a) the next twelve-month period, (b) the following twenty-four months, and (c) any previously disturbed areas on which the reclamation has not been satisfactorily completed and approved))~~ must determine the amount of the performance security as prescribed by this subsection.

(b) The department may determine the amount of the performance security based on the estimated cost of: (i) Completing reclamation according to the requirements of this chapter; or (ii) the reclamation permit for the area to be surface mined during the upcoming thirty-six months and any previously disturbed areas that have not been reclaimed.

(c) The department may determine the amount of the performance security based on an engineering cost estimate for reclamation that is provided by the permit holder. The engineering cost estimate must be prepared using engineering principles and methods that are acceptable to the department. If the department does not approve the engineering cost estimate, the department shall

determine the amount of the performance security using a standardized performance security formula developed by the department by rule.

~~((5))~~ (6) The department may ~~((increase or decrease the amount of the performance security at any time to compensate for a change in the disturbed area, the depth of excavation, a modification of the reclamation plan, or any other alteration in the conditions of the mine that affects the cost of reclamation. The department may, for any reason, refuse any performance security not deemed adequate))~~ recalculate a surface mine's performance security based on subsection (5) of this section. When the department recalculates a performance security, the new calculation will not be prejudiced by the existence of any previous calculation. A new performance security must be submitted to the department within thirty days of the department's written request.

~~((6))~~ (7) Liability under the performance security and the permit holder's obligation to maintain the calculated performance security amount shall be maintained until ~~((reclamation is completed according to the approved reclamation plan to the satisfaction of the department))~~ the surface mine is reclaimed, unless released as hereinafter provided. Partial drawings will proportionately reduce the value of a performance security but will not extinguish the remaining value. Liability under the performance security may be released only ~~((upon written notification by the department. Notification shall be given upon completion of compliance or acceptance by the department of a substitute performance security))~~ when the surface mine is reclaimed as evidenced by the department in writing or after the department receives and approves a substitute performance security. The department will notify the permit holder, and surety if applicable, when reclamation is accepted by the department as complete or upon the department's acceptance of an alternate security. The liability of the surety shall not exceed the amount of security required by this section and the department's reasonable legal fees to recover the security.

~~((7))~~ (8) Any interest or appreciation on the performance security shall be held by the department until ~~((reclamation is completed to its satisfaction. At such time, the interest shall be remitted to the permit holder, except that such interest or appreciation may be used by the department to effect reclamation in the event that the permit holder fails to comply with the provisions of this chapter and the costs of reclamation exceed the face value of the performance security))~~ the surface mine is reclaimed. The department may collect and use appreciation or interest accrued on a performance security to the same extent as for the underlying performance security. If the permit holder meets its obligations under this chapter, rules adopted under this chapter, and its approved reclamation permit and plan by completing reclamation, the department will return any unused performance security and accrued interest or appreciation.

~~((8))~~ (9) No other state agency or local government other than the department shall require performance security for the purposes of surface mine reclamation. However, nothing in this section prohibits a state agency or local government from requiring a performance security when the state agency or local government is acting in its capacity as a landowner and contracting for extraction-related activities on state or local government property.

(10) The department may enter into written agreements with federal agencies in order to avoid redundant bonding of any surface ~~((mines straddling boundaries between federally controlled and other lands within))~~ mine that is located on both federal and nonfederal lands in Washington state.

~~((9))~~ When acting in its capacity as a regulator, no other state agency or local government may require a surface mining operation regulated under this chapter to post performance security unless that state agency or local government has express statutory authority to do so. A state agency's or local government's general authority to protect the public health, safety, and welfare does not constitute express statutory authority to require a performance security. However, nothing in this section prohibits a state agency or local government from requiring a performance security when the state agency or local government is acting in its capacity as a landowner and contracting for extraction-related activities on state or local government property.)

NEW SECTION. Sec. 4. A new section is added to chapter 78.44 RCW to read as follows:

(1) A permit holder, in lieu of an individual performance security for each mining site, may file a blanket performance security with the department for their group of permits.

(2) The department may reduce the required performance security calculated from its standard method prescribed in RCW 78.44.087, to an amount not to exceed the sum of reclamation security calculated by the department for the two surface mines with the largest performance security obligations, for nonmetal and nonfuel surface mines that meet the following conditions:

(a) The permit holder has had a valid reclamation permit for more than ten years and can demonstrate exemplary mining and reclamation practices that have been accepted by the department;

(b) The landowner agrees to allow the permit holder to hold a blanket security. The department must include, on forms to be signed by the landowner, notice of the risk of a lien on the landowner's lands; and

(c) The permit holder can demonstrate substantial financial ability to perform the reclamation in the approved reclamation plan and permit.

(3) Permit holders are not eligible for blanket securities if they are in violation of a final order of the department.

(4) The department must consider the compliance history and the state of the existing surface mines of the permit holder before approving any blanket performance security.

(5) Lands covered by a blanket performance security are subject to a lien placed by the department in the event of abandonment.

(6) In lieu of the performance security required of the permit holder, the department may accept a similar security from the landowner, equal to the estimated cost of reclamation as determined by the department.

NEW SECTION. Sec. 5. A new section is added to chapter 78.44 RCW to read as follows:

(1) To the extent a performance security is insufficient to cover the cost of reclamation performed by the department, a lien shall be established in favor of the department upon all of the permit holder's real and personal property.

(2) The lien attaches upon the filing of a notice of claim of lien with the county clerk of the county in which the property is located. The notice of lien claim must contain a true statement of the demand, the insufficiency of the performance security to compensate the department, and the failure of the permit holder to perform the reclamation required.

(3) The lien becomes effective when filed.

(4) The lien created by this section may be foreclosed by a suit in the superior court in the manner provided by law for the foreclosure of other liens on real or personal property.

Sec. 6. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; ~~(and)~~

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter; and

(13) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085.

NEW SECTION. Sec. 7. Section 6 of this act takes effect July 1, 2006.

NEW SECTION. Sec. 8. The department of natural resources shall establish a surface mining advisory committee that will recommend effective methods of accomplishing reclamation and address other issues deemed appropriate by the committee for the effective administration of chapter 78.44 RCW. The committee is comprised of but not limited to representatives of mining interests, state and local government, environmental groups, and private landowners. The state geologist will select the members of the committee. The department of natural resources must submit a report

to the appropriate committees of the legislature containing the committee's findings by September 1, 2006."

On page 1, line 3 of the title, after "program;" strike the remainder of the title and insert "amending RCW 78.44.085, 78.44.045, 78.44.087, and 42.56.270; adding new sections to chapter 78.44 RCW; creating a new section; and providing an effective date."

Representatives B. Sullivan and Buck spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan, Buck and Hinkle spoke in favor of passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6175, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6175, as amended by the House, and the bill passed the House by the following vote: Yeas - 72, Nays - 24, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Blake, Buck, Chandler, Chase, Clements, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 72.

Voting nay: Representatives Ahern, Armstrong, Bailey, Buri, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Holmquist, Kretz, Kristiansen, McCune, Newhouse, Orcutt, Pearson, Roach, Schindler, Serben, Strow and Sump - 24.

Excused: Representatives Campbell and Schual-Berke - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6175, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Linville presiding) called upon Representative Lovick to preside.

RESOLUTION

HOUSE RESOLUTION NO. 2006-4716, By Representative Linville

WHEREAS, Approximately one in three jobs in Washington State is tied to foreign trade, making Washington one of the most trade dependent states in the nation; and

WHEREAS, Washington has long enjoyed favorable trade and cultural relations with many nations around the world, and is continuously expanding markets and business relationships that are mutually beneficial; and

WHEREAS, In the last ten years, the Republic of India has moved onto the global stage as the largest democracy in the world with the largest middle-class, thus representing significant market potential for Washington businesses; and

WHEREAS, In the last decade, trade delegations from Washington State have twice visited India, building successful trade alliances and opening markets for Washington businesses; and

WHEREAS, The 2003 Secretary of State's trade mission to India was vital in assisting Washington supercomputer manufacturer Cray Inc. close a deal with the Tata Institute of Fundamental Research, the first of several subsequent Cray supercomputer sales that marked the reopening of India as a significant high technology market; and

WHEREAS, In 1961, Hemant S. Sonawala received his Master's Degree in Electrical Engineering from the University of Washington and went on to found the Hinditron Group of Companies; and

WHEREAS, Hemant Sonawala was instrumental in coordinating the 2003 Washington State trade mission to India and now leads a return delegation to Washington to further explore mutual business and trade interests, strengthen our cultural relations, and promote Washington as a great place to do business;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Hemant Sonawala for his contributions to building positive and productive trade relations between Washington State and India, and his fellow delegation members, all leaders in their respective fields of business; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mr. Hemant S. Sonawala and the sixteen members of the 2006 Indo-American Chamber of Commerce Delegation.

HOUSE RESOLUTION NO. 4716 was adopted.

The Speaker (Representative Lovick presiding) called upon Representative Linville to preside.

MESSAGE FROM THE SENATE

February 28, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.39A.270 and 2004 c 3 s 1 are each amended to read as follows:

(1) Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer, as defined in chapter 41.56 RCW, of individual providers, who, solely for the purposes of collective bargaining, are public employees as defined in chapter 41.56 RCW. To accommodate the role of the state as payor for the community-based services provided under this chapter and to ensure coordination

with state employee collective bargaining under chapter 41.80 RCW and the coordination necessary to implement RCW 74.39A.300, the public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW. The governor or governor's designee shall periodically consult with the authority during the collective bargaining process to allow the authority to communicate issues relating to the long-term in-home care services received by consumers. The governor or governor's designee shall include representatives of the authority on the bargaining team for all issues for which the exclusive bargaining representative requests to engage in collective bargaining under subsection (6) of this section. The authority shall work with the developmental disabilities council, the governor's committee on disability issues and employment, the state council on aging, and other consumer advocacy organizations to obtain informed input from consumers on their interests, including impacts on consumer choice, for all issues proposed for collective bargaining under subsection (6) of this section.

(2) Chapter 41.56 RCW governs the collective bargaining relationship between the governor and individual providers, except as otherwise expressly provided in this chapter and except as follows:

(a) The only unit appropriate for the purpose of collective bargaining under RCW 41.56.060 is a statewide unit of all individual providers;

(b) The showing of interest required to request an election under RCW 41.56.060 is ten percent of the unit, and any intervener seeking to appear on the ballot must make the same showing of interest;

(c) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the bargaining representative of individual providers, negotiations shall be commenced by May 1st of any year prior to the year in which an existing collective bargaining agreement expires;

(ii) With respect to factors to be taken into consideration by an interest arbitration panel, the panel shall consider the financial ability of the state to pay for the compensation and fringe benefit provisions of a collective bargaining agreement; and

(iii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and fringe benefit provisions of the arbitrated collective bargaining agreement, is not binding on the authority or the state;

(d) Individual providers do not have the right to strike; and

(e) Individual providers who are related to, or family members of, consumers or prospective consumers are not, for that reason, exempt from this chapter or chapter 41.56 RCW.

(3) Individual providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state, its political subdivisions, or an area agency on aging for any purpose. Chapter 41.56 RCW applies only to the governance of the collective bargaining relationship between the employer and individual providers as provided in subsections (1) and (2) of this section.

(4) Consumers and prospective consumers retain the right to select, hire, supervise the work of, and terminate any individual provider providing services to them. Consumers may elect to receive long-term in-home care services from individual providers who are not referred to them by the authority.

(5) In implementing and administering this chapter, neither the authority nor any of its contractors may reduce or increase the hours of service for any consumer below or above the amount determined to be necessary under any assessment prepared by the department or an area agency on aging.

(6) Except as expressly limited in this section and RCW 74.39A.300, the wages, hours, and working conditions of individual providers are determined solely through collective bargaining as provided in this chapter. No agency or department of the state (~~or other than the authority~~) may establish policies or rules governing the wages or hours of individual providers. However, this subsection does not modify:

(a) The department's authority to establish a plan of care for each consumer (~~and to determine the hours~~) or its core responsibility to manage long-term in-home care services under this chapter, including

determination of the level of care that each consumer is eligible to receive. However, at the request of the exclusive bargaining representative, the governor or the governor's designee appointed under chapter 41.80 RCW shall engage in collective bargaining, as defined in RCW 41.56.030(4), with the exclusive bargaining representative over how the department's core responsibility affects hours of work for individual providers. This subsection shall not be interpreted to require collective bargaining over an individual consumer's plan of care;

(b) The department's authority to terminate its contracts with individual providers who are not adequately meeting the needs of a particular consumer, or to deny a contract under RCW 74.39A.095(8);

(c) The consumer's right to assign hours to one or more individual providers selected by the consumer within the maximum hours determined by his or her plan of care;

(d) The consumer's right to select, hire, terminate, supervise the work of, and determine the conditions of employment for each individual provider providing services to the consumer under this chapter;

(e) The department's obligation to comply with the federal medicaid statute and regulations and the terms of any community-based waiver granted by the federal department of health and human services and to ensure federal financial participation in the provision of the services; and

(f) The legislature's right to make programmatic modifications to the delivery of state services under this title, including standards of eligibility of consumers and individual providers participating in the programs under this title, and the nature of services provided. The governor shall not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection (6)(f).

(7)(a) The state, the department, the authority, the area agencies on aging, or their contractors under this chapter may not be held vicariously or jointly liable for the action or inaction of any individual provider or prospective individual provider, whether or not that individual provider or prospective individual provider was included on the authority's referral registry or referred to a consumer or prospective consumer. The existence of a collective bargaining agreement, the placement of an individual provider on the referral registry, or the development or approval of a plan of care for a consumer who chooses to use the services of an individual provider and the provision of case management services to that consumer, by the department or an area agency on aging, does not constitute a special relationship with the consumer.

(b) The members of the board are immune from any liability resulting from implementation of this chapter.

(8) Nothing in this section affects the state's responsibility with respect to unemployment insurance for individual providers. However, individual providers are not to be considered, as a result of the state assuming this responsibility, employees of the state.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "amending RCW 74.39A.270; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

February 28, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2481, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that access to insurance can be imperiled by the response of insurers to criminal acts. Rather than allow criminals to achieve their objectives, it is the intent of the legislature that criminals, through criminal acts, should not dictate insurance underwriting decisions. It is the intent of the legislature that courts should use restitution from perpetrators of intentional property crimes to make property owners and insurers whole.

NEW SECTION. Sec. 2. A new section is added to chapter 48.18 RCW to read as follows:

(1) For the purposes of this section:

(a) "Arson" has the same meaning as in chapter 9A.48 RCW.

(b) "Health care facility" has the same meaning as defined in RCW 48.43.005.

(c) "Health care provider" has the same meaning as defined in RCW 48.43.005.

(d) "Insured" means a current policyholder or a person or entity that is covered under the insurance policy.

(e) A perpetrator does not have to be identified for an act of arson or malicious mischief to have occurred.

(f) "Malicious mischief" has the same meaning as in chapter 9A.48 RCW.

(g) "Underwriting action" means an insurer:

(i) Cancels or refuses to renew an insurance policy; or

(ii) Changes the terms or benefits in an insurance policy.

(2) This section applies to property insurance policies if the insured is:

(a) A health care facility;

(b) An independent health care clinic;

(c) A health care provider;

(d) A religious organization;

(e) A commercial, research, or educational organization that uses animals or plants for food, fiber production, agriculture, breeding, processing, research, or testing; or

(f) A commercial, research, or educational organization that uses, purchases, or offers for sale a product that contains animal or plant material.

(3) An insurer may not take an underwriting action on a policy described in subsection (2) of this section because an insured has made one or more insurance claims for any loss that occurred during the preceding sixty months that is the result of arson or malicious mischief. An insurer may take an underwriting action due to other factors that are not prohibited by this subsection.

(4) If an insured sustains a loss that is the result of arson or malicious mischief, the insured must file a report with the police or other law enforcement authority within thirty days of discovery of the incident, and a law enforcement authority must determine that a crime has occurred. The report must contain sufficient information to provide an insurer with reasonable notice that the loss was the result of arson or malicious mischief. The insured has a duty to cooperate with any law enforcement official or insurer investigation.

(5) Annually, each insurer must report underwriting actions to the commissioner if the insurer has taken an underwriting action against any insured who has filed a claim during the preceding sixty months that was the result of arson or malicious mischief. The report must include the policy number, name of the insured, location of the property, and the reason for the underwriting action.

Sec. 3. RCW 9A.56.200 and 2002 c 85 s 1 are each amended to read as follows:

(1) A person is guilty of robbery in the first degree if:

(a) In the commission of a robbery or of immediate flight therefrom, he or she:

(i) Is armed with a deadly weapon; or

(ii) Displays what appears to be a firearm or other deadly weapon; or

(iii) Inflicts bodily injury; or

(b) He or she commits a robbery within and against a financial institution as defined in RCW 7.88.010 or 35.38.060. Evidence showing that the establishment robbed was a financial institution is not required when "bank," "savings and loan," "trust," "payday," or "credit union" appears in the name of the establishment.

(2) Robbery in the first degree is a class A felony."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "insuring victims of crimes and robbery in the first degree; amending RCW 9A.56.200; adding a new section to chapter 48.18 RCW; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2481 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1)(a) A joint select committee on regulation of private ownership of exotic wild animals is established. The joint select committee shall consist of the following members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

(b) The four appointed members shall involve interested parties as appropriate.

(2) The committee shall conduct a study concerning the regulation of the private ownership of exotic wild animals. The study shall include, but not be limited to:

(a) Identifying animals that may be considered dangerous as pets and the criteria used to identify an animal as one that may be considered dangerous as a pet;

(b) Identifying the potential harm an exotic wild animal may cause if privately owned, and how the risk of such harm may affect an owner's ability to qualify for and receive insurance;

(c) Identifying whether the private ownership of exotic wild animals should be regulated or banned, and how a state law regulating or banning the private ownership of exotic wild animals may affect other state and local laws regulating or banning the private ownership of such animals;

(d) Identifying laws in other states that regulate or ban the private ownership of exotic wild animals, and whether such laws have been effective in reducing the injuries or damages that can be caused by the private ownership of exotic wild animals; and

(e) Identifying the ways in which local jurisdictions and public agencies may act to protect the public against possible health and safety threats of owning exotic wild animals.

(3)(a) The committee shall use legislative facilities, and staff support shall be provided by senate committee services and the house of representatives office of program research.

(b) Legislative members of the committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(4) The committee shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 15, 2006.

(5) This section expires July 1, 2007."

On page 1, line 1 of the title, after "animals;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.42.010 and 1997 c 392 s 508 are each amended to read as follows:

As used in this chapter:

(1) "Basic necessities of life" means food, water, shelter, clothing, and medically necessary health care, including but not limited to health-related treatment or activities, hygiene, oxygen, and medication.

(2)(a) "Bodily injury" means physical pain or injury, illness, or an impairment of physical condition;

(b) "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part;

(c) "Great bodily harm" means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily part or organ.

(3) "Child" means a person under eighteen years of age.

(4) "Dependent person" means a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life. A resident of a nursing home, as defined in RCW 18.51.010, a resident of an adult family home, as defined in RCW 70.128.010, and a frail elder or vulnerable adult, as defined in RCW 74.34.020((8)) (13), is presumed to be a dependent person for purposes of this chapter.

(5) "Employed" means hired by a dependent person, another person acting on behalf of a dependent person, or by an organization or governmental entity, to provide to a dependent person any of the basic necessities of life. A person may be "employed" regardless of whether the person is paid for the services or, if paid, regardless of who pays for the person's services.

(6) "Parent" has its ordinary meaning and also includes a guardian and the authorized agent of a parent or guardian.

(7) "Abandons" means leaving a child or other dependent person without the means or ability to obtain one or more of the basic necessities of life.

(8) "Good samaritan" means any individual or group of individuals who: (a) Is not related to the dependent person; (b) voluntarily provides assistance or services of any type to the dependent person; (c) is not paid, given gifts, or made a beneficiary of any assets valued at five hundred dollars or more, for any reason, by the dependent person, the dependent person's family, or the dependent person's

estate; and (d) does not commit or attempt to commit any other crime against the dependent person or the dependent person's estate.

Sec. 2. RCW 9A.42.020 and 1997 c 392 s 510 are each amended to read as follows:

(1) A parent of a child, the person entrusted with the physical custody of a child or dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide to the child or dependent person the basic necessities of life is guilty of criminal mistreatment in the first degree if he or she recklessly, as defined in RCW 9A.08.010, causes great bodily harm to a child or dependent person by withholding any of the basic necessities of life.

(2) Criminal mistreatment in the first degree is a class B felony.

Sec. 3. RCW 9A.42.030 and 1997 c 392 s 511 are each amended to read as follows:

(1) A parent of a child, the person entrusted with the physical custody of a child or dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide to the child or dependent person the basic necessities of life is guilty of criminal mistreatment in the second degree if he or she recklessly, as defined in RCW 9A.08.010, either (a) creates an imminent and substantial risk of death or great bodily harm, or (b) causes substantial bodily harm by withholding any of the basic necessities of life.

(2) Criminal mistreatment in the second degree is a class C felony.

Sec. 4. RCW 9A.42.035 and 2000 c 76 s 1 are each amended to read as follows:

(1) A person is guilty of the crime of criminal mistreatment in the third degree if the person is the parent of a child, is a person entrusted with the physical custody of a child or other dependent person, is a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or is a person employed to provide to the child or dependent person the basic necessities of life, and either:

(a) With criminal negligence, creates an imminent and substantial risk of substantial bodily harm to a child or dependent person by withholding any of the basic necessities of life; or

(b) With criminal negligence, causes substantial bodily harm to a child or dependent person by withholding any of the basic necessities of life.

(2) For purposes of this section, "a person who has assumed the responsibility to provide to a dependent person the basic necessities of life" means a person other than: (a) A government agency that regularly provides assistance or services to dependent persons, including but not limited to the department of social and health services; or (b) a good samaritan as defined in RCW 9A.42.010.

(3) Criminal mistreatment in the third degree is a gross misdemeanor.

Sec. 5. RCW 9A.42.037 and 2002 c 219 s 2 are each amended to read as follows:

(1) A person is guilty of the crime of criminal mistreatment in the fourth degree if the person is the parent of a child, is a person entrusted with the physical custody of a child or other dependent person, is a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or is a person employed to provide to the child or dependent person the basic necessities of life, and either:

(a) With criminal negligence, creates an imminent and substantial risk of bodily injury to a child or dependent person by withholding any of the basic necessities of life; or

(b) With criminal negligence, causes bodily injury or extreme emotional distress manifested by more than transient physical symptoms to a child or dependent person by withholding the basic necessities of life.

(2) For purposes of this section, "a person who has assumed the responsibility to provide to a dependent person the basic necessities of life" means a person other than: (a) A government agency that regularly provides assistance or services to dependent persons,

including but not limited to the department of social and health services; or (b) a good samaritan as defined in RCW 9A.42.010.

(3) Criminal mistreatment in the fourth degree is a misdemeanor.

Sec. 6. RCW 9A.42.060 and 2002 c 331 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person is guilty of the crime of abandonment of a dependent person in the first degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide to the child or other dependent person any of the basic necessities of life;

(b) The person recklessly abandons the child or other dependent person; and

(c) As a result of being abandoned, the child or other dependent person suffers great bodily harm.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to RCW 13.34.360 is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the first degree is a class B felony.

Sec. 7. RCW 9A.42.070 and 2002 c 331 s 4 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person is guilty of the crime of abandonment of a dependent person in the second degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide to the child or other dependent person any of the basic necessities of life; and

(b) The person recklessly abandons the child or other dependent person; and:

(i) As a result of being abandoned, the child or other dependent person suffers substantial bodily harm; or

(ii) Abandoning the child or other dependent person creates an imminent and substantial risk that the child or other dependent person will die or suffer great bodily harm.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to RCW 13.34.360 is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the second degree is a class C felony.

Sec. 8. RCW 9A.42.080 and 2002 c 331 s 5 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person is guilty of the crime of abandonment of a dependent person in the third degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or a person employed to provide to the child or dependent person any of the basic necessities of life; and

(b) The person recklessly abandons the child or other dependent person; and:

(i) As a result of being abandoned, the child or other dependent person suffers bodily harm; or

(ii) Abandoning the child or other dependent person creates an imminent and substantial risk that the child or other person will suffer substantial bodily harm.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to RCW 13.34.360 is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the third degree is a gross misdemeanor.

Sec. 9. RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are each reenacted and amended to read as follows:

TABLE 2 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055) Malicious explosion 1 (RCW 70.74.280(1))
XIV	Murder 1 (RCW 9A.32.030) Murder 2 (RCW 9A.32.050) Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2)) Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120) Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073) Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060) Rape 2 (RCW 9A.44.050)
X	Rape of a Child 2 (RCW 9A.44.076) Child Molestation 1 (RCW 9A.44.083) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Kidnapping 1 (RCW 9A.40.020) Leading Organized Crime (RCW 9A.82.060(1)(a)) Malicious explosion 3 (RCW 70.74.280(3)) Sexually Violent Predator Escape (RCW 9A.76.115)
IX	<u>Abandonment of Dependent Person 1 (RCW 9A.42.060)</u> Assault of a Child 2 (RCW 9A.36.130) <u>Criminal Mistreatment 1 (RCW 9A.42.020)</u> Explosive devices prohibited (RCW 70.74.180) Hit and Run--Death (RCW 46.52.020(4)(a)) Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050) Inciting Criminal Profiteering (RCW 9A.82.060(1)(b)) Malicious placement of an explosive 2 (RCW 70.74.270(2)) Robbery 1 (RCW 9A.56.200) Sexual Exploitation (RCW 9.68A.040) Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
VIII	Arson 1 (RCW 9A.48.020) Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050) Manslaughter 2 (RCW 9A.32.070) Promoting Prostitution 1 (RCW 9A.88.070) Theft of Ammonia (RCW 69.55.010) Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
VII	Burglary 1 (RCW 9A.52.020) Child Molestation 2 (RCW 9A.44.086) Civil Disorder Training (RCW 9A.48.120) Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050) Drive-by Shooting (RCW 9A.36.045) Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
 Introducing Contraband 1 (RCW 9A.76.140)
 Malicious placement of an explosive 3 (RCW 70.74.270(3))
 Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
 Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
 Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
 Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
 Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
 Bribery (RCW 9A.68.010)
 Incest 1 (RCW 9A.64.020(1))
 Intimidating a Judge (RCW 9A.72.160)
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
 Rape of a Child 3 (RCW 9A.44.079)
 Theft of a Firearm (RCW 9A.56.300)
 Unlawful Storage of Ammonia (RCW 69.55.020)
- V ~~((Abandonment of dependent person 1 (RCW 9A.42.060)))~~
Abandonment of Dependent Person 2 (RCW 9A.42.070)
 Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
 Child Molestation 3 (RCW 9A.44.089)
~~(Criminal Mistreatment 1 (RCW 9A.42.020))~~
Criminal Mistreatment 2 (RCW 9A.42.030)
 Custodial Sexual Misconduct 1 (RCW 9A.44.160)
 Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
 Extortion 1 (RCW 9A.56.120)
 Extortionate Extension of Credit (RCW 9A.82.020)
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 Incest 2 (RCW 9A.64.020(2))
 Kidnapping 2 (RCW 9A.40.030)
 Perjury 1 (RCW 9A.72.020)
 Persistent prison misbehavior (RCW 9.94.070)
 Possession of a Stolen Firearm (RCW 9A.56.310)
 Rape 3 (RCW 9A.44.060)
 Rendering Criminal Assistance 1 (RCW 9A.76.070)
 Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 Sexually Violating Human Remains (RCW 9A.44.105)
 Stalking (RCW 9A.46.110)
 Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
 Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
 Assault by Watercraft (RCW 79A.60.060)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Cheating 1 (RCW 9.46.1961)
 Commercial Bribery (RCW 9A.68.060)
 Counterfeiting (RCW 9.16.035(4))
 Endangerment with a Controlled Substance (RCW 9A.42.100)
 Escape 1 (RCW 9A.76.110)
 Hit and Run--Injury (RCW 46.52.020(4)(b))
 Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
 Identity Theft 1 (RCW 9.35.020(2))
 Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Malicious Harassment (RCW 9A.36.080)
 Residential Burglary (RCW 9A.52.025)
 Robbery 2 (RCW 9A.56.210)
 Theft of Livestock 1 (RCW 9A.56.080)
 Threats to Bomb (RCW 9.61.160)
 Trafficking in Stolen Property 1 (RCW 9A.82.050)
 Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
 Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
 Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
 Unlawful transaction of insurance business (RCW 48.15.023(3))
 Unlicensed practice as an insurance professional (RCW 48.17.063(3))
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
 Willful Failure to Return from Furlough (RCW 72.66.060)
- III ~~((Abandonment of dependent person 2 (RCW 9A.42.070)))~~
 Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
 Assault of a Child 3 (RCW 9A.36.140)
 Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
 Burglary 2 (RCW 9A.52.030)
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 Criminal Gang Intimidation (RCW 9A.46.120)
~~((Criminal Mistreatment 2 (RCW 9A.42.030)))~~
 Custodial Assault (RCW 9A.36.100)
 Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
 Escape 2 (RCW 9A.76.120)
 Extortion 2 (RCW 9A.56.130)
 Harassment (RCW 9A.46.020)

- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody (RCW 72.09.310)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(4))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
- Unlawful Production of Payment Instruments (RCW 9A.56.320)
- Unlawful Trafficking in Food Stamps (RCW 9.91.142)
- Unlawful Use of Food Stamps (RCW 9.91.144)
- Vehicle Prowl 1 (RCW 9A.52.095)"

On page 1, line 2 of the title, after "person;" strike the remainder of title and insert "amending RCW 9A.42.010, 9A.42.020, 9A.42.030, 9A.42.035, 9A.42.037, 9A.42.060, 9A.42.070, and 9A.42.080; reenacting and amending RCW 9.94A.515; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives O'Brien and McDonald spoke in favor the passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1080, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1080, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald,

McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1257, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.22.030 and 2004 c 90 s 1 are each amended to read as follows:

(1) "Underinsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance, or use of which either no bodily injury or property damage liability bond or insurance policy applies at the time of an accident, or with respect to which the sum of the limits of liability under all bodily injury or property damage liability bonds and insurance policies applicable to a covered person after an accident is less than the applicable damages which the covered person is legally entitled to recover.

(2) No new policy or renewal of an existing policy insuring against loss resulting from liability imposed by law for bodily injury, death, or property damage, suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle shall be issued with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of underinsured motor vehicles, hit-and-run motor vehicles, and phantom vehicles because of bodily injury, death, or property damage, resulting therefrom, except while operating or occupying a motorcycle or motor-driven cycle, and except while operating or occupying a motor vehicle owned or available for the regular use by the named insured or any family member, and which is not insured under the liability coverage of the policy. The coverage required to be offered under this chapter is not applicable to general liability policies, commonly known as umbrella policies, or other policies which apply only as excess to the insurance directly applicable to the vehicle insured.

(3) Except as to property damage, coverage required under subsection (2) of this section shall be in the same amount as the insured's third party liability coverage unless the insured rejects all or part of the coverage as provided in subsection (4) of this section. Coverage for property damage need only be issued in conjunction with coverage for bodily injury or death. Property damage coverage required under subsection (2) of this section shall mean physical damage to the insured motor vehicle unless the policy specifically provides coverage for the contents thereof or other forms of property damage.

(4) A named insured or spouse may reject, in writing, underinsured coverage for bodily injury or death, or property damage, and the requirements of subsections (2) and (3) of this section shall not apply. If a named insured or spouse has rejected underinsured coverage, such coverage shall not be included in any supplemental or renewal policy unless a named insured or spouse subsequently requests such coverage in writing. The requirement of a written rejection under this subsection shall apply only to the original issuance of policies issued after July 24, 1983, and not to any renewal or replacement policy.

(5) The limit of liability under the policy coverage may be defined as the maximum limits of liability for all damages resulting from any one accident regardless of the number of covered persons, claims made, or vehicles or premiums shown on the policy, or premiums paid, or vehicles involved in an accident.

(6) The policy may provide that if an injured person has other similar insurance available to him under other policies, the total limits of liability of all coverages shall not exceed the higher of the applicable limits of the respective coverages.

(7)(a) The policy may provide for a deductible of not more than three hundred dollars for payment for property damage when the damage is caused by a hit-and-run driver or a phantom vehicle.

(b) In all other cases of underinsured property damage coverage, the policy may provide for a deductible of not more than one hundred dollars.

(8) For the purposes of this chapter, a "phantom vehicle" shall mean a motor vehicle which causes bodily injury, death, or property damage to an insured and has no physical contact with the insured or the vehicle which the insured is occupying at the time of the accident if:

(a) The facts of the accident can be corroborated by competent evidence other than the testimony of the insured or any person having an underinsured motorist claim resulting from the accident; and

(b) The accident has been reported to the appropriate law enforcement agency within seventy-two hours of the accident.

(9) An insurer who elects to write motorcycle or motor-driven cycle insurance in this state must provide information to prospective insureds about the coverage.

(10) An insurer who elects to write motorcycle or motor-driven cycle insurance in this state must provide an opportunity for named insureds, who have purchased liability coverage for a motorcycle or motor-driven cycle, to reject underinsured coverage for that motorcycle or motor-driven cycle in writing."

On page 1, line 2 of the title, after "coverage;" strike the remainder of the title and insert "and amending RCW 48.22.030."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1257 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Roach and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1257, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1257, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi,

Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 1257, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 27, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1850, with the following amendment:

On page 1, line 3 of the title, after "chapter" strike "4.24" and insert "38.52"

On page 2, line 21, after "chapter" strike "4.24" and insert "38.52"

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1850 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Cody spoke in favor the passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1850, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1850, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers,

Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1850, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2002, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.13.031 and 2004 c 183 s 3 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) ~~Have authority to provide continued foster care or group care ((for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program)) as needed to participate in or complete a high school or vocational school program.~~

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen ~~((through twenty))~~ years of age, and have not attained twenty-one years of age who are or have been in foster care.

NEW SECTION. Sec. 2. Nothing in this act shall be construed to create:

(1) An entitlement to services;

(2) Judicial authority to extend the jurisdiction of juvenile court in a proceeding under chapter 13.34 RCW to a youth who has attained eighteen years of age or to order the provision of services to the youth; or

(3) A private right of action or claim on the part of any individual, entity, or agency against the department of social and health services or any contractor of the department.

NEW SECTION. Sec. 3. The department of social and health services is authorized to adopt rules establishing eligibility for independent living services and placement for youths under this act.

NEW SECTION. Sec. 4. (1) Beginning in July 2008 and subject to the approval of its governing board, the Washington state institute for public policy shall conduct a study measuring the outcomes for foster youth who have received continued support pursuant to RCW 74.13.031(10). The study should include measurements of any savings to the state and local government. The institute shall issue a report containing its preliminary findings to the legislature by December 1, 2008, and a final report by December 1, 2009.

(2) The institute is authorized to accept nonstate funds to conduct the study required in subsection (1) of this section."

On page 1, line 3 of the title, after "birthday;" strike the remainder of the title and insert "amending RCW 74.13.031; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2002 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi, Walsh and Dickerson spoke in favor the passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2002, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2002, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Schual-Berke - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 2002, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2322, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.95L.005 and 1993 c 118 s 1 are each amended to read as follows:

The legislature hereby finds and declares that:

(1) Phosphorus loading of surface waters can stimulate the growth of weeds and algae, and that such growth can have adverse environmental, health, and aesthetic effects;

(2) Household detergents contribute to phosphorus loading, and that a limit on detergents containing phosphorus can significantly reduce the discharge of phosphorus into the state's surface and ground waters;

(3) Household detergents containing no or very low phosphorus are readily available and that over thirty percent of the United States population lives in areas with a ban on detergents containing phosphorus; ~~(and)~~

(4) Phosphorus limits on household detergents can significantly reduce treatment costs at those sewage treatment facilities that remove phosphorus from the waste stream; ~~and~~

(5) While significant reductions of phosphorus from laundry detergent have been accomplished, similar progress in reducing phosphorus contributions from dishwashing detergents has not been achieved.

It is therefore the intent of the legislature to impose a statewide limit on the phosphorus content of household detergents.

Sec. 2. RCW 70.95L.020 and 1993 c 118 s 3 are each amended to read as follows:

(1) After July 1, 1994, a person may not sell or distribute for sale a laundry detergent that contains 0.5 percent or more phosphorus by weight.

(2)(a) After July 1, 1994, and until the dates specified in (b) of this subsection, a person may not sell or distribute for sale a dishwashing detergent that contains 8.7 percent or more phosphorus by weight.

(b) A person may not sell or distribute for sale a dishwashing detergent that contains 0.5 percent or more phosphorus by weight:

(i) Commencing July 1, 2008, in counties with populations, as determined by office of financial management population estimates:

(A) Greater than one hundred eighty thousand and less than two hundred twenty thousand; and

(B) Greater than three hundred ninety thousand and less than six hundred fifty thousand;

(ii) Commencing July 1, 2010, throughout the state.

(3) This section does not apply to the sale or distribution of detergents for commercial and industrial uses."

On page 1, line 2 of the title, after "detergent;" strike the remainder of the title and insert "and amending RCW 70.95L.005 and 70.95L.020."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2322

and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives B. Sullivan and Serben spoke in favor the passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2322, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2322, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 79, Nays - 18, Excused - 1.

Voting yea: Representatives Ahern, Anderson, Appleton, Bailey, Blake, Buri, Campbell, Clements, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood, Woods and Mr. Speaker - 79.

Voting nay: Representatives Alexander, Armstrong, Buck, Chandler, Chase, Condotta, Cox, Curtis, DeBolt, Dunn, Grant, Kristiansen, Newhouse, Orcutt, Pearson, Sump, Talcott and Walsh - 18.

Excused: Representative Schual-Berke - 1.

ENGROSSED HOUSE BILL NO. 2322, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2348, with the following amendment:

On page 5, after line 30, strike all of subsection (5) and insert the following:

"(5) By ~~((December 1, 2005, and by))~~ December 1, ~~((2006))~~ 2007, December 1, 2010, and December 1, 2015, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the smelter tax incentives ~~((and, by December 1, 2010, on the effectiveness of the incentives))~~ under RCW 82.04.4482 and 82.16.0498. The reports shall measure the effect of the tax incentives on job retention for Washington residents and any other factors the committees may select."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2348 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Morris and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be final passage of House Bill No. 2348, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2348, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Uptegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Moeller, Morrell, Nixon and Tom - 4.

Excused: Representative Schual-Berke - 1.

HOUSE BILL NO. 2348, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2381, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that beavers have historically played a significant role in maintaining the health of watersheds in the Pacific Northwest and act as key agents in riparian ecology. The live trapping and relocating of beavers has long been recognized as a beneficial wildlife management practice, and has been successfully utilized to restore and maintain stream ecosystems for over fifty years. The benefits of active beaver populations include reduced stream sedimentation, stream temperature moderation, higher dissolved oxygen levels, overall improved water quality, increased natural water storage capabilities within watersheds, and reduced stream velocities. These benefits improve and create habitat for many other species, including endangered salmon, river otters, sandhill cranes, trumpeter swans, and other riparian and aquatic species. Relocating beavers into their historic habitat provides a natural mechanism for improving the

environmental conditions in Washington's riparian ecosystems without having to resort to governmental regulation or expensive publically funded engineering projects.

NEW SECTION. Sec. 2. A new section is added to chapter 77.32 RCW to read as follows:

(1) The department shall offer a beaver relocation permit that allows the holder or the holder's agent to capture live beavers in the areas of the state where elevated beaver populations are considered a nuisance, transport the beavers, and release the live beavers on property owned or managed by the permit holder. Priority of issuing permits must be based on properties in which beaver populations are considered a nuisance.

(2) The department may limit the availability of beaver relocation permits to areas of the state where:

(a) There is a low probability of released beavers becoming a nuisance;

(b) Conditions exist for released beavers to improve, maintain, or manage stream or riparian ecosystem functions; and

(c) There is evidence of historic endemic beaver populations.

(3) The department may condition beaver relocation permits to maximize the relocation's success and minimize risk. Factors that the department may condition include:

(a) Stream gradient;

(b) Sufficiency of the water supply;

(c) Stream geomorphology;

(d) Adequacy of a food source;

(e) Proper site elevation and valley width;

(f) Age of the beavers relocated;

(g) Times of year for capture and relocation;

(h) Requirements for the capture, handling, and transport of the live beavers;

(i) Minimum and maximum numbers of beavers that can be relocated in one area; and

(j) Requirements for the permit holder to initially provide supplemental food and lodge building materials.

(4) The department shall provide beaver relocation permits at no charge to the applicant.

(5) The holder of a beaver relocation permit must either obtain a trapping license under RCW 77.65.450 or employ a trapper licensed under RCW 77.65.450 to capture and transport the beavers that are to be relocated.

(6) Nothing in this section creates any liability against the state or the beaver relocation permit holder nor authorizes any private right of action for any damages subsequently caused by beavers released pursuant to a beaver relocation permit.

(7) For the purposes of this section only, beaver may be relocated from west of the crest of the Cascade mountains to areas east of the crest of the Cascade mountains, but may not be relocated to any area west of the crest of the Cascade mountains.

NEW SECTION. Sec. 3. A new section is added to chapter 77.36 RCW to read as follows:

Whenever the department undertakes the trapping of nuisance or problem-causing beavers, the department must, if the option is available, capture the beavers with a live trap and work with the holders of beaver relocation permits issued under section 2 of this act to relocate the beavers onto properties that have requested their placement."

On page 1, line 2 of the title, after "species;" strike the remainder of the title and insert "adding a new section to chapter 77.32 RCW; adding a new section to chapter 77.36 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2381 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives B. Sullivan, Kretz, Strow, Orcutt, Cox, Blake and Dunn spoke in favor the passage of the bill.

Representative McIntire spoke against the passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be final passage of House Bill No. 2381, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2381, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 94.

Voting nay: Representatives Flannigan, McIntire and Pettigrew - 3.

Excused: Representative Schual-Berke - 1.

HOUSE BILL NO. 2381, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 28, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2415, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.22.030 and 2004 c 90 s 1 are each amended to read as follows:

(1) "Underinsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance, or use of which either no bodily injury or property damage liability bond or insurance policy applies at the time of an accident, or with respect to which the sum of the limits of liability under all bodily injury or property damage liability bonds and insurance policies applicable to a covered person after an accident is less than the applicable damages which the covered person is legally entitled to recover.

(2) No new policy or renewal of an existing policy insuring against loss resulting from liability imposed by law for bodily injury,

death, or property damage, suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle shall be issued with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of underinsured motor vehicles, hit-and-run motor vehicles, and phantom vehicles because of bodily injury, death, or property damage, resulting therefrom, except while operating or occupying a motorcycle or motor-driven cycle, and except while operating or occupying a motor vehicle owned or available for the regular use by the named insured or any family member, and which is not insured under the liability coverage of the policy. The coverage required to be offered under this chapter is not applicable to general liability policies, commonly known as umbrella policies, or other policies which apply only as excess to the insurance directly applicable to the vehicle insured.

(3) Except as to property damage, coverage required under subsection (2) of this section shall be in the same amount as the insured's third party liability coverage unless the insured rejects all or part of the coverage as provided in subsection (4) of this section. Coverage for property damage need only be issued in conjunction with coverage for bodily injury or death. Property damage coverage required under subsection (2) of this section shall mean physical damage to the insured motor vehicle unless the policy specifically provides coverage for the contents thereof or other forms of property damage.

(4) A named insured or spouse may reject, in writing, underinsured coverage for bodily injury or death, or property damage, and the requirements of subsections (2) and (3) of this section shall not apply. If a named insured or spouse has rejected underinsured coverage, such coverage shall not be included in any supplemental or renewal policy unless a named insured or spouse subsequently requests such coverage in writing. The requirement of a written rejection under this subsection shall apply only to the original issuance of policies issued after July 24, 1983, and not to any renewal or replacement policy.

(5) The limit of liability under the policy coverage may be defined as the maximum limits of liability for all damages resulting from any one accident regardless of the number of covered persons, claims made, or vehicles or premiums shown on the policy, or premiums paid, or vehicles involved in an accident.

(6) The policy may provide that if an injured person has other similar insurance available to him under other policies, the total limits of liability of all coverages shall not exceed the higher of the applicable limits of the respective coverages.

(7)(a) The policy may provide for a deductible of not more than three hundred dollars for payment for property damage when the damage is caused by a hit-and-run driver or a phantom vehicle.

(b) In all other cases of underinsured property damage coverage, the policy may provide for a deductible of not more than one hundred dollars.

(8) For the purposes of this chapter, a "phantom vehicle" shall mean a motor vehicle which causes bodily injury, death, or property damage to an insured and has no physical contact with the insured or the vehicle which the insured is occupying at the time of the accident if:

(a) The facts of the accident can be corroborated by competent evidence other than the testimony of the insured or any person having an underinsured motorist claim resulting from the accident; and

(b) The accident has been reported to the appropriate law enforcement agency within seventy-two hours of the accident.

(9) An insurer who elects to write motorcycle or motor-driven cycle insurance in this state must provide information to prospective insureds about the coverage.

(10) If the covered person seeking underinsured motorist coverage under this section was the intended victim of the tortfeasor, the incident must be reported to the appropriate law enforcement agency and the covered person must cooperate with any related law enforcement investigation.

(11) The purpose of this section is to protect innocent victims of motorists of underinsured motor vehicles. Covered persons are entitled to coverage without regard to whether an incident was intentionally caused. A person is not entitled to coverage if the

insurer can demonstrate that the covered person intended to cause the damage for which underinsured motorists' coverage is sought. As used in this section, and in the section of policies providing the underinsured motorist coverage described in this section, "accident" means an occurrence that is unexpected and unintended from the standpoint of the covered person.

(12) "Underinsured coverage," for the purposes of this section, means coverage for "underinsured motor vehicles," as defined in subsection (1) of this section."

On page 1, line 2 of the title, after "motorists;" strike the remainder of the title and insert "and amending RCW 48.22.030."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2415 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kirby and Roach spoke in favor the passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be final passage of Substitute House Bill No. 2415, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2415, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 2415, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 28, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2471, with the following amendment:

On page 2, after line 2, insert the following:

"Sec. 1. RCW 41.04.007 and 2005 c 251 s 1 and 2005 c 216 s 7 are each reenacted and amended to read as follows:

"Veteran" includes every person, who at the time he or she seeks the benefits of RCW 46.16.30920, 72.36.030, 41.04.010, 73.04.090, 73.04.110, 73.08.010, 73.08.060, 73.08.070, ~~((or))~~ 73.08.080, or section 1 of this act has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following capacities:

(1) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;

(2) As a member of the women's air forces service pilots;

(3) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;

(4) As a civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946;

(5) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or

(6) A United States documented merchant mariner with service aboard an oceangoing vessel operated by the department of defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation."

On page 1, line 1 of the title, after "program;" insert "reenacting and amending RCW 41.04.007;"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2471 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Miloscia and McCune spoke in favor the passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be final passage of Substitute House Bill No. 2471, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2471, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz,

Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 2471, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2498, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.330.090 and 2005 c 136 s 14 are each amended to read as follows:

(1) The department shall work with private sector organizations, industry and cluster associations, federal agencies, state agencies that use a cluster-based approach to service delivery, local governments, local associate development organizations, and higher education and training institutions ~~(to assist)~~ in the development of industry cluster-based strategies to diversify the economy, facilitate technology transfer and diffusion, and increase value-added production ~~(by focusing on targeted sectors)~~. The industry clusters targeted ~~(sectors)~~ by the department may include, but are not limited to, ~~(software, forest products, biotechnology, environmental industries, recycling markets and waste reduction, aerospace, food processing, tourism, film and video, microelectronics, new materials, robotics, and machine tools)~~ aerospace, agriculture, food processing, forest products, marine services, health and biomedical, software, digital and interactive media, transportation and distribution, and microelectronics. The department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to ~~(a targeted sector's)~~ an industry cluster-based approach to economic development and ~~(including)~~ identifying and assisting additional ~~(sectors in its efforts)~~ clusters. The department shall use information gathered in each service delivery region in formulating its ~~(sectoral)~~ industry cluster-based strategies and ~~(in designating new targeted sectors)~~ shall assist local communities in identifying regional industry clusters and developing industry cluster-based strategies.

(2) The department shall pursue a coordinated program to expand the tourism industry throughout the state in cooperation with the public and private tourism development organizations. The department, in operating its tourism program, shall:

(a) Promote Washington as a tourism destination to national and international markets to include nature-based and wildlife viewing tourism;

(b) Provide information to businesses and local communities on tourism opportunities that could expand local revenues;

(c) Assist local communities to strengthen their tourism partnerships, including their relationships with state and local agencies;

(d) Provide leadership training and assistance to local communities to facilitate the development and implementation of local tourism plans;

(e) Coordinate the development of a statewide tourism and marketing plan. The department's tourism planning efforts shall be carried out in conjunction with public and private tourism development organizations including the department of fish and wildlife and other appropriate agencies. The plan shall specifically

address mechanisms for: (i) Funding national and international marketing and nature-based tourism efforts; (ii) interagency cooperation; and (iii) integrating the state plan with local tourism plans.

(3) The department may, in carrying out its efforts to expand the tourism industry in the state:

(a) Solicit and receive gifts, grants, funds, fees, and endowments, in trust or otherwise, from tribal, local or other governmental entities, as well as private sources, and may expend the same or any income therefrom for tourism purposes. All revenue received for tourism purposes shall be deposited into the tourism development and promotion account created in RCW 43.330.094;

(b) Host conferences and strategic planning workshops relating to the promotion of nature-based and wildlife viewing tourism;

(c) Conduct or contract for tourism-related studies;

(d) Contract with individuals, businesses, or public entities to carry out its tourism-related activities under this section;

(e) Provide tourism-related organizations with marketing and other technical assistance;

(f) Evaluate and make recommendations on proposed tourism-related policies.

(4)(a) The department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials within the state; to this end the department is directed to assist in the location of a film and video production studio within the state.

(b) The department may, in carrying out its efforts to encourage film and video production in the state, solicit and receive gifts, grants, funds, fees, and endowments, in trust or otherwise, from tribal, local, or other governmental entities, as well as private sources, and may expend the same or any income therefrom for the encouragement of film and video production. All revenue received for such purposes shall be deposited into the film and video promotion account created in RCW 43.330.092.

(5) In assisting in the development of ~~(a targeted sector)~~ regional and statewide industry cluster-based strategies, the department's activities ~~(may)~~ shall include, but are not limited to:

(a) ~~(Conducting)~~ Facilitating regional focus group discussions ~~(, facilitating meetings,)~~ and conducting studies to identify ~~(members of the sector)~~ industry clusters, appraise the current ~~(state of the sector)~~ information linkages within a cluster, and identify issues of common concern within ~~(the sector)~~ a cluster;

(b) Supporting ~~(the formation of)~~ industry and cluster associations, publications of association and cluster directories, and related efforts to create or expand the activities ~~(or)~~ of industry and cluster associations;

(c) ~~(Assisting in the formation of flexible networks by providing (i) agency employees or private sector consultants trained to act as flexible network brokers and (ii) funding for potential flexible network participants for the purpose of organizing or implementing a flexible network;~~

~~(d) Helping establish research consortia;~~

~~(e) Facilitating joint training and education programs;~~

~~(f) Promoting cooperative market development activities;~~

~~(g) Analyzing the need, feasibility, and cost of establishing product certification and testing facilities and services; and~~

~~(h) Providing for methods of electronic communication and information dissemination among firms and groups of firms to facilitate network activity))~~ Administering a competitive grant program to fund activities designed to further regional cluster growth. In administering the program, the department shall work with an industry cluster advisory committee with equal representation from the work force training and education coordinating board, the state board for community and technical colleges, the employment security department, business, and labor.

(i) The industry cluster advisory committee shall recommend criteria for evaluating applications for grant funds and recommend applicants for receipt of grant funds.

(ii) Applicants must include organizations from at least two counties and participants from the local business community. Eligible organizations include, but are not limited to, local governments, economic development councils, chambers of

commerce, federally recognized Indian tribes, work force development councils, and educational institutions.

(iii) Applications must evidence financial participation of the partner organizations.

(iv) Priority shall be given to applicants which will use the grant funds to build linkages and joint projects, to develop common resources and common training, and to develop common research and development projects or facilities.

(v) The maximum amount of a grant is one hundred thousand dollars.

(vi) A maximum of one hundred thousand dollars total can go to King, Pierce, Kitsap, and Snohomish counties combined.

(vii) No more than ten percent of funds received for the grant program may be used by the department for administrative costs.

(6) As used in subsection (5) of this section, "industry cluster" means a geographic concentration of interdependent competitive firms that do business with each other. "Industry cluster" also includes firms that sell inside and outside of the geographic region as well as support firms that supply raw materials, components, and business services."

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "and amending RCW 43.330.090."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2498 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Pettigrew and Kristiansen spoke in favor of the passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2498, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2498, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Anderson and Chandler - 2.
Excused: Representative Schual-Berke - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 2498, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2500, with the following amendment:

On page 1, after line 3, insert the following:

"NEW SECTION. Sec. 1. Health carriers are currently required to file statutory annual statements with the office of the insurance commissioner or the national association of insurance commissioners. These annual statements are extensive and contain a significant amount of financial information. These annual statements are public documents; however, such financial information can be complex and difficult to read and understand.

It is the intent of this act to provide a method of reporting certain financial data in a user friendly format. It is also the intent of this act, to the extent possible, to utilize existing information from the annual statements when developing the additional or supplemental data statement required by this act, and to the extent possible, avoid imposing additional reporting requirements that have the unintended consequences of unduly increasing administrative costs for carriers required to file such information."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 2, after line 27, insert the following:

"(4) For the purposes of licensed disability insurers, the commissioner shall work collaboratively with insurers to develop an additional or supplemental data statement that utilizes to the maximum extent possible information from the annual statement forms that are currently filed by these entities."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2500 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Green and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be final passage of Substitute House Bill No. 2500, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2500, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox,

Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Chandler - 1.

Excused: Representative Schual-Berke - 1.

SUBSTITUTE HOUSE BILL NO. 2500, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 28, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2544, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Pursuant to chapter 43.155 RCW, the following project loans recommended by the public works board are authorized to be made with funds appropriated from the public works assistance account:

(1) Alderwood water and wastewater district--sanitary sewer project--upgrade the picnic point wastewater treatment facility and increase the maximum month flow capacity from three million gallons per day to six million gallons per day by improving the fine screening, vortex grit removal, membrane bioreactor, and ultraviolet disinfection \$7,000,000

(2) Arlington--sanitary sewer project--improve the solids handling capacity of the wastewater treatment plant, expand the capacity of both the solids processing and liquid treatment portions of the plant, and alter the type of treatment process . . . \$7,000,000

(3) Bainbridge Island--sanitary sewer project--construct an enclosed building to house the headworks equipment, construct a new building to house solid handling equipment, convert aeration for both basins from surface aeration to diffused air, add solid storage basins, upgrade two existing clarifiers and associated return activated sludge pumps, construct vactor decanting station, and replace existing electrical system \$3,564,500

(4) Bellingham--domestic water project--remove an aging diversion dam and replace its function with a withdrawal structure built into the river that will not impede the natural flow of the river to restore runs of two endangered species to the upper reaches of the middle fork of the Nooksack river and connect it with the existing system \$3,400,000

(5) Birch Bay water and sewer district--sanitary sewer project--replace the sanitary sewer force main from pump station number 3 to the wastewater treatment plant and divert a portion of the districts sewer flow around pump station number 4 directly to pump station number 3 resulting in a twenty-six percent increase in sanitary sewer conveyance capacity \$2,305,625

(6) Buckley--sanitary sewer project--construction of a dewatering building to house a belt filter press sludge dewatering machine, rebuild and expand the wastewater treatment plant to provide nutrient removal and accommodate the wastewater from Rainier school and anticipated growth over the next twenty years, and construction of a gravity interceptor. Improvements to the plant include enclosed headworks with fine screens, grit removal, flow

measurement and sampling, biological nutrient removal activated sludge process with new anaerobic basins, anoxic basins, and aeration basins, activated sludge clarifiers, and return sludge pumping, followed by ultraviolet light disinfection . . . \$7,000,000

(7) Enumclaw--sanitary sewer project--upgrade and expand the existing wastewater treatment plant including new headworks, new extended aeration activated sludge basins, new anaerobic/anoxic basins for phosphorus removal and denitrification, two additional secondary clarifiers, chemical facilities for additional phosphorus removal in the existing secondary clarifiers, sludge dewatering and stabilization facilities, enlarged laboratory area, increasing capacity to accommodate projected urban growth through 2022 \$5,700,000

(8) Everett--sanitary sewer project--limit biochemical oxygen demand loads of the wastewater flowing into the aeration ponds to less than 20,000 pounds per day by construction of a new treatment process in the wastewater stream by constructing the primary clarifiers that will feed up to 21,000,000 gallons per day to the trickling filters for additional treatment, eliminate the use of chlorine gas and replace it with a twelve percent sodium hypochlorite solution, construct a new 4.8 acre solids handling area to process biosolids, and modifications to the laboratory and operations room \$7,000,000

(9) Holmes Harbor sewer district--sanitary sewer project--modify the existing wastewater treatment plant and related systems to include 1,500,000 gallons of storage for incompletely treated effluent, including appurtenant pumping, piping, and control systems \$950,000

(10) King county water district number 54--domestic water project--replace and dispose of an eight-inch water distribution line and an abandoned six-inch water line as part of a project to replace a fill and box culvert with a bridge across Des Moines creek that will improve fish migration and alleviate excess pooling and flooding, provide a temporary line during construction, and install a permanent twelve-inch line under the new bridge \$150,300

(11) Kitsap county sewer district number 7--sanitary sewer project--upgrade and add capacity to the wastewater treatment plant by adding a second aeration basin, changing the existing aeration from a floating aerator to fine bubble diffusers, add a third clarifier, change influent screening from bars to a fine screen, add a second bank of ultraviolet lights, add a third return activated sludge pump, add a second sludge digester, and construct a utility building to house the equipment \$1,288,000

(12) Lake Stevens--sanitary sewer project--construction of a membrane bioreactor tertiary wastewater treatment plant outside the flood plain, construction of an interceptor line and pump station to intercept and redirect existing flows to the new plant, and associated easement acquisition, permit fees, construction management services, and startup and operation and maintenance manuals . . \$7,000,000

(13) Lakehaven utility district--sanitary sewer project--remove/replace and/or line approximately 1,030 feet of the existing outfall pipe starting from 100 feet inland to the end of the existing outfall, and extend the existing/new outfall from the previous end point approximately 800 feet further into Puget Sound to ensure the protection of shellfish beds in the area \$2,400,000

(14) Malaga water district--domestic water project--design and construction of two pump stations, an approximately 60,000 gallon reservoir, approximately 11,000 feet of transmission/distribution main, a pressure reducing station, and other water system appurtenances \$1,064,950

(15) Mercer Island--sanitary sewer project--install approximately 16,000 feet of eight to sixteen-inch sewer main and 7,000 feet of six-inch side sewer laterals in Lake Washington along the north and northwest shoreline, replace and modify two pump stations, extend and connect side sewer laterals to the new main, finalize easements with approximately seventy-five property owners, install approximately ten maintenance manholes and cleanouts, and environmental mitigation \$7,000,000

(16) Mill Creek--road project--replace existing culverts carrying Penny creek under Mill Creek Road with a new bridge structure in a different location by drilling piers along the outer edge of the alignment, installing pipe caps and precast concrete bridge deck panels, excavating under the panels, installing timber lagging as the

excavation progresses, and constructing concrete walls over the lagging, reroute the streambed with some wetland mitigation work, relocate existing water line, and plugging and abandoning the existing culvert \$921,500

(17) Mount Vernon--sanitary sewer project--construction of the phase one improvements for the wastewater treatment facility including a new pretreatment (grit and debris screening) facility, two additional primary clarifiers, upgrade of the existing aeration basins, two additional secondary clarifiers, an ultraviolet disinfection system for the effluent (replacing chlorine gas system), and an extensive odor control system \$7,000,000

(18) Moxee--sanitary sewer project--construct approximately 13,500 feet of wastewater conveyance piping and appurtenances along state route number 24 from Moxee to Riverside Road, discharging to a new lift station owned and operated by the Terrace Heights sewer district \$2,000,000

(19) Mukilteo--storm sewer project--construct approximately 16,500 feet of new eighteen to forty-eight inch storm water conveyance pipeline to transfer high storm water flows from Smugglers Gulch and Big Gulch stream channels, restoring the stream channel, associated fish and wildlife habitat, and adjacent infrastructure, as well as provide mitigation for disturbed wetlands \$3,587,200

(20) North Bend--domestic water project--drilling, testing, and development of a new municipal supply well for the perfection of a new water right application with the department of ecology to supply the city and urban growth area with needed additional water, construction of approximately 21,200 lineal foot twelve-inch diversion pipeline from the south fork Tolt river reservoir to the north fork Snoqualmie river \$3,474,675

(21) North Bonneville--sanitary sewer project--install a new headworks screen in the existing headworks structure, install a new clarifier, including piping modifications, in the existing sewer treatment plant, and painting existing metal surfaces in the existing treatment plant unit \$450,000

(22) Oak Harbor--domestic water project--design and construction of approximately 5,700 feet of twenty-four inch diameter ductile iron water transmission main along highway 20 between Pass Lake and Sharpe's Corner as a replacement for existing water transmission main being destroyed as a result of planned highway construction \$2,694,500

(23) Okanogan county--sanitary sewer project--construction, right of way acquisition and engineering for gravity and pressure pipe, lift stations, telemetry, treatment plant improvements, and associated facilities, water system improvements including supply main, fire hydrants, air/vac facilities, storage, booster pumping, telemetry, and applicable appurtenances \$7,000,000

(24) Othello--road project--reconstruct 1,850 lineal feet of arterial truck route (Broadway Avenue), to include surface, subsurface, and impacted utilities, improved to heavy truck traffic standards, retaining the existing sidewalks, curbs, and gutters \$555,000

(25) Pullman--sanitary sewer project--construction of a new, approximately 500,000 gallon, variable volume digester at the wastewater treatment plant including site preparation, construction of the digester, necessary piping modifications, upgrades to the existing digesters as required to facilitate the new digester, and modifications to the plant's existing electrical and supervisory control system \$1,870,000

(26) Sammamish Plateau water and sewer district--domestic water project--design and construction of a new approximately 6.2 million gallon per day water treatment facility to remove arsenic, hydrogen sulfide, iron and manganese, and silica \$2,843,250

(27) Sedro-Woolley--sanitary sewer project--construction of approximately 29,700 lineal feet of eight to thirty-inch pipes, and the design of two sewer pump stations \$7,000,000

(28) Stanwood--domestic water project--prepare a feasibility study, well desktop treatment study, and a preliminary engineering report to determine the most cost-effective water system improvements, the most effective well treatment methods, and outlining the principal design criteria for all planned facilities,

conduct a pilot plant study to confirm effectiveness of treatment and provide/confirm design criteria, obtain all necessary permits, prepare plans, specifications, and cost estimates for all improvements, construct a new treatment plant for the removal of arsenic, manganese, and hydrogen sulfide, construct approximately 500 lineal feet of new transmission water main, and approximately 1,500 linear feet of new distribution water mains to connect to the existing system \$3,194,733

(29) Stanwood--sanitary sewer project--parallel existing sewer alignment with approximately 4,000 lineal feet of thirty-inch sewer pipe in the same right of way corridor as the existing fourteen-inch interceptor and have a flow capacity of 6.5 million gallons a day sufficient to handle the projected 5.8 million gallons a day build outflow, and the replacement of the existing eight and twelve-inch water mains \$2,031,500

(30) Tenino--sanitary sewer project--construction of a new wastewater treatment plant and collection system with a membrane bioreactor treatment plant with a capacity of 360,000 gallons per day that will produce Class A reclaimed water, and approximately 68,516 lineal feet of one and one-half to six-inch diameter pipe and 784 individual grinder pumps \$7,000,000

(31) Terrace Heights sewer district--sanitary sewer project--construct a new lift station with a capacity of approximately 4,400 gallon per minute, approximately 11,700 feet of twelve-inch diameter force mains from the new lift station to the Yakima regional wastewater treatment facility, and approximately 4,200 feet of eight-inch diameter gravity sewer main \$3,655,000

(32) Union Gap--sanitary sewer project--replace approximately 3,800 feet of sewer line, institute hydrogen sulfide control measures at the master lift station to reduce corrosion problems, complete eight sewer pipeline point repairs, replace seven manholes, install manhole shields on forty-five manholes located in areas of potential flooding, investigate sixteen side sewer connections, conduct an inflow evaluation during the next flooding event, and visually inspect previously uninspected portions of the system \$1,037,000

(33) Val Vue sewer district--sanitary sewer project--replace approximately 11,000 linear feet of pipe and associated side sewers, construction of approximately 1,900 linear feet of replacement main line sewers, construction of approximately 1,600 linear feet of sewer main replacement, replacement of approximately 300 linear feet of main, replacement of approximately 120 side sewer stubs, and improvements to a pump station by the addition of an emergency power generator \$3,554,700

(34) Whitworth water district number 2--domestic water project--install approximately 11,900 feet of sixteen-inch water pipe, 22,440 feet of twelve-inch water pipe, 4,140 feet of eight-inch water pipe together with valves, fire hydrants, and other appurtenances, and construct an approximately two million gallon ground level steel water reservoir, complete with access road, valving, level controls, and other appurtenances \$3,496,600

(35) Zillah--sanitary sewer project--construct wastewater facility improvements including a new screening system, construct a new aeration basin of approximately 159,000 gallons, install baffles in both clarifiers and replace the 28-year-old mechanical components of clarifier number 1, install a positive displacement pump in the aerobic digester building for automated daily sludge wasting, replace the existing ultraviolet system with a new and larger system, construct an effluent pump station to accommodate design peak hour flow, replace the submerged turbine aerators with fine bubble diffusers, and provide 480 volt service to all process electrical equipment, and eliminate dual voltage system now found at the plant \$2,295,000

(36) Auburn--sanitary sewer project--replace approximately 13,100 linear feet of 10, 12, and 15 inch concrete pipes with 24, 27, and 36 inch sewer pipes to handle existing and future wastewater flows. Removal of eight pressure reducing valves on a water transmission line and storm system revisions \$3,500,000

(37) Battle Ground--sanitary sewer project--upgrades at Salmon Creek treatment plant to achieve added capacity and security. Construction of the new Kline sewer pump station and approximately five miles of force main system to accommodate future pumping capacity needs

- \$4,000,000
- (38) Bellevue--road project--improve a section of NE 24th Street including widening the roadway to add five-foot bike lanes, constructing curb, gutter, and sidewalk, and introduce calming elements. The project is designed to improve safety by reducing areas of conflict between vehicular and nonmotorized traffic by reducing overall speeds \$750,000
- (39) Burien--storm sewer project--construct approximately 1,450 linear feet of 30 to 42 inch and approximately 300 linear feet of 24 inch storm water trunk lines to eliminate flooding in downtown Burien during a 25-year storm event. Modify and expand the Ambaum regional detention pond to accommodate peak flows and to control the release of storm water in order to protect downstream habitat \$1,547,000
- (40) Clark public utilities--domestic water project--construct a 1,000 gallon per minute water supply well, construct and paint an approximately 300,000 gallon reservoir, install a 500 gallon per minute booster station, and replace approximately 90,000 feet of undersized and deteriorated water line. These projects will increase fire flow and generally improve the performance and reliability of the system \$5,087,250
- (41) Edmonds--road project--provide the necessary slope stability and improve the integrity of approximately 300 feet of roadway section that has been slowly moving down the hill toward a house due to slope failure \$624,750
- (42) Franklin County--road project--pave approximately 30 miles of gravel roads throughout the county to save wear and tear on the public's vehicles and savings in annual costs for maintenance \$4,500,000
- (43) Ilwaco--sanitary sewer project--replace a sewage pump station and renovate another sewage pump station, both of which are 35 years old to meet the department of ecology's requirements and save approximately \$13,000 every three years \$237,960
- (44) Lakewood--sanitary sewer project--construct three pump stations, approximately 17,200 linear feet of force main, approximately 13,500 linear feet of gravity collector pipeline, and approximately 320 side sewer stubs to eliminate septic systems in the American Lake gardens and Tillicum neighborhoods . \$5,000,000
- (45) Olympus terrace sewer district--sanitary sewer project--construction of approximately 8,000 linear feet of trunk pipeline and approximately 16,500 linear feet of storm water conveyance pipeline to prevent high storm water flows from further eroding stream channels \$7,000,000
- (46) Seattle--storm sewer project--install approximately 2,860 feet of storm drain and approximately 6,800 feet of pipe to alleviate chronic flooding problems for at least 38 businesses and several residences in South Park \$5,000,000
- (47) Southwest suburban sewer district--sanitary sewer project--replace/rehabilitate approximately 16,700 linear feet of sewer mains to reduce environmental and public health issues associated with sewer backups \$3,910,000
- (48) Stevenson--domestic water project--replace a failing, unsafe, and hazardous pump station to address fire flow requirements, convert the vacated pump station into additional water reservoir storage, and install approximately 6,250 feet of transmission main to eliminate leaks \$795,000
- (49) Tacoma--domestic water project--construction of an ozonation treatment plant capable of treating approximately 168 million gallons per day that will provide disinfection and taste and odor compound control \$7,000,000
- (50) Vancouver--road project--widen approximately 5,000 linear feet of NE 138th Street to four lanes with center left turn lane, bike lanes, sidewalks, street lighting, and landscaping to increase capacity and safety, and upgrade traffic control \$2,200,000
- (51) Washougal--sanitary sewer project--replace a pump station with approximately 6,250 linear feet of force and gravity mains, extending approximately 2,200 linear feet of gravity sewer, and extension of approximately 2,000 linear feet of interceptor sewer. The improvements protect the water quality of the Washougal River and serve the projected 20-year growth of the area . . . \$2,070,000

that replaces a water line over a creek, and where the project need and timeline are being determined by a state agency and the city within its boundaries, the jurisdiction may be reimbursed for expenses incurred prior to the execution of the loan agreement.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "creating new sections; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2544 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Ormsby and Jarrett spoke in favor the passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be final passage of House Bill No. 2544, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2544, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

HOUSE BILL NO. 2544, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2567, with the following amendment:

NEW SECTION. **Sec. 2.** For any project on the proposed public works board recommended project list in section 1 of this act

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.91 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Iodine matrix" means iodine at a concentration greater than two percent by weight in a matrix or solution.

(b) "Matrix" means something, as a substance, in which something else originates, develops, or is contained.

(c) "Methylsulfonylmethane" means methylsulfonylmethane in its powder form only, and does not include products containing methylsulfonylmethane in other forms such as liquids, tablets, capsules not containing methylsulfonylmethane in pure powder form, ointments, creams, cosmetics, foods, and beverages.

(2) Any person who knowingly purchases in a thirty-day period or possesses any quantity of iodine in its elemental form, an iodine matrix, or more than two pounds of methylsulfonylmethane is guilty of a gross misdemeanor, except as provided in subsection (3) of this section.

(3) Subsection (2) of this section does not apply to:

(a) A person who possesses iodine in its elemental form or an iodine matrix as a prescription drug, under a prescription issued by a licensed veterinarian, physician, or advanced registered nurse practitioner;

(b) A person who possesses iodine in its elemental form, an iodine matrix, or any quantity of methylsulfonylmethane in its powder form and is actively engaged in the practice of animal husbandry of livestock;

(c) A person who possesses iodine in its elemental form or an iodine matrix in conjunction with experiments conducted in a chemistry or chemistry-related laboratory maintained by a:

(i) Public or private secondary school;

(ii) Public or private institution of higher education that is accredited by a regional or national accrediting agency recognized by the United States department of education;

(iii) Manufacturing facility, government agency, or research facility in the course of lawful business activities;

(d) A veterinarian, physician, advanced registered nurse practitioner, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier, or an agent of any of these persons who possesses iodine in its elemental form, an iodine matrix, or methylsulfonylmethane in its powder form in the regular course of lawful business activities; or

(e) A person working in a general hospital who possesses iodine in its elemental form or an iodine matrix in the regular course of employment at the hospital.

(4) Any person who purchases any quantity of iodine in its elemental form, an iodine matrix, or any quantity of methylsulfonylmethane must present an identification card or driver's license issued by any state in the United States or jurisdiction of another country before purchasing the item.

(5) The Washington state patrol shall develop a form to be used in recording transactions involving iodine in its elemental form, an iodine matrix, or methylsulfonylmethane. A person who sells or otherwise transfers any quantity of iodine in its elemental form, an iodine matrix, or any quantity of methylsulfonylmethane to a person for any purpose authorized in subsection (3) of this section must record each sale or transfer. The record must be made on the form developed by the Washington state patrol and must be retained by the person for at least three years. The Washington state patrol or any local law enforcement agency may request access to the records:

(a) Failure to make or retain a record required under this subsection is a misdemeanor.

(b) Failure to comply with a request for access to records required under this subsection to the Washington state patrol or a local law enforcement agency is a misdemeanor."

On page 1, line 1 of the title, after "precursors;" strike the remainder of the title and insert "adding a new section to chapter 9.91 RCW; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2567 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives O'Brien and Pearson spoke in favor the passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be final passage of House Bill No. 2567, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2567, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Nixon - 1.

Excused: Representative Schual-Berke - 1.

HOUSE BILL NO. 2567, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2606, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

(1) Except as otherwise prohibited by law, a volunteer member of any fire department who does not serve as fire chief for the department may be:

(a) A candidate for elective public office and serve in that public office if elected; or

(b) Appointed to any public office and serve in that public office if appointed.

(2) For purposes of this section, "volunteer" means a member of any fire department who performs voluntarily any assigned or authorized duties on behalf of or at the direction of the fire department without receiving compensation or consideration for performing such duties.

(3) For purposes of this section, "compensation" and "consideration" do not include any benefits the volunteer may have accrued or is accruing under chapter 41.24 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 52.30 RCW to read as follows:

(1) Except as otherwise prohibited by law, a volunteer member of any fire protection district who does not serve as fire chief for the district may be:

(a) A candidate for elective public office and serve in that public office if elected; or

(b) Appointed to any public office and serve in that public office if appointed.

(2) For purposes of this section, "volunteer" means a member of any fire protection district who performs voluntarily any assigned or authorized duties on behalf of or at the direction of the fire protection district without receiving compensation or consideration for performing such duties.

(3) For purposes of this section, "compensation" and "consideration" do not include any benefits the volunteer may have accrued or is accruing under chapter 41.24 RCW."

On page 1, line 2 of the title, after "office;" strike the remainder of the title and insert "adding a new section to chapter 35.21 RCW; and adding a new section to chapter 52.30 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2606 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Curtis spoke in favor the passage of the bill.

The Speaker (Representative Linville presiding) stated the question before the House to be final passage of House Bill No. 2606, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2606, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers,

Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Schual-Berke - 1.

HOUSE BILL NO. 2606, as amended by the Senate, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Ericksen, the House immediately reconsidered the vote by which ENGROSSED HOUSE BILL NO. 2322, as amended by the Senate, passed the House.

RECONSIDERATION

The Speaker (Representative Linville presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2322, as amended by the Senate, on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2322, as amended by the Senate, on reconsideration, and the bill passed the House by the following vote: Yeas - 79, Nays - 18, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Blake, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Crouse, Darneille, DeBolt, Dickerson, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood, Woods and Mr. Speaker - 79.

Voting nay: Representatives Armstrong, Buck, Chandler, Condotta, Cox, Curtis, Dunn, Eickmeyer, Grant, Hinkle, Holmquist, Kristiansen, Newhouse, Orcutt, Pearson, Sump, Talcott and Walsh - 18.

Excused: Representative Schual-Berke - 1.

ENGROSSED HOUSE BILL NO. 2322, as amended by the Senate, on reconsideration, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED HOUSE BILL NO. 2322, as amended by the Senate on reconsideration.

J'ANEA HOLMQUIST, 13th District

The Speaker (Representative Linville presiding) called upon Representative Lovick to preside.

MESSAGES FROM THE SENATE

March 4, 2006

Mr. Speaker:

March 4, 2006

The Senate concurred in the House amendments to the following bills:

- ENGROSSED SENATE BILL NO. 5232,
- SENATE BILL NO. 6059,
- SUBSTITUTE SENATE BILL NO. 6188,
- SUBSTITUTE SENATE BILL NO. 6234,
- SENATE BILL NO. 6248,
- SENATE BILL NO. 6373,
- SUBSTITUTE SENATE BILL NO. 6377,
- SUBSTITUTE SENATE BILL NO. 6555,
- SENATE BILL NO. 6568,

and passed the bills as amended by the House.

Brad Hendrickson, Deputy Secretary

March 4, 2006

Mr. Speaker:

The President has signed:

- HOUSE BILL NO. 1305,
- ENGROSSED HOUSE BILL NO. 1383,
- HOUSE BILL NO. 1471,
- SUBSTITUTE HOUSE BILL NO. 1504,
- HOUSE BILL NO. 1641,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056,
- HOUSE BILL NO. 2328,
- HOUSE BILL NO. 2330,
- HOUSE BILL NO. 2366,
- HOUSE BILL NO. 2379,
- HOUSE BILL NO. 2380,
- SUBSTITUTE HOUSE BILL NO. 2394,
- SUBSTITUTE HOUSE BILL NO. 2414,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2479,
- HOUSE BILL NO. 2520,
- HOUSE BILL NO. 2562,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2651,
- SUBSTITUTE HOUSE BILL NO. 2670,
- HOUSE BILL NO. 2690,
- SUBSTITUTE HOUSE BILL NO. 2691,
- SUBSTITUTE HOUSE BILL NO. 2713,
- SUBSTITUTE HOUSE BILL NO. 2723,
- SUBSTITUTE HOUSE BILL NO. 2726,
- SUBSTITUTE HOUSE BILL NO. 2780,
- SUBSTITUTE HOUSE BILL NO. 2804,
- SECOND SUBSTITUTE HOUSE BILL NO. 2805,
- HOUSE BILL NO. 2857,
- HOUSE BILL NO. 2874,
- SUBSTITUTE HOUSE BILL NO. 2876,
- SUBSTITUTE HOUSE BILL NO. 2898,
- SUBSTITUTE HOUSE BILL NO. 2908,
- HOUSE BILL NO. 2932,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2951,
- SUBSTITUTE HOUSE BILL NO. 2987,
- HOUSE BILL NO. 3001,
- HOUSE BILL NO. 3056,
- ENGROSSED HOUSE BILL NO. 3074,
- SUBSTITUTE HOUSE BILL NO. 3085,
- SUBSTITUTE HOUSE BILL NO. 3087,
- SUBSTITUTE HOUSE BILL NO. 3120,
- SUBSTITUTE HOUSE BILL NO. 3128,
- HOUSE BILL NO. 3134,
- SUBSTITUTE HOUSE BILL NO. 3137,
- HOUSE BILL NO. 3154,
- SUBSTITUTE HOUSE BILL NO. 3185,
- ENGROSSED HOUSE BILL NO. 3192,
- HOUSE BILL NO. 3252,
- HOUSE JOINT MEMORIAL NO. 4023,
- HOUSE JOINT MEMORIAL NO. 4031,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 4, 2006

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 6885, and the same is herewith transmitted.

Thomas Hoemann, Secretary

Mr. Speaker:

The Senate concurred in the House amendments to the following bills:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5385,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6106,
- SUBSTITUTE SENATE BILL NO. 6308,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6391,
- SUBSTITUTE SENATE BILL NO. 6439,
- SUBSTITUTE SENATE BILL NO. 6527,
- SUBSTITUTE SENATE BILL NO. 6617,
- SENATE BILL NO. 6637,
- ENGROSSED SENATE BILL NO. 6661,
- SUBSTITUTE SENATE BILL NO. 6840,

and passed the bills as amended by the House.

Thomas Hoemann, Secretary

March 4, 2006

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE SENATE BILL NO. 6793, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the Rules Committee was relieved of SUBSTITUTE SENATE BILL NO. 6247, and the bill was placed on the Second Reading calendar.

MESSAGE FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2617, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.16.010 and 2005 c 350 s 1, 2005 c 323 s 2, and 2005 c 213 s 6 are each reenacted and amended to read as follows:

(1) It is unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided.

(2) Failure to make initial registration before operation on the highways of this state is a traffic infraction, and any person committing this infraction shall pay a penalty of five hundred twenty-nine dollars, no part of which may be suspended or deferred.

(3) Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

(4) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, evading the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows:

(a) For a first offense, up to one year in the county jail and payment of a fine of five hundred twenty-nine dollars plus twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and payment of a fine of five hundred twenty-nine dollars plus four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(c) For fines levied under (b) of this subsection, an amount equal to the avoided taxes and fees owed will be deposited in the vehicle licensing fraud account created in the state treasury;

(d) The avoided taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion.

(5) These provisions shall not apply to the following vehicles:

(a) Motorized foot scooters;
 (b) Electric-assisted bicycles;
 (c) Off-road vehicles operating on nonhighway roads under RCW 46.09.115;

(d) Farm vehicles if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law;

(e) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation;

(f) Fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks;

(g) "Trams" used for transporting persons to and from facilities related to the horse racing industry as regulated in chapter 67.16 RCW, as long as the public right-of-way routes over which the trams operate are not more than one mile from end to end, the public rights-of-way over which the tram operates have an average daily traffic of not more than 15,000 vehicles per day, and the activity is in conformity with federal law. The operator must be a licensed driver and at least eighteen years old. For the purposes of this section, "tram" also means a vehicle, or combination of vehicles linked together with a single mode of propulsion, used to transport persons from one location to another;

(h) "Special highway construction equipment" defined as follows: Any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (i) are in excess of the legal width, or (ii) which, because of their length, height, or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (iii) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(6) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

(c) An off-road vehicle operated on a street, road, or highway as authorized under RCW 46.09.180.

(7)(a) A motor vehicle subject to initial or renewal registration under this section shall not be registered to a natural person unless the person at time of application:

(i) Presents an unexpired Washington state driver's license; or

(ii) Certifies that he or she is:

(A) A Washington resident who does not operate a motor vehicle on public roads; or

(B) Exempt from the requirement to obtain a Washington state driver's license under RCW 46.20.025.

(b) For shared or joint ownership, the department will set up procedures to verify that all owners meet the requirements of this subsection.

(c) A person falsifying residency is guilty of a gross misdemeanor punishable only by a fine of five hundred twenty-nine dollars.

(d) The department may adopt rules necessary to implement this subsection, including rules under which a natural person applying for registration may be exempt from the requirements of this subsection where the person provides evidence satisfactory to the department that he or she has a valid and compelling reason for not being able to meet the requirements of this subsection.

Sec. 2. RCW 46.09.115 and 2005 c 213 s 4 are each amended to read as follows:

(1) Except as otherwise provided in this section, it is lawful to operate an off-road vehicle upon:

(a) A nonhighway road and in parking areas serving designated off-road vehicle areas if the state, federal, local, or private authority responsible for the management of the nonhighway road authorizes the use of off-road vehicles; and

(b) A street, road, or highway as authorized under RCW 46.09.180.

(2) Operations of an off-road vehicle on a nonhighway road, or on a street, road, or highway as authorized under RCW 46.09.180, under this section is exempt from licensing requirements of RCW 46.16.010 and vehicle lighting and equipment requirements of chapter 46.37 RCW.

(3) It is unlawful to operate an off-road vehicle upon a private nonhighway road if the road owner has not authorized the use of off-road vehicles.

(4) Nothing in this section authorizes trespass on private property.

(5) The provisions of RCW 4.24.210(5) shall apply to public landowners who allow members of the public to use public facilities accessed by a highway, street, or nonhighway road for recreational off-road vehicle use.

Sec. 3. RCW 46.09.120 and 2005 c 213 s 3 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, it is a traffic infraction for any person to operate any nonhighway vehicle:

(a) In such a manner as to endanger the property of another;

(b) On lands not owned by the operator or owner of the nonhighway vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;

(c) On lands not owned by the operator or owner of the nonhighway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;

(d) Without a spark arrester approved by the department of natural resources;

(e) Without an adequate, and operating, muffling device which effectively limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured:

(i) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;

(ii) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and

(iii) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle;

(f) On lands not owned by the operator or owner of the nonhighway vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;

(g) On lands not owned by the operator or owner of the nonhighway vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;

(h) On lands not owned by the operator or owner of the nonhighway vehicle or on any nonhighway road or trail, when these are restricted to pedestrian or animal travel;

(i) On any public lands in violation of rules and regulations of the agency administering such lands; and

(j) On a private nonhighway road in violation of RCW 46.09.115(3).

(2) It is a misdemeanor for any person to operate any nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance.

(3)(a) Except for an off-road vehicle equipped with seat belts and roll bars or an enclosed passenger compartment, it is a traffic infraction for any person to operate or ride an off-road vehicle on a nonhighway road without wearing upon his or her head a motorcycle helmet fastened securely while in motion. For purposes of this section, "motorcycle helmet" has the same meaning as provided in RCW 46.37.530.

(b) Subsection (3)(a) of this section does not apply to an off-road vehicle operator operating on his or her own land.

(c) Subsection (3)(a) of this section does not apply to an off-road vehicle operator operating on agricultural lands owned or leased by the off-road vehicle operator or the operator's employer.

(4) It is not a traffic infraction to operate an off-road vehicle on a street, road, or highway as authorized under RCW 46.09.180.

Sec. 4. RCW 46.09.180 and 1977 ex.s. c 220 s 15 are each amended to read as follows:

Notwithstanding any of the provisions of this chapter, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of nonhighway vehicles on public lands, waters, and other properties under its jurisdiction, and on streets, roads, or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not less stringent than the provisions of this chapter. However, the legislative body of a city with a population of less than three thousand persons may, by ordinance, designate a street or highway within its boundaries to be suitable for use by off-road vehicles. The legislative body of a county may, by ordinance, designate a road or highway within its boundaries to be suitable for use by off-road vehicles if the road or highway is a direct connection between a city with a population of less than three thousand persons and an off-road vehicle recreation facility.

Sec. 5. RCW 46.37.010 and 2005 c 213 s 7 are each amended to read as follows:

(1) It is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the chief of the Washington state patrol, or which is equipped in any manner in violation of this chapter or the state patrol's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the state patrol's regulations.

(2) Nothing contained in this chapter or the state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the state patrol's regulations.

(3) The provisions of the chapter and the state patrol's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the state patrol as prescribed in RCW 46.37.005 unless it has been approved by the state patrol.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

(7) This chapter does not apply to off-road vehicles used on nonhighway roads or used on streets, roads, or highways as authorized under RCW 46.09.180.

(8) This chapter does not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks.

(9) Notices of traffic infraction issued to commercial drivers under the provisions of this chapter with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes under chapter 46.20 RCW.

(10) Whenever a traffic infraction is chargeable to the owner or lessee of a vehicle under subsection (1) of this section, the driver shall not be arrested or issued a notice of traffic infraction unless the vehicle is registered in a jurisdiction other than Washington state, or unless the infraction is for an offense that is clearly within the responsibility of the driver.

(11) Whenever the owner or lessee is issued a notice of traffic infraction under this section the court may, on the request of the owner or lessee, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. If the codefendant is held solely responsible and is found to have committed the traffic infraction, the court may dismiss the notice against the owner or lessee.

Sec. 6. RCW 4.24.210 and 2003 c 39 s 2 and 2003 c 16 s 2 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowners or others in lawful possession and control of any lands whether designated resource, rural, or urban, or water areas or channels and lands adjacent to such areas or channels, who allow members of the public to use them for the purposes of outdoor recreation, which term includes, but is not limited to, the cutting, gathering, and removing of firewood by private persons for their personal use without purchasing the firewood from the landowner, hunting, fishing, camping, picnicking, swimming, hiking, bicycling, skateboarding or other nonmotorized wheel-based activities, hanggliding, paragliding, rock climbing, the riding of horses or other animals, clam digging, pleasure driving of off-road vehicles, snowmobiles, and other vehicles, boating, nature study, winter or water sports, viewing or enjoying historical,

archaeological, scenic, or scientific sites, without charging a fee of any kind therefor, shall not be liable for unintentional injuries to such users.

(2) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowner or others in lawful possession and control of any lands whether rural or urban, or water areas or channels and lands adjacent to such areas or channels, who offer or allow such land to be used for purposes of a fish or wildlife cooperative project, or allow access to such land for cleanup of litter or other solid waste, shall not be liable for unintentional injuries to any volunteer group or to any other users.

(3) Any public or private landowner, or others in lawful possession and control of the land, may charge an administrative fee of up to twenty-five dollars for the cutting, gathering, and removing of firewood from the land.

(4) Nothing in this section shall prevent the liability of a landowner or others in lawful possession and control for injuries sustained to users by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted. A fixed anchor used in rock climbing and put in place by someone other than a landowner is not a known dangerous artificial latent condition and a landowner under subsection (1) of this section shall not be liable for unintentional injuries resulting from the condition or use of such an anchor. Nothing in RCW 4.24.200 and ~~((4.24.210))~~ this section limits or expands in any way the doctrine of attractive nuisance. Usage by members of the public, volunteer groups, or other users is permissive and does not support any claim of adverse possession.

(5) For purposes of this section, the following are not fees:

(a) A license or permit issued for statewide use under authority of chapter 79A.05 RCW or Title 77 RCW ~~((is not a fee)); and~~

(b) A daily charge not to exceed twenty dollars per person, per day, for access to a publicly owned ORV sports park, as defined in RCW 46.09.020, or other public facility accessed by a highway, street, or nonhighway road for the purposes of off-road vehicle use."

On page 1, line 2 of the title, after "roads," strike the remainder of the title and insert "amending RCW 46.09.115, 46.09.120, 46.09.180, and 46.37.010; and reenacting and amending RCW 46.16.010 and 4.24.210."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2617 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kretz spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2617, as amended by the Senate.

MOTION

On motion of Representative Clements, Representative Holmquist was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2617, as amended by the Senate, and the bill passed

the House by the following vote: Yeas - 90, Nays - 7, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hunt, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Uptegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Cody, Dickerson, Fromhold, Hudgins, Hunter, Murray and Sommers - 7.

Excused: Representative Holmquist - 1.

HOUSE BILL NO. 2617, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on HOUSE BILL NO. 2617 as amended by the Senate.

MARALYN CHASE, 32nd District

MESSAGE FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2975, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 21.20.320 and 1998 c 15 s 14 are each amended to read as follows:

The following transactions are exempt from RCW 21.20.040 through 21.20.300 and 21.20.327 except as expressly provided:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not; or any transaction effected in accordance with any rule by the director establishing a nonpublic offering exemption pursuant to this subsection where registration is not necessary or appropriate in the public interest or for the protection of investors.

(2) Any nonissuer transaction by a registered salesperson of a registered broker-dealer, and any resale transaction by a sponsor of a unit investment trust registered under the Investment Company Act of 1940 pursuant to any rule adopted by the director.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a

unit. A bond or other evidence of indebtedness is not offered and sold as a unit if the transaction involves:

(a) A partial interest in one or more bonds or other evidences of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels; or

(b) One of multiple bonds or other evidences of indebtedness secured by one or more real or chattel mortgages or deeds of trust, or agreements for the sale of real estate or chattels, sold to more than one purchaser as part of a single plan of financing; or

(c) A security including an investment contract other than the bond or other evidence of indebtedness.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction effected in accordance with the terms and conditions of any rule adopted by the director if:

(a) The aggregate offering amount does not exceed five million dollars; and

(b) The director finds that registration is not necessary in the public interest and for the protection of investors.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation, or sale of assets.

(15) The offer or sale by a registered broker-dealer, or a person exempted from the registration requirements pursuant to RCW 21.20.040, acting either as principal or agent, of securities previously sold and distributed to the public: PROVIDED, That:

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics;

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

(16) Any transaction by a mutual or cooperative association meeting the requirements of (a) and (b) of this subsection:

(a) The transaction:

(i) Does not involve advertising or public solicitation; or

(ii) Involves advertising or public solicitation, and:

(A) The association first files a notice of claim of exemption on a form prescribed by the director specifying the terms of the offer and the director does not by order deny the exemption within the next ten full business days; or

(B) The association is an employee cooperative and identifies itself as an employee cooperative in advertising or public solicitation.

(b) The transaction involves an instrument or interest, that:

(i)(A) Qualifies its holder to be a member or patron of the association;

(B) Represents a contribution of capital to the association by a person who is or intends to become a member or patron of the association;

(C) Represents a patronage dividend or other patronage allocation; or

(D) Represents the terms or conditions by which a member or patron purchases, sells, or markets products, commodities, or services from, to, or through the association; and

(ii) Is nontransferable except in the case of death, operation of law, bona fide transfer for security purposes only to the association, a bank, or other financial institution, intrafamily transfer, ~~(or)~~ transfer to an existing member or person who will become a member, or transfer by gift to any person organized and operated as a nonprofit organization as defined in RCW 84.36.800(4) that also possesses a current tax exempt status under the laws of the United States, and, in the case of an instrument, so states conspicuously on its face.

(17) Any transaction effected in accordance with any rule adopted by the director establishing a limited offering exemption which furthers objectives of compatibility with federal exemptions and uniformity among the states, provided that in adopting any such rule the director may require that no commission or other remuneration be paid or given to any person, directly or indirectly, for effecting sales unless the person is registered under this chapter as a broker-dealer or salesperson."

On page 1, line 2 of the title, after "Washington;" strike the remainder of the title and insert "and amending RCW 21.20.320."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2975 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Newhouse and Kirby spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2975, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2975, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Holmquist - 1.

HOUSE BILL NO. 2975, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2985, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that foster children have enhanced health care needs and that it is necessary to improve the system of providing health care for foster children. The legislature further recognizes the importance of meeting the mental health needs of children in foster care, as well as their medical and dental health care needs. The legislature finds that there must be greater coordination and integration of systems, in particular coordination between children's administration and the health and recovery services administration as well as other agencies that provide or pay for health services for foster youth, to ensure that the health care needs of children in foster care are met in a timely manner.

NEW SECTION. Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

Whenever a child is ordered removed from his or her home pursuant to this chapter, the agency charged with his or her care may authorize an evaluation and treatment for the child's routine and necessary medical, dental, or mental health care, and all necessary emergency care.

Sec. 3. RCW 74.13.031 and 2004 c 183 s 3 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the

passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by

any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals eighteen through twenty years of age, who are or have been in foster care.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

Within existing resources, the department shall establish a foster care health unit within the children's administration. The children's administration and the health and recovery services administration within the department shall integrally collaborate to accomplish the following tasks:

(1) The health unit shall review and provide recommendations to the legislature by September 1, 2006, regarding issues including, but not limited to, the following:

(a) Creation of an office within the department to consolidate and coordinate physical, dental, and mental health services provided to children who are in the custody of the department;

(b) Alternative payment structures for health care organization. The department may consider managed care as an alternative structure for health care. The department may not implement managed care for health care services for children in foster care for cost containment purposes; however, the department may institute managed care if the managed care is in the foster child's best interest;

(c) Improving coordination of health care for children in foster care, including medical, dental, and mental health care;

(d) Improving access to health information available to the children's administration for providers of health services for children in foster care, including the use of the child profile as a means to facilitate access to such information;

(e) Establishing a medical home for each child placed in foster care to ensure that appropriate, timely, and necessary quality care is available through a coordinated system of care and analyzing how a medical home might be utilized to meet the unique needs of children in foster care. In establishing a medical home, the department shall consider primary care that is accessible, continuous, comprehensive, family centered, coordinated, compassionate, and culturally effective;

(f) Examining how existing resources are being utilized to provide health care for foster children and options for improving how the resources are utilized. Particular emphasis shall be placed on the following:

(i) Whether the health care services provided to foster children are evidence-based;

(ii) Whether resources are duplicative or redundant between agencies or departments in the provision of medical, dental, or mental health services for children; and

(iii) Identification of where resources are inadequate to meet the routine and necessary medical, dental, and mental health needs of children in foster care; and

(g) Any other issues related to medical, dental, or mental health care for children in foster care.

(2)(a) The foster care health unit, in collaboration with regional medical consultants, shall develop a statewide, uniform role for the regional medical consultants with emphasis placed on the mental health needs of the children in foster care.

(b) By September 1, 2006, the department shall implement the utilization of the statewide, uniform role for the regional medical consultants developed in (a) of this subsection.

(3) This section expires January 1, 2007."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.13.031; adding a new section to chapter 13.34 RCW; adding a new section to chapter 74.13 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2985 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Schual-Berke and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2985, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2985, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Holmquist - 1.

SUBSTITUTE HOUSE BILL NO. 2985, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 28, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 3139, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 7.70.065 and 2005 c 440 s 2 are each amended to read as follows:

(1) Informed consent for health care for a patient who is not competent, as defined in RCW 11.88.010(1)(e), to consent may be obtained from a person authorized to consent on behalf of such patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who is not competent to consent, based upon a reason other than incapacity as defined in RCW 11.88.010(1)(d), shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian of the patient, if any;

(ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;

(iii) The patient's spouse;

(iv) Children of the patient who are at least eighteen years of age;

(v) Parents of the patient; and

(vi) Adult brothers and sisters of the patient.

(b) If the health care provider seeking informed consent for proposed health care of the patient who is not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

(i) If a person of higher priority under this section has refused to give such authorization; or

(ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(c) Before any person authorized to provide informed consent on behalf of a patient not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.

(2) Informed consent for health care, including mental health care, for a patient who is not competent, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care, including mental health care, on behalf of a patient who is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to RCW 9A.72.085 stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a)(v) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be a relative responsible for the health care of the minor patient.

(c) A health care facility or a health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient. However, there is no obligation to require such documentation.

(d) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when

such reliance is based on a declaration signed under penalty of perjury pursuant to RCW 9A.72.085 stating that the adult person is a relative responsible for the health care of the minor patient under (a)(v) of this subsection.

(3) For the purposes of this section, "health care," "health care provider," and "health care facility" shall be defined as established in RCW 70.02.010.

Sec. 2. RCW 71.34.020 and 1998 c 296 s 8 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(2) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(3) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(4) "~~(County)~~ Designated mental health professional" means a mental health professional designated by one or more counties to perform the functions of a ~~(county)~~ designated mental health professional described in this chapter.

(5) "Department" means the department of social and health services.

(6) "Evaluation and treatment facility" means a public or private facility or unit that is certified by the department to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately-operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the department or federal agency does not require certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(7) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(8) "Gravely disabled minor" means a minor who, as a result of a mental disorder, is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(9) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, or residential treatment facility certified by the department as an evaluation and treatment facility for minors.

(10) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

(11) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as

evidenced by behavior which has caused substantial loss or damage to the property of others.

(12) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder; or (b) prevent the worsening of mental conditions that endanger life or cause suffering and pain, or result in illness or infirmity or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(13) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or mental retardation alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(14) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under this chapter.

(15) "Minor" means any person under the age of eighteen years.

(16) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed services providers as identified by RCW 71.24.025((+)).

(17) "Parent" means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under a joint custody agreement; or

(b) A person or agency judicially appointed as legal guardian or custodian of the child.

(18) "Professional person in charge" or "professional person" means a physician or other mental health professional empowered by an evaluation and treatment facility with authority to make admission and discharge decisions on behalf of that facility.

(19) "Psychiatric nurse" means a registered nurse who has a bachelor's degree from an accredited college or university, and who has had, in addition, at least two years' experience in the direct treatment of mentally ill or emotionally disturbed persons, such experience gained under the supervision of a mental health professional. "Psychiatric nurse" shall also mean any other registered nurse who has three years of such experience.

(20) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(21) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(22) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(23) "Secretary" means the secretary of the department or secretary's designee.

(24) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

Sec. 3. RCW 71.34.500 and 2005 c 371 s 2 are each amended to read as follows:

(1) A minor thirteen years or older may admit himself or herself to an evaluation and treatment facility for inpatient mental treatment, without parental consent. The admission shall occur only if the professional person in charge of the facility concurs with the need for inpatient treatment. Parental authorization, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for inpatient treatment of a minor under the age of thirteen.

(2) When, in the judgment of the professional person in charge of an evaluation and treatment facility, there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed

by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to an evaluation and treatment facility.

(3) Written renewal of voluntary consent must be obtained from the applicant no less than once every twelve months. The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

Sec. 4. RCW 71.34.530 and 1998 c 296 s 12 are each amended to read as follows:

Any minor thirteen years or older may request and receive outpatient treatment without the consent of the minor's parent. Parental authorization, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for outpatient treatment of a minor under the age of thirteen.

On page 1, line 2 of the title, after "minors;" strike the remainder of the title and insert "and amending RCW 7.70.065, 71.34.020, 71.34.500, and 71.34.530."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 3139 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Pettigrew and Walsh spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 3139, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3139, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Holmquist - 1.

HOUSE BILL NO. 3139, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 28, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 3156, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that one in four families lack the financial resources to sustain their family for a period of three months at the federal poverty level. Low-income wage earners need tools to allow them to better control, manage, and increase their financial resources. The legislature is committed to supporting the collaboration of community-based, faith-based, governmental, job training, health care, and social service agencies to help low-income families achieve greater prosperity.

NEW SECTION. Sec. 2. A new section is added to chapter 43.63A RCW to read as follows:

(1) The department of community, trade, and economic development must establish a process to offer consulting services to community action agencies, established under RCW 43.63A.115, who are interested in developing pilot programs to assist low-income families accumulate assets. In implementing a pilot program, the community action agency applicant is encouraged to facilitate bringing together community partners to determine the asset building programs to initiate within the community.

(2) The department must select the pilot sites through an application process developed by the department and beginning by July 31, 2006. The department must offer consulting services to no less than four sites with at least one of the pilot sites located in eastern Washington.

(3) A community action agency as established in RCW 43.63A.115 may submit an application to be selected as a pilot site. To be considered for a pilot site, the application must demonstrate how the site will meet the following criteria. The application must:

(a) Identify the local agency that will be the lead agency for the pilot program;

(b) Describe how the lead agency will work with community partners, including local government, to implement the pilot program activities described in this section. The application must specifically identify the community partners with whom the community action agency will be collaborating and the role of the partners;

(c) Identify the areas of potential need based upon input from the community partners. Areas of potential need may include financial literacy, assistance with federal income tax preparation and the use of tax credits, the use of individual development accounts, and other asset-building strategies; and

(d) Identify the resources within the community that might support training for the implementation of the selected best practices chosen to address the needs identified by the community.

(4) The department must report to the legislature by December 1, 2007, on the progress of the implementation of the pilot programs including the application process, the status of the programs, and any implementation issues that arose in initiating the pilot programs.

(5) As used in this section, "asset" or "asset building" means investment or savings for an investment in a family home, higher education, small business, or other long-term asset that will assist low-income families to attain greater self-sufficiency.

NEW SECTION. Sec. 3. A new section is added to chapter 43.63A RCW to read as follows:

To the extent funding is appropriated, the department of community, trade, and economic development must establish a program to create an outreach campaign to increase the number of eligible families who claim the federal earned income tax credit. The department may work collaboratively with other state agencies, private and nonprofit agencies, local communities, and others with expertise that might assist the department in implementing the program.

NEW SECTION. Sec. 4. This act expires January 1, 2008."

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "adding new sections to chapter 43.63A RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 3156 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Darneille and Walsh spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 3156, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3156, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Holmquist - 1.

HOUSE BILL NO. 3156, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 28, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 3182, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and 2001 c 137 s 3 are each reenacted and amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(d) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(e) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(f) "Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

(g) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(h) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(i) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(j) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(k) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional

living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(l) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; or

(v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where: (i) The person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(f) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States immigration and naturalization service, or persons who have the care of such an international child in their home;

(g) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(h) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(i) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(j) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(k) Licensed physicians or lawyers;

(l) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(m) Facilities approved and certified under chapter 71A.22 RCW;

(n) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or

assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(o) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(p) An agency operated by any unit of local, state, or federal government or an agency ~~(located within the boundaries of a federally recognized Indian reservation,)~~ licensed by ~~(the)~~ an Indian tribe pursuant to RCW 74.15.190;

(q) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(r) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(6) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(7) "Secretary" means the secretary of social and health services.

(8) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(9) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 2. RCW 74.15.190 and 1987 c 170 s 13 are each amended to read as follows:

(1)(a) The state of Washington recognizes the authority of Indian tribes within the state to license agencies, located within the boundaries of a federally recognized Indian reservation, to receive children for control, care, and maintenance outside their own homes, or to place, receive, arrange the placement of, or assist in the placement of children for foster care or adoption.

(b) The state of Washington recognizes the ability of the Indian tribes within the state to enter into agreements with the state to license agencies located on or near the federally recognized Indian reservation or, for those federally recognized tribes that do not have a reservation, then on or near the federally designated service delivery area, to receive children for control, care, and maintenance outside their own homes, or to place, receive, arrange the placement of, or assist in the placement of children for foster care.

(c) The department and state licensed child-placing agencies may place children in tribally licensed facilities if the requirements of RCW 74.15.030 (2)(b) and (3) and supporting rules are satisfied before placing the children in such facilities by the department or any state licensed child-placing agency.

(2) The department may enter into written agreements with Indian tribes within the state to define the terms under which the tribe may license agencies pursuant to subsection (1) of this section. The agreements shall include a definition of what are the geographic boundaries of the tribe for the purposes of licensing and may include locations on or near the federally recognized Indian reservation or, for those federally recognized tribes that do not have a reservation, then on or near the federally designated service delivery area.

(3) The department and its employees are immune from civil liability for damages arising from the conduct of agencies licensed by a tribe."

On page 1, line 1 of the title, after "licensing;" strike the remainder of the title and insert "amending RCW 74.15.190; and reenacting and amending RCW 74.15.020."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 3182 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Pettigrew and Walsh spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 3182, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3182, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Holmquist - 1.

SUBSTITUTE HOUSE BILL NO. 3182, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 3277, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for rape of a child in the first degree, rape of a child in the second degree, or child molestation in the first degree, the prosecuting attorney shall file a special allegation that the offense was predatory whenever sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the offense was predatory, unless the prosecuting attorney determines, after consulting with a victim, that filing a special allegation under this section is likely to interfere with the ability to obtain a conviction.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the offense was predatory. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the offense was predatory. If no jury is had, the court shall make a finding of fact as to whether the offense was predatory.

(3) The prosecuting attorney shall not withdraw a special allegation filed under this section without the approval of the court through an order of dismissal of the allegation. The court may not dismiss the special allegation unless it finds that the order is necessary to correct an error in the initial charging decision or that there are evidentiary problems that make proving the special allegation doubtful.

NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation, the prosecuting attorney shall file a special allegation that the victim of the offense was under fifteen years of age at the time of the offense whenever sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the victim was under fifteen years of age at the time of the offense, unless the prosecuting attorney determines, after consulting with a victim, that filing a special allegation under this section is likely to interfere with the ability to obtain a conviction.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the victim was under fifteen years of age at the time of the offense. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the victim was under the age of fifteen at the time of the offense. If no jury is had, the court shall make a finding of fact as to whether the victim was under the age of fifteen at the time of the offense.

(3) The prosecuting attorney shall not withdraw a special allegation filed under this section without the approval of the court through an order of dismissal of the allegation. The court may not dismiss the special allegation unless it finds that the order is necessary to correct an error in the initial charging decision or that there are evidentiary problems that make proving the special allegation doubtful.

NEW SECTION. Sec. 3. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation, the prosecuting attorney shall file a special allegation that the victim of the offense was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult, whenever sufficient admissible evidence exists,

which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the victim was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult, unless the prosecuting attorney determines, after consulting with a victim, that filing a special allegation under this section is likely to interfere with the ability to obtain a conviction.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the victim was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the victim was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult. If no jury is had, the court shall make a finding of fact as to whether the victim was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult.

(3) The prosecuting attorney shall not withdraw a special allegation filed under this section without the approval of the court through an order of dismissal of the allegation. The court may not dismiss the special allegation unless it finds that the order is necessary to correct an error in the initial charging decision or that there are evidentiary problems that make proving the special allegation doubtful.

(4) For purposes of this section, "developmentally disabled," "mentally disordered," and "frail elder or vulnerable adult" have the same meaning as in RCW 9A.44.010.

Sec. 4. RCW 9.94A.712 and 2005 c 436 s 2 are each amended to read as follows:

(1) An offender who is not a persistent offender shall be sentenced under this section if the offender:

(a) Is convicted of:

(i) Rape in the first degree, rape in the second degree, rape of a child in the first degree, child molestation in the first degree, rape of a child in the second degree, or indecent liberties by forcible compulsion;

(ii) Any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or

(iii) An attempt to commit any crime listed in this subsection (1)(a); committed on or after September 1, 2001; or

(b) Has a prior conviction for an offense listed in RCW 9.94A.030(33)(b), and is convicted of any sex offense which was committed after September 1, 2001.

For purposes of this subsection (1)(b), failure to register is not a sex offense.

(2) An offender convicted of rape of a child in the first or second degree or child molestation in the first degree who was seventeen years of age or younger at the time of the offense shall not be sentenced under this section.

(3)(a) Upon a finding that the offender is subject to sentencing under this section, the court shall impose a sentence to a maximum term ~~((consisting of the statutory maximum sentence for the offense))~~ and a minimum term ~~((either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.535, if the offender is otherwise eligible for such a sentence)).~~

(b) The maximum term shall consist of the statutory maximum sentence for the offense.

(c)(i) Except as provided in (c)(ii) of this subsection, the minimum term shall be either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.535, if the offender is otherwise eligible for such a sentence.

(ii) If the offense that caused the offender to be sentenced under this section was rape of a child in the first degree, rape of a child in the second degree, or child molestation in the first degree, and there has been a finding that the offense was predatory under section 1 of

this act, the minimum term shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater. If the offense that caused the offender to be sentenced under this section was rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation, and there has been a finding that the victim was under the age of fifteen at the time of the offense under section 2 of this act, the minimum term shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater. If the offense that caused the offender to be sentenced under this section is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation, and there has been a finding under section 3 of this act that the victim was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult, the minimum sentence shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater.

(d) The minimum terms in (c)(ii) of this subsection do not apply to a juvenile tried as an adult pursuant to RCW 13.04.030(1)(e)(i) or (v). The minimum term for such a juvenile shall be imposed under (c)(i) of this subsection.

(4) A person sentenced under subsection (3) of this section shall serve the sentence in a facility or institution operated, or utilized under contract, by the state.

(5) When a court sentences a person to the custody of the department under this section, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody under the supervision of the department and the authority of the board for any period of time the person is released from total confinement before the expiration of the maximum sentence.

(6)(a)(i) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department and the board shall enforce such conditions pursuant to RCW 9.94A.713, 9.95.425, and 9.95.430.

(ii) If the offense that caused the offender to be sentenced under this section was an offense listed in subsection (1)(a) of this section and the victim of the offense was under eighteen years of age at the time of the offense, the court shall, as a condition of community custody, prohibit the offender from residing in a community protection zone.

(b) As part of any sentence under this section, the court shall also require the offender to comply with any conditions imposed by the board under RCW 9.94A.713 and 9.95.420 through 9.95.435.

Sec. 5. RCW 9.94A.712 and 2004 c 176 s 3 are each amended to read as follows:

(1) An offender who is not a persistent offender shall be sentenced under this section if the offender:

(a) Is convicted of:

(i) Rape in the first degree, rape in the second degree, rape of a child in the first degree, child molestation in the first degree, rape of a child in the second degree, or indecent liberties by forcible compulsion;

(ii) Any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or

(iii) An attempt to commit any crime listed in this subsection (1)(a); committed on or after September 1, 2001; or

(b) Has a prior conviction for an offense listed in RCW 9.94A.030(32)(b), and is convicted of any sex offense which was committed after September 1, 2001.

For purposes of this subsection (1)(b), failure to register is not a sex offense.

(2) An offender convicted of rape of a child in the first or second degree or child molestation in the first degree who was seventeen years of age or younger at the time of the offense shall not be sentenced under this section.

(3)(a) Upon a finding that the offender is subject to sentencing under this section, the court shall impose a sentence to a maximum term (~~(consisting of the statutory maximum sentence for the offense)~~) and a minimum term (~~(either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.535, if the offender is otherwise eligible for such a sentence)~~).

(b) The maximum term shall consist of the statutory maximum sentence for the offense.

(c)(i) Except as provided in (c)(ii) of this subsection, the minimum term shall be either within the standard sentence range for the offense, or outside the standard sentence range pursuant to RCW 9.94A.535, if the offender is otherwise eligible for such a sentence.

(ii) If the offense that caused the offender to be sentenced under this section was rape of a child in the first degree, rape of a child in the second degree, or child molestation in the first degree, and there has been a finding that the offense was predatory under section 1 of this act, the minimum term shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater. If the offense that caused the offender to be sentenced under this section was rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation, and there has been a finding that the victim was under the age of fifteen at the time of the offense under section 2 of this act, the minimum term shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater. If the offense that caused the offender to be sentenced under this section is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation, and there has been a finding under section 3 of this act that the victim was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult, the minimum sentence shall be either the maximum of the standard sentence range for the offense or twenty-five years, whichever is greater.

(d) The minimum terms in (c)(ii) of this subsection do not apply to a juvenile tried as an adult pursuant to RCW 13.04.030(1)(e)(i) or (v). The minimum term for such a juvenile shall be imposed under (c)(i) of this subsection.

(4) A person sentenced under subsection (3) of this section shall serve the sentence in a facility or institution operated, or utilized under contract, by the state.

(5) When a court sentences a person to the custody of the department under this section, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody under the supervision of the department and the authority of the board for any period of time the person is released from total confinement before the expiration of the maximum sentence.

(6)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department and the board shall enforce such conditions pursuant to RCW 9.94A.713, 9.95.425, and 9.95.430.

(b) As part of any sentence under this section, the court shall also require the offender to comply with any conditions imposed by the board under RCW 9.94A.713 and 9.95.420 through 9.95.435.

Sec. 6. RCW 9.94A.030 and 2005 c 436 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(9) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(10) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(11) "Confinement" means total or partial confinement.

(12) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(13) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(14) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(21) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(22) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(23) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(24) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(25) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(26) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(27) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(28) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(29) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1)(a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1)(a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)(a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,

1997, or RCW 9A.44.100(1)(d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(30) "Nonviolent offense" means an offense which is not a violent offense.

(31) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(32) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(33) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (33)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(34) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(35) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

(36) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

~~((36))~~ (37) "Public school" has the same meaning as in RCW 28A.150.010.

~~((37))~~ (38) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((38))~~ (39) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

~~((39))~~ (40) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((40))~~ (41) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((41))~~ (42) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.070 or 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((42))~~ (43) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((43))~~ (44) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((44))~~ (45) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((45))~~ (46) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(47) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((46))~~ (48) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((47))~~ (49) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((48))~~ (50) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((49))~~ (51) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((50))~~ (52) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((51))~~ (53) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 7. RCW 9.94A.030 and 2003 c 53 s 55 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(9) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(10) "Confinement" means total or partial confinement.

(11) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(12) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(13) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(14) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(15) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to

report daily to a specific location designated by the department or the sentencing court.

(16) "Department" means the department of corrections.

(17) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(18) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(19) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(20) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(21) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(22) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(23) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(24) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(25) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(26) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(27) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault

while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(28) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1)(a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1)(a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)(a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1)(d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(29) "Nonviolent offense" means an offense which is not a violent offense.

(30) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(31) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home

detention, work crew, and a combination of work crew and home detention.

(32) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (32)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(33) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(34) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

(35) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((35))~~ (36) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

~~((36))~~ (37) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((37))~~ (38) "Serious violent offense" is a subcategory of violent offense and means:

- (a)(i) Murder in the first degree;
- (ii) Homicide by abuse;
- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;
- (viii) Assault of a child in the first degree; or
- (ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((38))~~ (39) "Sex offense" means:

- (a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);
- (ii) A violation of RCW 9A.64.020;
- (iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.070 or 9.68A.080; or
- (iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((39))~~ (40) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((40))~~ (41) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((41))~~ (42) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((42))~~ (43) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(44) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((43))~~ (45) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((44))~~ (46) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((45))~~ (47) "Violent offense" means:

- (a) Any of the following felonies:
 - (i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;
 - (ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;
 - (iii) Manslaughter in the first degree;
 - (iv) Manslaughter in the second degree;
 - (v) Indecent liberties if committed by forcible compulsion;
 - (vi) Kidnapping in the second degree;
 - (vii) Arson in the second degree;
 - (viii) Assault in the second degree;
 - (ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((46))~~ (48) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((47))~~ (49) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((48))~~ (50) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

NEW SECTION. **Sec. 8.** Sections 4 and 6 of this act expire July 1, 2006.

NEW SECTION. **Sec. 9.** Sections 5 and 7 of this act take effect July 1, 2006.

NEW SECTION. **Sec. 10.** Sections 1 through 4 and 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 2, line 2 of the title, after "RCW 9.94A.515;" strike the remainder of the title and insert "amending RCW 9.94A.712, 9.94A.712, 9.94A.030, and 9.94A.030; adding new sections to chapter 9.94A RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 3277 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives O'Brien and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 3277, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3277, as amended by the Senate, and the bill passed

the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Holmquist - 1.

HOUSE BILL NO. 3277, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 28, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2353, with the following amendment:

Strike everything after the enacting clause and insert the following:

"PART I - FAMILY CHILD CARE PROVIDERS

NEW SECTION. Sec. 1. A new section is added to chapter 41.56 RCW to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the governor with respect to family child care providers. Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer of family child care providers who, solely for the purposes of collective bargaining, are public employees. The public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW.

(2) This chapter governs the collective bargaining relationship between the governor and family child care providers, except as follows:

(a) A statewide unit of all family child care providers is the only unit appropriate for purposes of collective bargaining under RCW 41.56.060.

(b) The exclusive bargaining representative of family child care providers in the unit specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070, except that in the initial election conducted under this act, if more than one labor organization is on the ballot and none of the choices receives a majority of the votes cast, a run-off election shall be held.

(c) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for child care providers under this section shall be limited solely to: (i) Economic compensation, such as manner and rate of subsidy and reimbursement, including tiered reimbursements; (ii) health and welfare benefits; (iii) professional development and training; (iv) labor-management committees; (v) grievance procedures; and (vi) other economic matters. Retirement benefits shall not be subject to collective bargaining. By such obligation neither party shall be

compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(d) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the exclusive bargaining representative of family child care providers, negotiations shall be commenced initially upon certification of an exclusive bargaining representative under (a) of this subsection and, thereafter, by February 1st of any even-numbered year;

(ii) In addition to the factors to be taken into consideration by an interest arbitration panel under RCW 41.56.465, the panel shall consider the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement; and

(iii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and benefit provisions of the arbitrated collective bargaining agreement, is not binding on the state.

(e) Family child care providers do not have the right to strike.

(3) Family child care providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state for any purpose. This section applies only to the governance of the collective bargaining relationship between the employer and family child care providers as provided in subsections (1) and (2) of this section.

(4) This section does not create or modify:

(a) The parents' or legal guardians' right to choose and terminate the services of any family child care provider that provides care for their child or children;

(b) The secretary of the department of social and health services' right to adopt requirements under RCW 74.15.030, except for requirements related to grievance procedures and collective negotiations on personnel matters as specified in subsection (2)(c) of this section;

(c) Chapter 26.44 RCW, RCW 43.43.832, 43.20A.205, and 74.15.130; and

(d) The legislature's right to make programmatic modifications to the delivery of state services through child care subsidy programs, including standards of eligibility of parents, legal guardians, and family child care providers participating in child care subsidy programs, and the nature of services provided. The governor shall not enter into, extend, or renew any agreement under this section that does not expressly reserve the legislative rights described in this subsection (4)(d).

(5) Upon meeting the requirements of subsection (6) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section or for legislation necessary to implement such agreement.

(6) A request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section shall not be submitted by the governor to the legislature unless such request has been:

(a) Submitted to the director of financial management by October 1st before the legislative session at which the request is to be considered, except that, for initial negotiations under this section, the request must be submitted by November 15, 2006; and

(b) Certified by the director of financial management as being feasible financially for the state or reflects the binding decision of an arbitration panel reached under this section.

(7) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any such agreement will be reopened solely for the purpose of renegotiating the funds necessary to implement the agreement.

(8) The governor shall periodically consult with the joint committee on employment relations established by RCW 41.80.010 regarding appropriations necessary to implement the compensation and benefit provisions of any collective bargaining agreement and, upon completion of negotiations, advise the committee on the

elements of the agreement and on any legislation necessary to implement such agreement.

(9) After the expiration date of any collective bargaining agreement entered into under this section, all of the terms and conditions specified in any such agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement, except as provided in subsection (4)(d) of this section.

(10) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(11) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of family child care providers and their exclusive bargaining representative to the extent such activities are authorized by this chapter.

Sec. 2. RCW 41.56.030 and 2004 c 3 s 6 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner (~~or (f) excluded from a bargaining unit under RCW 41.56.201(2)(a))~~). For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body

of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(5), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) fire fighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

(8) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(9) "Home care quality authority" means the authority under chapter 74.39A RCW.

(10) "Individual provider" means an individual provider as defined in RCW 74.39A.240(4) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.

(11) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340 or 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(12) "Family child care provider" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) is either licensed by the state under RCW 74.15.030 or is exempt from licensing under chapter 74.15 RCW.

Sec. 3. RCW 41.56.113 and 2004 c 3 s 7 are each amended to read as follows:

(1) Upon the written authorization of an individual provider or a family child care provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, deduct from the payments to an individual provider or a family child care provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers or family child care providers enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the state, as payor, but not as the employer, shall, subject to subsection (3) of this section, make such deductions upon written authorization of the individual provider or the family child care provider.

(3)(a) The initial additional costs to the state in making deductions from the payments to individual providers or family child care providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(b) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers or family child care providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300 or section 1 of this act, as applicable, the ongoing additional costs to the state in making deductions from the payments to individual providers or family child care providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(4) The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license-exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.

Sec. 4. RCW 41.04.810 and 2004 c 3 s 3 are each amended to read as follows:

Individual providers, as defined in RCW 74.39A.240, and family child care providers, as defined in RCW 41.56.030, are not employees of the state or any of its political subdivisions and are specifically and entirely excluded from all provisions of this title, except as provided in RCW 74.39A.270 and section 1 of this act.

Sec. 5. RCW 43.01.047 and 2004 c 3 s 4 are each amended to read as follows:

RCW 43.01.040 through 43.01.044 do not apply to individual providers under RCW 74.39A.220 through 74.39A.300 or to family child care providers under section 1 of this act.

PART II - FAMILY CHILD CARE LICENSEES

NEW SECTION. Sec. 6. A new section is added to chapter 74.15 RCW to read as follows:

(1) Solely for the purposes of negotiated rule making pursuant to RCW 34.05.310(2)(a) and 74.15.030, a statewide unit of all family child care licensees is appropriate. As of the effective date of this act, the exclusive representative of family child care licensees in the statewide unit shall be the representative selected as the majority representative in the election held under the directive of the governor to the secretary of the department of social and health services, dated September 16, 2005. If family child care licensees seek to select a different representative thereafter, the family child care licensees may request that the American arbitration association conduct an election and certify the results of the election.

(2) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of family child care licensees and their exclusive representative to the extent such activities are authorized by this chapter.

Sec. 7. RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and 2001 c 137 s 3 are each reenacted and amended to read as follows:

For the purpose of this chapter (~~74.15 RCW~~) and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the

children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(d) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(e) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(f) "Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

(g) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(h) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(i) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(j) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(k) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(l) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; or

(v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where: (i) The person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(f) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States immigration and naturalization service, or persons who have the care of such an international child in their home;

(g) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(h) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(i) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(j) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(k) Licensed physicians or lawyers;

(l) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(m) Facilities approved and certified under chapter 71A.22 RCW;

(n) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(o) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(p) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(q) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(r) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Family child care licensee" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) does not receive child care subsidies; and (c) is licensed by the state under RCW 74.15.030.

(5) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 8. RCW 74.15.030 and 2005 c 490 s 11 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure.

No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; ~~(and)~~

(9) To engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the exclusive representative of the family child care licensees selected in accordance with section 6 of this act and with other affected interests before adopting requirements that affect family child care licensees; and

(10) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

PART III - GENERAL PROVISIONS

NEW SECTION. Sec. 9. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 12. This act may be known and cited as the access to quality family child care act.

NEW SECTION. Sec. 13. Sections 1 through 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 3 of the title, after "licensees;" strike the remainder of the title and insert "amending RCW 41.56.030, 41.56.113, 41.04.810, 43.01.047, and 74.15.030; reenacting and amending RCW 74.15.020; adding a new section to chapter 41.56 RCW; adding a new section to chapter 74.15 RCW; creating new sections; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECONDSUBSTITUTE HOUSE BILL NO. 2353 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2353, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2353, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 84, Nays - 13, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Blake, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen,

Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Anderson, Bailey, Buck, Chandler, Condotta, Jarrett, Kretz, Kristiansen, Newhouse, Orcutt, Rodne, Sump and Talcott - 13.

Excused: Representative Holmquist - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2353, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2984, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that as new market-rate housing developments are constructed and housing costs rise, there is a significant and growing number of low-income households that cannot afford market-rate housing in Washington state. The legislature finds that assistance to low-income households that cannot afford market-rate housing requires a broad variety of tools to address this serious, statewide problem. The legislature further finds that absent any incentives to provide low-income housing, market conditions will result in housing developments in many areas that lack units affordable to low-income households, circumstances that can cause adverse socioeconomic effects.

The legislature encourages cities, towns, and counties to enact or expand affordable housing incentive programs, including density bonuses and other incentives, to increase the availability of low-income housing for renter and owner occupancy that is located in largely market-rate housing developments throughout the community, consistent with local needs and adopted comprehensive plans. While this act establishes minimum standards for those cities, towns, and counties choosing to implement or expand upon an affordable housing incentive program, cities, towns, and counties are encouraged to enact programs that address local circumstances and conditions while simultaneously contributing to the statewide need for additional low-income housing.

NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) Any city or county planning under RCW 36.70A.040 may enact or expand affordable housing incentive programs providing for the development of low-income housing units through development regulations. An affordable housing incentive program may include, but is not limited to:

- (i) Density bonuses within the urban growth area;
- (ii) Height and bulk bonuses;
- (iii) Fee waivers or exemptions;
- (iv) Parking reductions;
- (v) Expedited permitting, conditioned on provision of low-income housing units; or
- (vi) Mixed use projects.

(b) The city or county may enact or expand such programs whether or not the programs may impose a tax, fee, or charge on the development or construction of property.

(c) If a developer chooses not to participate in an optional affordable housing incentive program adopted and authorized under this section, a city, county, or town may not condition, deny, or delay the issuance of a permit or development approval that is consistent with zoning and development standards on the subject property absent incentive provisions of this program.

(2) Affordable housing incentive programs enacted or expanded under this section shall comply with the following:

(a) The incentives or bonuses shall provide for the construction of low-income housing units;

(b) Jurisdictions shall establish standards for low-income renter or owner occupancy housing, including income guidelines consistent with local housing needs, to assist low-income households that cannot afford market-rate housing. Low-income households are defined for renter and owner occupancy program purposes as follows:

(i) Rental housing units to be developed shall be affordable to and occupied by households with an income of fifty percent or less of the county median family income, adjusted for family size; and

(ii) Owner occupancy housing units shall be affordable to and occupied by households with an income of eighty percent or less of the county median family income, adjusted for family size. The legislative authority of a jurisdiction, after holding a public hearing, may establish lower income levels. The legislative authority of a jurisdiction, after holding a public hearing, may also establish higher income levels for rental housing or for owner occupancy housing upon finding that higher income levels are needed to address local housing market conditions. The higher income level for rental housing may not exceed eighty percent of the county area median family income. The higher income level for owner occupancy housing may not exceed one hundred percent of the county area median family income. These established higher income levels must be considered "low-income" for the purposes of this section;

(c) The jurisdiction shall establish a maximum rent level or sales price for each low-income housing unit developed under the terms of a program and may adjust these levels or prices based on the average size of the household expected to occupy the unit. For renter-occupied housing units, the total housing costs, including basic utilities as determined by the jurisdiction, may not exceed thirty percent of the income limit for the low-income housing unit;

(d) Low-income housing units shall be provided in a range of sizes comparable to those units that are available to other residents. To the extent practicable, the number of bedrooms in low-income units must be in the same proportion as the number of bedrooms in units within the entire building. The low-income units shall generally be distributed throughout the building, except that units may be provided in an adjacent building. The low-income units shall have substantially the same functionality as the other units in the building or buildings;

(e) Low-income housing units developed under an affordable housing incentive program shall be committed to continuing affordability for at least fifty years. A local government, however, may accept payments in lieu of continuing affordability. The program shall include measures to enforce continuing affordability and income standards applicable to low-income units constructed under this section that may include, but are not limited to, covenants, options, or other agreements to be executed and recorded by owners and developers;

(f) Programs authorized under subsection (1) of this section may apply to part or all of a jurisdiction and different standards may be applied to different areas within a jurisdiction. Programs authorized under this section may be modified to meet local needs and may include provisions not expressly provided in this section or RCW 82.02.020; and

(g) Low-income housing units developed under an affordable housing incentive program are encouraged to be provided within market-rate housing developments for which a bonus or incentive is provided. However, programs may allow units to be provided in an adjacent building and may allow payments of money or property in lieu of low-income housing units if the payment equals the approximate cost of developing the same number and quality of housing units that would otherwise be developed. Any city or county shall use these funds or property to support the development of

low-income housing, including support provided through loans or grants to public or private owners or developers of housing.

(3) Affordable housing incentive programs enacted or expanded under this section may be applied within the jurisdiction to address the need for increased residential development, consistent with local growth management and housing policies, as follows:

(a) The jurisdiction shall identify certain land use designations within a geographic area where increased residential development will assist in achieving local growth management and housing policies;

(b) The jurisdiction shall provide increased residential development capacity through zoning changes, bonus densities, height and bulk increases, parking reductions, or other regulatory changes or other incentives;

(c) The jurisdiction shall determine that increased residential development capacity or other incentives can be achieved within the identified area, subject to consideration of other regulatory controls on development; and

(d) The jurisdiction may establish a minimum amount of affordable housing that must be provided by all residential developments being built under the revised regulations, consistent with the requirements of this section.

Sec. 3. RCW 82.02.020 and 2005 c 502 s 5 are each amended to read as follows:

Except only as expressly provided in chapters 67.28 and 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in RCW 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest to be calculated from the original date the deposit was received by the county and at the same rate applied to tax refunds pursuant to RCW 84.69.100; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of

processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges: PROVIDED, That no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged: PROVIDED FURTHER, That these provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

Nothing in this section limits the authority of counties, cities, or towns to implement programs consistent with section 2 of this act, nor to enforce agreements made pursuant to such programs.

This section does not apply to special purpose districts formed and acting pursuant to Titles 54, 57, or 87 RCW, nor is the authority conferred by these titles affected.

NEW SECTION. Sec. 4. The powers granted in this act are supplemental and additional to the powers otherwise held by local governments, and nothing in this act shall be construed as a limit on such powers. The authority granted in this act shall extend to any affordable housing incentive program enacted or expanded prior to the effective date of this act if the extension is adopted by the applicable local government in an ordinance or resolution."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 82.02.020; adding a new section to chapter 36.70A RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2984 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Springer and Simpson spoke in favor of the passage of the bill.

Representatives Schindler and Tom spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2984, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2984, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 58, Nays - 39, Excused - 1.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hinkle, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 39.

Excused: Representative Holmquist - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2984, as amended by the Senate, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Ericksen, the House immediately reconsidered the vote on final passage by which ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2353, as amended by the Senate, passed the House.

RECONSIDERATION

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2353, as amended by the Senate, on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2353, as amended by the Senate, on reconsideration, and the bill passed the House by the following vote: Yeas - 86, Nays - 11, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Blake, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 86.

Voting nay: Representatives Anderson, Bailey, Buck, Chandler, Condotta, Kretz, Newhouse, Orcutt, Rodne, Sump and Talcott - 11.

Excused: Representative Holmquist - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2353, as amended by the Senate, on reconsideration, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2409, with the following amendment:

On page 5, line 34, after "within" strike "~~((thirty days))~~ seventy-two hours" and insert "~~((thirty))~~ three business days"

On page 9, line 9, after "office" strike "~~((may))~~ shall" and insert "may"

On page 9, line 10, after "locations" strike ", including addresses when applicable,"

On page 9, beginning on line 11, after "days" strike "and where the person plans to stay in the forthcoming seven days"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to HOUSE BILL NO. 2409 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2576, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Sexual assault is the most heinous crime against another person short of murder. Sexual assault inflicts humiliation, degradation, and terror on victims. According to the FBI, a woman is raped every six minutes in the United States. Rape is recognized as the most underreported crime; estimates suggest that only one in seven rapes is reported to authorities. Victims who do not report the crime still desire safety and protection from future interactions with the offender. Some cases in which the rape is reported are not prosecuted. In these situations, the victim should be able to seek a civil remedy requiring that the offender stay away from the victim.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Nonconsensual" means a lack of freely given agreement.

(2) "Petitioner" means any named petitioner for the sexual assault protection order or any named victim of nonconsensual sexual conduct or nonconsensual sexual penetration on whose behalf the petition is brought.

(3) "Sexual assault protection order" means an ex parte temporary order or a final order granted under this chapter, which includes a remedy authorized by section 10 of this act.

(4) "Sexual conduct" means any of the following:

(a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;

(b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;

(c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;

(d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;

(e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of thirteen, if done for the purpose of sexual gratification or arousal of the respondent or others; and

(f) Any coerced or forced touching or fondling by a child under the age of thirteen, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

(5) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(6) "Nonphysical contact" includes, but is not limited to, telephone calls, mail, e-mail, fax, and written notes.

NEW SECTION. Sec. 3. A petition for a sexual assault protection order may be filed by a person:

(1) Who is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration, including a single incident of nonconsensual sexual conduct or nonconsensual sexual penetration; or

(2) On behalf of any of the following persons who is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration:

(a) A minor child;

(b) A vulnerable adult as defined in RCW 74.34.020 or 74.34.021; or

(c) Any other adult who, because of age, disability, health, or incapability, cannot file the petition.

NEW SECTION. Sec. 4. (1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of nonconsensual sexual conduct or nonconsensual sexual penetration committed by the respondent.

(2) A person under eighteen years of age who is sixteen years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend.

(3) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under eighteen years of age if such respondent is sixteen years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter.

(5) Jurisdiction of the courts over proceedings under this chapter shall be the same as jurisdiction over domestic violence protection orders under RCW 26.50.020(5).

(6) An action under this chapter shall be filed in the county or the municipality where the petitioner resides.

NEW SECTION. Sec. 5. There shall exist an action known as a petition for a sexual assault protection order.

(1) A petition for relief shall allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration, and shall be accompanied by an affidavit made under oath stating the specific statements or actions made at the same time of the sexual assault or subsequently thereafter, which give rise to a reasonable fear of future dangerous acts, for which relief is sought. Petitioner and respondent shall disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) Within ninety days of receipt of the master copy from the administrative office of the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational brochures required by section 19 of this act and shall fill in and keep current specific program names and telephone numbers for community resources. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) No filing fee may be charged for proceedings under this chapter. Forms and instructional brochures and the necessary number of certified copies shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) If the petition states that disclosure of the petitioner's address would risk abuse of the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address at which the respondent may serve notice of any motions.

NEW SECTION. Sec. 6. Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. Except as provided in section 12 of this act, personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall require additional attempts at obtaining personal service. The court may issue an ex parte temporary sexual assault order pending the hearing as provided in section 12 of this act.

NEW SECTION. Sec. 7. Sexual assault advocates, as defined in RCW 5.60.060, shall be allowed to accompany the victim and confer with the victim, unless otherwise directed by the court. Court administrators shall allow sexual assault advocates to assist victims of nonconsensual sexual conduct or nonconsensual sexual penetration in the preparation of petitions for sexual assault protection orders. Sexual assault advocates are not engaged in the unauthorized practice of law when providing assistance of the types specified in this section. Communications between the petitioner and a sexual assault advocate are protected as provided by RCW 5.60.060.

NEW SECTION. Sec. 8. The court may appoint counsel to represent the petitioner if the respondent is represented by counsel.

NEW SECTION. Sec. 9. (1) In proceedings for a sexual assault protection order and prosecutions for violating a sexual assault protection order, the prior sexual activity or the reputation of the petitioner is inadmissible except:

(a) As evidence concerning the past sexual conduct of the petitioner with the respondent when this evidence is offered by the respondent upon the issue of whether the petitioner consented to the sexual conduct with respect to which the offense is alleged; or

(b) When constitutionally required to be admitted.

(2) No evidence admissible under this section may be introduced unless ruled admissible by the court after an offer of proof has been made at a hearing held in camera to determine whether the respondent has evidence to impeach the witness in the event that prior sexual activity with the respondent is denied. The offer of proof shall include reasonably specific information as to the date, time, and place of the past sexual conduct between the petitioner and the respondent. Unless the court finds that reasonably specific information as to date, time, or place, or some combination thereof, has been offered as to prior sexual activity with the respondent,

counsel for the respondent shall be ordered to refrain from inquiring into prior sexual activity between the petitioner and the respondent. The court may not admit evidence under this section unless it determines at the hearing that the evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice. The evidence shall be admissible at trial to the extent an order made by the court specifies the evidence that may be admitted and areas with respect to which the petitioner may be examined or cross-examined.

NEW SECTION. Sec. 10. (1)(a) If the court finds by a preponderance of the evidence that the petitioner has been a victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent, the court shall issue a sexual assault protection order; provided that the petitioner must also satisfy the requirements of section 12 of this act for ex parte temporary orders or section 13 of this act for final orders.

(b) The petitioner shall not be denied a sexual assault protection order because the petitioner or the respondent is a minor or because the petitioner did not report the assault to law enforcement. The court, when determining whether or not to issue a sexual assault protection order, may not require proof of physical injury on the person of the victim or proof that the petitioner has reported the sexual assault to law enforcement. Modification and extension of prior sexual assault protection orders shall be in accordance with this chapter.

(2) The court may provide relief as follows:

(a) Restrain the respondent from having any contact, including nonphysical contact, with the petitioner directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(b) Exclude the respondent from the petitioner's residence, workplace, or school, or from the day care or school of a child, if the victim is a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(d) Order any other injunctive relief as necessary or appropriate for the protection of the petitioner.

(3) In cases where the petitioner and the respondent are under the age of eighteen and attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger or emotional distress to the petitioner, and the expense difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person under the age of eighteen protected by the order. In the event the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

(4) Denial of a remedy may not be based, in whole or in part, on evidence that:

(a) The respondent was voluntarily intoxicated;

(b) The petitioner was voluntarily intoxicated; or

(c) The petitioner engaged in limited consensual sexual touching.

(5) Monetary damages are not recoverable as a remedy.

(6) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

NEW SECTION. Sec. 11. For the purposes of issuing a sexual assault protection order, deciding what relief should be included in the order, and enforcing the order, RCW 9A.08.020 shall govern whether the respondent is legally accountable for the conduct of another person.

NEW SECTION. Sec. 12. (1) An ex parte temporary sexual assault protection order shall issue if the petitioner satisfies the requirements of this subsection by a preponderance of the evidence. The petitioner shall establish that:

(a) The petitioner has been a victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent; and

(b) There is good cause to grant the remedy, regardless of prior service of process or of notice upon the respondent, because the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief.

(2) If the respondent appears in court for this hearing for an ex parte temporary order, he or she may elect to file a general appearance and testify. Any resulting order may be an ex parte temporary order, governed by this section.

(3) If the court declines to issue an ex parte temporary sexual assault protection order, the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order shall be filed with the court.

(4) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

NEW SECTION. Sec. 13. (1)(a) An ex parte temporary sexual assault protection order shall be effective for a fixed period not to exceed fourteen days. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order. Except as provided in section 6 of this act, the respondent shall be personally served with a copy of the ex parte temporary sexual assault protection order along with a copy of the petition and notice of the date set for the hearing.

(b) Any ex parte temporary order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(2) Except as otherwise provided in this section or section 16 of this act, a final sexual assault protection order shall be effective for a fixed period of time, not to exceed two years.

(3) Any ex parte temporary or final sexual assault protection order may be renewed one or more times, as required. The petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. If the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal. Renewals may be granted only in open court.

(4) Any sexual assault protection order which would expire on a court holiday shall instead expire at the close of the next court business day.

(5) The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a sexual assault protection order undermines the purposes of this chapter. This section shall not be construed as encouraging that practice.

NEW SECTION. Sec. 14. (1) Any sexual assault protection order shall describe each remedy granted by the court, in reasonable detail and not by reference to any other document, so that the respondent may clearly understand what he or she must do or refrain from doing.

(2) A sexual assault protection order shall further state the following:

(a) The name of each petitioner that the court finds was the victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent;

(b) The date and time the sexual assault protection order was issued, whether it is an ex parte temporary or final order, and the duration of the order;

(c) The date, time, and place for any scheduled hearing for renewal of that sexual assault protection order or for another order of greater duration or scope;

(d) For each remedy in an ex parte temporary sexual assault protection order, the reason for entering that remedy without prior notice to the respondent or greater notice than was actually given;

(e) For ex parte temporary sexual assault protection orders, that the respondent may petition the court, to reopen the order if he or she did not receive actual prior notice of the hearing and if the respondent alleges that he or she had a meritorious defense to the order or that the order or its remedy is not authorized by this chapter.

(3) A sexual assault protection order shall include the following notice, printed in conspicuous type: "A knowing violation of this sexual assault protection order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

NEW SECTION. Sec. 15. (1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(6) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary.

NEW SECTION. Sec. 16. (1)(a) When any person charged with or arrested for a sex offense as defined in RCW 9.94A.030, a violation of RCW 9A.44.096, a violation of RCW 9.68A.090, or a gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030, is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a sexual assault protection order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(c) The sexual assault protection order shall also be issued in writing as soon as possible.

(2)(a) At the time of arraignment or whenever a motion is brought to modify the conditions of the defendant's release, the court shall determine whether a sexual assault protection order shall be issued or extended. If a sexual assault protection order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(b) A sexual assault protection order issued by the court in conjunction with criminal charges shall terminate if the defendant is acquitted or the charges are dismissed, unless the victim files an independent action for a sexual assault protection order. If the victim files an independent action for a sexual assault protection order, the order may be continued by the court until a full hearing is conducted pursuant to section 6 of this act.

(3)(a) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(b) A certified copy of the order shall be provided to the victim at no charge.

(4) If a sexual assault protection order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

(5) Whenever an order prohibiting contact is issued pursuant to subsection (2) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

(6)(a) When a defendant is found guilty of a sex offense as defined in RCW 9.94A.030, any violation of RCW 9A.44.096, or any violation of RCW 9.68A.090, or any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030, and a condition of the sentence restricts the defendant's ability to have contact with the victim, the condition shall be recorded as a sexual assault protection order.

(b) The written order entered as a condition of sentencing shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A final sexual assault protection order entered in conjunction with a criminal prosecution shall remain in effect for a period of two years following the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole.

(d) A certified copy of the order shall be provided to the victim at no charge.

(7) A knowing violation of a court order issued under subsection (1), (2), or (6) of this section is punishable under RCW 26.50.110.

(8) Whenever a sexual assault protection order is issued, modified, or terminated under subsection (1), (2), or (6) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under

subsection (2) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

NEW SECTION. Sec. 17. (1) A copy of a sexual assault protection order granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall immediately enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system. The law enforcement agency shall only expunge from the computer-based criminal intelligence information system orders that are expired, vacated, terminated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based criminal intelligence information system shall include notice to law enforcement whether the order was personally served, served by publication, or served by mail.

NEW SECTION. Sec. 18. Upon application with notice to all parties and after a hearing, the court may modify the terms of an existing sexual assault protection order. In any situation where an order is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the computer-based criminal intelligence information system, or if the order is terminated, remove the order from the computer-based criminal intelligence information system.

NEW SECTION. Sec. 19. (1) The administrative office of the courts shall develop and prepare instructions and informational brochures required under section 5 of this act, standard petition and order for protection forms, and a court staff handbook on sexual assault, and the protection order process. The standard petition and order for protection forms must be used after September 1, 2006, for all petitions filed and orders issued under this chapter. The instructions, brochures, forms, and handbook shall be prepared in consultation with interested persons, including a representative of the state, sexual assault coalition, judges, and law enforcement personnel.

(a) The instructions shall be designed to assist petitioners in completing the petition, and shall include a sample of standard petition and order for protection forms.

(b) The informational brochure shall describe the use of and the process for obtaining, modifying, and terminating a protection order as provided under this chapter.

(c) The order for protection form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order, and the following statement: "You can be arrested even if the person or persons who obtained the order invite or allow you to violate the order's prohibitions. The respondent has the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application."

(d) The court staff handbook shall allow for the addition of a community resource list by the court clerk.

(2) All court clerks shall obtain a community resource list from a sexual assault program serving the county in which the court is located. The community resource list shall include the names and telephone numbers of sexual assault programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, legal assistance programs, interpreters, multicultural programs, and batterers' treatment programs. The court shall make the community resource

list available as part of or in addition to the informational brochures described in subsection (1) of this section.

(3) The administrative office of the courts shall distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks and shall distribute a master copy of the petition and order forms to all superior, district, and municipal courts.

(4) For purposes of this section, "court clerks" means court administrators in courts of limited jurisdiction and elected court clerks.

(5) The administrative office of the courts shall determine the significant non-English-speaking or limited English-speaking populations in the state. The administrator shall then arrange for translation of the instructions and informational brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into the languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to all court clerks by December 1, 2006.

(6) The administrative office of the courts shall update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

Sec. 20. RCW 9A.46.060 and 2004 c 94 s 4 are each amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Malicious harassment (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.011);
- (5) Assault of a child in the first degree (RCW 9A.36.120);
- (6) Assault in the second degree (RCW 9A.36.021);
- (7) Assault of a child in the second degree (RCW 9A.36.130);
- (8) Assault in the fourth degree (RCW 9A.36.041);
- (9) Reckless endangerment (RCW 9A.36.050);
- (10) Extortion in the first degree (RCW 9A.56.120);
- (11) Extortion in the second degree (RCW 9A.56.130);
- (12) Coercion (RCW 9A.36.070);
- (13) Burglary in the first degree (RCW 9A.52.020);
- (14) Burglary in the second degree (RCW 9A.52.030);
- (15) Criminal trespass in the first degree (RCW 9A.52.070);
- (16) Criminal trespass in the second degree (RCW 9A.52.080);
- (17) Malicious mischief in the first degree (RCW 9A.48.070);
- (18) Malicious mischief in the second degree (RCW 9A.48.080);
- (19) Malicious mischief in the third degree (RCW 9A.48.090);
- (20) Kidnapping in the first degree (RCW 9A.40.020);
- (21) Kidnapping in the second degree (RCW 9A.40.030);
- (22) Unlawful imprisonment (RCW 9A.40.040);
- (23) Rape in the first degree (RCW 9A.44.040);
- (24) Rape in the second degree (RCW 9A.44.050);
- (25) Rape in the third degree (RCW 9A.44.060);
- (26) Indecent liberties (RCW 9A.44.100);
- (27) Rape of a child in the first degree (RCW 9A.44.073);
- (28) Rape of a child in the second degree (RCW 9A.44.076);
- (29) Rape of a child in the third degree (RCW 9A.44.079);
- (30) Child molestation in the first degree (RCW 9A.44.083);
- (31) Child molestation in the second degree (RCW 9A.44.086);
- (32) Child molestation in the third degree (RCW 9A.44.089);
- (33) Stalking (RCW 9A.46.110);
- (34) Cyberstalking (RCW 9.61.260);
- (35) Residential burglary (RCW 9A.52.025);
- (36) Violation of a temporary ~~(or)~~, permanent, or final protective order issued pursuant to chapter 7.-- (sections 1 through 19 of this act), 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW;
- (37) Unlawful discharge of a laser in the first degree (RCW 9A.49.020); and
- (38) Unlawful discharge of a laser in the second degree (RCW 9A.49.030).

Sec. 21. RCW 10.14.130 and 1987 c 280 s 13 are each amended to read as follows:

Protection orders authorized under this chapter shall not be issued for any action specifically covered by chapter 7.-- (sections 1 through 19 of this act), 10.99, or 26.50 RCW.

Sec. 22. RCW 10.31.100 and 2000 c 119 s 4 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.-- (sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(11) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police officer acts in good faith and without malice.

Sec. 23. RCW 19.220.010 and 2003 c 268 s 1 are each amended to read as follows:

(1) Each international matchmaking organization doing business in Washington state shall disseminate to a recruit, upon request, state background check information and personal history information relating to any Washington state resident about whom any information is provided to the recruit, in the recruit's native language. The organization shall notify all recruits that background check and personal history information is available upon request. The notice that background check and personal history information is available upon request shall be in the recruit's native language and shall be displayed in a manner that separates it from other information, is highly noticeable, and in lettering not less than one-quarter of an inch high.

(2) If an international matchmaking organization receives a request for information from a recruit pursuant to subsection (1) of this section, the organization shall notify the Washington state resident of the request. Upon receiving notification, the Washington state resident shall obtain from the state patrol and provide to the organization the complete transcript of any background check information provided pursuant to RCW 43.43.760 based on a submission of fingerprint impressions and provided pursuant to RCW 43.43.838 and shall provide to the organization his or her personal history information. The organization shall require the resident to affirm that personal history information is complete and accurate. The organization shall refrain from knowingly providing any further

services to the recruit or the Washington state resident in regards to facilitating future interaction between the recruit and the Washington state resident until the organization has obtained the requested information and provided it to the recruit.

(3) This section does not apply to a traditional matchmaking organization of a religious nature that otherwise operates in compliance with the laws of the countries of the recruits of such organization and the laws of the United States nor to any organization that does not charge a fee to any party for the service provided.

(4) As used in this section:

(a) "International matchmaking organization" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any state, that does business in the United States and for profit offers to Washington state residents, including aliens lawfully admitted for permanent residence and residing in Washington state, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States, by: (i) An exchange of names, telephone numbers, addresses, or statistics; (ii) selection of photographs; or (iii) a social environment provided by the organization in a country other than the United States.

(b) "Personal history information" means a declaration of the person's current marital status, the number of previous marriages, annulments, and dissolutions for the person, and whether any previous marriages occurred as a result of receiving services from an international matchmaking organization; founded allegations of child abuse or neglect; and any existing orders under chapter 7.-- (sections 1 through 19 of this act), 10.14, 10.99, or 26.50 RCW. Personal history information shall include information from the state of Washington and any information from other states or countries.

(c) "Recruit" means a noncitizen, nonresident person, recruited by an international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services.

Sec. 24. RCW 26.50.110 and 2000 c 119 s 24 are each amended to read as follows:

(1) Whenever an order is granted under this chapter, chapter 7.-- (sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of the restraint provisions, or of a provision excluding the person from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or of a provision of a foreign protection order specifically indicating that a violation will be a crime, for which an arrest is required under RCW 10.31.100(2) (a) or (b), is a gross misdemeanor except as provided in subsections (4) and (5) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.-- (sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7.-- (sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 7.-- (sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7.-- (sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.-- (sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.-- (sections 1 through 19 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

Sec. 25. RCW 26.50.160 and 2000 c 119 s 25 and 2000 c 51 s 1 are each reenacted and amended to read as follows:

To prevent the issuance of competing protection orders in different courts and to give courts needed information for issuance of orders, the judicial information system shall be available in each district, municipal, and superior court by July 1, 1997, and shall include a data base containing the following information:

(1) The names of the parties and the cause number for every order of protection issued under this title, every sexual assault protection order issued under chapter 7.-- RCW (sections 1 through 19 of this act), every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW, every third-party custody action under chapter 26.10 RCW, every parentage action under chapter 26.26 RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, and every order for protection of a vulnerable adult under chapter 74.34 RCW. When a guardian or the department of social and health services has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought shall be included in the data base as a party rather than the guardian or department;

(2) A criminal history of the parties; and

(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

Sec. 26. RCW 59.18.575 and 2004 c 17 s 3 are each amended to read as follows:

(1)(a) If a tenant notifies the landlord in writing that he or she or a household member was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and either (a)(i) or (ii) of this subsection applies, then subsection (2) of this section applies:

(i) The tenant or the household member has a valid order for protection under one or more of the following: Chapter 7.-- (sections 1 through 19 of this act), 26.50, or 26.26 RCW or RCW 9A.46.040, 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or 26.09.050; or

(ii) The tenant or the household member has reported the domestic violence, sexual assault, or stalking to a qualified third party acting in his or her official capacity and the qualified third party has

provided the tenant or the household member a written record of the report signed by the qualified third party.

(b) When a copy of a valid order for protection or a written record of a report signed by a qualified third party, as required under (a) of this subsection, is made available to the landlord, the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement or under chapter 59.12 RCW. However, the request to terminate the rental agreement must occur within ninety days of the reported act, event, or circumstance that gave rise to the protective order or report to a qualified third party. A record of the report to a qualified third party that is provided to the tenant or household member shall consist of a document signed and dated by the qualified third party stating: (i) That the tenant or the household member notified him or her that he or she was a victim of an act or acts that constitute a crime of domestic violence, sexual assault, or stalking; (ii) the time and date the act or acts occurred; (iii) the location where the act or acts occurred; (iv) a brief description of the act or acts of domestic violence, sexual assault, or stalking; and (v) that the tenant or household member informed him or her of the name of the alleged perpetrator of the act or acts. The record of the report provided to the tenant or household member shall not include the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, or stalking. The qualified third party shall keep a copy of the record of the report and shall note on the retained copy the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, or stalking. The record of the report to a qualified third party may be accomplished by completion of a form provided by the qualified third party, in substantially the following form:

.....
[Name of organization, agency, clinic, professional service provider]

I and/or my (household member) am/is a victim of
. . . domestic violence as defined by RCW 26.50.010.
. . . sexual assault as defined by RCW 70.125.030.
. . . stalking as defined by RCW 9A.46.110.

Briefly describe the incident of domestic violence, sexual assault, or stalking:

The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s) and at the following location(s):

The incident(s) that I rely on in support of this declaration were committed by the following person(s):

I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated at (city) . ., Washington, this day of . ., 20. . .

I verify that I have provided to the person whose signature appears above the statutes cited in RCW 59.18.575 and that the individual was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and that the individual informed me of the name of the alleged perpetrator of the act.

Dated this . . . day of, 20. . .

.....
Signature of authorized officer/employee of (Organization, agency, clinic, professional service provider)

(2) A tenant who terminates a rental agreement under this section is discharged from the payment of rent for any period following the last day of the month of the quitting date. The tenant shall remain liable for the rent for the month in which he or she

terminated the rental agreement unless the termination is in accordance with RCW 59.18.200(1). Notwithstanding lease provisions that allow for forfeiture of a deposit for early termination, a tenant who terminates under this section is entitled to the return of the full deposit, subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties to the rental agreement, except household members who are the victims of sexual assault, stalking, or domestic violence, are not released from their obligations under the rental agreement or other obligations under this chapter.

(3) The provision of verification of a report under subsection (1)(b) of this section does not waive the confidential or privileged nature of the communication between a victim of domestic violence, sexual assault, or stalking with a qualified third party pursuant to RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence obtained from such disclosure may be used in any civil, administrative, or criminal proceeding against the victim unless a written waiver of applicable evidentiary privilege is obtained, except that the verification itself, and no other privileged information, under subsection (1)(b) of this section may be used in civil proceedings brought under this section.

NEW SECTION. Sec. 27. This act may be cited as the sexual assault protection order act.

NEW SECTION. Sec. 28. Sections 1 through 19 of this act constitute a new chapter in Title 7 RCW."

On page 1, line 1 of the title, after "victims;" strike the remainder of the title and insert "amending RCW 9A.46.060, 10.14.130, 10.31.100, 19.220.010, 26.50.110, and 59.18.575; reenacting and amending RCW 26.50.160; adding a new chapter to Title 7 RCW; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2576 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed THIRD SUBSTITUTE HOUSE BILL NO. 1226, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17.640 and 2005 c 445 s 11 are each amended to read as follows:

- (1) The contribution limits in this section apply to:
 - (a) Candidates for state legislative office;
 - (b) Candidates for state office other than state legislative office;
 - (c) Candidates for county office in a county that has over two hundred thousand registered voters;
 - (d) Candidates for special purpose district office if that district is authorized to provide freight and passenger transfer and terminal facilities and that district has over two hundred thousand registered voters;
 - (e) Persons holding an office in (a) through (d) of this subsection against whom recall charges have been filed or to a political committee having the expectation of making expenditures in support of the recall of a person holding the office;
 - (f) Caucus political committees;
 - (g) Bona fide political parties.

(2) No person, other than a bona fide political party or a caucus political committee, may make contributions to a candidate for a state

legislative office or county office that in the aggregate exceed seven hundred dollars or to a candidate for a public office in a special purpose district or a state office other than a state legislative office that in the aggregate exceed one thousand four hundred dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions to candidates subject to the limits in this section made with respect to a primary may not be made after the date of the primary. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until thirty days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. Contributions to candidates subject to the limits in this section made with respect to a general election may not be made after the final day of the applicable election cycle.

~~((2))~~ (3) No person, other than a bona fide political party or a caucus political committee, may make contributions to a state official, a county official, or a public official in a special purpose district against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, county official, or public official in a special purpose district during a recall campaign that in the aggregate exceed seven hundred dollars if for a state legislative office or county office or one thousand four hundred dollars if for a special purpose district office or a state office other than a state legislative office.

~~((3))~~ (4)(a) Notwithstanding subsection ~~((1))~~ (2) of this section, no bona fide political party or caucus political committee may make contributions to a candidate during an election cycle that in the aggregate exceed (i) seventy cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is a caucus political committee or the governing body of a state organization, or (ii) thirty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No candidate may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed thirty-five cents times the number of registered voters in the jurisdiction from which the candidate is elected.

~~((4))~~ (5)(a) Notwithstanding subsection ~~((2))~~ (3) of this section, no bona fide political party or caucus political committee may make contributions to a state official, county official, or a public official in a special purpose district against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the state official, county official, or a public official in a special purpose district during a recall campaign that in the aggregate exceed (i) seventy cents multiplied by the number of eligible registered voters in the jurisdiction entitled to recall the state official if the contributor is a caucus political committee or the governing body of a state organization, or (ii) thirty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No ~~(state)~~ official holding an office specified in subsection (1) of this section against whom recall charges have been filed, no authorized committee of the official, and no political committee having the expectation of making expenditures in support of the recall of ~~(a state)~~ the official may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed thirty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected.

~~((5))~~ (6) For purposes of determining contribution limits under subsections ~~((3) and)~~ (4) and (5) of this section, the number of eligible registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction.

~~((6))~~ (7) Notwithstanding subsections ~~((1))~~ (2) through ~~((4))~~ (5) of this section, no person other than an individual, bona fide political party, or caucus political committee may make contributions reportable under this chapter to a caucus political committee that in the aggregate exceed seven hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceed three thousand five hundred dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

~~((7))~~ (8) For the purposes of RCW 42.17.640 through 42.17.790, a contribution to the authorized political committee of a candidate ~~(or)~~ or of ~~(a state)~~ an official specified in subsection (1) of this section against whom recall charges have been filed ~~(or)~~ is considered to be a contribution to the candidate or ~~(state)~~ official.

~~((8))~~ (9) A contribution received within the twelve-month period after a recall election concerning ~~(a state)~~ an office specified in subsection (1) of this section is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

~~((9))~~ (10) The contributions allowed by subsection ~~((2))~~ (3) of this section are in addition to those allowed by subsection ~~((1))~~ (2) of this section, and the contributions allowed by subsection ~~((4))~~ (5) of this section are in addition to those allowed by subsection ~~((3))~~ (4) of this section.

~~((10))~~ (11) RCW 42.17.640 through 42.17.790 apply to a special election conducted to fill a vacancy in ~~(a state)~~ an office specified in subsection (1) of this section. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

~~((11))~~ (12) Notwithstanding the other subsections of this section, no corporation or business entity not doing business in Washington state, no labor union with fewer than ten members who reside in Washington state, and no political committee that has not received contributions of ten dollars or more from at least ten persons registered to vote in Washington state during the preceding one hundred eighty days may make contributions reportable under this chapter to a candidate, to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the official. This subsection does not apply to loans made in the ordinary course of business.

~~((12))~~ (13) Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this chapter to a candidate ~~(, state official)~~ specified in subsection (1) of this section, or an official specified in subsection (1) of this section against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of ~~(a state)~~ an official specified in subsection (1) of this section if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the ~~(state)~~ official.

~~((13))~~ (14) No person may accept contributions that exceed the contribution limitations provided in this section.

~~((14))~~ (15) The following contributions are exempt from the contribution limits of this section:

(a) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or political advertising for individual candidates; or

(b) An expenditure by a political committee for its own internal organization or fund raising without direct association with individual candidates.

NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:

(1) No person may make contributions to a candidate for judicial office that in the aggregate exceed one thousand four hundred dollars

for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions made with respect to a primary may not be made after the date of the primary. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until thirty days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. Contributions made with respect to a general election may not be made after the final day of the applicable election cycle.

(2) This section through RCW 42.17.790 apply to a special election conducted to fill a vacancy in an office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy will not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

(3) No person may accept contributions that exceed the contribution limitations provided in this section.

(4) The dollar limits in this section must be adjusted according to RCW 42.17.690.

NEW SECTION. Sec. 3. A new section is added to chapter 42.17 RCW to read as follows:

The commission shall adopt rules to carry out the policies of this act and is not subject to the time restrictions of RCW 42.17.370(1).

Sec. 4. RCW 42.17.700 and 1993 c 2 s 10 are each amended to read as follows:

(1) Contributions to candidates for state office made and received before December 3, 1992, are considered to be contributions under RCW 42.17.640 through 42.17.790. Monetary contributions that exceed the contribution limitations and that have not been spent by the recipient of the contribution by December 3, 1992, must be disposed of in accordance with RCW 42.17.095.

(2) Contributions to other candidates subject to the contribution limits of this chapter made and received before the effective date of this act are considered to be contributions under RCW 42.17.640 through 42.17.790. Contributions that exceed the contribution limitations and that have not been spent by the recipient of the contribution by the effective date of this act must be disposed of in accordance with RCW 42.17.095 except for subsections (6) and (7) of that section.

Sec. 5. RCW 42.17.710 and 2003 c 164 s 3 are each amended to read as follows:

(1) During the period beginning on the thirtieth day before the date a regular legislative session convenes and continuing thirty days past the date of final adjournment, and during the period beginning on the date a special legislative session convenes and continuing through the date that session adjourns, no state official or a person employed by or acting on behalf of a state official or state legislator may solicit or accept contributions to a public office fund, to a candidate or authorized committee, or to retire a campaign debt. Contributions received through the mail after the thirtieth day before a regular legislative session may be accepted if the contribution is postmarked prior to the thirtieth day before the session.

(2) This section does not apply to activities authorized in RCW 43.07.370.

Sec. 6. RCW 42.17.093 and 2003 c 123 s 2 are each amended to read as follows:

(1) An out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17.040 through 42.17.090 shall report as required in this section when it makes an expenditure supporting or opposing a Washington state candidate or political committee. The committee shall file with the commission a statement disclosing:

(a) Its name and address;

(b) The purposes of the out-of-state committee;

(c) The names, addresses, and titles of its officers or, if it has no officers, the names, addresses, and the titles of its responsible leaders;

(d) The name, office sought, and party affiliation of each candidate in the state of Washington whom the out-of-state committee is supporting or opposing and, if such committee is supporting or opposing the entire ticket of any party, the name of the party;

(e) The ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition;

(f) The name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars to the out-of-state committee during the current calendar year, together with the money value and date of such contributions;

(g) The name, address, and employer of each person or corporation residing outside the state of Washington who has made one or more contributions in the aggregate of more than two thousand five hundred dollars to the out-of-state committee during the current calendar year, together with the money value and date of such contributions. Annually, the commission must modify the two thousand five hundred dollar limit in this subsection based on percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce;

(h) The name and address of each person in the state of Washington to whom an expenditure was made by the out-of-state committee with respect to a candidate or political committee in the aggregate amount of more than fifty dollars, the amount, date, and purpose of such expenditure, and the total sum of such expenditures; and

~~((h))~~ (i) Such other information as the commission may prescribe by rule in keeping with the policies and purposes of this chapter.

(2) Each statement shall be filed no later than the ~~((twentieth))~~ tenth day of the month following any month in which a contribution or other expenditure reportable under subsection (1) of this section is made. An out-of-state committee incurring an obligation to file additional statements in a calendar year may satisfy the obligation by timely filing reports that supplement previously filed information.

~~((3) A political committee required to file campaign reports with the federal election commission or its successor is exempt from reporting under this section.)~~

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "limits;" strike the remainder of the title and insert "amending RCW 42.17.640, 42.17.700, 42.17.710, and 42.17.093; and adding new sections to chapter 42.17 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to THIRD SUBSTITUTE HOUSE BILL NO. 1226 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Schual-Berke and Haigh spoke in favor of the passage of the bill.

Representative Nixon spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Third Substitute House Bill No. 1226, as amended by the Senate.

MOTION

On motion of Representative Rodne, Representative Cox was excused.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1226, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 56, Nays - 40, Excused - 2.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 56.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Jarrett, Kirby, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Walsh and Woods - 40.

Excused: Representatives Cox and Holmquist - 2.

THIRD SUBSTITUTE HOUSE BILL NO. 1226, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 28, 2006

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2964, with the following amendment:

Strike everything after the enacting clause and insert the following:

"PART 1 DEPARTMENT OF EARLY LEARNING CREATED

NEW SECTION. Sec. 101. (1) The legislature recognizes that:

(a) Parents are their children's first and most important teachers and decision makers;

(b) Research across disciplines now demonstrates that what happens in the earliest years makes a critical difference in children's readiness to succeed in school and life;

(c) Washington's competitiveness in the global economy requires a world-class education system that starts early and supports life-long learning;

(d) Washington state currently makes substantial investments in voluntary child care and early learning services and supports, but because services are fragmented across multiple state agencies, and early learning providers lack the supports and incentives needed to

improve the quality of services they provide, many parents have difficulty accessing high quality early learning services;

(e) A more cohesive and integrated voluntary early learning system would result in greater efficiencies for the state, increased partnership between the state and the private sector, improved access to high quality early learning services, and better employment and early learning outcomes for families and all children.

(2) The legislature finds that the early years of a child's life are critical to the child's healthy brain development and that the quality of caregiving during the early years can significantly impact the child's intellectual, social, and emotional development.

(3) The purpose of this chapter is:

(a) To establish the department of early learning;

(b) To coordinate and consolidate state activities relating to child care and early learning programs;

(c) To safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance;

(d) To promote linkages and alignment between early learning programs and elementary schools and support the transition of children and families from prekindergarten environments to kindergarten;

(e) To promote the development of a sufficient number and variety of adequate child care and early learning facilities, both public and private; and

(f) To license agencies and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all child care and early learning facilities.

(4) This chapter does not expand the state's authority to license or regulate activities or programs beyond those licensed or regulated under existing law.

NEW SECTION. Sec. 102. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child day care provider who regularly provides child day care and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools or kindergartens that are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(i) Any agency having been in operation in this state ten years before June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(j) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(k) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(l) An agency that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Department" means the department of early learning.

(4) "Director" means the director of the department.

(5) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to section 311(1) of this act or assessment of civil monetary penalties pursuant to section 311(3) of this act.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

NEW SECTION. Sec. 103. (1) The department of early learning is created as an executive branch agency. The department is vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law.

(2) The primary duties of the department are to implement state early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To improve parent education and support;

(c) To carry out activities to improve the quality of early learning opportunities for young children including activities in cooperation with the private-public partnership;

(d) To administer child care and early learning programs;

(e) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

(f) To assist in the implementation of the private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

(g) To work cooperatively and in coordination with the early learning council; and

(h) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs.

(3) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children.

The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

NEW SECTION. Sec. 104. (1) The executive head and appointing authority of the department is the director. The director shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. The governor shall solicit input from all parties involved in the private-public partnership concerning this appointment. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040. If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate when the governor's nomination for the office of director shall be presented.

(2) The director may employ staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The director may delegate any power or duty vested in him or her by this chapter, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW.

NEW SECTION. Sec. 105. It is the intent of the legislature wherever possible to place the internal affairs of the department under the control of the director in order that the director may institute therein the flexible, alert, and intelligent management of its business that changing contemporary circumstances require. Therefore, whenever the director's authority is not specifically limited by law, the director has complete charge and supervisory powers over the department. The director may create such administrative structures as the director considers appropriate, except as otherwise specified by law. The director may employ such assistants and personnel as necessary for the general administration of the department. This employment shall be in accordance with the state civil service law, chapter 41.06 RCW, except as otherwise provided.

NEW SECTION. Sec. 106. The director may appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The director may also appoint statewide committees or councils on such subject matters as are or come within the department's responsibilities. The committees or councils shall be constituted as required by federal law or as the director may determine.

Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 107. In furtherance of the policy of the state to cooperate with the federal government in all of the programs under the jurisdiction of the department, such rules as may become necessary to entitle the state to participate in federal funds may be adopted, unless expressly prohibited by law. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements that are a necessary condition to state receipt of federal funds. Any section or provision of law dealing with the department that may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department.

NEW SECTION. Sec. 108. (1) In addition to other duties under this chapter, the director shall actively participate in a nongovernmental private-public partnership focused on supporting government's investments in early learning and ensuring that every child in the state is prepared to succeed in school and in life. Except for licensing as required by Washington state law and to the extent permitted by federal law, the director of the department of early learning shall grant waivers from the rules of state agencies for the operation of early learning programs requested by the nongovernmental private-public partnership to allow for flexibility to pursue market-based approaches to achieving the best outcomes for children and families.

(2) In addition to other powers granted to the director, the director may:

(a) Enter into contracts on behalf of the department to carry out the purposes of this chapter;

(b) Accept gifts, grants, or other funds for the purposes of this chapter; and

(c) Adopt, in accordance with chapter 34.05 RCW, rules necessary to implement this chapter, including rules governing child day care and early learning programs under this chapter. This section does not expand the rule-making authority of the director beyond that necessary to implement and administer programs and services existing July 1, 2006, as transferred to the department of early learning under section 501 of this act. The rule-making authority does not include any authority to set mandatory curriculum or establish what must be taught in child day care centers or by family day care providers.

NEW SECTION. Sec. 109. Two years after the implementation of the department's early learning program, and every two years thereafter by July 1st, the department shall submit to the governor and the legislature a report measuring the effectiveness of its programs in improving early childhood education. The first report shall include program objectives and identified valid performance measures for evaluating progress toward achieving the objectives, as well as a plan for commissioning a longitudinal study comparing the kindergarten readiness of children participating in the department's programs with the readiness of other children, using nationally accepted testing and assessment methods. Such comparison shall include, but not be limited to, achievement as children of both groups progress through the K-12 system and identify year-to-year changes in achievement, if any, in later years of elementary, middle school, and high school education.

NEW SECTION. Sec. 110. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the department of early learning to the director, the director's personal secretary, and any other exempt staff members provided for in section 104(2) of this act.

Sec. 111. RCW 43.17.010 and 2005 c 333 s 10 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fish and wildlife, (6) the department of transportation, (7) the department of licensing, (8) the department of general administration, (9) the department of community, trade, and economic development, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, (14) the department of health, (15) the department of financial institutions, ~~(and)~~ (16) the department of archaeology and historic preservation, and (17) the department of early learning, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 112. RCW 43.17.020 and 2005 c 333 s 11 and 2005 c 319 s 2 are each reenacted and amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, (14) the secretary of health, (15) the director of financial institutions, ~~(and)~~ (16) the director of the department of archaeology and historic preservation, and (17) the director of early learning.

Such officers, except the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

Sec. 113. RCW 42.17.2401 and 2005 c 424 s 17 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, ~~the director of early learning~~, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, life sciences discovery fund authority board of trustees, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, salmon recovery funding board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western

Washington University board of trustees, and fish and wildlife commission.

**PART 2
POLICIES AND PROGRAMS TRANSFERRED**

Sec. 201. RCW 41.04.385 and 2005 c 490 s 9 are each amended to read as follows:

The legislature finds that (1) demographic, economic, and social trends underlie a critical and increasing demand for child care in the state of Washington; (2) working parents and their children benefit when the employees' child care needs have been resolved; (3) the state of Washington should serve as a model employer by creating a supportive atmosphere, to the extent feasible, in which its employees may meet their child care needs; and (4) the state of Washington should encourage the development of partnerships between state agencies, state employees, state employee labor organizations, and private employers to expand the availability of affordable quality child care. The legislature finds further that resolving employee child care concerns not only benefits the employees and their children, but may benefit the employer by reducing absenteeism, increasing employee productivity, improving morale, and enhancing the employer's position in recruiting and retaining employees. Therefore, the legislature declares that it is the policy of the state of Washington to assist state employees by creating a supportive atmosphere in which they may meet their child care needs. Policies and procedures for state agencies to address employee child care needs will be the responsibility of the director of personnel in consultation with the director of the department of early learning and state employee representatives.

Sec. 202. RCW 74.13.085 and 1989 c 381 s 2 are each amended to read as follows:

It shall be the policy of the state of Washington to:

(1) Recognize the family as the most important social and economic unit of society and support the central role parents play in child rearing. All parents are encouraged to care for and nurture their children through the traditional methods of parental care at home. ~~((However, there has been a dramatic increase in participation of women in the workforce which has made))~~ The availability of quality, affordable child care is a ((critical)) concern for ((the state and its citizens. There are not enough child care services and facilities to meet the needs of)) working parents, the costs of care are often beyond the resources of working parents, and child care facilities are not located conveniently to work places and neighborhoods. Parents are encouraged to participate fully in the effort to improve the quality of child care services.

(2) Promote a variety of culturally and developmentally appropriate child care settings and services of the highest possible quality in accordance with the basic principle of continuity of care. These settings shall include, but not be limited to, family day care homes, mini-centers, centers and schools.

(3) Promote the growth, development and safety of children by working with community groups including providers and parents to establish standards for quality service, training of child care providers, fair and equitable monitoring, and salary levels commensurate with provider responsibilities and support services.

(4) Promote equal access to quality, affordable, socio-economically integrated child care for all children and families.

(5) Facilitate broad community and private sector involvement in the provision of quality child care services to foster economic development and assist industry through the department of early learning.

Sec. 203. RCW 74.13.0902 and 1989 c 381 s 6 are each amended to read as follows:

An employer liaison position is established in the department of ~~((social and health services to be colocated at the business assistance center established under RCW 43.31.083))~~ early learning to be colocated with the department of community, trade, and economic development. The employer liaison shall, within appropriated funds:

(1) Staff and assist the child care partnership in the implementation of its duties ~~((under RCW 74.13.0901));~~

(2) Provide technical assistance to employers regarding child care services, working with and through local resource and referral organizations whenever possible. Such technical assistance shall include at a minimum:

(a) Assessing the child care needs of employees and prospective employees;

(b) Reviewing options available to employers interested in increasing access to child care for their employees;

(c) Developing techniques to permit small businesses to increase access to child care for their employees;

(d) Reviewing methods of evaluating the impact of child care activities on employers; and

(e) Preparing, collecting, and distributing current information for employers on options for increasing involvement in child care; and

(3) Provide assistance to local child care resource and referral organizations to increase their capacity to provide quality technical assistance to employers in their community.

Sec. 204. RCW 74.13.0903 and 2005 c 490 s 10 are each amended to read as follows:

~~The ((office of child care policy is established to operate under the authority of the department of social and health services. The duties and responsibilities of the office include, but are not limited to, the following, within appropriated funds))~~ department of early learning shall:

(1) Work in conjunction with the statewide child care resource and referral network as well as local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training;

(2) Actively seek public and private money for distribution as grants to the statewide child care resource and referral network and to existing or potential local child care resource and referral organizations;

(3) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations. The rules shall, at a minimum, require an applicant to submit a plan for achieving the following objectives:

(a) Provide parents with information about child care resources, including location of services and subsidies;

(b) Carry out child care provider recruitment and training programs, including training under RCW 74.25.040;

(c) Offer support services, such as parent and provider seminars, toy-lending libraries, and substitute banks;

(d) Provide information for businesses regarding child care supply and demand;

(e) Advocate for increased public and private sector resources devoted to child care;

(f) Provide technical assistance to employers regarding employee child care services; and

(g) Serve recipients of temporary assistance for needy families and working parents with incomes at or below household incomes of one hundred seventy-five percent of the federal poverty line;

(4) Provide staff support and technical assistance to the statewide child care resource and referral network and local child care resource and referral organizations;

(5) Maintain a statewide child care licensing data bank and work with department ~~((of social and health services))~~ licensors to provide information to local child care resource and referral organizations about licensed child care providers in the state;

(6) Through the statewide child care resource and referral network and local resource and referral organizations, compile data about local child care needs and availability for future planning and development;

(7) Coordinate with the statewide child care resource and referral network and local child care resource and referral organizations for the provision of training and technical assistance to child care providers; and

(8) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state

and local agencies, businesses, and other child care providers in offering child care services.

Sec. 205. RCW 74.13.098 and 2005 c 507 s 2 are each amended to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the ~~((division of child care and early learning in the))~~ department ~~((of social and health services))~~ shall establish a child care career and wage ladder in licensed child care centers that meet the following criteria: (a) At least ten percent of child care slots are dedicated to children whose care is subsidized by the state or any political subdivision thereof or any local government; (b) the center agrees to adopt the child care career and wage ladder, which, at a minimum, shall be at the same pay schedule as existed in the previous child care career and wage ladder pilot project; and (c) the center meets further program standards as established by rule pursuant to section 4 ~~((of this act)), chapter 507, Laws of 2005.~~

The child care career and wage ladder shall include wage increments for levels of education, years of relevant experience, levels of work responsibility, relevant early childhood education credits, and relevant requirements in the state training and registry system.

(2) The ~~((division))~~ department shall establish procedures for the allocation of funds to implement the child care career and wage ladder among child care centers meeting the criteria identified in subsection (1) of this section. In developing these procedures, the ~~((division))~~ department shall:

(a) Review past efforts or administration of the child care career and wage ladder pilot project in order to take advantage of any findings, recommendations, or administrative practices that contributed to that pilot project's success;

(b) Consult with stakeholders, including organizations representing child care teachers and providers, in developing an allocation formula that incorporates consideration of geographic and demographic distribution of child care centers adopting the child care career and wage ladder; and

(c) Develop a system for prioritizing child care centers interested in adopting the child care career and wage ladder that is based on the criteria identified in subsection (1) of this section.

(3) Notwithstanding the requirements of subsection (2) of this section, child care centers meeting the criteria in subsection (1) of this section located in urban areas of the department of social and health services region one shall receive a minimum of fifteen percent of the funds allocated through the child care career and wage ladder, and of these centers, child care centers meeting the criteria in subsection (1) of this section participating in the ~~((department of social and health services))~~ Spokane tiered reimbursement pilot project shall have first priority for child care career and wage ladder funding.

Sec. 206. RCW 74.13.099 and 2005 c 507 s 3 are each amended to read as follows:

Child care centers adopting the child care career and wage ladder established pursuant to RCW 74.13.098 ~~(as recodified by this act)~~ shall increase wages for child care workers who have earned a high school diploma or GED certificate, gain additional years of experience, or accept increasing levels of responsibility in providing child care, in accordance with the child care career and wage ladder. The adoption of a child care career and wage ladder shall not prohibit the provision of wage increases based upon merit. The department ~~((of social and health services))~~ shall pay wage increments for child care workers employed by child care centers adopting the child care career and wage ladder established pursuant to RCW 74.13.098 ~~(as recodified by this act)~~ who earn early childhood education credits or meet relevant requirements in the state training and registry system, in accordance with the child care career and wage ladder.

Sec. 207. RCW 74.15.350 and 2005 c 490 s 7 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department ~~((of social and health services))~~ shall implement the tiered-reimbursement system developed pursuant to section 6, chapter 490, Laws of 2005. Implementation of the tiered-

reimbursement system shall initially consist of two pilot sites in different geographic regions of the state with demonstrated public-private partnerships, with statewide implementation to follow.

(2) In implementing the tiered-reimbursement system, consideration shall be given to child care providers who provide staff wage progression.

(3) The department shall begin implementation of the two pilot sites by March 30, 2006.

Sec. 208. RCW 74.12.340 and 1973 1st ex.s. c 154 s 111 are each amended to read as follows:

(1) The department is authorized to ((promulgate)) adopt rules ((and regulations)) governing the provision of day care as a part of child welfare services when the secretary determines that a need exists for such day care and that it is in the best interests of the child, the parents, or the custodial parent and in determining the need for such day care priority shall be given to geographical areas having the greatest need for such care and to members of low income groups in the population: PROVIDED, That where the family is financially able to pay part or all of the costs of such care, fees shall be imposed and paid according to the financial ability of the family.

(2) This section does not affect the authority of the department of early learning to adopt rules governing child day care and early learning programs.

Sec. 209. RCW 74.08A.340 and 1997 c 58 s 321 are each amended to read as follows:

The department of social and health services shall operate the Washington WorkFirst program authorized under RCW 74.08A.200 through 74.08A.330, 43.330.145, 74.13.0903 and 74.25.040, and chapter 74.12 RCW within the following constraints:

(1) The full amount of the temporary assistance for needy families block grant, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the program authorized in RCW 74.08A.200 through 74.08A.330, 43.330.145, 74.13.0903 and 74.25.040, and chapter 74.12 RCW.

(2)(a) The department may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures defined in RCW 74.08A.410 with the following exception: Beginning with the 2007-2009 biennium, funds that constitute the working connections child care program, child care quality programs, and child care licensing functions.

(b) Beginning in the 2007-2009 fiscal biennium, the legislature shall appropriate and the department of early learning shall expend funds defined in subsection (1) of this section that constitute the working connections child care program, child care quality programs, and child care licensing functions in a manner that is consistent with the outcome measures defined in RCW 74.08A.410.

(c) No more than fifteen percent of the amount provided in subsection (1) of this section may be spent for administrative purposes. For the purpose of this subsection, "administrative purposes" does not include expenditures for information technology and computerization needed for tracking and monitoring required by P.L. 104-193. The department shall not increase grant levels to recipients of the program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW.

(3) The department shall implement strategies that accomplish the outcome measures identified in RCW 74.08A.410 that are within the funding constraints in this section. Specifically, the department shall implement strategies that will cause the number of cases in the program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW to decrease by at least fifteen percent during the 1997-99 biennium and by at least five percent in the subsequent biennium. The department may transfer appropriation authority between funding categories within the economic services program in order to carry out the requirements of this subsection.

(4) The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section. The department shall quarterly make a determination as to whether expenditure levels will exceed available funding and communicate its finding to the legislature. If the determination indicates that

expenditures will exceed funding at the end of the fiscal year, the department shall take all necessary actions to ensure that all services provided under this chapter shall be made available only to the extent of the availability and level of appropriation made by the legislature.

Sec. 210. RCW 28A.215.110 and 1999 c 350 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908 (as recodified by this act).

(1) "Advisory committee" means the advisory committee under RCW 28A.215.140 (as recodified by this act).

(2) "Department" means the department of ~~((community, trade, and economic development))~~ early learning.

(3) "Eligible child" means a child not eligible for kindergarten whose family income is at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services, and includes a child whose family is eligible for public assistance, and who is not a participant in a federal or state program providing comprehensive services and may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program. Priority for enrollment shall be given to children from families with the lowest income, children in foster care, or to eligible children from families with multiple needs.

(4) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department ~~((of community, trade, and economic development))~~ as meeting the minimum program rules adopted by the department to qualify under RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908 (as recodified by this act) and are designated as eligible for funding by the department under RCW 28A.215.160 and 28A.215.180 (as recodified by this act).

(5) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(6) "Family support services" means providing opportunities for parents to:

- (a) Actively participate in their child's early childhood program;
- (b) Increase their knowledge of child development and parenting skills;
- (c) Further their education and training;
- (d) Increase their ability to use needed services in the community;
- (e) Increase their self-reliance.

Sec. 211. RCW 28A.215.120 and 1994 c 166 s 4 are each amended to read as follows:

The department ~~((of community, trade, and economic development))~~ shall administer a state-supported early childhood education and assistance program to assist eligible children with educational, social, health, nutritional, and cultural development to enhance their opportunity for success in the common school system. Eligible children shall be admitted to approved early childhood programs to the extent that the legislature provides funds, and additional eligible children may be admitted to the extent that grants and contributions from community sources provide sufficient funds for a program equivalent to that supported by state funds.

Sec. 212. RCW 43.63A.066 and 1993 c 280 s 58 are each amended to read as follows:

The department of ~~((community, trade, and economic development))~~ early learning shall have primary responsibility for providing child abuse and neglect prevention training to preschool age children participating in the federal head start program or the early childhood education and assistance program established under RCW 28A.215.010 through 28A.215.050, 28A.215.100 through 28A.215.200, and 28A.215.900 through 28A.215.908 (as recodified by this act).

DEPARTMENT OF EARLY LEARNING LICENSING

NEW SECTION. Sec. 301. It shall be the director's duty with regard to licensing:

(1) In consultation and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of child care facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages and other characteristics of the children served, variations in the purposes and services offered or size or structure of the agencies to be licensed, or because of any other factor relevant thereto;

(2) In consultation and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed under this chapter.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability, and competence of an agency and other persons associated with an agency directly responsible for the care of children. In consultation with law enforcement personnel, the director shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter.

In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The director shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children. Criminal justice agencies shall provide the director such information as they may have and that the director may require for such purpose;

(c) The number of qualified persons required to render the type of care for which an agency seeks a license;

(d) The health, safety, cleanliness, and general adequacy of the premises to provide for the comfort, care, and well-being of children;

(e) The provision of necessary care and early learning, including food, supervision, and discipline; physical, mental, and social well-being; and educational and recreational opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established under this chapter; and

(g) The maintenance of records pertaining to the care of children;

(3) To issue, revoke, or deny licenses to agencies pursuant to this chapter. Licenses shall specify the category of care that an agency is authorized to render and the ages and number of children to be served;

(4) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and to require regular reports from each licensee;

(5) To inspect agencies periodically to determine whether or not there is compliance with this chapter and the requirements adopted under this chapter;

(6) To review requirements adopted under this chapter at least every two years and to adopt appropriate changes after consultation with affected groups for child day care requirements; and

(7) To consult with public and private agencies in order to help them improve their methods and facilities for the care and early learning of children.

NEW SECTION. Sec. 302. The chief of the Washington state patrol, through the director of fire protection, shall have the power and it shall be his or her duty:

(1) In consultation with the director and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to this chapter necessary to protect all persons residing therein from fire hazards;

(2) To make or cause to be made such inspections and investigations of agencies as he or she deems necessary;

(3) To make a periodic review of requirements under section 301(5) of this act and to adopt necessary changes after consultation as required in subsection (1) of this section;

(4) To issue to applicants for licenses under this chapter who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department before a license shall be issued, except that an initial license may be issued as provided in section 309 of this act.

NEW SECTION. Sec. 303. Licensed child day care centers shall provide notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW.

NEW SECTION. Sec. 304. A copy of the articles of incorporation of any agency or amendments to the articles of existing corporation agencies shall be sent by the secretary of state to the department at the time such articles or amendments are filed.

NEW SECTION. Sec. 305. All agencies subject to this chapter shall accord the department, the chief of the Washington state patrol, and the director of fire protection, or their designees, the right of entrance and the privilege of access to and inspection of records for the purpose of determining whether or not there is compliance with the provisions of this chapter and the requirements adopted under it.

NEW SECTION. Sec. 306. (1) It is unlawful for any agency to care for children unless the agency is licensed as provided in this chapter.

(2) A license issued under chapter 74.15 RCW before July 1, 2006, for an agency subject to this chapter after July 1, 2006, is valid until its next renewal, unless otherwise suspended or revoked by the department.

NEW SECTION. Sec. 307. Each agency shall make application for a license or renewal of license to the department on forms prescribed by the department. Upon receipt of such application, the department shall either grant or deny a license within ninety days. A license shall be granted if the agency meets the minimum requirements set forth in this chapter and the departmental requirements consistent with the chapter, except that an initial license may be issued as provided in section 309 of this act. Licenses provided for in this chapter shall be issued for a period of three years. The licensee, however, shall advise the director of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter is not transferable and applies only to the licensee and the location stated in the application. For licensed family day care homes having an acceptable history of child care, the license may remain in effect for two weeks after a move.

NEW SECTION. Sec. 308. If a licensee desires to apply for a renewal of its license, a request for a renewal shall be filed ninety days before the expiration date of the license. If the department has failed to act at the time of the expiration date of the license, the license shall continue in effect until such time as the department acts.

NEW SECTION. Sec. 309. The director may, at his or her discretion, issue an initial license instead of a full license, to an agency or facility for a period not to exceed six months, renewable for a period not to exceed two years, to allow such agency or facility reasonable time to become eligible for full license.

NEW SECTION. Sec. 310. (1) The department may issue a probationary license to a licensee who has had a license but is temporarily unable to comply with a rule or has been the subject of multiple complaints or concerns about noncompliance if:

(a) The noncompliance does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue; and

(b) The licensee has a plan approved by the department to correct the area of noncompliance within the probationary period.

(2) A probationary license may be issued for up to six months, and at the discretion of the department it may be extended for an additional six months. The department shall immediately terminate the probationary license, if at any time the noncompliance for which the probationary license was issued presents an immediate threat to the health or well-being of the children.

(3) The department may, at any time, issue a probationary license for due cause that states the conditions of probation.

(4) An existing license is invalidated when a probationary license is issued.

(5) At the expiration of the probationary license, the department shall reinstate the original license for the remainder of its term, issue a new license, or revoke the original license.

(6) A right to an adjudicative proceeding shall not accrue to the licensee whose license has been placed on probationary status unless the licensee does not agree with the placement on probationary status and the department then suspends, revokes, or modifies the license.

NEW SECTION. Sec. 311. (1) An agency may be denied a license, or any license issued pursuant to this chapter may be suspended, revoked, modified, or not renewed by the director upon proof (a) that the agency has failed or refused to comply with the provisions of this chapter or the requirements adopted pursuant to this chapter; or (b) that the conditions required for the issuance of a license under this chapter have ceased to exist with respect to such licenses. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(3) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under this chapter or that an agency subject to licensing under this chapter is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home. Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance. Civil monetary penalties shall not exceed seventy-five dollars per violation for a family day care home and two hundred fifty dollars per violation for child day care centers. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty. The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period. The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten days after such assessment becomes final. Chapter 43.20A RCW governs notice of a civil monetary penalty and provides the right of an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

(4)(a) In addition to or in lieu of an enforcement action being taken, the department may place a child day care center or family day care provider on nonreferral status if the center or provider has failed or refused to comply with this chapter or rules adopted under this chapter or an enforcement action has been taken. The nonreferral status may continue until the department determines that: (i) No

enforcement action is appropriate; or (ii) a corrective action plan has been successfully concluded.

(b) Whenever a child day care center or family day care provider is placed on nonreferral status, the department shall provide written notification to the child day care center or family day care provider.

(5) The department shall notify appropriate public and private child care resource and referral agencies of the department's decision to: (a) Take an enforcement action against a child day care center or family day care provider; or (b) place or remove a child day care center or family day care provider on nonreferral status.

NEW SECTION. Sec. 312. (1) The office of administrative hearings shall not assign nor allow an administrative law judge to preside over an adjudicative hearing regarding denial, modification, suspension, or revocation of any license to provide child care under this chapter, unless such judge has received training related to state and federal laws and department policies and procedures regarding:

- (a) Child abuse, neglect, and maltreatment;
- (b) Child protective services investigations and standards;
- (c) Licensing activities and standards;
- (d) Child development; and
- (e) Parenting skills.

(2) The office of administrative hearings shall develop and implement a training program that carries out the requirements of this section. The office of administrative hearings shall consult and coordinate with the department in developing the training program. The department may assist the office of administrative hearings in developing and providing training to administrative law judges.

NEW SECTION. Sec. 313. The director shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

NEW SECTION. Sec. 314. Notwithstanding the existence or pursuit of any other remedy, the director may, in the manner provided by law, upon the advice of the attorney general, who shall represent the department in the proceeding, maintain an action in the name of the state for injunction or such other relief as he or she may deem advisable against any agency subject to licensing under the provisions of this chapter or against any such agency not having a license as heretofore provided in this chapter.

NEW SECTION. Sec. 315. Any agency operating without a license shall be guilty of a misdemeanor. This section shall not be enforceable against an agency until sixty days after the effective date of new rules, applicable to such agency, have been adopted under this chapter.

PART 4

DEPARTMENT OF SOCIAL AND HEALTH SERVICES LICENSING REVISIONS

Sec. 401. RCW 74.15.020 and 2001 c 230 s 1, 2001 c 144 s 1, and 2001 c 137 s 3 are each reenacted and amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the

children, expectant mothers or persons with developmental disabilities for services rendered:

~~(a) ("Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;~~

~~(b)) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;~~

~~((c)) (b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;~~

~~((d)) (c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;~~

~~((e)) (d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;~~

~~((f) "Family day-care provider" means a child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;~~

~~((g)) (e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;~~

~~((h)) (f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;~~

~~((i)) (g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;~~

~~((j)) (h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;~~

~~((k)) (i) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;~~

~~((l)) (j) "Service provider" means the entity that operates a community facility.~~

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; or

(v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where ~~((i)) The person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or ((ii))~~ the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

~~((d)) (Parents on a mutually cooperative basis exchange care of one another's children;~~

~~((e))~~ A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

~~((f))~~ (e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States immigration and naturalization service, or persons who have the care of such an international child in their home;

~~((g)) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;~~

~~((h))~~ (f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

~~((i)) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;~~

~~((j))~~ (g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

~~((k))~~ (h) Licensed physicians or lawyers;

~~((l)) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;~~

~~((m))~~ (i) Facilities approved and certified under chapter 71A.22 RCW;

~~((n))~~ (j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

~~((o))~~ (k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

~~((p))~~ (l) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

~~((q))~~ (m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

~~((r))~~ (n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(6) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(7) "Secretary" means the secretary of social and health services.

(8) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(9) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 402. RCW 74.15.030 and 2005 c 490 s 11 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being

authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation ~~((with affected groups for child day-care requirements and))~~ with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

Sec. 403. RCW 74.15.100 and 1995 c 302 s 8 are each amended to read as follows:

Each agency shall make application for a license or renewal of license to the department of social and health services on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Such a foster home license shall cease to be valid when the home is no longer under the

supervision of that agency. Upon receipt of such application, the department shall either grant or deny a license within ninety days unless the application is for licensure as a foster-family home, in which case RCW 74.15.040 shall govern. A license shall be granted if the agency meets the minimum requirements set forth in chapter 74.15 RCW and RCW 74.13.031 and the departmental requirements consistent herewith, except that an initial license may be issued as provided in RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW 74.13.031 shall be issued for a period of three years. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter is not transferable and applies only to the licensee and the location stated in the application. For licensed foster-family ~~((and family day-care))~~ homes having an acceptable history of child care, the license may remain in effect for two weeks after a move, except that ~~((for the foster-family home))~~ this will apply only if the family remains intact.

Sec. 404. RCW 74.15.130 and 2005 c 473 s 6 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended, revoked, modified, or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or (b) that the conditions required for the issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of a foster family home license, the department's decision shall be upheld if there is reasonable cause to believe that:

(a) The applicant or licensee lacks the character, suitability, or competence to care for children placed in out-of-home care, however, no unfounded report of child abuse or neglect may be used to deny employment or a license;

(b) The applicant or licensee has failed or refused to comply with any provision of chapter 74.15 RCW, RCW 74.13.031, or the requirements adopted pursuant to such provisions; or

(c) The conditions required for issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses.

(3) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, other than a foster family home license, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(4) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under the provisions of this chapter and RCW 74.13.031 or that an agency subject to licensing under this chapter and RCW 74.13.031 is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home. Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance. Civil monetary penalties shall not exceed ~~((seventy-five dollars per violation for a family day-care home and))~~ two hundred fifty dollars per violation for group homes ~~((child day-care centers;))~~ and child-placing agencies. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty. The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period. The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to

this chapter within ten days after such assessment becomes final. Chapter 43.20A RCW governs notice of a civil monetary penalty and provides the right of an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

~~((5)(a) In addition to or in lieu of an enforcement action being taken, the department may place a child day-care center or family day-care provider on nonreferral status if the center or provider has failed or refused to comply with this chapter or rules adopted under this chapter or an enforcement action has been taken. The nonreferral status may continue until the department determines that: (i) No enforcement action is appropriate; or (ii) a corrective action plan has been successfully concluded.~~

~~(b) Whenever a child day-care center or family day-care provider is placed on nonreferral status, the department shall provide written notification to the child day-care center or family day-care provider.~~

~~(6) The department shall notify appropriate public and private child care resource and referral agencies of the department's decision to: (a) Take an enforcement action against a child day-care center or family day-care provider; or (b) place or remove a child day-care center or family day-care provider on nonreferral status.)~~

PART 5

TRANSFER OF POWERS, DUTIES, AND FUNCTIONS

NEW SECTION. Sec. 501. (1) All powers, duties, and functions of the office of the superintendent of public instruction and the department of community, trade, and economic development pertaining to the early childhood education and assistance (ECEAP) program and the early reading initiative are transferred to the department of early learning. All references to the director or the department of community, trade, and economic development in the Revised Code of Washington shall be construed to mean the director or the department of early learning when referring to the functions transferred in this section.

(2) All powers, duties, and functions of the division of child care and early learning in the department of social and health services pertaining to the working connections child care program, child care licensing, child care quality activities, and the head start collaboration office are transferred to the department of early learning. However, eligibility staffing and eligibility payment functions for the working connections child care program shall not be transferred to the department of early learning. All references to the secretary or the department of social and health services in the Revised Code of Washington shall be construed to mean the director or the department of early learning when referring to the functions transferred in this section.

(3) Child day care services provided through the children's administration within the department of social and health services are not transferred to the department of early learning.

NEW SECTION. Sec. 502. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the office of the superintendent of public instruction, the department of social and health services, and the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred in section 501 of this act shall be delivered to the custody of the department of early learning. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the office of the superintendent of public instruction, the department of social and health services, and the department of community, trade, and economic development in carrying out the powers, functions, and duties transferred shall be made available to the department of early learning. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of early learning.

NEW SECTION. Sec. 503. (1) Any appropriations made to the office of the superintendent of public instruction or the department of community, trade, and economic development for carrying out the powers, functions, and duties transferred in section 501 of this act

shall, on the effective date of this section, be transferred and credited to the department of early learning;

(2) Any appropriations made to the department of social and health services for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred to the department of early learning through an interagency agreement.

NEW SECTION. Sec. 504. (1) All employees of the office of the superintendent of public instruction, the department of social and health services, and the department of community, trade, and economic development engaged in performing the powers, functions, and duties transferred in section 501 of this act are transferred to the jurisdiction of the department of early learning. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of early learning to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(2) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the public employment relations commission as provided by law.

NEW SECTION. Sec. 505. (1) All rules and all pending business before the office of the superintendent of public instruction, the department of social and health services, and the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred in section 501 of this act shall be continued and acted upon by the department of early learning. All existing contracts and obligations shall remain in full force and shall be performed by the department of early learning.

(2) The transfer of the powers, duties, functions, and personnel of the office of the superintendent of public instruction, the department of social and health services, and the department of community, trade, and economic development shall not affect the validity of any act performed before the effective date of this section.

(3) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(4) If apportionments of budgeted funds are required because of the transfers directed by this section and sections 501 through 504 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 506. By November 15, 2006, the department of early learning, in collaboration with the early learning council, shall prepare a report and make recommendations to the governor and appropriate committees of the legislature detailing:

(1) Coordination and collaboration between the department and the K-12 system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12;

(2) Ongoing coordination and collaboration between the department and other programs not included in the department;

(3) Ways the department will support local communities in encouraging public-private partnerships, innovative solutions to local issues, coordination of early learning services, and improved transitions from early learning to kindergarten;

(4) The relationship between the department and the private-public partnership;

(5) Internal governance of the department, to be implemented July 1, 2007, upon termination of the early learning council; and

(6) Transition of any additional early learning programs and responsibilities, including administration of federal child care funds and subsidy eligibility and payment functions.

NEW SECTION. Sec. 507. By July 1, 2010, the joint legislative audit and review committee shall conduct an evaluation of the implementation and operation of the department of early learning to assess the extent to which:

(1) Services and programs that previously were administered separately have been effectively integrated;

(2) Reporting and monitoring activities have been consolidated and made more efficient;

(3) Consolidation has resulted in administrative efficiencies within the department;

(4) Child care and early learning services are improved;

(5) Subsidized child care is available;

(6) Subsidized child care is affordable;

(7) The department has been an effective partner in the private-public partnership;

(8) Procedures have been put in place to respect parents and legal guardians and provide them the opportunity to participate in the development of policies and program decisions affecting their children; and

(9) The degree and methods by which the agency conducts parent outreach and education.

PART 6 MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 601. The following sections are each recodified as new sections in the new chapter created in section 603 of this act:

RCW 74.13.097
RCW 74.13.098
RCW 74.13.099
RCW 74.15.063
RCW 74.15.310
RCW 74.15.320
RCW 74.15.330
RCW 74.15.340
RCW 74.15.350
RCW 28A.215.100
RCW 28A.215.110
RCW 28A.215.120
RCW 28A.215.130
RCW 28A.215.140
RCW 28A.215.150
RCW 28A.215.160
RCW 28A.215.170
RCW 28A.215.180
RCW 28A.215.190
RCW 28A.215.200
RCW 28A.215.900
RCW 28A.215.904
RCW 28A.215.906
RCW 28A.215.908

NEW SECTION. Sec. 602. PART HEADINGS NOT LAW. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 603. Sections 101 through 109, 301 through 315, and 501 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 604. This act takes effect July 1, 2006.

NEW SECTION. Sec. 605. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "learning;" strike the remainder of the title and insert "amending RCW 43.17.010, 42.17.2401, 41.04.385, 74.13.085, 74.13.0902, 74.13.0903, 74.13.098, 74.13.099, 74.15.350, 74.12.340, 74.08A.340, 28A.215.110, 28A.215.120, 43.63A.066, 74.15.030, 74.15.100, and 74.15.130; reenacting and amending RCW 43.17.020 and 74.15.020;

adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 74.13.097, 74.13.098, 74.13.099, 74.15.063, 74.15.310, 74.15.320, 74.15.330, 74.15.340, 74.15.350, 28A.215.100, 28A.215.110, 28A.215.120, 28A.215.130, 28A.215.140, 28A.215.150, 28A.215.160, 28A.215.170, 28A.215.180, 28A.215.190, 28A.215.200, 28A.215.900, 28A.215.904, 28A.215.906, and 28A.215.908; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2964 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi and Talcott spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2964, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2964, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 81, Nays - 15, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Blake, Buck, Campbell, Chase, Clements, Clibborn, Cody, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 81.

Voting nay: Representatives Anderson, Bailey, Buri, Chandler, Condotta, Crouse, Dunn, Hasegawa, Hinkle, Kretz, Kristiansen, McCune, Pearson, Schindler and Sump - 15.

Excused: Representatives Cox and Holmquist - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 2964, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1841, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.28.041 and 2002 c 249 s 2 are each amended to read as follows:

(1) It is unlawful for any person, firm, partnership, corporation, or other entity to advertise, offer to do work, submit a bid, engage in, conduct, or carry on the business of installing or maintaining wires or equipment to convey electric current, or installing or maintaining equipment to be operated by electric current as it pertains to the electrical industry, without having an unrevoked, unsuspended, and unexpired electrical contractor license, issued by the department in accordance with this chapter. All electrical contractor licenses expire twenty-four calendar months following the day of their issue. The department may issue an electrical contractor license for a period of less than twenty-four months only for the purpose of equalizing the number of electrical contractor licenses that expire each month. Application for an electrical contractor license shall be made in writing to the department, accompanied by the required fee. The application shall state:

(a) The name and address of the applicant; in case of firms or partnerships, the names of the individuals composing the firm or partnership; in case of corporations, the names of the managing officials thereof;

(b) The location of the place of business of the applicant and the name under which the business is conducted;

(c) Employer social security number;

(d) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:

(i) The applicant's industrial insurance account number issued by the department;

(ii) The applicant's self-insurer number issued by the department; or

(iii) For applicants domiciled in a state or province of Canada subject to an agreement entered into under RCW 51.12.120(7), as permitted by the agreement, filing a certificate of coverage issued by the agency that administers the workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law;

(e) Employment security department number;

(f) State excise tax registration number;

(g) Unified business identifier (UBI) account number may be substituted for the information required by (d) of this subsection if the applicant will not employ employees in Washington, and by (e) and (f) of this subsection; and

(h) Whether a general or specialty electrical contractor license is sought and, if the latter, the type of specialty. Electrical contractor specialties include, but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, appliance repair, and a combination specialty. A general electrical contractor license shall grant to the holder the right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electric current, and installing or maintaining equipment, or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current, in the state of Washington. A specialty electrical contractor license shall grant to the holder a limited right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electrical current, and installing or maintaining equipment; or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current in the state of Washington as expressly allowed by the license.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(d) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3) The application for an electrical contractor license shall be accompanied by a bond in the sum of four thousand dollars with the state of Washington named as obligee in the bond, with good and sufficient surety, to be approved by the department. The bond shall at all times be kept in full force and effect, and any cancellation or

revocation thereof, or withdrawal of the surety therefrom, suspends the license issued to the principal until a new bond has been filed and approved as provided in this section. Upon approval of a bond, the department shall on the next business day deposit the fee accompanying the application in the electrical license fund and shall file the bond in the office. The department shall upon request furnish to any person, firm, partnership, corporation, or other entity a certified copy of the bond upon the payment of a fee that the department shall set by rule. The fee shall cover but not exceed the cost of furnishing the certified copy. The bond shall be conditioned that in any installation or maintenance of wires or equipment to convey electrical current, and equipment to be operated by electrical current, the principal will comply with the provisions of this chapter and with any electrical ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(3) that is in effect at the time of entering into a contract. The bond shall be conditioned further that the principal will pay for all labor, including employee benefits, and material furnished or used upon the work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm, partnership, corporation, or other entity due to a failure of the principal to make the installation or maintenance in accordance with this chapter or any applicable ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(3). In lieu of the surety bond required by this section the license applicant may file with the department a cash deposit or other negotiable security acceptable to the department. If the license applicant has filed a cash deposit, the department shall deposit the funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from the account.

(4) The department shall issue general or specialty electrical contractor licenses to applicants meeting all of the requirements of this chapter. The provisions of this chapter relating to the licensing of any person, firm, partnership, corporation, or other entity including the requirement of a bond with the state of Washington named as obligee therein and the collection of a fee therefor, are exclusive, and no political subdivision of the state of Washington may require or issue any licenses or bonds or charge any fee for the same or a similar purpose. No person, firm, partnership, corporation, or other entity holding more than one specialty contractor license under this chapter may be required to pay an annual fee for more than one such license or to post more than one four thousand dollar bond, equivalent cash deposit, or other negotiable security.

(5) To obtain a general or specialty electrical contractor license the applicant must designate an individual who currently possesses a valid master journeyman electrician's certificate of competency, master specialty electrician's certificate of competency in the specialty for which application has been made, or administrator's certificate as a general electrical contractor administrator or as a specialty electrical contractor administrator in the specialty for which application has been made.

(6) Administrator certificate specialties include but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, appliance repair, and combination specialty. To obtain an administrator's certificate an individual must pass an examination as set forth in RCW 19.28.051 unless the applicant was a licensed electrical contractor at any time during 1974. Applicants who were electrical contractors licensed by the state of Washington at any time during 1974 are entitled to receive a general electrical contractor administrator's certificate without examination if the applicants apply prior to January 1, 1984. The board of electrical examiners shall certify to the department the names of all persons who are entitled to either a general or specialty electrical contractor administrator's certificate.

Sec. 2. RCW 19.28.161 and 2002 c 249 s 4 are each amended to read as follows:

(1) No person may engage in the electrical construction trade without having a valid master journeyman electrician certificate of competency, journeyman electrician certificate of competency, master specialty electrician certificate of competency, or specialty electrician

certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, and appliance repair.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade or who is learning the electrical construction trade may work in the electrical construction trade if supervised by a certified master journeyman electrician, journeyman electrician, master specialty electrician in that electrician's specialty, or specialty electrician in that electrician's specialty. All apprentices and individuals learning the electrical construction trade shall obtain an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade while under the direct supervision of a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. The holder of the electrical training certificate shall renew the certificate biennially. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the electrical construction industry for the previous biennial period and the number of hours worked for each employer, and proof of sixteen hours of approved classroom electrical continuing education courses covering this chapter, the national electrical code, or electrical theory, or the equivalent electrical training courses taken as part of an approved apprenticeship program under chapter 49.04 RCW or an approved electrical training program under RCW 19.28.191(1)(h). This education requirement is effective July 1, 2006. A biennial fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at all times that they are performing electrical work. They shall show their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter.

(4) The ratio of noncertified individuals to certified master journeymen electricians, journeymen electricians, master specialty electricians, or specialty electricians on any one job site is as follows:

(a) When working as a specialty electrician, not more than two noncertified individuals for every certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journeyman electrician, or journeyman electrician, except that the ratio requirements are one certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journeyman electrician, or journeyman electrician working as a specialty electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board; and

(b) When working as a journeyman electrician, not more than one noncertified individual for every certified master journeyman electrician or journeyman electrician, except that the ratio requirements shall be one certified master journeyman electrician or

journeyman electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

(5) For the residential (as specified in WAC 296-46A-930(2)(a)), pump and irrigation (as specified in WAC 296-46A-930(2)(b)(i)), sign (as specified in WAC 296-46A-930(2)(c)), limited energy (as specified in WAC 296-46A-930(2)(e)(i)), nonresidential maintenance (as specified in WAC 296-46A-930(2)(f)(i)), restricted nonresidential maintenance as determined by the department in rule, or other new nonresidential specialties, not including appliance repair, as determined by the department in rule, either a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty must be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day. Other specialties must meet the requirements specified in RCW 19.28.191(1)(~~(f)(ii)~~)(g(ii)). When the ratio of certified electricians to noncertified individuals on a job site is one certified electrician to three or four noncertified individuals, the certified electrician must:

(a) Directly supervise and instruct the noncertified individuals and the certified electrician may not directly make or engage in an electrical installation; and

(b) Be on the same job site as the noncertified individual for a minimum of one hundred percent of each working day.

(6) The electrical contractor shall accurately verify and attest to the electrical trainee hours worked by electrical trainees on behalf of the electrical contractor."

On page 1, line 1 of the title, after "trainees" strike the remainder of the title and insert "and contractor licenses; and amending RCW 19.28.041 and 19.28.161."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1841 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2685, with the following amendment:

On page 2, line 36, after "incarcerated" insert "or probationary"

On page 2, line 36, after "officer" insert ", probation officer,"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2685 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

February 28, 2006

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 3098, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In 2005, the legislature reconstituted the state board of education to refocus its purpose; abolished the academic achievement and accountability commission; and assigned policy and rule-making authority for educator preparation and certification to the professional educator standards board. The purpose of this act is to address the remaining statutory responsibilities of the state board of education held before 2005. The legislature finds that some duties should be retained with the reconstituted board; many duties should be transferred to other agencies or organizations, primarily but not exclusively to the superintendent of public instruction; and some duties should be repealed. This act also corrects statutes to implement fully the transfer of responsibilities authorized in 2005.

PART 1 NEW STATE BOARD OF EDUCATION

NEW SECTION. Sec. 101. The legislature encourages the members of the new state board of education to review the transfer of duties from the state board to other entities made in this act and if any of the duties that were transferred away from the state board are necessary for the board to accomplish the purpose set out in this act then the state board shall come back to the legislature to request those necessary duties to be returned to the state board of education. The state board of education is encouraged to make such a request by January 15, 2007.

Sec. 102. RCW 28A.305.130 and 2005 c 497 s 104 are each amended to read as follows:

The purpose of the state board of education is to ~~((adopt statewide policies that promote achievement of the goals of RCW 28A.150.210; implement a standards-based accountability system; and provide leadership in the creation of an education system that respects the diverse cultures, abilities, and learning styles of all students))~~ provide advocacy and strategic oversight of public education; implement a standards-based accountability system to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board of education shall:

(1) ~~((Until January 1, 2006, approve or disapprove the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.~~

~~((2) Until January 1, 2006, conduct every five years a review of the program approval standards, including the minimum standards for teachers, administrators, and educational staff associates, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and educational staff associates.~~

~~((3) Until January 1, 2006, investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such~~

certification as provided for in subsection (1) of this section, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates:

~~((4) Until January 1, 2006:~~

~~((a) Adopt rules to allow a teacher certification candidate to fulfill, in part, teacher preparation program requirements through work experience as a classified teacher's aide in a public school or private school meeting the requirements of RCW 28A.195.010. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter; and~~

~~((b) Require that at the time of the individual's enrollment in a teacher preparation program, the supervising teacher and the building principal shall jointly provide to the teacher preparation program of the higher education institution at which the teacher candidate is enrolled, a written assessment of the performance of the teacher candidate. The assessment shall contain such information as determined by the state board of education and shall include: Evidence that at least fifty percent of the candidate's work as a classified teacher's aide was involved in instructional activities with children under the supervision of a certified teacher and that the candidate worked a minimum of six hundred thirty hours for one school year; the type of work performed by the candidate; and a recommendation of whether the candidate's work experience as a classified teacher's aide should be substituted for teacher preparation program requirements. In compliance with such rules as may be established by the state board of education under this section, the teacher preparation programs of the higher education institution where the candidate is enrolled shall make the final determination as to what teacher preparation program requirements may be fulfilled by teacher aide work experience.~~

~~((5) Until January 1, 2006, supervise the issuance of such certificates as provided for in subsection (1) of this section and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.410.010.~~

~~((6)) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business((-);~~

~~((7)) (2) Form committees as necessary to effectively and efficiently conduct the work of the board((-);~~

~~((8)) (3) Seek advice from the public and interested parties regarding the work of the board((-);~~

~~((9)) (4) For purposes of statewide accountability((-; the board shall):~~

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for

high school students, to obtain a certificate of academic achievement. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificates. The board shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. The initial performance standards and any changes recommended by the board in the performance standards for the tenth grade assessment shall be presented to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. The legislature shall be advised of the initial performance standards and any changes made to the elementary level performance standards and the middle school level performance standards;

(c) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature and by the board under (a) of this subsection;

(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index. When determining the baseline year or years for recognizing individual schools, the board may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards. In its deliberations, the board shall consider the use of all statewide mandated criterion-referenced and norm-referenced standardized tests;

(e) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies after the legislature has authorized a set of intervention strategies. After the legislature has authorized a set of intervention strategies, at the request of the board, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the board or the superintendent of public instruction to intervene in a school or school district;

(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system; and

(h) Include in the biennial report required under RCW 28A.305.035, information on the progress that has been made in achieving goals adopted by the board(;-);

~~((10))~~ (5) Accredit, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no ~~(public or)~~ private schools shall be placed upon the list of

accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials(~~(-PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such preaccreditation examination and evaluation processes as may now or hereafter be established by the board.~~

~~((11) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.~~

~~((12) Prepare such outline of study for the common schools as the board shall deem necessary, and in conformance with legislative requirements, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.~~

~~((13) Continuously reevaluate courses and other requirements and adopt and enforce regulations within the common schools so as to meet the educational needs of students.~~

~~((14) Evaluate course of study requirements and);~~

~~((6) Articulate with the institutions of higher education, work force representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system(;-);~~

~~((15) Carry out board powers and duties relating to the organization and reorganization of school districts.~~

~~((16) Hear and decide appeals as otherwise provided by law.~~

~~((17) Promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools.~~

~~((18))~~ (7) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The executive director, administrative assistant, and all but one of the other personnel of the board are exempt from civil service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW(;-); and

~~((19))~~ (8) Adopt a seal that shall be kept in the office of the superintendent of public instruction.

Sec. 103. RCW 28A.305.035 and 2005 c 497 s 103 are each amended to read as follows:

(1) By October 15th of each even-numbered year, the state board of education and the professional educator standards board shall submit a joint report to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals in RCW 28A.150.210.

(2) The state board of education shall include the chairs and ranking minority members of the legislative education committees in board communications so that the legislature can be kept apprised of the discussions and proposed actions of the board.

Sec. 104. RCW 28A.300.040 and 2005 c 360 s 6 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

(3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending

educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount;

~~((6))~~ ~~(To act as ex officio member and the chief executive officer of the state board of education;~~

~~((7))~~ To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

~~((8))~~ (7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

~~((9))~~ (8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

~~((10))~~ (9) To issue certificates as provided by law;

~~((11))~~ (10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

~~((12))~~ (11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

~~((13))~~ (12) To administer oaths and affirmations in the discharge of the superintendent's official duties;

~~((14))~~ (13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

~~((15))~~ (14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

~~((16))~~ (15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

~~((17))~~ (16) To perform such other duties as may be required by law.

Sec. 105. RCW 28A.305.011 and 2005 c 497 s 101 are each amended to read as follows:

(1) The membership of the state board of education shall be composed of sixteen members who are residents of the state of Washington:

(a) Seven shall be members representing the educational system, as follows:

(i) Five members elected by school district directors. Three of the members elected by school district directors shall be residents of western Washington and two members shall be residents of eastern Washington;

(ii) One member elected at-large by the members of the boards of directors of all private schools in the state meeting the requirements of RCW 28A.195.010; and

(iii) The superintendent of public instruction;

(b) Seven members appointed by the governor; and

(c) Two students selected in a manner determined by the state board of education.

(2) Initial appointments shall be for terms from one to four years in length, with the terms expiring on the second Monday of January of the applicable year. As the terms of the first appointees expire or vacancies on the board occur, the governor shall appoint or reappoint members of the board to complete the initial terms or to four-year terms, as appropriate.

(a) Appointees of the governor must be individuals who have demonstrated interest in public schools and are supportive of educational improvement, have a positive record of service, and who will devote sufficient time to the responsibilities of the board.

(b) In appointing board members, the governor shall consider the diversity of the population of the state.

(c) All appointments to the board made by the governor are subject to confirmation by the senate.

(d) No person may serve as a member of the board, except the superintendent of public instruction, for more than two consecutive full four-year terms.

(3) The governor may remove an appointed member of the board for neglect of duty, misconduct, malfeasance, or misfeasance in office, or for incompetent or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

(4)(a) The chair of the board shall be elected by a majority vote of the members of the board. The chair of the board shall serve a term of two years, and may be reelected to an additional term. A member of the board may not serve as chair for more than two consecutive terms.

(b) Eight voting members of the board constitute a quorum for the transaction of business.

(c) All members except the student members are voting members.

(5) Members of the board appointed by the governor who are not public employees shall be compensated in accordance with RCW ~~((43.03.240))~~ 43.03.250 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

PART 2 BASIC EDUCATION ACT RESPONSIBILITIES

Sec. 201. RCW 28A.150.230 and 1994 c 245 s 9 are each amended to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors to adopt policies to:

(a) Establish performance criteria and an evaluation process for its certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum;

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs;

(c) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW 28A.150.220, or rules ~~((and regulations))~~ of the state board of education;

(d) Determine the allocation of staff time, whether certificated or classified;

(e) Establish final curriculum standards consistent with law and rules ~~((and regulations of the state board of education))~~ of the superintendent of public instruction, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and

(f) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

Sec. 202. RCW 28A.505.140 and 1990 c 33 s 422 are each amended to read as follows:

(1) Notwithstanding any other provision of law, the superintendent of public instruction ~~((is hereby directed to promulgate))~~ shall adopt such rules ~~((and regulations))~~ as will ~~((insure))~~ ensure proper budgetary procedures and practices, including monthly financial statements consistent with the provisions of RCW 43.09.200, and this chapter.

(2) If the superintendent of public instruction determines upon a review of the budget of any district that said budget does not comply with the budget procedures established by this chapter or by rules ~~((and regulations promulgated))~~ adopted by the superintendent of public instruction, or the provisions of RCW 43.09.200, the superintendent shall give written notice of this determination to the board of directors of the local school district.

(3) The local school district, notwithstanding any other provision of law, shall, within thirty days from the date the superintendent of public instruction issues a notice pursuant to subsection (2) of this section, submit a revised budget which meets the requirements of RCW 43.09.200, this chapter, and the rules ~~((and regulations))~~ of the superintendent of public instruction ~~((PROVIDED, That if the district fails or refuses to submit a revised budget which in the determination of the superintendent of public instruction meets the requirements of RCW 43.09.200, this chapter, and the rules and regulations of the superintendent of public instruction, the matter shall be submitted to the state board of education, which board shall meet and adopt a financial plan which shall be in effect until a budget can be adopted and submitted by the district in compliance with this section))~~.

NEW SECTION. Sec. 203. (1) As the governor's steering committee for the comprehensive education study created under chapter 496, Laws of 2005 continues the study of the state funding of public education in Washington and makes final recommendations, the legislature strongly encourages the steering committee to carefully examine whether the use of inputs, such as the number of instructional hours, the number of instructional days, and student/teacher ratios, is the most efficient and effective funding system that is oriented toward student achievement and whether any changes to the current method of allocating funds can be created to implement the intent of education reform that all children can learn.

(2) This section expires July 1, 2007.

PART 3 SCHOOL FACILITIES AND ORGANIZATION

Sec. 301. RCW 28A.525.020 and 1969 ex.s. c 223 s 28A.47.060 are each amended to read as follows:

The ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall have the power and ~~((it shall be its))~~ duty (1) to prescribe rules ~~((and regulations))~~ governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school plant

facilities; (2) to approve allotments to districts that apply for state assistance whenever ~~((the board deems))~~ such action is advisable ~~((and in so doing to give due consideration to the findings, reports, and recommendations of the superintendent of public instruction pertaining thereto))~~; (3) to authorize the payment of approved allotments by warrant of the state treasurer; and (4) in the event that the amount of state assistance applied for exceeds the funds available for such assistance during any biennium, to make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance and/or to prorate allotments among such districts in conformity with applicable procedures and ~~((regulations applicable thereto which shall be established by the state board))~~ rules.

Sec. 302. RCW 28A.525.030 and 1995 c 77 s 23 are each amended to read as follows:

Whenever funds are appropriated for modernization of existing school facilities, the ~~((state board of education))~~ superintendent of public instruction is authorized to approve the use of such funds for modernization of existing facilities, modernization being limited to major structural changes in such facilities and, as necessary to bring such facilities into compliance with the barrier free access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act, both major and minor structural changes, and may include as incidental thereto the replacement of fixtures, fittings, furnishings and service systems of a building in order to bring it up to a contemporary state consistent with the needs of changing educational programs. The allocation of such funds shall be made upon the same basis as funds used for the financing of a new school plant project utilized for a similar purpose.

Sec. 303. RCW 28A.525.050 and 1969 ex.s. c 223 s 28A.47.080 are each amended to read as follows:

All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction ~~((in conformity with rules and regulations which shall be prescribed by the state board of education))~~. Studies and surveys shall be conducted by the ~~((aforesaid officer))~~ superintendent for the purpose of securing information relating to (1) the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (2) the ability of such districts to provide capital outlay funds by local effort, (3) the need for improvement of school administrative units and school attendance areas among or within such districts, and (4) any other pertinent matters. Recommendations respecting action on the ~~((aforesaid))~~ applications shall be submitted to the ~~((state board of education by the))~~ superintendent of public instruction ~~((together with such reports of the findings, studies, and surveys made by said officer as may be required by the state board))~~.

Sec. 304. RCW 28A.525.055 and 1994 c 219 s 11 are each amended to read as follows:

The ~~((state board of education,))~~ rules adopted by the superintendent of public instruction for ~~((purposes of))~~ determining eligibility for state assistance for new construction ~~((;))~~ shall ~~((adopt rules excluding))~~ exclude from the inventory of available educational space those spaces that have been constructed for educational and community activities from grants received from other public or private entities.

Sec. 305. RCW 28A.525.070 and 1985 c 136 s 1 are each amended to read as follows:

The superintendent of public instruction shall furnish ~~((+))~~ to school districts seeking state assistance consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities for such district ~~((; and (2) to the state board of education such service as may be required by the board in the exercise of the powers and the performance of the duties vested in and required to be performed by the board))~~.

Sec. 306. RCW 28A.525.080 and 1969 ex.s. c 223 s 28A.47.120 are each amended to read as follows:

Insofar as is permissible under acts of congress, funds made available by the federal government for the purpose of assisting school districts in providing school plant facilities shall be made available to such districts in conformity with rules ~~((and regulations which))~~ that the ~~((state board of education))~~ superintendent, considering policy recommendations from the school facilities citizen advisory panel, shall establish.

Sec. 307. RCW 28A.525.090 and 1999 c 313 s 2 are each amended to read as follows:

(1) The ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall adopt rules for appropriate use of the following construction management techniques: Value engineering, constructibility review, building commissioning, and construction management. Rules adopted under this section shall:

- (a) Define each technique as it applies to school buildings;
- (b) Describe the scope of work for each technique;
- (c) Define the timing for implementing each technique in the construction process;
- (d) Determine the appropriate size of projects for the use of each technique; and
- (e) Determine standards for qualification and performance for each technique.

(2) Except as provided in rules adopted under subsection (1)(d) of this section, in allocating state moneys provided under this chapter, the ~~((state board of education))~~ superintendent of public instruction shall include in funding for each project, at the state matching percentage, the cost of each of the construction management techniques listed in subsection (1) of this section.

(3) When assigning priority and allocating state funds for construction of common school facilities, the ~~((state board of education))~~ superintendent shall consider the adequacy of the construction management techniques used by a district and the compliance with the rules adopted under subsection (1) of this section.

(4) Except as provided in rules adopted under subsection (1)(d) of this section, the construction management techniques in subsection (1) of this section shall be used on each project submitted for approval by the ~~((state board of education))~~ superintendent.

(5)(a) School districts applying for state assistance for school facilities shall:

(i) Cause value engineering, constructibility review, and building commissioning to be performed by contract with a professional firm specializing in those construction management techniques; and

(ii) Contract or employ personnel to perform professional construction management.

(b) All recommendations from the value engineering and constructibility review construction techniques for a school project shall be presented to the school district's board of directors for acceptance or rejection. If the board of directors rejects a recommendation it shall provide a statement explaining the reasons for rejecting the recommendation and include the statement in the application for state assistance to the ~~((state board of education))~~ superintendent of public instruction.

(6) The office of the superintendent of public instruction shall provide:

(a) An information and training program for school districts on the use of the construction management techniques; and

(b) Consulting services to districts on the benefits and best uses of these construction management techniques.

NEW SECTION. Sec. 308. A new section is added to chapter 28A.525 RCW to read as follows:

(1) To maintain citizen oversight on issues pertaining to school facilities and funding for school construction, a school facilities citizen advisory panel shall be created by the state board of education. The panel shall advise and make recommendations to the superintendent of public instruction regarding school facilities, funding for school construction, joint planning and financing of educational facilities, facility plans and programs for nonhigh school districts, and determinations of remote and necessary schools.

(2) The membership of the school facilities citizen advisory panel shall be as follows:

(a) One member of the state board of education;

(b) Two school district directors representing school districts of various sizes and geographic locations, who are appointed by the state board of education and selected from a list of five names submitted to the board by the Washington state school directors' association. The directors shall have some experience or knowledge in school plant facility issues. One of the directors shall represent a nonhigh school district; and

(c) Four additional citizen members appointed by the state board of education.

(3) Members of the panel shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) In addition to the school facilities citizen advisory panel, the superintendent of public instruction may convene a technical advisory group including representatives from school business officers, building and construction contracting and trade organizations, architecture and engineering organizations, and other organizations with expertise in school facilities.

Sec. 309. RCW 28A.525.162 and 1995 c 77 s 24 are each amended to read as follows:

(1) Funds appropriated to the ~~((state board of education))~~ superintendent of public instruction from the common school construction fund shall be allotted by the ~~((state board of education))~~ superintendent of public instruction in accordance with student enrollment and the provisions of RCW 28A.525.200.

(2) No allotment shall be made to a school district until such district has provided matching funds equal to or greater than the difference between the total approved project cost and the amount of state assistance to the district for financing the project computed pursuant to RCW 28A.525.166, with the following exceptions:

(a) The ~~((state board))~~ superintendent of public instruction may waive the matching requirement for districts which have provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015.

(b) No such matching funds shall be required as a condition to the allotment of funds for the purpose of making major or minor structural changes to existing school facilities in order to bring such facilities into compliance with the barrier free access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act.

(3) For the purpose of computing the state matching percentage under RCW 28A.525.166 when a school district is granted authority to enter into contracts, adjusted valuation per pupil shall be calculated using headcount student enrollments from the most recent October enrollment reports submitted by districts to the superintendent of public instruction, adjusted as follows:

(a) In the case of projects for which local bonds were approved after May 11, 1989:

(i) For districts which have been designated as serving high school districts under RCW 28A.540.110, students residing in the nonhigh district so designating shall be excluded from the enrollment count if the student is enrolled in any grade level not offered by the nonhigh district;

(ii) The enrollment of nonhigh school districts shall be increased by the number of students residing within the district who are enrolled in a serving high school district so designated by the nonhigh school district under RCW 28A.540.110, including only students who are enrolled in grade levels not offered by the nonhigh school district; and

(iii) The number of preschool students with disabilities included in the enrollment count shall be multiplied by one-half;

(b) In the case of construction or modernization of high school facilities in districts serving students from nonhigh school districts, the adjusted valuation per pupil shall be computed using the combined adjusted valuations and enrollments of each district, each weighted by the percentage of the district's resident high school students served by the high school district; and

(c) The number of kindergarten students included in the enrollment count shall be multiplied by one-half.

(4) The ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall prescribe ~~((and make effective))~~ such rules as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

(5) For the purposes of this section, "preschool students with disabilities" means developmentally disabled children of preschool age who are entitled to services under RCW 28A.155.010 through 28A.155.100 and are not included in the kindergarten enrollment count of the district.

Sec. 310. RCW 28A.525.164 and 1990 c 33 s 456 are each amended to read as follows:

In allotting the state funds provided by RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180, the ~~((state board of education))~~ superintendent of public instruction shall:

(1) Prescribe rules ~~((and regulations))~~ not inconsistent with RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve ~~((, whenever the board deems such action advisable,))~~ allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with ~~((procedures and regulations))~~ applicable ~~((thereto which shall be established by the board))~~ rules.

Sec. 311. RCW 28A.525.166 and 1997 c 369 s 9 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 shall be made by the ~~((state board of education))~~ superintendent of public instruction and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the ~~((state board of education))~~ superintendent.

(2) The state matching percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil).

	District adjusted	Total state	
	3-valuation	÷ adjusted valuation	
Computed	per pupil	per pupil	State
State =	-----		= % Assistance
Ratio	District adjusted	Total state	
	3+valuation	÷ adjusted valuation	
	per pupil	per pupil	

PROVIDED, That in the event the percentage of state assistance to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state assistance under RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180, the ~~((state board of education))~~ superintendent may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the ~~((state board))~~ superintendent finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed percent of state assistance developed in subsection (2) ((above)) of this section, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each percent of growth, with a maximum of twenty percent.

(4) The approved cost of the project determined in the manner ~~((herein))~~ prescribed ((times)) in this section multiplied by the percentage of state assistance derived as provided for ((herein)) in this section shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the ~~((state board of education))~~ superintendent: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the ~~((state board of education))~~ superintendent, considering policy recommendations from the school facilities citizen advisory panel that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden resulting from industrial projects of statewide significance or imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d), and (e) ~~((hereinabove))~~ of this subsection, creating a like emergency.

Sec. 312. RCW 28A.525.168 and 1990 c 33 s 458 are each amended to read as follows:

Whenever the voters of a school district authorize the issuance of bonds and/or the levying of excess taxes in an amount sufficient to meet the requirements of RCW 28A.525.162 respecting eligibility for state assistance in providing school facilities, the taxable valuation of the district and the percentage of state assistance in providing school facilities prevailing at the time of such authorization shall be the valuation and the percentage used for the purpose of determining the eligibility of the district for an allotment of state funds and the amount or amounts of such allotments, respectively, for all projects for which the voters authorize capital funds as aforesaid, unless a higher percentage of state assistance prevails on the date that state funds for assistance in financing a project are allotted by the ~~((state board of education))~~ superintendent of public instruction in which case the percentage prevailing on the date of allotment by the ~~((state board))~~ superintendent of funds for each project shall govern: PROVIDED, That if the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, determines at any time that there has been undue or unwarranted delay on the part of school district authorities in advancing a project to the point of readiness for an allotment of state funds, the taxable valuation of the school district

and the percentage of state assistance prevailing on the date that the allotment is made shall be used for the purposes aforesaid: PROVIDED, FURTHER, That the date ~~((herein))~~ specified in this section as applicable in determining the eligibility of an individual school district for state assistance and in determining the amount of such assistance shall be applicable also to cases where it is necessary in administering chapter 28A.540 RCW to determine eligibility for and the amount of state assistance for a group of school districts considered as a single school administrative unit.

Sec. 313. RCW 28A.525.170 and 1990 c 33 s 459 are each amended to read as follows:

If a school district which has qualified for an allotment of state funds under the provisions of RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 for school building construction is found by the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, to have a school housing emergency requiring an allotment of state funds in excess of the amount allocable under RCW 28A.525.166, an additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total cost of the approved project which may include the cost of the site and equipment. At any time thereafter when the ~~((state board of education))~~ superintendent finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the ~~((state board of education))~~ superintendent determines, shall be deducted, under terms and conditions prescribed by the ~~((board))~~ superintendent, from any state school building construction funds which might otherwise be provided to such district.

Sec. 314. RCW 28A.525.172 and 1969 ex.s. c 244 s 7 are each amended to read as follows:

All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction in conformity with rules ~~((and regulations which shall be prescribed))~~ adopted by the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel. Studies and surveys shall be conducted by the ~~((state board))~~ superintendent for the purpose of securing information relating to (a) the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (b) the ability of such districts to provide capital funds by local effort, (c) the need for improvement of school administrative units and school attendance areas among or within such districts, and (d) any other pertinent matters.

Sec. 315. RCW 28A.525.174 and 1990 c 33 s 460 are each amended to read as follows:

It shall be the duty of the ~~((state board of education))~~ superintendent of public instruction, in consultation with the Washington state department of ~~((social and))~~ health (services), to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding ~~((and))~~ (1) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW ~~((28A.525.160 through 28A.525.182; (b)))~~ 28A.525.162 through 28A.525.180; (2) procedures in inaugurating and conducting a school plant planning program for a school district; ~~((and))~~ (3) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; ~~((and))~~ (4) the planning of readily expandable and flexible

school buildings to meet the requirements of an increasing school population and a constantly changing educational program; ~~((and))~~ (5) an acceptable school building maintenance program and the necessity thereof; ~~((and))~~ (6) the relationship of an efficient school building operations service to the health and educational progress of pupils; and ~~((and))~~ (7) any other matters regarded by the ~~((state board))~~ superintendent as pertinent or related to the purposes and requirements of RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180.

Sec. 316. RCW 28A.525.176 and 1990 c 33 s 461 are each amended to read as follows:

The ~~((state board of education))~~ superintendent of public instruction shall furnish to school districts seeking state assistance under the provisions of RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 consultative and advisory service in connection with the development of school building programs and the planning of school plant facilities.

Sec. 317. RCW 28A.525.178 and 1990 c 33 s 462 are each amended to read as follows:

~~((Whenever in the judgment of the state board of education))~~ When economies may be ~~((effected))~~ affected without impairing the usefulness and adequacy of school buildings, ~~((said board))~~ the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, may prescribe rules ~~((and regulations))~~ and establish procedures governing the preparation and use of modifiable basic or standard plans for school building construction projects for which state assistance funds provided by RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 are allotted.

Sec. 318. RCW 28A.525.180 and 1990 c 33 s 463 are each amended to read as follows:

The total amount of funds appropriated under the provisions of RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 shall be reduced by the amount of federal funds made available during each biennium for school construction purposes under any applicable federal law. The funds appropriated by RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 and available for allotment by the ~~((state board of education))~~ superintendent of public instruction shall be reduced by the amount of such federal funds made available. Notwithstanding the foregoing provisions of this section, the total amount of funds appropriated by RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 shall not be reduced by reason of any grants to any school district of federal moneys paid under Public Law No. 815 or any other federal act authorizing school building construction assistance to federally affected areas.

Sec. 319. RCW 28A.525.190 and 1975 1st ex.s. c 98 s 2 are each amended to read as follows:

The ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel shall prioritize the construction of common school facilities only from funds appropriated and available in the common school construction fund.

Sec. 320. RCW 28A.525.200 and 1990 c 33 s 465 are each amended to read as follows:

Notwithstanding any other provision of RCW 28A.525.010 through 28A.525.222, the allocation and distribution of funds by the ~~((state board of education which are now or may hereafter be appropriated))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, for the purposes of providing assistance in the construction of school plant facilities shall be governed by ~~((RCW 28A.525.010 through 28A.525.080 and 28A.525.162 through 28A.525.178))~~ this chapter.

Sec. 321. RCW 28A.525.216 and 1990 c 33 s 467 are each amended to read as follows:

The proceeds from the sale of the bonds deposited under RCW 28A.525.214 in the common school construction fund shall be administered by the ~~((state board of education))~~ superintendent of public instruction.

Sec. 322. RCW 28A.150.260 and 1997 c 13 s 2 are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (a) Certificated instructional staff and their related costs;
- (b) Certificated administrative staff and their related costs;
- (c) Classified staff and their related costs;
- (d) Nonsalary costs;

(e) Extraordinary costs, including school facilities, of remote and necessary schools as judged by the superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under section 308 of this act, and small high schools, including costs of additional certificated and classified staff; and

(f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.

(2)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.150.350, enrolled on the first school day of each month and shall exclude full time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100. The definition of full time equivalent student shall be determined by rules of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

(3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

Sec. 323. RCW 28A.335.160 and 1995 c 335 s 604 are each amended to read as follows:

Any school district may cooperate with one or more school districts in the joint financing, planning, construction, equipping and operating of any educational facility otherwise authorized by law: PROVIDED, That any cooperative financing plan involving the construction of school plant facilities must be approved by the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel under section 308 of this act, pursuant to such rules ~~((as may now or hereafter be promulgated))~~ adopted relating to state approval of school construction.

Sec. 324. RCW 28A.540.050 and 1990 c 33 s 485 are each amended to read as follows:

Subsequent to the holding of a hearing or hearings as provided in RCW 28A.540.040, the regional committee on school district organization shall determine the nonhigh school districts to be included in the plan and the amount of capital funds to be provided by every school district included therein, and shall submit the proposed plan to the ~~((state board of education))~~ superintendent of public instruction together with such maps and other materials pertaining thereto as the ~~((state board))~~ superintendent may require. The ~~((state board))~~ superintendent, considering policy recommendations from the school facilities citizen advisory panel under section 308 of this act, shall review such plan, shall approve any plan which in ~~((its))~~ his or her judgment makes adequate and satisfactory provision for participation by the nonhigh school districts in providing capital funds to be used for the purpose above stated, and shall notify the regional committee of such action. Upon receipt by the regional committee of such notification, the educational service district superintendent, or his or her designee, shall notify the board of directors of each school district included in the plan, supplying each board with complete details of the plan and shall state the total amount of funds to be provided and the amount to be provided by each district.

If any such plan submitted by a regional committee is not approved by the ~~((state board))~~ superintendent of public instruction, the regional committee shall be so notified, which notification shall contain a statement of reasons therefor and suggestions for revision. Within sixty days thereafter the regional committee shall submit to the ~~((state board))~~ superintendent a revised plan which revision shall be subject to approval or disapproval by the ~~((state board))~~ superintendent, considering policy recommendations from the school facilities citizen advisory panel, and the procedural requirements and provisions of law applicable to an original plan submitted to ~~((said board))~~ the superintendent.

NEW SECTION. Sec. 325. A new section is added to chapter 28A.545 RCW to read as follows:

The superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under section 308 of this act, shall adopt rules governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established, the district must obtain prior approval of the superintendent of public instruction.

Sec. 326. RCW 28A.150.530 and 2005 c 12 s 7 are each amended to read as follows:

(1) In adopting implementation rules, ~~((the state board of education, in consultation with))~~ the superintendent of public instruction ~~((and)), in consultation with~~ the department of general administration, shall review and modify the current requirement for an energy conservation report review by the department of general administration as provided in WAC 180-27-075.

(2) In adopting implementation rules, ~~((the state board of education, in consultation with))~~ the superintendent of public instruction shall:

(a) Review and modify the current requirements for value engineering, ~~((constructability))~~ constructibility review, and building commissioning as provided in WAC 180-27-080;

(b) Review private and public utility providers' capacity and financial/technical assistance programs for affected public school districts to monitor and report utility consumption for purposes of reporting to the superintendent of public instruction as provided in RCW 39.35D.040;

(c) Coordinate with the department of general administration, the state board of health, the department of ecology, federal agencies, and other affected agencies as appropriate in their consideration of rules to implement this section.

Sec. 327. RCW 28A.335.210 and 2005 c 36 s 1 are each amended to read as follows:

The ~~((state board of education and))~~ superintendent of public instruction shall allocate, as a nondeductible item, out of any moneys appropriated for state assistance to school districts for the original construction of any school plant facility the amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may be placed in accordance with Article IX, sections 2 and 3 of the state Constitution on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. The Washington state arts commission shall, in consultation with the superintendent of public instruction, determine the amount to be made available for the purchase of works of art under this section, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the superintendent of public instruction and representatives of school district boards of directors. The superintendent of public instruction and the school district board of directors of the districts where the sites are selected shall have the right to:

(1) Waive its use of the one-half of one percent of the appropriation for the acquisition of works of art before the selection process by the Washington state arts commission;

(2) Appoint a representative to the body established by the Washington state arts commission to be part of the selection process with full voting rights;

(3) Reject the results of the selection process;

(4) Reject the placement of a completed work or works of art on school district premises if such works are portable.

Rejection at any point before or after the selection process shall not cause the loss of or otherwise endanger state construction funds available to the local school district. Any works of art rejected under this section shall be applied to the provision of works of art under this chapter, at the discretion of the Washington state arts commission, notwithstanding any contract or agreement between the affected school district and the artist involved. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided ~~((herein))~~ in this section shall be used to provide for the administration, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, or other buildings of a temporary nature.

The executive director of the arts commission, the superintendent of public instruction, and the Washington state school directors association shall appoint a study group to review the operations of the one-half of one percent for works of art under this section.

Sec. 328. RCW 28A.335.230 and 1987 c 112 s 1 are each amended to read as follows:

School districts shall be required to lease for a reasonable fee vacant school plant facilities from a contiguous school district wherever possible.

No school district with unhoused students may be eligible for the state matching funds for the construction of school plant facilities if:

(1) The school district contiguous to the school district applying for the state matching percentage has vacant school plant facilities;

(2) The superintendent of public instruction ~~((and the state board of education have))~~ has determined the vacant school plant facilities available in the contiguous district will fulfill the needs of the applicant district in housing unhoused students. In determining whether the contiguous district school plant facilities meet the needs of the applicant district, consideration shall be given, but not limited to the geographic location of the vacant facilities as they relate to the applicant district; and

(3) A lease of the vacant school plant facilities can be negotiated.

Sec. 329. RCW 28A.540.070 and 1990 c 33 s 486 are each amended to read as follows:

In the event that a proposal or proposals for providing capital funds as provided in RCW 28A.540.060 is not approved by the voters of a nonhigh school district a second election thereon shall be held within sixty days thereafter. If the vote of the electors of the nonhigh school district is again in the negative, the high school students residing therein shall not be entitled to admission to the high school under the provisions of RCW 28A.225.210, following the close of the school year during which the second election is held: PROVIDED, That in any such case the regional committee on school district organization shall determine within thirty days after the date of the aforesaid election the advisability of initiating a proposal for annexation of such nonhigh school district to the school district in which the proposed facilities are to be located or to some other district where its students can attend high school without undue inconvenience: PROVIDED FURTHER, That pending such determination by the regional committee and action thereon as required by law the board of directors of the high school district shall continue to admit high school students residing in the nonhigh school district. Any proposal for annexation of a nonhigh school district initiated by a regional committee shall be subject to the procedural requirements of this chapter respecting a public hearing and submission to and approval by the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel under section 308 of this act. Upon approval by the ~~((state board))~~ superintendent of public instruction of any such proposal, the educational service district superintendent shall make an order, establishing the annexation.

Sec. 330. RCW 39.35D.020 and 2005 c 12 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of general administration.

(2) "High-performance public buildings" means high-performance public buildings designed, constructed, and certified to a standard as identified in this chapter.

(3) "Institutions of higher education" means the state universities, the regional universities, The Evergreen State College, the community colleges, and the technical colleges.

(4) "LEED silver standard" means the United States green building council leadership in energy and environmental design green building rating standard, referred to as silver standard.

(5)(a) "Major facility project" means: (i) A construction project larger than five thousand gross square feet of occupied or conditioned space as defined in the Washington state energy code; or (ii) a building renovation project when the cost is greater than fifty percent of the assessed value and the project is larger than five thousand gross square feet of occupied or conditioned space as defined in the Washington state energy code.

(b) "Major facility project" does not include: (i) Projects for which the department, public school district, or other applicable agency and the design team determine the LEED silver standard or the Washington sustainable school design protocol to be not practicable; or (ii) transmitter buildings, pumping stations, hospitals, research facilities primarily used for sponsored laboratory experimentation, laboratory research, or laboratory training in research methods, or other similar building types as determined by the department. When the LEED silver standard is determined to be not practicable for a project, then it must be determined if any LEED standard is practicable for the project. If LEED standards or the Washington sustainable school design protocol are not followed for the project, the public school district or public agency shall report these reasons to the department.

(6) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and public higher education institution.

(7) "Public school district" means a school district eligible to receive state basic education moneys pursuant to RCW 28A.150.250 and 28A.150.260.

(8) "Washington sustainable school design protocol" means the school design protocol and related information developed by the ~~((state board of education and the))~~ office of the superintendent of public instruction, in conjunction with school districts and the school facilities advisory board.

Sec. 331. RCW 39.35D.040 and 2005 c 12 s 4 are each amended to read as follows:

(1) All major facility projects of public school districts receiving any funding in a state capital budget must be designed and constructed to at least the LEED silver standard or the Washington sustainable school design protocol. To the extent appropriate LEED silver or Washington sustainable school design protocol standards exist for the type of building or facility, this subsection applies to major facility projects that have not received project approval from the superintendent of public instruction prior to: (a) July 1, 2006, for volunteering school districts; (b) July 1, 2007, for class one school districts; and (c) July 1, 2008, for class two school districts.

(2) Public school districts under this section shall: (a) Monitor and document appropriate operating benefits and savings resulting from major facility projects designed and constructed as required under this section for a minimum of five years following local board acceptance of a project receiving state funding; and (b) report annually to the superintendent of public instruction. The form and content of each report must be mutually developed by the office of the superintendent of public instruction in consultation with school districts.

(3) The superintendent of public instruction shall consolidate the reports required in subsection (2) of this section into one report and report to the governor and legislature by September 1st of each even-numbered year beginning in 2006 and ending in 2016. In its report, the superintendent of public instruction shall also report on the implementation of this chapter, including reasons why the LEED standard or Washington sustainable school design protocol was not used as required by RCW 39.35D.020(5)(b). The superintendent of public instruction shall make recommendations regarding the ongoing implementation of this chapter, including a discussion of incentives and disincentives related to implementing this chapter.

(4) The ~~((state board of education, in consultation with the))~~ superintendent of public instruction ~~(;)~~ shall develop and issue guidelines for administering this chapter for public school districts. The purpose of the guidelines is to define a procedure and method for employing and verifying compliance with the LEED silver standard or the Washington sustainable school design protocol.

(5) The superintendent of public instruction shall utilize the school facilities advisory board as a high-performance buildings

advisory committee comprised of affected public schools, ~~((the state board of education;))~~ the superintendent of public instruction, the department, and others at the superintendent of public instruction's discretion to provide advice on implementing this chapter. Among other duties, the advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the superintendent of public instruction ~~((and the state board of education))~~ implement this chapter.

Sec. 332. RCW 39.35D.060 and 2005 c 12 s 6 are each amended to read as follows:

(1)(a) The department, in consultation with affected public agencies, shall develop and issue guidelines for administering this chapter for public agencies. The purpose of the guidelines is to define a procedure and method for employing and verifying activities necessary for certification to at least the LEED silver standard for major facility projects.

(b) The department and the office of the superintendent of public instruction shall amend their fee schedules for architectural and engineering services to accommodate the requirements in the design of major facility projects under this chapter.

(c) The department and the office of the superintendent of public instruction shall procure architecture and engineering services consistent with chapter 39.80 RCW.

(d) Major facility projects designed to meet standards identified in this chapter must include building commissioning as a critical cost-saving part of the construction process. This process includes input from the project design and construction teams and the project ownership representatives.

(e) As provided in the request for proposals for construction services, the operating agency shall hold a preproposal conference for prospective bidders to discuss compliance with and achievement of standards identified in this chapter for prospective respondents.

(2) The department shall create a high-performance buildings advisory committee comprised of representatives from the design and construction industry involved in public works contracting, personnel from the affected public agencies responsible for overseeing public works projects, ~~((the state board of education;))~~ the office of the superintendent of public instruction, and others at the department's discretion to provide advice on implementing this chapter. Among other duties, the advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the department implement this chapter.

(3) The department and the ~~((state board of education))~~ office of the superintendent of public instruction shall adopt rules to implement this section.

Sec. 333. RCW 79.17.100 and 2003 c 334 s 322 are each amended to read as follows:

Except as otherwise provided in RCW 79.17.110, upon the application of a school district or any institution of higher education for the purchase or lease of lands granted to the state by the United States, the department may offer such land for sale or lease to such school district or institution of higher education in such acreage as it may determine, consideration being given upon application of a school district to school site criteria established by the ~~((state board of education))~~ superintendent of public instruction. However, in the event the department thereafter proposes to offer such land for sale or lease at public auction, such school district or institution of higher education shall have a preference right for six months from notice of such proposal to purchase or lease such land at the appraised value determined by the board.

Sec. 334. RCW 79.17.120 and 2003 c 334 s 438 are each amended to read as follows:

The purchases authorized under RCW 79.17.110 shall be classified as for the construction of common school plant facilities under RCW 28A.525.010 through 28A.525.222 and shall be payable out of the common school construction fund as otherwise provided for in RCW 28A.515.320 if the school district involved was under emergency school construction classification as established by the

~~((state board of education))~~ superintendent of public instruction at any time during the period of its lease of state lands.

NEW SECTION. Sec. 335. The following sections are each decodified:

RCW 28A.525.120
 RCW 28A.525.122
 RCW 28A.525.124
 RCW 28A.525.126
 RCW 28A.525.128
 RCW 28A.525.130
 RCW 28A.525.132
 RCW 28A.525.134
 RCW 28A.525.140
 RCW 28A.525.142
 RCW 28A.525.144
 RCW 28A.525.146
 RCW 28A.525.148
 RCW 28A.525.150
 RCW 28A.525.152
 RCW 28A.525.154
 RCW 28A.525.156
 RCW 28A.525.158
 RCW 28A.525.160
 RCW 28A.525.182

PART 4 COURSES OF STUDY AND EDUCATIONAL PROGRAMS

Sec. 401. RCW 28A.305.220 and 2004 c 19 s 108 are each amended to read as follows:

(1) The ~~((state board of education))~~ superintendent of public instruction, in consultation with the higher education coordinating board, the state board for community and technical colleges, and the work force training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The ~~((state board of education))~~ superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include the following information:

(a) The highest scale score and level achieved in each content area on the high school Washington assessment of student learning or other high school measures successfully completed by the student as provided by RCW 28A.655.061 and 28A.155.045;

(b) All scholar designations as provided by RCW 28A.655.061;

(c) A notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement by means of the Washington assessment of student learning or by an alternative assessment.

(3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.

Sec. 402. RCW 28A.230.100 and 1991 c 116 s 8 are each amended to read as follows:

The ~~((state board of education))~~ superintendent of public instruction, in consultation with the higher education coordinating board, the state board for community and technical colleges, and the work force training and education coordinating board, shall adopt rules pursuant to chapter 34.05 RCW, to implement the course requirements set forth in RCW 28A.230.090. The rules shall include, as the ~~((state board))~~ superintendent deems necessary, granting equivalencies for and temporary exemptions from the course

requirements in RCW 28A.230.090 and special alterations of the course requirements in RCW 28A.230.090. In developing such rules the ~~((state board))~~ superintendent shall recognize the relevance of vocational and applied courses and allow such courses to fulfill in whole or in part the courses required for graduation in RCW 28A.230.090. The rules may include provisions for competency testing in lieu of such courses required for graduation in RCW 28A.230.090 or demonstration of specific skill proficiency or understanding of concepts through work or experience.

Sec. 403. RCW 28A.230.170 and 1985 c 341 s 1 are each amended to read as follows:

The study of the Constitution of the United States and the Constitution of the state of Washington shall be a condition prerequisite to graduation from the public and private high schools of this state. The ~~((state board of education acting upon the advice of the))~~ superintendent of public instruction shall provide by rule ~~((or regulation))~~ for the implementation of this section.

NEW SECTION. Sec. 404. The state board of education, in consultation with the state board for community and technical colleges, shall examine the statutory authority, rules, and jurisdiction between the K-12 and postsecondary education systems regarding the general educational development test and adult education. The board shall make recommendations for change or clarification to the education committees of the legislature by January 15, 2007.

NEW SECTION. Sec. 405. (1) The state board of education shall develop and propose a revised definition of the purpose and expectations for high school diplomas issued by public schools in Washington state. The revised definition shall address whether attainment of a high school diploma is intended to signify that a student is ready for success in college, ready for successful and gainful employment in the workplace, or some combination of these and other objectives. The revised definition shall focus on the knowledge, skills, and abilities that students are expected to demonstrate to receive a high school diploma, as well as the various methods to be used to measure student performance, rather than focusing on courses, credits, seat time, and test scores.

(2) In developing the revised definition of the high school diploma, the state board of education shall consult with educators, parents, institutions of higher education, employers, and community leaders. The board shall also work with the state board for community and technical colleges, the higher education coordinating board, and the work force training and education coordinating board.

(3) The state board of education shall submit the proposed revised definition of the high school diploma, along with any necessary revisions to state statutes and rules, to the education committees of the legislature by December 1, 2007.

Sec. 406. RCW 28A.305.170 and 2002 c 291 s 3 are each amended to read as follows:

(1) In addition to any other powers and duties as provided by law, the ~~((state board of education))~~ superintendent of public instruction, in consultation with the military department, shall adopt rules governing and authorizing the acceptance of national guard high school career training and the national guard youth challenge program in lieu of either required high school credits or elective high school credits.

(2) With the exception of students enrolled in the national guard youth challenge program, students enrolled in such national guard programs shall be considered enrolled in the common school last attended preceding enrollment in such national guard program.

(3) The ~~((board))~~ superintendent shall adopt rules to ensure that students who successfully complete the national guard youth challenge program are granted an appropriate number of high school credits, based on the students' levels of academic proficiency as measured by the program.

Sec. 407. RCW 28A.230.130 and 2003 c 49 s 2 are each amended to read as follows:

(1) All public high schools of the state shall provide a program, directly or in cooperation with a community college or another school

district, for students whose educational plans include application for entrance to a baccalaureate-granting institution after being granted a high school diploma. The program shall help these students to meet at least the minimum entrance requirements under RCW 28B.10.050.

(2) All public high schools of the state shall provide a program, directly or in cooperation with a community or technical college, a skills center, an apprenticeship committee, or another school district, for students who plan to pursue career or work opportunities other than entrance to a baccalaureate-granting institution after being granted a high school diploma. These programs may:

(a) Help students demonstrate the application of essential academic learning requirements to the world of work, occupation-specific skills, knowledge of more than one career in a chosen pathway, and employability and leadership skills; and

(b) Help students demonstrate the knowledge and skill needed to prepare for industry certification, and/or have the opportunity to articulate to postsecondary education and training programs.

~~((3) The state board of education, upon request from local school districts, may grant waivers from the requirements to provide the program described in subsections (1) and (2) of this section for reasons relating to school district size and the availability of staff authorized to teach subjects which must be provided. In considering waiver requests related to programs in subsection (2) of this section, the state board of education shall consider the extent to which the school district has offered such programs before the 2003-04 school year.))~~

Sec. 408. RCW 28A.205.010 and 2005 c 497 s 214 are each amended to read as follows:

(1) As used in this chapter, unless the context thereof shall clearly indicate to the contrary:

"Education center" means any private school operated on a profit or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program.

(c) Conducts courses of instruction by professionally trained personnel certificated by the Washington professional educator standards board according to rules adopted for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an education center shall be deemed equal to a year's teaching experience in a common or private school.

(2) For purposes of this chapter, basic academic skills shall include the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting ~~((of the common schools))~~ or the approval of private schools under RCW 28A.305.130.

(3) The ~~((state board of education))~~ superintendent of public instruction shall certify an education center only upon application and (a) determination that such school comes within the definition thereof as set forth in subsection (1) of this section and (b) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the ~~((board))~~ superintendent finds that a center fails to provide adequate instruction in basic academic skills. No education center certified by the ~~((state board of education))~~ superintendent of public instruction pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050.

Sec. 409. RCW 28A.205.070 and 1993 c 211 s 6 are each amended to read as follows:

In allocating funds appropriated for education centers, the superintendent of public instruction shall:

(1) Place priority upon stability and adequacy of funding for education centers that have demonstrated superior performance as defined in RCW 28A.205.040(2).

(2) Initiate and maintain a competitive review process to select new or expanded center programs in unserved or underserved areas. The criteria for review of competitive proposals for new or expanded education center services shall include but not be limited to:

(a) The proposing organization shall have obtained certification from the ~~((state board of education))~~ superintendent of public instruction as provided in RCW 28A.205.010;

(b) The cost-effectiveness of the proposal; and

(c) The availability of committed nonstate funds to support, enrich, or otherwise enhance the basic program.

(3) In selecting areas for new or expanded education center programs, the superintendent of public instruction shall consider factors including but not limited to:

(a) The proportion and total number of dropouts unserved by existing center programs, if any;

(b) The availability within the geographic area of programs other than education centers which address the basic educational needs of dropouts; and

(c) Waiting lists or other evidence of demand for expanded education center programs.

(4) In the event of any curtailment of services resulting from lowered legislative appropriations, the superintendent of public instruction shall issue pro rata reductions to all centers funded at the time of the lowered appropriation. Individual centers may be exempted from such pro rata reductions if the superintendent finds that such reductions would impair the center's ability to operate at minimally acceptable levels of service. In the event of such exceptions, the superintendent shall determine an appropriate rate for reduction to permit the center to continue operation.

(5) In the event that an additional center or centers become certified and apply to the superintendent for funds to be allocated from a legislative appropriation which does not increase from the immediately preceding biennium, or does not increase sufficiently to allow such additional center or centers to operate at minimally acceptable levels of service without reducing the funds available to previously funded centers, the superintendent shall not provide funding for such additional center or centers from such appropriation.

Sec. 410. RCW 28A.215.010 and 1995 c 335 s 104 are each amended to read as follows:

The board of directors of any school district shall have the power to establish and maintain preschools and to provide before-and-after-school and vacation care in connection with the common schools of said district located at such points as the board shall deem most suitable for the convenience of the public, for the care and instruction of infants and children residing in said district. The board shall establish such courses, activities, rules, and regulations governing preschools and before-and-after-school care as it may deem best: PROVIDED, That these courses and activities shall meet the minimum standard for such preschools as established by the United States department of health, education and welfare, or its successor agency, and the ~~((state board of education))~~ superintendent of public instruction. Except as otherwise provided by state or federal law, the board of directors may fix a reasonable charge for the care and instruction of children attending such schools. The board may, if necessary, supplement such funds as are received for the superintendent of public instruction or any agency of the federal government, by an appropriation from the general school fund of the district.

Sec. 411. RCW 28A.215.020 and 1995 c 335 s 308 are each amended to read as follows:

Expenditures under federal funds and/or state appropriations made to carry out the purposes of RCW 28A.215.010 through 28A.215.050 shall be made by warrants issued by the state treasurer upon order of the superintendent of public instruction. The ~~((state board of education))~~ superintendent of public instruction shall make necessary rules ~~((and regulations))~~ to carry out the purpose of RCW

28A.215.010. After being notified by the office of the governor that there is an agency or department responsible for early learning, the superintendent shall consult with that agency when establishing relevant rules.

Sec. 412. RCW 28A.205.040 and 1999 c 348 s 4 are each amended to read as follows:

(1)(a) From funds appropriated for that purpose, the superintendent of public instruction shall pay fees to a certified center on a monthly basis for each student enrolled in compliance with RCW 28A.205.020. The superintendent shall set fees by rule.

(b) Revisions in such fees proposed by an education center shall become effective after thirty days notice unless the superintendent finds such a revision is unreasonable in which case the revision shall not take effect. ~~((An education center may, within fifteen days after such a finding by the superintendent, file notification of appeal with the state board of education which shall, no later than its second regularly scheduled meeting following notification of such appeal, either grant or deny the proposed revision.))~~ The administration of any general education development test shall not be a part of such initial diagnostic procedure.

(c) Reimbursements shall not be made for students who are absent.

(d) No center shall make any charge to any student, or the student's parent, guardian or custodian, for whom a fee is being received under the provisions of this section.

(2) Payments shall be made from available funds first to those centers that have in the judgment of the superintendent demonstrated superior performance based upon consideration of students' educational gains taking into account such students' backgrounds, and upon consideration of cost effectiveness. In considering the cost effectiveness of nonprofit centers the superintendent shall take into account not only payments made under this section but also factors such as tax exemptions, direct and indirect subsidies or any other cost to taxpayers at any level of government which result from such nonprofit status.

(3) To be eligible for such payment, every such center, without prior notice, shall permit a review of its accounting records by personnel of the state auditor during normal business hours.

(4) If total funds for this purpose approach depletion, the superintendent shall notify the centers of the date after which further funds for reimbursement of the centers' services will be exhausted.

Sec. 413. RCW 28A.215.140 and 1988 c 174 s 5 are each amended to read as follows:

The department shall establish an advisory committee composed of interested parents and representatives from ~~((the state board of education))~~ the office of the superintendent of public instruction, the division of children and family services within the department of social and health services, early childhood education and development staff preparation programs, the head start programs, school districts, and such other community and business organizations as deemed necessary by the department to assist with the establishment of the preschool program and advise the department on matters regarding the on-going promotion and operation of the program.

Sec. 414. RCW 28A.230.020 and 1991 c 116 s 6 are each amended to read as follows:

All common schools shall give instruction in reading, penmanship, orthography, written and mental arithmetic, geography, the history of the United States, English grammar, physiology and hygiene with special reference to the effects of alcohol and drug abuse on the human system, science with special reference to the environment, and such other studies as may be prescribed by rule ~~((or regulation))~~ of the ~~((state board of education))~~ superintendent of public instruction. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise and methods to prevent exposure to and transmission of sexually transmitted diseases, and the worth of kindness to all living creatures and the

land. The prevention of child abuse may be offered as part of the curriculum in the common schools.

Sec. 415. RCW 28A.230.040 and 1984 c 52 s 1 are each amended to read as follows:

Every pupil attending grades one through eight of the public schools shall receive instruction in physical education as prescribed by rule ~~((or regulation))~~ of the ~~((state board of education))~~ superintendent of public instruction: PROVIDED, That individual pupils or students may be excused on account of physical disability, religious belief, or participation in directed athletics.

Sec. 416. RCW 28A.230.050 and 1985 c 384 s 3 are each amended to read as follows:

All high schools of the state shall emphasize the work of physical education, and carry into effect all physical education requirements established by rule ~~((or regulation))~~ of the ~~((state board of education))~~ superintendent of public instruction: PROVIDED, That individual students may be excused from participating in physical education otherwise required under this section on account of physical disability, employment, or religious belief, or because of participation in directed athletics or military science and tactics or for other good cause.

Sec. 417. RCW 28A.330.100 and 1995 c 335 s 503 and 1995 c 77 s 22 are each reenacted and amended to read as follows:

Every board of directors of a school district of the first class, in addition to the general powers for directors enumerated in this title, shall have the power:

(1) To employ for a term of not exceeding three years a superintendent of schools of the district, and for cause to dismiss him or her~~((:))~~, and to fix his or her duties and compensation~~((:))~~;

(2) To employ, and for cause dismiss one or more assistant superintendents and to define their duties and fix their compensation~~((:))~~;

(3) To employ a business manager, attorneys, architects, inspectors of construction, superintendents of buildings and a superintendent of supplies, all of whom shall serve at the board's pleasure, and to prescribe their duties and fix their compensation~~((:))~~;

(4) To employ, and for cause dismiss, supervisors of instruction and to define their duties and fix their compensation~~((:))~~;

(5) To prescribe a course of study and a program of exercises which shall be consistent with the course of study prepared by the ~~((state board of education))~~ superintendent of public instruction for the use of the common schools of this state~~((:))~~;

(6) To, in addition to the minimum requirements imposed by this title establish and maintain such grades and departments, including night, high, kindergarten, vocational training and, except as otherwise provided by law, industrial schools, and schools and departments for the education and training of any class or classes of youth with disabilities, as in the judgment of the board, best shall promote the interests of education in the district~~((:))~~;

(7) To determine the length of time over and above one hundred eighty days that school shall be maintained: PROVIDED, That for purposes of apportionment no district shall be credited with more than one hundred and eighty-three days' attendance in any school year; and to fix the time for annual opening and closing of schools and for the daily dismissal of pupils before the regular time for closing schools~~((:))~~;

(8) To maintain a shop and repair department, and to employ, and for cause dismiss, a foreman and the necessary help for the maintenance and conduct thereof~~((:))~~;

(9) To provide free textbooks and supplies for all children attending school~~((:))~~;

(10) To require of the officers or employees of the district to give a bond for the honest performance of their duties in such penal sum as may be fixed by the board with good and sufficient surety, and to cause the premium for all bonds required of all such officers or employees to be paid by the district: PROVIDED, That the board may, by written policy, allow that such bonds may include a deductible proviso not to exceed two percent of the officer's or employee's annual salary~~((:))~~;

(11) To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts(~~(-);~~); and

(12) To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of the public schools of the district who shall serve at the board's pleasure: PROVIDED, That children shall not be required to submit to vaccination against the will of their parents or guardian.

NEW SECTION. Sec. 418. RCW 28A.305.220 is recodified as a new section in chapter 28A.230 RCW.

NEW SECTION. Sec. 419. RCW 28A.305.170 is recodified as a new section in chapter 28A.300 RCW.

PART 5 SCHOOL DISTRICT BOUNDARIES

Sec. 501. RCW 28A.315.175 and 1999 c 315 s 302 are each amended to read as follows:

~~((The powers and duties of the state board with respect to this chapter shall be))~~ The superintendent of public instruction shall:

(1) ~~((To))~~ Aid regional committees in the performance of their duties by furnishing them with plans of procedure, standards, data, maps, forms, and other necessary materials and services essential to a study and understanding of the problems of school district organization in their respective educational service districts(~~(-);~~); and

(2) ~~((To hear appeals as provided in RCW 28A.315.205))~~ Carry out powers and duties of the superintendent of public instruction relating to the organization and reorganization of school districts.

Sec. 502. RCW 28A.315.195 and 2003 c 413 s 2 are each amended to read as follows:

(1) A proposed change in school district organization by transfer of territory from one school district to another may be initiated by a petition in writing presented to the educational service district superintendent:

(a) Signed by at least fifty percent plus one of the active registered voters residing in the territory proposed to be transferred; or

(b) Signed by a majority of the members of the board of directors of one of the districts affected by a proposed transfer of territory.

(2) The petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory.

(3) The educational service district superintendent shall not complete any transfer of territory under this section that involves ten percent or more of the common school student population of the entire district from which the transfer is proposed, unless the educational service district superintendent has first called and held a special election of the voters of the entire school district from which the transfer of territory is proposed. The purpose of the election is to afford those voters an opportunity to approve or reject the proposed transfer. A simple majority shall determine approval or rejection.

(4) ~~The ((state board))~~ superintendent of public instruction may establish rules limiting the frequency of petitions that may be filed pertaining to territory included in whole or in part in a previous petition.

(5) Upon receipt of the petition, the educational service district superintendent shall notify in writing the affected districts that:

(a) Each school district board of directors, whether or not initiating a proposed transfer of territory, is required to enter into negotiations with the affected district or districts;

(b) In the case of a citizen-initiated petition, the affected districts must negotiate on the entire proposed transfer of territory;

(c) The districts have ninety calendar days in which to agree to the proposed transfer of territory;

(d) The districts may request and shall be granted by the educational service district superintendent one thirty-day extension to try to reach agreement; and

(e) Any district involved in the negotiations may at any time during the ninety-day period notify the educational service district superintendent in writing that agreement will not be possible.

(6) If the negotiating school boards cannot come to agreement about the proposed transfer of territory, the educational service district superintendent, if requested by the affected districts, shall appoint a mediator. The mediator has thirty days to work with the affected school districts to see if an agreement can be reached on the proposed transfer of territory.

(7) If the affected school districts cannot come to agreement about the proposed transfer of territory, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, either district may file with the educational service district superintendent a written request for a hearing by the regional committee.

(8) If the affected school districts cannot come to agreement about the proposed transfer of territory initiated by citizen petition, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, the district in which the citizens who filed the petition reside shall file with the educational service district superintendent a written request for a hearing by the regional committee, unless a majority of the citizen petitioners request otherwise.

(9) Upon receipt of a notice under subsection (7) or (8) of this section, the educational service district superintendent shall notify the chair of the regional committee in writing within ten days.

(10) Costs incurred by school districts under this section shall be reimbursed by the state from such funds as are appropriated for this purpose.

Sec. 503. RCW 28A.315.205 and 2003 c 413 s 1 are each amended to read as follows:

(1) The chair of the regional committee shall schedule a hearing on the proposed transfer of territory at a location in the educational service district within sixty calendar days of being notified under RCW 28A.315.195 (7) or (8).

(2) Within thirty calendar days of the hearing under subsection (1) of this section, or final hearing if more than one is held by the committee, the committee shall issue its written findings and decision to approve or disapprove the proposed transfer of territory. The educational service district superintendent shall transmit a copy of the committee's decision to the superintendents of the affected school districts within ten calendar days.

(3) In carrying out the purposes of RCW 28A.315.015 and in making decisions as authorized under RCW 28A.315.095(1), the regional committee shall base its judgment upon whether and to the extent the proposed change in school district organization complies with RCW 28A.315.015(2) and rules adopted by the ~~((state board))~~ superintendent of public instruction under chapter 34.05 RCW.

(4) ~~((State board))~~ The rules under subsection (3) of this section shall provide for giving consideration to all of the following:

(a) Student educational opportunities as measured by the percentage of students performing at each level of the statewide mandated assessments and data regarding student attendance, graduation, and dropout rates;

(b) The safety and welfare of pupils. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well-being;

(c) The history and relationship of the property affected to the students and communities affected, including, for example, inclusion within a single school district, for school attendance and corresponding tax support purposes, of entire master planned communities that were or are to be developed pursuant to an integrated commercial and residential development plan with over one thousand dwelling units;

(d) Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school; and

(e) All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation

when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.

(5)(a)(i) A petitioner or school district may appeal a decision by the regional committee to the ~~((state board))~~ superintendent of public instruction based on the claim that the regional committee failed to follow the applicable statutory and regulatory procedures or acted in an arbitrary and capricious manner. Any such appeal shall be based on the record and the appeal must be filed within thirty days of the final decision of the regional committee. The appeal shall be heard and determined by an administrative law judge in the office of administrative hearings, based on the standards in (a)(ii) of this subsection.

(ii) If the ~~((state board))~~ administrative law judge finds that all applicable procedures were not followed or that the regional committee acted in an arbitrary and capricious manner, ~~((it))~~ the administrative law judge shall refer the matter back to the regional committee with an explanation of ~~((the board's))~~ his or her findings. The regional committee shall rehear the proposal.

(iii) If the ~~((state board))~~ administrative law judge finds that all applicable procedures were followed or that the regional committee did not act in an arbitrary and capricious manner, depending on the appeal, the educational service district shall be notified and directed to implement the changes.

(b) Any school district or citizen petitioner affected by a final decision of the regional committee may seek judicial review of the committee's decision in accordance with RCW 34.05.570.

Sec. 504. RCW 28A.315.015 and 1999 c 315 s 101 are each amended to read as follows:

(1) It is the purpose of this chapter to:

(a) Incorporate into a single, comprehensive, school district organization law all essential provisions governing:

(i) The formation and establishment of new school districts;

(ii) The alteration of the boundaries of existing districts; and

(iii) The adjustment of the assets and liabilities of school districts when changes are made under this chapter; and

(b) Establish methods and procedures whereby changes in the school district system may be brought about by the people concerned and affected.

(2) It is the state's policy that decisions on proposed changes in school district organization should be made, whenever possible, by negotiated agreement between the affected school districts. If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under RCW 28A.315.205:

(a) A balance of local petition requests and the needs of the statewide community at large in a manner that advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;

(b) Responsibly serving all of the affected citizens and students by contributing to logical service boundaries and recognizing a changing economic pattern within the educational service districts of the state;

(c) Enhancing the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;

(d) Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state; and

(e) Other criteria or considerations as may be established in rule by the ~~((state board of education))~~ superintendent of public instruction.

(3) It is neither the intent nor purpose of this chapter to apply to organizational changes and the procedure therefor relating to capital fund aid by nonhigh school districts as provided for in chapter 28A.540 RCW.

Sec. 505. RCW 28A.315.025 and 1990 c 33 s 293 are each amended to read as follows:

As used in this chapter:

(1) "Change in the organization and extent of school districts" means the formation and establishment of new school districts, the dissolution of existing school districts, the alteration of the boundaries of existing school districts, or all of them.

(2) "Regional committee" means the regional committee on school district organization created by this chapter.

(3) ~~((("State board" means the state board of education.~~

~~((4)))~~ "School district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors.

~~((5)))~~ (4) "Educational service district superintendent" means the educational service district superintendent as provided for in RCW 28A.310.170 or his or her designee.

Sec. 506. RCW 28A.315.055 and 1999 c 315 s 203 are each amended to read as follows:

In case the boundaries of any of the school districts are conflicting or incorrectly described, the educational service district board of directors, after due notice and a public hearing, shall change, harmonize, and describe them and shall so certify, with a complete transcript of boundaries of all districts affected, such action to the ~~((state board))~~ superintendent of public instruction for ~~((its))~~ approval or revision. Upon receipt of notification of ~~((state board))~~ action by the superintendent of public instruction, the educational service district superintendent shall transmit to the county legislative authority of the county or counties in which the affected districts are located a complete transcript of the boundaries of all districts affected.

Sec. 507. RCW 28A.315.085 and 2005 c 497 s 405 are each amended to read as follows:

(1) The superintendent of public instruction shall furnish ~~((to the state board and))~~ to regional committees the services of employed personnel and the materials and supplies necessary to enable them to perform the duties imposed upon them by this chapter ~~((and))~~. Members shall be reimbursed ((the members thereof)) for expenses necessarily incurred by them in the performance of their duties ~~((; such reimbursement for regional committee members to be))~~ in accordance with RCW 28A.315.155 ~~((; and such reimbursement for state board members to be in accordance with RCW 28A.305.014))~~.

(2) Costs that may be incurred by an educational service district in association with school district negotiations under RCW 28A.315.195 and supporting the regional committee under RCW 28A.315.205 shall be reimbursed by the state from such funds as are appropriated for these purposes.

Sec. 508. RCW 28A.315.125 and 1993 c 416 s 2 are each amended to read as follows:

The members of each regional committee shall be elected in the following manner:

(1) On or before the 25th day of September, 1994, and not later than the 25th day of September of every subsequent even-numbered year, each superintendent of an educational service district shall call an election to be held in each educational service district within which resides a member of a regional committee whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in the educational service district. Such notice shall include instructions, and the rules ~~((and regulations))~~ established by the ~~((state board of education))~~ superintendent of public instruction for the conduct of the election. The ~~((state board of education))~~ superintendent of public instruction is ~~((hereby))~~ empowered to adopt rules pursuant to chapter 34.05 RCW which establish standards and procedures which the ~~((state board))~~ superintendent deems necessary to conduct elections pursuant to this section; to conduct run-off elections in the event an election for a position is indecisive; and to decide run-off elections which result in tie votes, in a fair and orderly manner.

(2) Candidates for membership on a regional committee shall file a declaration of candidacy with the superintendent of the

educational service district wherein they reside. Declarations of candidacy may be filed by person or by mail not earlier than the 1st day of October, and not later than the 15th day of October of each even-numbered year. The superintendent may not accept any declaration of candidacy that is not on file in his or her office or not postmarked before the 16th day of October, or if not postmarked or the postmark is not legible, if received by mail after the 20th day of October of each even-numbered year.

(3) Each member of the regional committee shall be elected by a majority of the votes cast for all candidates for the position by the members of the boards of directors of school districts in the educational service district. All votes shall be cast by mail ballot addressed to the superintendent of the educational service district wherein the school director resides. No votes shall be accepted for counting if postmarked after the 16th day of November or if not postmarked or the postmark is not legible, if received by mail after the 21st day of November of each even-numbered year. An election board comprised of three persons appointed by the board of the educational service district shall count and tally the votes not later than the 25th day of November or the next business day if the 25th falls on a Saturday, Sunday, or legal holiday of each even-numbered year. Each vote cast by a school director shall be recorded as one vote. Within ten days following the count of votes, the educational service district superintendent shall certify to the superintendent of public instruction the name or names of the person(s) elected to be members of the regional committee.

(4) In the event of a change in the number of educational service districts or in the number of educational service district board members pursuant to chapter 28A.310 RCW a new regional committee shall be elected for each affected educational service district at the next election conducted pursuant to this section. Those persons who were serving on a regional committee within an educational service district affected by a change in the number of districts or board members shall continue to constitute the regional committee for the educational service district within which they are registered to vote until the majority of a new board has been elected and certified.

(5) No member of a regional committee shall continue to serve thereon if he or she ceases to be a registered voter of the educational service district board member district or if he or she is absent from three consecutive meetings of the committee without an excuse acceptable to the committee.

Sec. 509. RCW 28A.315.185 and 1999 c 315 s 303 are each amended to read as follows:

To the extent funds are appropriated, the superintendent of public instruction, in cooperation with the educational service districts and the Washington state school directors' association, shall conduct an annual training meeting for the regional committees, ~~((state board members,))~~ educational service district superintendents, and local school district superintendents and boards of directors. Training may also be provided upon request.

PART 6 EDUCATIONAL SERVICE DISTRICTS

Sec. 601. RCW 28A.305.210 and 2005 c 518 s 913 are each amended to read as follows:

(1) ~~((The state board of education, by rule or regulation, may require the assistance of educational service district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the state board of education by law, upon such terms and conditions as the state board of education shall establish. Such authority to assist the state board of education shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.~~

~~—(2))~~ During the 2005-2007 biennium until the effective date of this act, educational service districts may, at the request of the state board of education, receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education postsite visit recommendations for school accreditation. The

educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(2) This section expires July 1, 2007.

Sec. 602. RCW 28A.310.080 and 1977 ex.s. c 283 s 15 are each amended to read as follows:

~~((On or before the twenty-fifth day of August, 1978, and))~~ Not later than the twenty-fifth day of August of every ~~((subsequent))~~ even-numbered year, the ~~((secretary to the state board of education))~~ superintendent of public instruction shall call an election to be held in each educational service district within which resides a member of the board of the educational service district whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in such educational service district. Such notice shall include instructions~~((;))~~ and rules~~((; and regulations))~~ established by the ~~((state board of education))~~ superintendent of public instruction for the conduct of the election.

Sec. 603. RCW 28A.310.030 and 1990 c 33 s 271 are each amended to read as follows:

Except as otherwise provided in this chapter, in each educational service district there shall be an educational service district board consisting of seven members elected by the school directors of the educational service district, one from each of seven educational service district board-member districts. Board-member districts in districts reorganized under RCW 28A.310.020, or as provided for in RCW 28A.310.120 and under this section, shall be initially determined by the state board of education. If a reorganization pursuant to RCW 28A.310.020 places the residence of a board member into another or newly created educational service district, such member shall serve on the board of the educational service district of residence and at the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction pursuant to RCW 28A.310.080 a new seven member board shall be elected. If the redrawing of board-member district boundaries pursuant to this chapter shall cause the resident board-member district of two or more board members to coincide, such board members shall continue to serve on the board and at the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction a new board shall be elected. The board-member districts shall be arranged so far as practicable on a basis of equal population, with consideration being given existing board members of existing educational service district boards. Each educational service district board member shall be elected by the school directors of each school district within the educational service district. Beginning in 1971 and every ten years thereafter, educational service district boards shall review and, if necessary, shall change the boundaries of board-member districts so as to provide so far as practicable equal representation according to population of such board-member districts and to conform to school district boundary changes: PROVIDED, That all board-member district boundaries, to the extent necessary to conform with this chapter, shall be immediately redrawn for the purposes of the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction following any reorganization pursuant to this chapter. Such district board, if failing to make the necessary changes prior to June 1st of the appropriate year, shall refer for settlement questions on board-member district boundaries to the ~~((state board of education))~~ office of the superintendent of public instruction, which, after a public hearing, shall decide such questions.

Sec. 604. RCW 28A.310.050 and 1977 ex.s. c 283 s 19 are each amended to read as follows:

Any educational service district board may elect by resolution of the board to increase the board member size to nine board members. In such case positions number eight and nine shall be filled at the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction, position numbered eight to be for a term of two years, position numbered nine to be for a term of four years. Thereafter the terms for such positions shall be for four years.

Sec. 605. RCW 28A.310.060 and 1977 ex.s. c 283 s 20 are each amended to read as follows:

The term of every educational service district board member shall begin on the second Monday in January next following the election at which he or she was elected: PROVIDED, That a person elected to less than a full term pursuant to this section shall take office as soon as the election returns have been certified and he or she has qualified. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board-member district by the educational service district board. In the event that there are more than three vacancies in a seven-member board or four vacancies in a nine-member board, the ~~((state board of education))~~ superintendent of public instruction shall fill by appointment sufficient vacancies so that there shall be a quorum of the board serving. Each appointed board member shall serve until his or her successor has been elected at the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction and has qualified.

Sec. 606. RCW 28A.310.090 and 1977 ex.s. c 283 s 16 are each amended to read as follows:

Candidates for membership on an educational service district board shall file declarations of candidacy with the ~~((secretary to the state board of education))~~ superintendent of public instruction on forms prepared by the ~~((secretary))~~ superintendent. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, nor later than the sixteenth day of September. The ~~((secretary to the state board of education))~~ superintendent may not accept any declaration of candidacy that is not on file in his or her office or is not postmarked before the seventeenth day of September.

Sec. 607. RCW 28A.310.100 and 1980 c 179 s 7 are each amended to read as follows:

Each member of an educational service district board shall be elected by a majority of the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the ~~((secretary to the state board of education))~~ superintendent of public instruction and no votes shall be accepted for counting if postmarked after the sixteenth day of October or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of October following the call of the election. The ~~((secretary to the state board of education))~~ superintendent of public instruction and an election board comprised of three persons appointed by the ~~((state board of education))~~ superintendent shall count and tally the votes not later than the twenty-fifth day of October in the following manner: Each vote cast by a school director shall be accorded as one vote. If no candidate receives a majority of the votes cast, then, not later than the first day of November, the ~~((secretary to the state board of education))~~ superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of votes at any such second election shall be declared elected. In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the ~~((secretary to the state board of education))~~ superintendent of public instruction. Within ten days following the count of votes in an election at which a member of an educational service district board is elected, the ~~((secretary to the state board of education))~~ superintendent of public instruction shall certify to the county auditor of the headquarters county of the educational service district the name or names of the persons elected to be members of the educational service district board.

Sec. 608. RCW 28A.310.140 and 1990 c 33 s 274 are each amended to read as follows:

Every school district must be included entirely within a single educational service district. If the boundaries of any school district within an educational service district are changed in any manner so

as to extend the school district beyond the boundaries of that educational service district, the ~~((state board))~~ superintendent of public instruction shall change the boundaries of the educational service districts so affected in a manner consistent with the purposes of RCW 28A.310.010 and this section.

Sec. 609. RCW 28A.310.150 and 1990 c 33 s 275 are each amended to read as follows:

Every candidate for membership on a educational service district board shall be a registered voter and a resident of the board-member district for which such candidate files. On or before the date for taking office, every member shall make an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of the office according to the best of such member's ability. The members of the board shall not be required to give bond unless so directed by the ~~((state board of education))~~ superintendent of public instruction. At the first meeting of newly elected members and after the qualification for office of the newly elected members, each educational service district board shall reorganize by electing a chair and a vice chair. A majority of all of the members of the board shall constitute a quorum.

Sec. 610. RCW 28A.310.200 and 2001 c 143 s 1 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Approve the budgets of the educational service district in accordance with the procedures provided for in this chapter~~((:))~~;

(2) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chair or a majority of the board~~((:))~~;

(3) Approve the selection of educational service district personnel and clerical staff as provided in RCW 28A.310.230~~((:))~~;

(4) Fix the amount of and approve the bonds for those educational service district employees designated by the board as being in need of bonding~~((:))~~;

(5) Keep in the educational service district office a full and correct transcript of the boundaries of each school district within the educational service district~~((:))~~;

(6) Acquire by borrowing funds or by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes. No real property shall be acquired or alienated without the prior approval of the ~~((state board of education))~~ superintendent of public instruction and the acquisition or alienation of all such property shall be subject to such provisions as the ~~((board))~~ superintendent may establish. When borrowing funds for the purpose of acquiring property, the educational service district board shall pledge as collateral the property to be acquired. Borrowing shall be evidenced by a note or other instrument between the district and the lender~~((:))~~;

(7) Under RCW 28A.310.010, upon the written request of the board of directors of a local school district or districts served by the educational service district, the educational service district board of directors may provide cooperative and informational services not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that support the education of preschool through twelfth grade students in the public schools or that support the effective, efficient, or safe management and operation of the school district or districts served by the educational service district~~((:))~~;

(8) Adopt such bylaws and rules ~~((and regulations))~~ for its own operation as it deems necessary or appropriate~~((:))~~; and

(9) Enter into contracts, including contracts with common and educational service districts and the school for the deaf and the school for the blind for the joint financing of cooperative service programs conducted pursuant to RCW 28A.310.180(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the educational service districts.

Sec. 611. RCW 28A.310.310 and 1990 c 33 s 284 are each amended to read as follows:

The educational service district board shall designate the headquarters office of the educational service district. Educational service districts shall provide for their own office space, heating, contents insurance, electricity, and custodial services, which may be obtained through contracting with any board of county commissioners. Official records of the educational service district board and superintendent, including each of the county superintendents abolished by chapter 176, Laws of 1969 ex. sess., shall be kept by the educational service district superintendent. Whenever the boundaries of any of the educational service districts are reorganized pursuant to RCW 28A.310.020, the ~~((state board of education))~~ superintendent of public instruction shall supervise the transferral of such records so that each educational service district superintendent shall receive those records relating to school districts within the appropriate educational service district.

Sec. 612. RCW 28A.323.020 and 1985 c 385 s 25 are each amended to read as follows:

The duties in this chapter imposed upon and required to be performed by a regional committee and by an educational service district superintendent in connection with a change in the organization and extent of school districts and/or with the adjustment of the assets and liabilities of school districts and with all matters related to such change or adjustment whenever territory lying in a single educational service district is involved shall be performed jointly by the regional committees and by the superintendents of the several educational service districts as required whenever territory lying in more than one educational service district is involved in a proposed change in the organization and extent of school districts: PROVIDED, That a regional committee may designate three of its members, or two of its members and the educational service district superintendent, as a subcommittee to serve in lieu of the whole committee, but action by a subcommittee shall not be binding unless approved by a majority of the regional committee. Proposals for changes in the organization and extent of school districts and proposed terms of adjustment of assets and liabilities thus prepared and approved shall be submitted to the ~~((state board))~~ superintendent of public instruction by the regional committee of the educational service district in which is located the part of the proposed or enlarged district having the largest number of common school pupils residing therein.

Sec. 613. RCW 28A.323.040 and 1973 c 47 s 3 are each amended to read as follows:

For all purposes essential to the maintenance, operation, and administration of the schools of a district, including the apportionment of current state and county school funds, the county in which a joint school district shall be considered as belonging shall be as designated by the ~~((state board of education))~~ superintendent of public instruction. Prior to making such designation, the ~~((state board of education))~~ superintendent of public instruction shall hold at least one public hearing on the matter, at which time the recommendation of the joint school district shall be presented and, in addition to such recommendation, the ~~((state board))~~ superintendent shall consider the following prior to its designation:

- (1) Service needs of such district;
- (2) Availability of services;
- (3) Geographic location of district and servicing agencies; and
- (4) Relationship to contiguous school districts.

Sec. 614. RCW 29A.24.070 and 2005 c 221 s 1 are each amended to read as follows:

Declarations of candidacy shall be filed with the following filing officers:

- (1) The secretary of state for declarations of candidacy for state wide offices, United States senate, and United States house of representatives;
- (2) The secretary of state for declarations of candidacy for the state legislature, the court of appeals, and the superior court when the candidate is seeking office in a district comprised of voters from two or more counties. The secretary of state and the county auditor may

accept declarations of candidacy for candidates for the state legislature, the court of appeals, and the superior court when the candidate is seeking office in a district comprised of voters from one county;

(3) The county auditor for all other offices. For any nonpartisan office, other than judicial offices and school director in joint districts, where voters from a district comprising more than one county vote upon the candidates, a declaration of candidacy shall be filed with the county auditor of the county in which a majority of the registered voters of the district reside. For school directors in joint school districts, the declaration of candidacy shall be filed with the county auditor of the county designated by the ~~((state board of education))~~ superintendent of public instruction as the county to which the joint school district is considered as belonging under RCW 28A.323.040;

(4) For all other purposes of this title, a declaration of candidacy for the state legislature, the court of appeals, and the superior court filed with the secretary of state shall be deemed to have been filed with the county auditor when the candidate is seeking office in a district composed of voters from one county.

Each official with whom declarations of candidacy are filed under this section, within one business day following the closing of the applicable filing period, shall transmit to the public disclosure commission the information required in RCW 29A.24.031 (1) through (4) for each declaration of candidacy filed in his or her office during such filing period or a list containing the name of each candidate who files such a declaration in his or her office during such filing period together with a precise identification of the position sought by each such candidate and the date on which each such declaration was filed. Such official, within three days following his or her receipt of any letter withdrawing a person's name as a candidate, shall also forward a copy of such withdrawal letter to the public disclosure commission.

Sec. 615. RCW 84.09.037 and 1990 c 33 s 597 are each amended to read as follows:

Each school district affected by a transfer of territory from one school district to another school district under chapter 28A.315 RCW shall retain its preexisting boundaries for the purpose of the collection of excess tax levies authorized under RCW 84.52.053 before the effective date of the transfer, for such tax collection years and for such excess tax levies as the ~~((state board of education))~~ superintendent of public instruction may approve and order that the transferred territory shall either be subject to or relieved of such excess levies, as the case may be. For the purpose of all other excess tax levies previously authorized under chapter 84.52 RCW and all excess tax levies authorized under RCW 84.52.053 subsequent to the effective date of a transfer of territory, the boundaries of the affected school districts shall be modified to recognize the transfer of territory subject to RCW 84.09.030.

PART 7 STUDENTS

Sec. 701. RCW 28A.305.160 and 1996 c 321 s 2 are each amended to read as follows:

(1) The ~~((state board of education))~~ superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible: PROVIDED, That the ~~((state board))~~ superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion.

(2) Short-term suspension procedures may be used for suspensions of students up to and including, ten consecutive school days.

Sec. 702. RCW 28A.150.300 and 1993 c 68 s 1 are each amended to read as follows:

The use of corporal punishment in the common schools is prohibited. The ~~((state board of education, in consultation with the))~~ superintendent of public instruction ~~(s)~~ shall develop and adopt a policy prohibiting the use of corporal punishment in the common schools. The policy shall be adopted ~~((by the state board of education no later than February 1, 1994,))~~ and ~~((shall take effect))~~ implemented in all school districts ~~((September 1, 1994)).~~

Sec. 703. RCW 28A.225.160 and 1999 c 348 s 5 are each amended to read as follows:

Except as otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than twenty-one years residing in that school district. Except as otherwise provided by law or rules adopted by the ~~((state board of education))~~ superintendent of public instruction, districts may establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student. For the purpose of complying with any rule adopted by the ~~((state board of education which))~~ superintendent of public instruction that authorizes a preadmission screening process as a prerequisite to granting exceptions to the uniform entry qualifications, a school district may collect fees to cover expenses incurred in the administration of any preadmission screening process: PROVIDED, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

NEW SECTION. Sec. 704. A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall adopt rules relating to pupil tests and records.

Sec. 705. RCW 28A.300.150 and 1994 c 245 s 8 are each amended to read as follows:

The superintendent of public instruction shall collect and disseminate to school districts information on child abuse and neglect prevention curriculum and shall adopt rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools. The superintendent of public instruction and the departments of social and health services and community, trade, and economic development shall share relevant information.

Sec. 706. RCW 28A.600.020 and 1997 c 266 s 11 are each amended to read as follows:

(1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ~~((insure))~~ ensure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the ~~((state board of education))~~ superintendent of public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

(4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.

(5) A principal shall consider imposing long-term suspension or expulsion as a sanction when deciding the appropriate disciplinary action for a student who, after July 27, 1997:

(a) Engages in two or more violations within a three-year period of RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

(b) Engages in one or more of the offenses listed in RCW 13.04.155.

The principal shall communicate the disciplinary action taken by the principal to the school personnel who referred the student to the principal for disciplinary action.

Sec. 707. RCW 28A.600.030 and 1990 c 33 s 498 are each amended to read as follows:

Each school district board of directors may establish student grading policies which permit teachers to consider a student's attendance in determining the student's overall grade or deciding whether the student should be granted or denied credit. Such policies shall take into consideration the circumstances pertaining to the student's inability to attend school. However, no policy shall be adopted whereby a grade shall be reduced or credit shall be denied for disciplinary reasons only, rather than for academic reasons, unless due process of law is provided as set forth by the ~~((state board of education))~~ superintendent of public instruction under RCW 28A.305.160 (as recodified by this act).

NEW SECTION. Sec. 708. RCW 28A.305.160 is recodified as a new section in chapter 28A.600 RCW.

PART 8 TRANSFER OF PROFESSIONAL EDUCATOR STANDARDS BOARD DUTIES

Sec. 801. RCW 18.35.020 and 2005 c 45 s 2 are each amended to read as follows:

(1) No person shall engage in the fitting and dispensing of hearing instruments or imply or represent that he or she is engaged in the fitting and dispensing of hearing instruments unless he or she is a licensed hearing instrument fitter/dispenser or a licensed audiologist or holds an interim permit issued by the department as provided in this chapter and is an owner or employee of an establishment that is bonded as provided by RCW 18.35.240. The owner or manager of an establishment that dispenses hearing instruments is responsible under this chapter for all transactions made in the establishment name or conducted on its premises by agents or persons employed by the establishment engaged in fitting and dispensing of hearing instruments. Every establishment that fits and dispenses shall have in its employ at least one licensed hearing instrument fitter/dispenser or licensed audiologist at all times, and shall annually submit proof that all testing equipment at that establishment that is required by the board to be calibrated has been properly calibrated.

(2) Effective January 1, 2003, no person shall engage in the practice of audiology or imply or represent that he or she is engaged in the practice of audiology unless he or she is a licensed audiologist or holds an audiology interim permit issued by the department as provided in this chapter. Audiologists who are certified as educational staff associates by the ~~((state board of education))~~ Washington professional educator standards board are excluded unless they elect to become licensed under this chapter. However, a person certified by the state board of education as an educational staff associate who practices outside the school setting must be a licensed audiologist.

(3) Effective January 1, 2003, no person shall engage in the practice of speech-language pathology or imply or represent that he or she is engaged in the practice of speech-language pathology unless he or she is a licensed speech-language pathologist or holds a speech-language pathology interim permit issued by the department as provided in this chapter. Speech-language pathologists who are certified as educational staff associates by the state board of education are excluded unless they elect to become licensed under this chapter. However, a person certified by the state board of education as an educational staff associate who practices outside the school setting must be a licensed speech-language pathologist.

Sec. 802. RCW 18.35.195 and 2005 c 45 s 4 are each amended to read as follows:

(1) This chapter shall not apply to military or federal government employees.

(2) This chapter does not prohibit or regulate:

(a) Fitting or dispensing by students enrolled in a board-approved program who are directly supervised by a licensed hearing instrument fitter/dispenser, a licensed audiologist under the provisions of this chapter, or an instructor at a two-year hearing instrument fitter/dispenser degree program that is approved by the board;

(b) Hearing instrument fitter/dispensers, speech-language pathologists, or audiologists of other states, territories, or countries, or the District of Columbia while appearing as clinicians of bona fide educational seminars sponsored by speech-language pathology, audiology, hearing instrument fitter/dispenser, medical, or other healing art professional associations so long as such activities do not go beyond the scope of practice defined by this chapter; and

(c) The practice of audiology or speech-language pathology by persons certified by the ~~((state board of education))~~ Washington professional educator standards board as educational staff associates, except for those persons electing to be licensed under this chapter. However, a person certified by the ~~((state)) board ((of education))~~ as an educational staff associate who practices outside the school setting must be a licensed audiologist or licensed speech-language pathologist.

Sec. 803. RCW 18.83.200 and 1986 c 27 s 10 are each amended to read as follows:

This chapter shall not apply to:

(1) Any person teaching, lecturing, consulting, or engaging in research in psychology but only insofar as such activities are performed as a part of or are dependent upon a position in a college or university in the state of Washington.

(2) Any person who holds a valid school psychologist credential from the Washington ~~((state board of education))~~ professional educator standards board but only when such a person is practicing psychology in the course of his or her employment.

(3) Any person employed by a local, state, or federal government agency whose psychologists must qualify for employment under federal or state certification or civil service regulations; but only at those times when that person is carrying out the functions of his or her employment.

(4) Any person who must qualify under the employment requirements of a business or industry and who is employed by a business or industry which is not engaged in offering psychological services to the public, but only when such person is carrying out the functions of his or her employment: PROVIDED, That no person exempt from licensing under this subsection shall engage in the clinical practice of psychology.

(5) Any person who is a student of psychology, psychological intern, or resident in psychology preparing for the profession of psychology under supervision in a training institution or facilities and who is designated by the title such as "psychological trainee," "psychology student," which thereby indicates his or her training status.

(6) Any person who has received a doctoral degree from an accredited institution of higher learning with an adequate major in sociology or social psychology as determined by the board and who has passed comprehensive examinations in the field of social psychology as part of the requirements for the doctoral degree. Such persons may use the title "social psychologist" provided that they file a statement of their education with the board.

Sec. 804. RCW 28A.625.360 and 1990 1st ex.s. c 10 s 2 are each amended to read as follows:

(1) The ~~((state board of education))~~ professional educator standards board shall establish an annual award program for excellence in teacher preparation to recognize higher education teacher educators for their leadership, contributions, and commitment to education.

(2) The program shall recognize annually one teacher preparation faculty member from one of the teacher preparation programs approved by the ~~((state board of education))~~ professional educator standards board.

Sec. 805. RCW 28A.225.330 and 1999 c 198 s 3 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

- (a) Any history of placement in special educational programs;
- (b) Any past, current, or pending disciplinary action;
- (c) Any history of violent behavior, or behavior listed in RCW 13.04.155;
- (d) Any unpaid fines or fees imposed by other schools; and
- (e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The ~~((state board of education))~~ professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

(4) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

(5) When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions,

criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers and security personnel.

Sec. 806. RCW 28A.405.110 and 1985 c 420 s 1 are each amended to read as follows:

The legislature recognizes the importance of teachers in the educational system. Teachers are the fundamental element in assuring a quality education for the state's and the nation's children. Teachers, through their direct contact with children, have a great impact on the development of the child. The legislature finds that this important role of the teacher requires an assurance that teachers are as successful as possible in attaining the goal of a well-educated society. The legislature finds, therefore, that the evaluation of those persons seeking to enter the teaching profession is no less important than the evaluation of those persons currently teaching. The evaluation of persons seeking teaching credentials should be strenuous while making accommodations uniquely appropriate to the applicants. Strenuous teacher training and preparation should be complemented by examinations of prospective teachers prior to candidates being granted official certification by the ~~((state board of education))~~ professional educator standards board. Teacher preparation program entrance evaluations, teacher training, teacher preparation program exit examinations, official certification, in-service training, and ongoing evaluations of individual progress and professional growth are all part of developing and maintaining a strong recertification and postcertification professional education system.

The legislature further finds that an evaluation system for teachers has the following elements, goals, and objectives: (1) An evaluation system must be meaningful, helpful, and objective; (2) an evaluation system must encourage improvements in teaching skills, techniques, and abilities by identifying areas needing improvement; (3) an evaluation system must provide a mechanism to make meaningful distinctions among teachers and to acknowledge, recognize, and encourage superior teaching performance; and (4) an evaluation system must encourage respect in the evaluation process by the persons conducting the evaluations and the persons subject to the evaluations through recognizing the importance of objective standards and minimizing subjectivity.

Sec. 807. RCW 28A.415.010 and 1991 c 285 s 1 are each amended to read as follows:

It shall be the responsibility of each educational service district board to establish a center for the improvement of teaching. The center shall administer, coordinate, and act as fiscal agent for such programs related to the recruitment and training of certificated and classified K-12 education personnel as may be delegated to the center by the superintendent of public instruction under RCW 28A.310.470 ~~((or the state board of education under RCW 28A.310.480))~~. To assist in these activities, each educational service district board shall establish an improvement of teaching coordinating council to include, at a minimum, representatives as specified in RCW 28A.415.040. An existing in-service training task force, established pursuant to RCW 28A.415.040, may serve as the improvement of teaching coordinating council. The educational service district board shall ensure coordination of programs established pursuant to RCW 28A.415.030, 28A.410.060, and 28A.415.250.

The educational service district board may arrange each year for the holding of one or more teachers' institutes and/or workshops for professional staff preparation and in-service training in such manner and at such time as the board believes will be of benefit to the teachers and other professional staff of school districts within the educational service district and shall comply with rules ~~((and regulations of the state board of education))~~ of the professional educator standards board pursuant to RCW 28A.410.060 or the superintendent of public instruction ~~((or state board of education))~~ pursuant to RCW 28A.415.250. The board may provide such additional means of teacher and other professional staff preparation and in-service training as it may deem necessary or appropriate and there shall be a proper charge against the educational service district

general expense fund when approved by the educational service district board.

Educational service district boards of contiguous educational service districts, by mutual arrangements, may hold joint institutes and/or workshops, the expenses to be shared in proportion to the numbers of certificated personnel as shown by the last annual reports of the educational service districts holding such joint institutes or workshops.

In local school districts employing more than one hundred teachers and other professional staff, the school district superintendent may hold a teachers' institute of one or more days in such district, said institute when so held by the school district superintendent to be in all respects governed by the provisions of this title and ~~((state board of education))~~ rules (and regulations) relating to teachers' institutes held by educational service district superintendents.

Sec. 808. RCW 28A.415.020 and 1995 c 284 s 2 are each amended to read as follows:

(1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(2) Certificated personnel shall receive for each ten clock hours of approved continuing education earned, as continuing education is defined by rule adopted by the ~~((state board of education))~~ professional educator standards board, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(3) Certificated personnel shall receive for each forty clock hours of participation in an approved internship with a business, an industry, or government, as an internship is defined by rule of the ~~((state board of education))~~ professional educator standards board in accordance with RCW 28A.415.025, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(4) An approved in-service training program shall be a program approved by a school district board of directors, which meet standards adopted by the ~~((state board of education))~~ professional educator standards board, and the development of said program has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040, or a program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the ~~((state board of education))~~ professional educator standards board, or both.

(5) Clock hours eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee as described in subsections (1) and (2) of this section, shall be those hours acquired after August 31, 1987. Clock hours eligible for application to the salary schedule as described in subsection (3) of this section shall be those hours acquired after December 31, 1995.

Sec. 809. RCW 28A.415.024 and 2005 c 461 s 1 are each amended to read as follows:

(1) All credits earned in furtherance of degrees earned by certificated staff, that are used to increase earnings on the salary schedule consistent with RCW 28A.415.023, must be obtained from an educational institution accredited by an accrediting association recognized by rule of the ~~((state board of education))~~ professional educator standards board.

(2) The office of the superintendent of public instruction shall verify for school districts the accreditation status of educational institutions granting degrees that are used by certificated staff to increase earnings on the salary schedule consistent with RCW 28A.415.023.

(3) The office of the superintendent of public instruction shall provide school districts with training and additional resources to ensure they can verify that degrees earned by certificated staff, that are used to increase earnings on the salary schedule consistent with RCW 28A.415.023, are obtained from an educational institution

accredited by an accrediting association recognized by rule of the ~~((state board of education))~~ professional educator standards board.

(4)(a) No school district may submit degree information before there has been verification of accreditation under subsection (3) of this section.

(b) Certificated staff who submit degrees received from an unaccredited educational institution for the purposes of receiving a salary increase shall be fined three hundred dollars. The fine shall be paid to the office of the superintendent of public instruction and used for costs of administering this section.

(c) In addition to the fine in (b) of this subsection, certificated staff who receive salary increases based upon degrees earned from educational institutions that have been verified to be unaccredited must reimburse the district for any compensation received based on these degrees.

Sec. 810. RCW 28A.415.025 and 1995 c 284 s 3 are each amended to read as follows:

The ~~((state board of education))~~ professional educator standards board shall establish rules for awarding clock hours for participation of certificated personnel in internships with business, industry, or government. To receive clock hours for an internship, the individual must demonstrate that the internship will provide beneficial skills and knowledge in an area directly related to his or her current assignment, or to his or her assignment for the following school year. An individual may not receive more than the equivalent of two college quarter credits for internships during a calendar-year period. The total number of credits for internships that an individual may earn to advance on the salary schedule developed by the legislative evaluation and accountability program committee or its successor agency is limited to the equivalent of fifteen college quarter credits.

Sec. 811. RCW 28A.415.105 and 1995 c 335 s 403 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.415.125 through 28A.415.140.

(1) "Cooperating organizations" means that at least one school district, one college or university, and one educational service district are involved jointly with the development of a student teaching center.

(2) "Cooperating teacher" means a teacher who holds a continuing certificate and supervises and coaches a student teacher.

(3) "Field experience" means opportunities for observation, tutoring, microteaching, extended practicums, and clinical and laboratory experiences which do not fall within the meaning of student teaching.

(4) "School setting" means a classroom in a public, common school in the state of Washington.

(5) "Student teacher" means a candidate for initial teacher certification who is in a ~~((state board of education-approved))~~ professional educator standards board-approved, or regionally or nationally accredited teacher preparation program in a school setting as part of the field-based component of their preparation program.

(6) "Student teaching" means the full quarter or semester in a school setting during which the student teacher observes the cooperating teacher, participates in instructional activities, and assumes both part-time and full-time teaching responsibilities under the supervision of the cooperating teacher.

(7) "Student teaching center" means the program established to provide student teachers in a geographic region of the state with special support and training as part of their teacher preparation program.

(8) "Supervisor or university supervisor" means the regular or adjunct faculty member, or college or university-approved designee, who assists and supervises the work of cooperating teachers and student teachers.

Sec. 812. RCW 28A.415.125 and 1991 c 258 s 6 are each amended to read as follows:

The ~~((state board of education))~~ professional educator standards board, from appropriated funds, shall establish a network of student teaching centers to support the continuing development of the field-

based component of teacher preparation programs. The purpose of the training centers is to:

(1) Expand opportunities for student teacher placements in school districts statewide, with an emphasis on those populations and locations that are unserved or underserved;

(2) Provide cooperating teachers for all student teachers during their student internship for up to two academic quarters;

(3) Enhance the student teaching component of teacher preparation programs, including a placement of student teachers in special education and multi-ethnic school settings; and

(4) Expand access to each other and opportunities for collaboration in teacher education between colleges and universities and school districts.

Sec. 813. RCW 28A.415.130 and 1991 c 258 s 7 are each amended to read as follows:

Funds for the student teaching centers shall be allocated by the superintendent of public instruction among the educational service district regions on the basis of student teaching placements. The fiscal agent for each center shall be either an educational service district or a state institution of higher education. Prospective fiscal agents shall document to the ~~((state board of education))~~ professional educator standards board the following information:

(1) The existing or proposed center was developed jointly through a process including participation by at least one school district, one college or university, and one educational service district;

(2) Primary administration for each center shall be the responsibility of one or more of the cooperating organizations;

(3) Assurance that the training center program provides appropriate and necessary training in observation, supervision, and assistance skills and techniques for:

- (a) Cooperating teachers;
- (b) Other school building personnel; and
- (c) School district employees.

Sec. 814. RCW 28A.415.145 and 1991 c 258 s 10 are each amended to read as follows:

The ~~((state board of education))~~ professional educator standards board and the superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to carry out the purposes of RCW 28A.415.100 through 28A.415.140.

Sec. 815. RCW 28A.630.400 and 1995 c 335 s 202 and 1995 c 77 s 27 are each reenacted and amended to read as follows:

(1) The ~~((state board of education))~~ professional educator standards board and the state board for community and technical colleges, in consultation with the superintendent of public instruction, the higher education coordinating board, the state apprenticeship training council, and community colleges, shall adopt rules as necessary under chapter 34.05 RCW to implement the paraeducator associate of arts degree.

(2) As used in this section, a "paraeducator" is an individual who has completed an associate of arts degree for a paraeducator. The paraeducator may be hired by a school district to assist certificated instructional staff in the direct instruction of children in small and large groups, individualized instruction, testing of children, recordkeeping, and preparation of materials. The paraeducator shall work under the direction of instructional certificated staff.

(3) The training program for a paraeducator associate of arts degree shall include, but is not limited to, the general requirements for receipt of an associate of arts degree and training in the areas of introduction to childhood education, orientation to children with disabilities, fundamentals of childhood education, creative activities for children, instructional materials for children, fine art experiences for children, the psychology of learning, introduction to education, child health and safety, child development and guidance, first aid, and a practicum in a school setting.

(4) Consideration shall be given to transferability of credit earned in this program to teacher preparation programs at colleges and universities.

Sec. 816. RCW 28A.660.020 and 2004 c 23 s 2 are each amended to read as follows:

(1) Each district or consortia of school districts applying for the alternative route certification program shall submit a proposal to the Washington professional educator standards board specifying:

(a) The route or routes the partnership program intends to offer and a detailed description of how the routes will be structured and operated by the partnership;

(b) The number of candidates that will be enrolled per route;

(c) An identification, indication of commitment, and description of the role of approved teacher preparation programs that are partnering with the district or consortia of districts;

(d) An assurance of district provision of adequate training for mentor teachers either through participation in a state mentor training academy or district-provided training that meets state-established mentor-training standards specific to the mentoring of alternative route candidates;

(e) An assurance that significant time will be provided for mentor teachers to spend with the alternative route teacher candidates throughout the internship. Partnerships must provide each candidate with intensive classroom mentoring until such time as the candidate demonstrates the competency necessary to manage the classroom with less intensive supervision and guidance from a mentor;

(f) A description of the rigorous screening process for applicants to alternative route programs, including entry requirements specific to each route, as provided in RCW 28A.660.040; and

(g) The design and use of a teacher development plan for each candidate. The plan shall specify the alternative route coursework and training required of each candidate and shall be developed by comparing the candidate's prior experience and coursework with the state's new performance-based standards for residency certification and adjusting any requirements accordingly. The plan may include the following components:

(i) A minimum of one-half of a school year, and an additional significant amount of time if necessary, of intensive mentorship, starting with full-time mentoring and progressing to increasingly less intensive monitoring and assistance as the intern demonstrates the skills necessary to take over the classroom with less intensive support. For route one and two candidates, before the supervision is diminished, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher preparation program must both agree that the teacher candidate is ready to manage the classroom with less intensive supervision. For route three and four candidates, the mentor of the teacher candidate shall make the decision;

(ii) Identification of performance indicators based on the knowledge and skills standards required for residency certification by the ~~((state board of education))~~ Washington professional educator standards board;

(iii) Identification of benchmarks that will indicate when the standard is met for all performance indicators;

(iv) A description of strategies for assessing candidate performance on the benchmarks;

(v) Identification of one or more tools to be used to assess a candidate's performance once the candidate has been in the classroom for about one-half of a school year; and

(vi) A description of the criteria that would result in residency certification after about one-half of a school year but before the end of the program.

(2) To the extent funds are appropriated for this purpose, districts may apply for program funds to pay stipends to trained mentor teachers of interns during the mentored internship. The per intern amount of mentor stipend shall not exceed five hundred dollars.

Sec. 817. RCW 28A.660.040 and 2004 c 23 s 4 are each amended to read as follows:

Partnership grants funded under this chapter shall operate one to four specific route programs. Successful completion of the program shall make a candidate eligible for residency teacher certification. For route one and two candidates, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher preparation program

must both agree that the teacher candidate has successfully completed the program. For route three and four candidates, the mentor of the teacher candidate shall make the determination that the candidate has successfully completed the program.

(1) Partnership grant programs seeking funds to operate route one programs shall enroll currently employed classified instructional employees with transferable associate degrees seeking residency teacher certification with endorsements in special education, bilingual education, or English as a second language. It is anticipated that candidates enrolled in this route will complete both their baccalaureate degree and requirements for residency certification in two years or less, including a mentored internship to be completed in the final year. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including three years of successful student interaction and leadership as a classified instructional employee;

(b) Successful passage of the statewide basic skills exam, when available; and

(c) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers.

(2) Partnership grant programs seeking funds to operate route two programs shall enroll currently employed classified staff with baccalaureate degrees seeking residency teacher certification in subject matter shortage areas and areas with shortages due to geographic location. Candidates enrolled in this route must complete a mentored internship complemented by flexibly scheduled training and coursework offered at a local site, such as a school or educational service district, or online or via video-conference over the K-20 network, in collaboration with the partnership program's higher education partner. In addition, partnership grant programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including three years of successful student interaction and leadership as classified staff;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's college or university grade point average may be considered as a selection factor;

(c) Successful completion of the content test, once the state content test is available;

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of the statewide basic skills exam, when available.

(3) Partnership grant programs seeking funds to operate route three programs shall enroll individuals with baccalaureate degrees, who are not employed in the district at the time of application. When selecting candidates for certification through route three, districts shall give priority to individuals who are seeking residency teacher certification in subject matter shortage areas or shortages due to geographic locations. For route three only, the districts may include additional candidates in nonshortage subject areas if the candidates are seeking endorsements with a secondary grade level designation as defined by rule by the ~~((state board of education))~~ professional educator standards board. The districts shall disclose to candidates in nonshortage subject areas available information on the demand in those subject areas. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship, followed, if necessary, by a second summer teaching academy. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) Five years' experience in the work force;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;

(c) Successful completion of the content test, once the state content test is available;

(d) External validation of qualifications, including demonstrated successful experience with students or children, such as ~~((references reference))~~ reference letters and letters of support from previous employers;

(e) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(f) Successful passage of statewide basic skills exams, when available.

(4) Partnership grant programs seeking funds to operate route four programs shall enroll individuals with baccalaureate degrees, who are employed in the district at the time of application, or who hold conditional teaching certificates or emergency substitute certificates. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) Five years' experience in the work force;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;

(c) Successful completion of the content test, once the state content test is available;

(d) External validation of qualifications, including demonstrated successful experience with students or children, such as reference letters and letters of support from previous employers;

(e) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(f) Successful passage of statewide basic skills exams, when available.

Sec. 818. RCW 28A.690.020 and 1990 c 33 s 546 are each amended to read as follows:

The "designated state official" for this state under Article II of RCW 28A.690.010 shall be the superintendent of public instruction, who shall be the compact administrator and who shall have power to ~~((promulgate))~~ adopt rules to carry out the terms of this compact. The superintendent of public instruction shall enter into contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the ~~((state board of education))~~ professional educator standards board.

Sec. 819. RCW 28A.300.050 and 1990 c 33 s 252 are each amended to read as follows:

The superintendent of public instruction shall provide technical assistance to the ~~((state board of education))~~ professional educator standards board in the conduct of the activities described in ~~((sections 202 through 232 of this act))~~ RCW 28A.410.040 and 28A.410.050.

Sec. 820. RCW 28A.625.370 and 1990 1st ex.s. c 10 s 3 are each amended to read as follows:

The award for the teacher educator shall include:

(1) A certificate presented to the teacher educator by the governor, the ~~((president of the state board of education))~~ chair of the professional educator standards board, and the superintendent of public instruction at a public ceremony; and

(2) A grant to the professional education advisory board of the institution from which the teacher educator is selected, which grant shall not exceed two thousand five hundred dollars and which grant shall be awarded under RCW 28A.625.390.

Sec. 821. RCW 28A.625.380 and 1990 1st ex.s. c 10 s 4 are each amended to read as follows:

The ~~((state board of education))~~ professional educator standards board shall adopt rules under chapter 34.05 RCW to carry out the purposes of RCW 28A.625.360 through 28A.625.390. These rules shall include establishing the selection criteria for the Washington award for excellence in teacher preparation. The ~~((state))~~ board ~~((of education))~~ is encouraged to consult with teacher educators, deans, and professional education advisory board members in developing the selection criteria. The criteria shall include any role performed by nominees relative to implementing innovative developments by the nominee's teacher preparation program and efforts the nominee has made to assist in communicating with legislators, common school teachers and administrators, and others about the nominee's teacher preparation program.

Sec. 822. RCW 28A.625.390 and 1990 1st ex.s. c 10 s 5 are each amended to read as follows:

The professional education advisory board for the institution from which the teacher educator has been selected to receive an award shall be eligible to apply for an educational grant as provided under RCW 28A.625.370. The ~~((state board of education))~~ professional educator standards board shall award the grant after the ~~((state))~~ board has approved the grant application as long as the written grant application is submitted to the ~~((state))~~ board within one year after the award is received by the teacher educator. The grant application shall identify the educational purpose toward which the grant shall be used.

Sec. 823. RCW 28B.10.710 and 1993 c 77 s 1 are each amended to read as follows:

There shall be a one quarter or semester course in either Washington state history and government, or Pacific Northwest history and government in the curriculum of all teachers' colleges and teachers' courses in all institutions of higher education. No person shall be graduated from any of said schools without completing said course of study, unless otherwise determined by the ~~((state board of education))~~ Washington professional educator standards board. Any course in Washington state or Pacific Northwest history and government used to fulfill this requirement shall include information on the culture, history, and government of the American Indian peoples who were the first human inhabitants of the state and the region.

Sec. 824. RCW 28B.35.120 and 2004 c 275 s 54 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, each board of trustees of the respective regional universities:

(1) Shall have full control of the regional university and its property of various kinds, except as otherwise provided by law.

(2) Shall employ the president of the regional university, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the regional university, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the ~~((state))~~ Washington professional educator standards board ~~((of education))~~ shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the regional university and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the regional university.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the regional university.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to regional university purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the regional university programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.76.230, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the regional university.

Sec. 825. RCW 28B.40.120 and 2004 c 275 s 56 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, the board of trustees of The Evergreen State College:

(1) Shall have full control of the state college and its property of various kinds, except as otherwise provided by law.

(2) Shall employ the president of the state college, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the state college, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the ((state board of education)) Washington professional educator standards board shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the college and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the college.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the college.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to college purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the college programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.76.230, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the college.

Sec. 826. RCW 43.43.832 and 2005 c 421 s 2 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. The legislature further finds that many developmentally disabled individuals and vulnerable adults desire to hire their own employees directly and also need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol identification and criminal history section shall disclose, upon the request of a business or organization as defined in RCW 43.43.830, a

developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian, an applicant's record for convictions as defined in chapter 10.97 RCW.

(2) The legislature also finds that the ((state board of education)) Washington professional educator standards board may request of the Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the secretary of the department of social and health services must establish rules and set standards to require specific action when considering the information listed in subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(g) For the purposes of this subsection, "health care facility" means a nursing home licensed under chapter 18.51 RCW, a boarding home licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

(7) If a federal bureau of investigation check is required in addition to the state background check by the department of social and health services, an applicant who is not disqualified based on the results of the state background check shall be eligible for a one hundred twenty day provisional approval to hire, pending the outcome of the federal bureau of investigation check. The department may extend the provisional approval until receipt of the federal bureau of investigation check. If the federal bureau of investigation check disqualifies an applicant, the department shall notify the requestor that the provisional approval to hire is withdrawn and the applicant may be terminated.

Sec. 827. RCW 43.43.840 and 2005 c 421 s 6 are each amended to read as follows:

When a business or an organization terminates, fires, dismisses, fails to renew the contract, or permits the resignation of an employee because of crimes against children or other persons or because of crimes relating to the financial exploitation of a vulnerable adult, and if that employee is employed in a position requiring a certificate or license issued by a licensing agency such as the (~~state board of education~~) Washington professional educator standards board, the business or organization shall notify the licensing agency of such termination of employment.

Sec. 828. RCW 43.43.845 and 2005 c 421 s 7 and 2005 c 237 s 1 are each reenacted and amended to read as follows:

(1) Upon a guilty plea or conviction of a person of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW, promoting prostitution of a minor under chapter 9A.88 RCW, or the sale or purchase of a minor child under RCW 9A.64.030, the prosecuting attorney shall notify the state patrol of such guilty pleas or convictions.

(2) When the state patrol receives information that a person has pled guilty to or been convicted of one of the felony crimes under subsection (1) of this section, the state patrol shall transmit that information to the superintendent of public instruction. It shall be the duty of the superintendent of public instruction to identify whether the person holds a certificate or permit issued under chapters 28A.405 and 28A.410 RCW or is employed by a school district, and provide this information to the (~~state board of education~~) Washington professional educator standards board and the school district employing the individual who pled guilty or was convicted of the crimes identified in subsection (1) of this section.

Sec. 829. RCW 72.40.028 and 1985 c 378 s 18 are each amended to read as follows:

All teachers at the state school for the deaf and the state school for the blind shall meet all certification requirements and the programs shall meet all accreditation requirements and conform to the standards defined by law or by rule of the (~~state board of education~~) Washington professional educator standards board or the office of the state superintendent of public instruction. The superintendents, by rule, may adopt additional educational standards for their respective schools. Salaries of all certificated employees shall be set so as to conform to and be contemporary with salaries paid to other certificated employees of similar background and experience in the school district in which the program or facility is located. The superintendents may provide for provisional certification for teachers in their respective schools including certification for emergency, temporary, substitute, or provisional duty.

PART 9 OTHER DUTIES

Sec. 901. RCW 28A.600.010 and 1997 c 265 s 4 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Enforce the rules prescribed by the superintendent of public instruction (~~and the state board of education~~) for the government of schools, pupils, and certificated employees.

(2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules regarding pupil conduct, discipline, and rights, including but not limited to short-term suspensions as referred to in RCW 28A.305.160 (as recodified by this act) and suspensions in excess of ten consecutive days. Such rules shall not be inconsistent with any of the following: Federal statutes and regulations, state statutes, common law, and the rules of the superintendent of public instruction (~~and the state board of education~~). The board's rules shall include such substantive and procedural due process guarantees as prescribed by the (~~state board of education~~) superintendent of public instruction under RCW 28A.305.160 (as recodified by this act). (~~Commencing with the 1976-77 school year,~~) When such rules are made available to each pupil, teacher, and parent, they shall be accompanied by a detailed description of rights, responsibilities, and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, the superintendent of public instruction, (~~and state board of education rules~~) and the rules (~~and regulations~~) of the school district.

For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.

(3) Suspend, expel, or discipline pupils in accordance with RCW 28A.305.160 (as recodified by this act).

NEW SECTION. Sec. 902. A new section is added to chapter 28A.405 RCW to read as follows:

Each school district board of directors shall adopt a policy regarding the presence at their respective schools of teachers and other certificated personnel before the opening of school in the morning and after the closing of school in the afternoon or evening. The board of directors shall make the policy available to parents and the public through the school district report card and other means of communication.

Sec. 903. RCW 28A.225.280 and 1990 1st ex.s. c 9 s 206 are each amended to read as follows:

Eligibility of transfer students under RCW 28A.225.220 and 28A.225.225 for participation in extracurricular activities shall be subject to rules adopted by the Washington interscholastic activities association (as authorized by the state board of education).

Sec. 904. RCW 28A.600.200 and 1990 c 33 s 502 are each amended to read as follows:

Each school district board of directors is hereby granted and shall exercise the authority to control, supervise and regulate the conduct of interschool athletic activities and other interschool

extracurricular activities of an athletic, cultural, social or recreational nature for students of the district. A board of directors may delegate control, supervision and regulation of any such activity to the Washington interscholastic activities association or any other voluntary nonprofit entity and compensate such entity for services provided, subject to the following conditions:

~~(1) ((The voluntary nonprofit entity shall submit an annual report to the state board of education of student appeal determinations, assets, and financial receipts and disbursements at such time and in such detail as the state board shall establish by rule;~~

~~(2))~~ The voluntary nonprofit entity shall not discriminate in connection with employment or membership upon its governing board, or otherwise in connection with any function it performs, on the basis of race, creed, national origin, sex or marital status;

~~((3))~~ (2) Any rules and policies applied by the voluntary nonprofit entity which govern student participation in any interschool activity shall be written ~~((and subject to the annual review and approval of the state board of education at such time as it shall establish;~~

~~(4) All amendments and repeals of such rules and policies shall be subject to the review and approval of the state board); ((and~~

~~(5))~~ (3) Such rules and policies shall provide for notice of the reasons and a fair opportunity to contest such reasons prior to a final determination to reject a student's request to participate in or to continue in an interschool activity. Any such decision shall be considered a decision of the school district conducting the activity in which the student seeks to participate or was participating and may be appealed pursuant to RCW 28A.645.010 through 28A.645.030; and

(4) Beginning the effective date of this section and until July 1, 2007, that any decision by the Washington interscholastic activities association may be appealed to the office of the superintendent of public instruction. After July 1, 2007, decisions by the Washington interscholastic activities association addressing only academic issues may be appealed to the office of the superintendent of public instruction. The office of the superintendent shall adopt rules to implement this subsection.

NEW SECTION. Sec. 905. A new section is added to chapter 28A.600 RCW to read as follows:

By July 1, 2007, the Washington interscholastic activities association shall establish a nine-person appeals board to address nonacademic appeals. The board shall be comprised of active members of school district boards of directors, and retired or inactive coaches. The retired or inactive coaches shall be representative of the multilevels of competition, the various school classifications, and the activity districts of the Washington interscholastic activities association. The board shall begin hearing nonacademic appeals by July 1, 2007. No board member may participate in the appeal process if the member was involved in the activity that was the basis of the appeal or involved in the decision of the association, either directly or indirectly.

Sec. 906. RCW 28A.160.210 and 1989 c 178 s 20 are each amended to read as follows:

In addition to other powers and duties, the ~~((state board of education))~~ superintendent of public instruction shall adopt rules ~~((and regulations))~~ governing the training and qualifications of school bus drivers. Such rules ~~((and regulations))~~ shall be designed to insure that persons will not be employed to operate school buses unless they possess such physical health and driving skills as are necessary to safely operate school buses: PROVIDED, That such rules ~~((and regulations))~~ shall insure that school bus drivers are provided a due process hearing before any certification required by such rules ~~((and regulations))~~ is cancelled: PROVIDED FURTHER, That such rules ~~((and regulations))~~ shall not conflict with the authority of the department of licensing to license school bus drivers in accordance with chapter 46.25 RCW. The ~~((state board of education))~~ superintendent of public instruction may obtain a copy of the driving record, as maintained by the department of licensing, for consideration when evaluating a school bus driver's driving skills.

Sec. 907. RCW 28A.160.100 and 1990 c 33 s 138 are each amended to read as follows:

In addition to the authority otherwise provided in RCW 28A.160.010 through 28A.160.120 to school districts for the transportation of persons, whether school children, school personnel, or otherwise, any school district authorized to use school buses and drivers hired by the district for the transportation of school children to and from a school activity, along with such school employees as necessary for their supervision, shall, if such school activity be an interscholastic activity, be authorized to transport members of the general public to such event and utilize the school district's buses, transportation equipment and facilities, and employees therefor: PROVIDED, That provision shall be made for the reimbursement and payment to the school district by such members of the general public of not less than the district's actual costs and the reasonable value of the use of the district's buses and facilities provided in connection with such transportation: PROVIDED FURTHER, That wherever private transportation certified or licensed by the utilities and transportation commission or public transportation is reasonably available ~~((as determined by rule and regulation of the state board of education))~~, this section shall not apply.

Sec. 908. RCW 28A.210.070 and 1990 c 33 s 191 are each amended to read as follows:

As used in RCW 28A.210.060 through 28A.210.170:

(1) "Chief administrator" shall mean the person with the authority and responsibility for the immediate supervision of the operation of a school or day care center as defined in this section or, in the alternative, such other person as may hereafter be designated in writing for the purposes of RCW 28A.210.060 through 28A.210.170 by the statutory or corporate board of directors of the school district, school, or day care center or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the school district, school or day care center.

(2) "Full immunization" shall mean immunization against certain vaccine-preventable diseases in accordance with schedules and with immunizing agents approved by the state board of health.

(3) "Local health department" shall mean the city, town, county, district or combined city-county health department, board of health, or health officer which provides public health services.

(4) "School" shall mean and include each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.305.130~~((6))~~, 28A.195.010 through 28A.195.050, and 28A.410.120.

(5) "Day care center" shall mean an agency which regularly provides care for a group of thirteen or more children for periods of less than twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

(6) "Child" shall mean any person, regardless of age, in attendance at a public or private school or a licensed day care center.

Sec. 909. RCW 28A.210.120 and 1990 c 33 s 196 are each amended to read as follows:

It shall be the duty of the chief administrator of every public and private school and day care center to prohibit the further presence at the school or day care center for any and all purposes of each child for whom proof of immunization, certification of exemption, or proof of compliance with an approved schedule of immunization has not been provided in accordance with RCW 28A.210.080 and to continue to prohibit the child's presence until such proof of immunization, certification of exemption, or approved schedule has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the office of the superintendent, in consultation with the state board of ~~((education))~~ health. The exclusion of a child from a day care center shall be accomplished in accordance with rules of the department of social and health services. Prior to the exclusion of a child, each school or day care center shall provide written notice to the parent(s) or legal guardian(s) of each

child or to the adult(s) in loco parentis to each child, who is not in compliance with the requirements of RCW 28A.210.080. The notice shall fully inform such person(s) of the following: (1) The requirements established by and pursuant to RCW 28A.210.060 through 28A.210.170; (2) the fact that the child will be prohibited from further attendance at the school unless RCW 28A.210.080 is complied with; (3) such procedural due process rights as are hereafter established pursuant to RCW 28A.210.160 and/or 28A.210.170, as appropriate; and (4) the immunization services that are available from or through the local health department and other public agencies.

Sec. 910. RCW 28A.210.160 and 1990 c 33 s 199 are each amended to read as follows:

The superintendent of public instruction with regard to public schools and the state board of education with regard to private schools, in consultation with the state board of ((education)) health, shall ~~((and is hereby empowered to))~~ each adopt rules pursuant to chapter 34.05 RCW ~~((which))~~ that establish the procedural and substantive due process requirements governing the exclusion of children from ~~((public and private))~~ schools pursuant to RCW 28A.210.120.

Sec. 911. RCW 28A.210.320 and 2002 c 101 s 1 are each amended to read as follows:

(1) The attendance of every child at every public school in the state shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school of a medication or treatment order addressing any life-threatening health condition that the child has that may require medical services to be performed at the school. Once such an order has been presented, the child shall be allowed to attend school.

(2) The chief administrator of every public school shall prohibit the further presence at the school for any and all purposes of each child for whom a medication or treatment order has not been provided in accordance with this section if the child has a life-threatening health condition that may require medical services to be performed at the school and shall continue to prohibit the child's presence until such order has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the state board of education. Before excluding a child, each school shall provide written notice to the parents or legal guardians of each child or to the adults in loco parentis to each child, who is not in compliance with the requirements of this section. The notice shall include, but not be limited to, the following: (a) The requirements established by this section; (b) the fact that the child will be prohibited from further attendance at the school unless this section is complied with; and (c) such procedural due process rights as are established pursuant to this section.

(3) The ~~((state board of education))~~ superintendent of public instruction in consultation with the state board of health shall adopt rules under chapter 34.05 RCW that establish the procedural and substantive due process requirements governing the exclusion of children from public schools under this section. The rules shall include any requirements under applicable federal laws.

(4) As used in this section, "life-threatening condition" means a health condition that will put the child in danger of death during the school day if a medication or treatment order and a nursing plan are not in place.

(5) As used in this section, "medication or treatment order" means the authority a registered nurse obtains under RCW 18.79.260(2).

Sec. 912. RCW 28A.335.100 and 1975-'76 2nd ex.s. c 23 s 1 are each amended to read as follows:

Any association established by school districts pursuant to the interlocal cooperation act, chapter 39.34 RCW for the purpose of jointly and cooperatively purchasing school supplies, materials and equipment, if otherwise authorized for school district purposes to purchase personal or real property, is ~~((hereby))~~ authorized ~~((subject to rules and regulations of the state board of education;))~~ to mortgage, or convey a purchase money security interest in real or personal property of such association of every kind, character or description whatsoever, or any interest in such personal or real property:

PROVIDED, That any such association shall be prohibited from causing any creditor of the association to acquire any rights against the property, properties or assets of any of its constituent school districts and any creditor of such association shall be entitled to look for payment of any obligation incurred by such association solely to the assets and properties of such association.

Sec. 913. RCW 28A.335.120 and 2001 c 183 s 2 are each amended to read as follows:

(1) The board of directors of any school district of this state may:

(a) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes; and

(b) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property.

(2) When the board of directors of any school district proposes a sale of school district real property pursuant to this section and the value of the property exceeds seventy thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least once each week during two consecutive weeks in a legal newspaper with a general circulation in the area in which the school district is located. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the school district property at the place and the day and hour fixed in the notice and admit evidence offered for and against the propriety and advisability of the proposed sale.

(3) The board of directors of any school district desiring to sell surplus real property shall publish a notice in a newspaper of general circulation in the school district. School districts shall not sell the property for at least forty-five days following the publication of the newspaper notice.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the purchase of surplus property and to have such bids considered along with all other bids.

(5) Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by a professionally designated real estate appraiser as defined in RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board of directors and no sale shall take place if the sale price would be less than ninety percent of the appraisal made by the real estate appraiser: PROVIDED, That if the property has been on the market for one year or more the property may be reappraised and sold for not less than seventy-five percent of the reappraised value with the unanimous consent of the board.

(6) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the use of a licensed real estate broker will not eliminate the obligation of the board of directors to provide the notice described in this section: PROVIDED FURTHER, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any professionally designated real estate appraiser as defined in RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the school district to sell such parcel of property for a period of three years after the appraisal.

(7) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through sale on contract terms, a real estate sales contract may be executed between the district and buyer ~~((PROVIDED, That the terms and conditions of any such sales contract must comply with rules and regulations of~~

the state board of education, herein authorized, governing school district real property contract sales)).

Sec. 914. RCW 28A.320.240 and 1969 ex.s. c 223 s 28A.58.104 are each amended to read as follows:

(1) The purpose of this section is to identify quality criteria for school library media programs that support the student learning goals under RCW 28A.150.210, the essential academic learning requirements under RCW 28A.655.070, and high school graduation requirements adopted under RCW 28A.230.090.

(2) Every board of directors shall provide for the operation and stocking of such libraries as the board deems necessary for the proper education of the district's students or as otherwise required by law or rule (or regulation) of the superintendent of public instruction (or the state board of education).

(3) "Teacher-librarian" means a certified teacher with a library media endorsement under rules adopted by the professional educator standards board.

(4) "School-library media program" means a school-based program that is staffed by a certificated teacher-librarian and provides a variety of resources that support student mastery of the essential academic learning requirements in all subject areas and the implementation of the district's school improvement plan.

(5) The teacher-librarian, through the school-library media program, shall collaborate as an instructional partner to help all students meet the content goals in all subject areas, and assist high school students completing the culminating project and high school and beyond plans required for graduation.

Sec. 915. RCW 28A.155.060 and 1995 c 77 s 12 are each amended to read as follows:

For the purpose of carrying out the provisions of RCW 28A.155.020 through 28A.155.050, the board of directors of every school district shall be authorized to contract with agencies approved by the ~~((state board of education))~~ superintendent of public instruction for operating special education programs for students with disabilities. Approval standards for such agencies shall conform substantially with those promulgated for approval of special education aid programs in the common schools.

Sec. 916. RCW 28A.600.130 and 1995 1st sp.s. c 5 s 1 are each amended to read as follows:

The higher education coordinating board shall establish a planning committee to develop criteria for screening and selection of the Washington scholars each year in accordance with RCW 28A.600.110(1). It is the intent that these criteria shall emphasize scholastic achievement but not exclude such criteria as leadership ability and community contribution in final selection procedures. The Washington scholars planning committee shall have members from selected state agencies and private organizations having an interest and responsibility in education, including but not limited to, the ~~((state board of education, the))~~ office of superintendent of public instruction, the council of presidents, the state board for community and technical colleges, and the Washington friends of higher education.

Sec. 917. RCW 28A.650.015 and 1995 c 335 s 507 are each amended to read as follows:

(1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan shall be updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of on-line information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The ~~((state board of education, the commission on student learning, the))~~ department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the work force training and education coordinating board, and the state library.

**PART 10
MISCELLANEOUS**

NEW SECTION. Sec. 1001. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 1002. Section 407 of this act takes effect September 1, 2009."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.305.130, 28A.305.035, 28A.300.040, 28A.305.011, 28A.150.230, 28A.505.140, 28A.525.020, 28A.525.030, 28A.525.050, 28A.525.055, 28A.525.070, 28A.525.080, 28A.525.090, 28A.525.162, 28A.525.164, 28A.525.166, 28A.525.168, 28A.525.170, 28A.525.172, 28A.525.174, 28A.525.176, 28A.525.178, 28A.525.180, 28A.525.190, 28A.525.200, 28A.525.216, 28A.150.260, 28A.335.160, 28A.540.050, 28A.150.530, 28A.335.210, 28A.335.230, 28A.540.070, 39.35D.020, 39.35D.040, 39.35D.060, 79.17.100, 79.17.120, 28A.305.220, 28A.230.100, 28A.230.170, 28A.305.170, 28A.230.130, 28A.205.010, 28A.205.070, 28A.215.010, 28A.215.020, 28A.205.040, 28A.215.140, 28A.230.020, 28A.230.040, 28A.230.050, 28A.315.175, 28A.315.195, 28A.315.205, 28A.315.015, 28A.315.025, 28A.315.055, 28A.315.085, 28A.315.125, 28A.315.185, 28A.305.210, 28A.310.080, 28A.310.030, 28A.310.050, 28A.310.060, 28A.310.090, 28A.310.100, 28A.310.140, 28A.310.150, 28A.310.200, 28A.310.310, 28A.323.020, 28A.323.040, 29A.24.070, 84.09.037, 28A.305.160, 28A.150.300, 28A.225.160, 28A.300.150, 28A.600.020, 28A.600.030, 18.35.020, 18.35.195, 18.83.200, 28A.625.360, 28A.225.330, 28A.405.110, 28A.415.010, 28A.415.020, 28A.415.024, 28A.415.025, 28A.415.105, 28A.415.125, 28A.415.130, 28A.415.145, 28A.660.020, 28A.660.040, 28A.690.020, 28A.300.050, 28A.625.370, 28A.625.380, 28A.625.390, 28B.10.710, 28B.35.120, 28B.40.120, 43.43.832, 43.43.840, 72.40.028, 28A.600.010, 28A.225.280, 28A.600.200, 28A.160.210, 28A.160.100, 28A.210.070, 28A.210.120, 28A.210.160, 28A.210.320, 28A.335.100, 28A.335.120, 28A.320.240, 28A.155.060, 28A.600.130, and 28A.650.015; reenacting and amending RCW 28A.330.100, 28A.630.400, and 43.43.845; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 28A.545 RCW; adding a new section to chapter 28A.230 RCW; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28A.405 RCW; creating new sections; recodifying RCW 28A.305.220, 28A.305.170, and 28A.305.160; decodifying RCW 28A.525.120, 28A.525.122, 28A.525.124, 28A.525.126, 28A.525.128, 28A.525.130, 28A.525.132, 28A.525.134, 28A.525.140, 28A.525.142, 28A.525.144, 28A.525.146, 28A.525.148, 28A.525.150, 28A.525.152, 28A.525.154, 28A.525.156, 28A.525.158, 28A.525.160, and 28A.525.182; providing an effective date; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 3098 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2431, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2005 c 452 s 1 (uncodified) is reenacted and amended to read as follows:

(1) A joint task force on criminal background check processes is established. The joint task force shall consist of the following members:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) The chief of the Washington state patrol, or the chief's designee;

(d) The secretary of the department of social and health services, or the secretary's designee;

(e) The secretary of the department of health, or the secretary's designee;

(f) The state superintendent of public instruction, or the superintendent's designee;

~~((f))~~ (g) An elected sheriff or police chief, selected by the Washington association of sheriffs and police chiefs; and

~~((g))~~ (h) The following ~~(eleven)~~ twelve members, jointly appointed by the speaker of the house of representatives and the president of the senate:

(i) A representative from a nonprofit service organization that serves primarily children under sixteen years of age;

(ii) A health care provider as defined in RCW 7.70.020;

(iii) A representative from a business or organization that primarily serves persons with a developmental disability;

(iv) A representative from a local youth athletic association;

(v) A representative from the insurance industry;

(vi) A representative of the Washington association of criminal defense lawyers;

(vii) Two representatives from a local parks and recreation program; one member shall be selected by the association of Washington cities and one member shall be selected by the Washington association of counties;

~~((vii))~~ (viii) A representative from a for-profit entity that primarily serves children;

~~((viii))~~ (ix) A representative from a business or organization that primarily serves vulnerable adults;

~~((ix))~~ (x) A representative selected by the state's long-term care ombudsman; and

~~((x))~~ (xi) As a nonvoting ex officio member, a representative of an organization that serves as a clearinghouse for other nonprofit organizations in the state and that recruits volunteers and trains nonprofit boards of directors.

(2) The task force shall choose two cochairs from among its membership.

(3) The task force shall review and make recommendations to the legislature and the governor regarding criminal background check policy in Washington state. In preparing the recommendations, the committee shall, at a minimum, review the following issues:

(a) What state and federal statutes require regarding criminal background checks, and determine whether any changes should be made;

(b) What criminal offenses are currently reportable through the criminal background check program, and determine whether any changes should be made;

(c) What information is available through the Washington state patrol and the federal bureau of investigation criminal background check systems, and determine whether any changes should be made;

(d) What are the best practices among organizations for obtaining criminal background checks on their employees and volunteers;

(e) What is the feasibility and costs for businesses and organizations to do periodic background checks;

(f) What is the feasibility of requiring all businesses and organizations, including nonprofit entities, to conduct criminal background checks for all employees, contractors, agents, and volunteers who have regularly scheduled supervised or unsupervised access to children, persons with a developmental disability, or vulnerable adults;

(g) What is the feasibility of establishing a state registration program for private youth sports coaches under which some or all of such persons are required to obtain and disclose to prospective clients and employers a copy of the results of their fingerprint-based criminal background checks;

(h) What is the feasibility of requiring the department of health to conduct background checks on all applicants for initial licenses to practice a health profession;

(i) What is the feasibility of requiring the department of health to review federal health care provider data banks for any actions taken against health care providers licensed in Washington;

(j) A review of the practices of the department of social and health services with respect to checking the backgrounds of its employees, applicants for employment, and candidates for promotion; and

~~((j))~~ (k) A review of the benefits and obstacles of implementing a criminal history record information background check program created by the national child protection act of 1993. The national child protection act of 1993 increases the availability of criminal history record information background checks for employers who have employees or volunteers who work with children, elderly persons, or persons with disabilities.

(4) The task force, where feasible, may consult with individuals from the public and private sector.

(5) The task force shall use legislative facilities and staff from senate committee services and the house office of program research.

(6) The task force shall report its findings and recommendations to the legislature by December 31, ~~(2005)~~ 2006.

NEW SECTION. Sec.2. This act expires January 31, 2007."

On page 1, line 1 of the title, after "checks;" strike the remainder of the title and insert "reenacting and amending 2005 c 452 s 1 (uncodified); and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

MOTIONS

Representative Morrell moved that the House refuse to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2431 and ask the Senate to recede therefrom.

Representative Hinkle moved that the House concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2431, and advance the bill as amended by the Senate to final passage.

The Speaker (Representative Lovick presiding) state the question before the House to be the motion to concur in the Senate amendment to Substitute House Bill No. 2431, and advance the bill as amended by the Senate to final passage.

Representative Hinkle spoke in favor of the motion.

Representatives Morrell and Campbell spoke against the motion.

The motion was not adopted.

On motion of Representative Morrell, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2431, and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Representative Lovick presiding) appointed Representatives Morrell, Campbell and Hinkle as conferees on SUBSTITUTE HOUSE BILL NO. 2431.

MESSAGE FROM THE SENATE

February 28, 2006

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 3070, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.180.160 and 1999 c 131 s 2 are each amended to read as follows:

The total amount of outstanding indebtedness of the commission may not exceed ~~((three))~~ five billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "increasing housing development capacity; and amending RCW 43.180.160."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

MOTIONS

Representative Miloscia moved that the House refuse to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 3070 and ask the Senate to recede therefrom.

Representative Dunn moved that the House concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 3070, and advance the bill as amended by the Senate to final passage.

The Speaker (Representative Lovick presiding) state the question before the House to be the motion to concur in the Senate amendment to Second Substitute House Bill No. 3070, and advance the bill as amended by the Senate to final passage.

Representative Dunn spoke in favor of the motion.

Representative Miloscia spoke against the motion.

The motion was not adopted.

There being no objection, the House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 3070 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

February 28, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1020, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 80.50.020 and 2001 c 214 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter.

(2) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(4) "Site" means any proposed or approved location of an energy facility.

(5) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility.

(6) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages in excess of ~~((200,000))~~ 115,000 volts to connect a thermal power plant or alternative energy facilities to the northwest power grid ~~((- PROVIDED, That))~~. However, common carrier railroads or motor vehicles shall not be included.

(7) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or ~~((liquefied))~~ liquefied petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal power commission;

(c) Electrical transmission facilities in excess of 115,000 volts in national interest electric transmission corridors as designated by the United States secretary of the department of energy or the federal energy regulatory commission pursuant to section 1221 of the national energy policy act, and such rules and regulations as the

secretary or the federal energy regulatory commission adopts to implement the act.

(8) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies.

(9) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel, including nuclear materials, for distribution of electricity by electric utilities.

(10) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense.

(11) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

(12) "Counsel for the environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080.

(13) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars.

(14) "Energy plant" means the following facilities together with their associated facilities:

(a) Any stationary thermal power plant with generating capacity of three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of one hundred thousand kilowatts or more, including associated facilities. For the purposes of this subsection, "floating thermal power plants" means a thermal power plant that is suspended on the surface of water by means of a barge, vessel, or other floating platform;

(b) Facilities which will have the capacity to receive (~~(liquefied)~~) liquefied natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(c) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or (~~(liquefied)~~) liquefied petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(d) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and

(e) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum into refined products.

(15) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter(~~(s)~~) 35.63, 35A.63, (~~(or)~~) 36.70, or 36.70A RCW.

(16) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapter(~~(s)~~) 35.63, 35A.63, (~~(or)~~) 36.70, or 36.70A RCW or Article XI of the state Constitution.

(17) "Alternative energy resource" means: (a) Wind; (b) solar energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal action; or (f) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(18) "Secretary" means the secretary of the United States department of energy.

NEW SECTION. Sec. 2. (1) Section 1221 of the national energy policy act also authorizes a state siting authority, in those instances where applicants seek a federal construction permit

otherwise authorized pursuant to section 1221 of the act, to assert jurisdiction on the basis of existing state regulatory authority.

(2) Section 1221 of the national energy policy act further authorizes a state siting authority to approve the siting of facilities or consider the interstate benefits to be achieved by proposed construction or modification as provided for in section 1221(b)(1)(A)(i)-(ii) of the act or other provisions of the act, or rules and regulations implementing the act, and to convey the views and recommendations regarding the need for and impact of a transmission facility where the federal energy regulatory commission is determined to have jurisdiction.

(3) Because the types of transmission facilities subject to section 1221 of the national energy policy act are not defined, and because the legislature recognizes that the siting of electric transmission lines at or below 115,000 volts has historically been regulated by local governments in the state, the legislature finds that the 115,000 volt threshold established in this act is appropriate to satisfy the requirements of section 1221.

NEW SECTION. Sec. 3. A new section is added to chapter 80.50 RCW to read as follows:

(1) The council shall consult with other state agencies, utilities, local municipal governments, public interest groups, tribes, and other interested persons to convey their views to the secretary and the federal energy regulatory commission regarding appropriate limits on federal regulatory authority in the siting of electrical transmission corridors in the state of Washington.

(2) The council is designated as the state authority for purposes of siting transmission facilities under the national energy policy act of 2005 and for purposes of other such rules or regulations adopted by the secretary. The council's authority regarding transmission facilities is limited to those transmission facilities that are the subject of section 1221 of the national energy policy act and this chapter.

(3) For the construction and modification of transmission facilities that are the subject of section 1221 of the national energy policy act, the council may: (a) Approve the siting of the facilities; and (b) consider the interstate benefits expected to be achieved by the proposed construction or modification of the facilities in the state.

(4) When developing recommendations as to the disposition of an application for the construction or modification of transmission facilities under this chapter, the fuel source of the electricity carried by the transmission facilities shall not be considered.

Sec. 4. RCW 80.50.060 and 2001 c 214 s 2 are each amended to read as follows:

(1) The provisions of this chapter shall apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 (7) and (14). No construction of such energy facilities may be undertaken, except as otherwise provided in this chapter, after July 15, 1977, without first obtaining certification in the manner provided in this chapter.

(2) The provisions of this chapter apply to the construction, reconstruction, or enlargement of a new or existing energy facility that exclusively uses alternative energy resources and chooses to receive certification under this chapter, regardless of the generating capacity of the project.

(3) The provisions of this chapter apply to the construction of new electrical transmission facilities or the modification of existing electrical transmission facilities in a national interest electric transmission corridor designated by the secretary.

(4) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 (7) and (14).

(~~(4)~~) (5) Applications for certification of energy facilities made prior to July 15, 1977 shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977 with the exceptions of RCW 80.50.190 and 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.

~~((5))~~ (6) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

Sec. 5. RCW 80.50.071 and 1977 ex.s. c 371 s 16 are each amended to read as follows:

(1) The council shall receive all applications for energy facility site certification. The following fees or charges for application processing or certification monitoring shall be paid by the applicant or certificate holder:

(a) A fee of twenty-five thousand dollars for each proposed site, to be applied toward the cost of the independent consultant study authorized in this subsection, shall accompany the application and shall be a condition precedent to any further consideration or action on the application by the council. The council shall commission its own independent consultant study to measure the consequences of the proposed energy facility on the environment for each site application. The council shall direct the consultant to study any matter which it deems essential to an adequate appraisal of the site. The full cost of the study shall be paid by the applicant: PROVIDED, That said costs exceeding a total of the twenty-five thousand dollars paid pursuant to subsection (1)(a) of this section shall be payable subject to the applicant giving prior approval to such excess amount.

(b) Each applicant shall, in addition to the costs of the independent consultant provided by subsection (1)(a) of this section, pay such reasonable costs as are actually and necessarily incurred by the council and its members as designated in RCW 80.50.030 in processing the application. Such costs shall include, but are not limited to, council member's wages, employee benefits, costs of a hearing examiner, a court reporter, additional staff salaries, wages and employee benefits, goods and services, travel expenses within the state and miscellaneous expenses, as arise directly from processing such application.

Each applicant shall, at the time of application submission, deposit twenty thousand dollars, or such lesser amount as may be specified by council rule, to cover costs provided for by subsection (1)(b) of this section. Reasonable and necessary costs of the council directly attributable to application processing shall be charged against such deposit.

The council shall submit to each applicant a statement of such expenditures actually made during the preceding calendar quarter which shall be in sufficient detail to explain such expenditures. The applicant shall pay the state treasurer the amount of such statement to restore the total amount on deposit to the originally established level: PROVIDED, That such applicant may, at the request of the council, increase the amount of funds on deposit to cover anticipated expenses during peak periods of application processing. Any funds remaining unexpended at the conclusion of application processing shall be refunded to the applicant, or at the applicant's option, credited against required deposits of certificate holders.

(c) Each certificate holder shall pay such reasonable costs as are actually and necessarily incurred by the council for inspection and determination of compliance by the certificate holder with the terms of the certification relative to monitoring the effects of construction and operation of the facility.

Each certificate holder, within thirty days of execution of the site certification agreement, shall deposit twenty thousand dollars, or such other amount as may be specified by council rule, to cover costs provided for by subsection (1)(c) of this section. Reasonable and necessary costs of the council directly attributable to inspection and determination of compliance by the certificate holder with the terms of the certification relative to monitoring the effects of construction and operation of the facility shall be charged against such deposit.

The council shall submit to each certificate holder a statement of such expenditures actually made during the preceding calendar quarter which shall be in sufficient detail to explain such expenditures. The certificate holder shall pay the state treasurer the amount of such statement to restore the total amount on deposit to the originally established level: PROVIDED, That if the actual, reasonable, and necessary expenditures for inspection and determination of compliance in the preceding calendar quarter have

exceeded the amount of funds on deposit, such excess costs shall be paid by the certificate holder.

(2) If an applicant or certificate holder fails to provide the initial deposit, or if subsequently required payments are not received within thirty days following receipt of the statement from the council, the council may (a) in the case of the applicant, suspend processing of the application until payment is received; or (b) in the case of a certificate holder, suspend the certification.

(3) All payments required of the applicant or certificate holder under this section are to be made to the state treasurer who shall make payments as instructed by the council from the funds submitted. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the applicant or certificate holder.

Sec. 6. RCW 80.50.090 and 2001 c 214 s 7 are each amended to read as follows:

(1) The council shall conduct an informational public hearing in the county of the proposed site as soon as practicable but not later than sixty days after receipt of an application for site certification (~~PROVIDED, That~~). However, the place of such public hearing shall be as close as practical to the proposed site.

(2) Subsequent to the informational public hearing, the council shall conduct a public hearing to determine whether or not the proposed site is consistent and in compliance with city, county, or regional land use plans or zoning ordinances. If it is determined that the proposed site does conform with existing land use plans or zoning ordinances in effect as of the date of the application, the city, county, or regional planning authority shall not thereafter change such land use plans or zoning ordinances so as to affect the proposed site.

(3) Prior to the issuance of a council recommendation to the governor under RCW 80.50.100 a public hearing, conducted as an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, shall be held. At such public hearing any person shall be entitled to be heard in support of or in opposition to the application for certification.

(4) Additional public hearings shall be held as deemed appropriate by the council in the exercise of its functions under this chapter."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the energy facility site evaluation council; amending RCW 80.50.020, 80.50.060, 80.50.071, and 80.50.090; adding a new section to chapter 80.50 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1020 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Morris spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1020, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1020, as amended by the Senate, and

the bill passed the House by the following vote: Yeas - 96, Nays - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Cox, and Holmquist - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1020, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1107, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.155 RCW to read as follows:

The legislature finds an urgent and substantial need to enhance the development of all infants and toddlers with disabilities in Washington in order to minimize developmental delays and to maximize individual potential for learning and functioning.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.155 RCW to read as follows:

(1) By September 1, 2009, each school district shall provide or contract for early intervention services to all eligible children with disabilities from birth to three years of age. Eligibility shall be determined according to Part C of the federal individuals with disabilities education act and as specified in the Washington Administrative Code. School districts shall provide or contract for early intervention services in partnership with local birth-to-three lead agencies and birth-to-three providers. Services provided under this section shall not supplant services or funding currently provided in the state for early intervention services to eligible children with disabilities from birth to three years of age. The state-designated birth-to-three lead agency shall be payor of last resort for birth-to-three early intervention services provided under this section.

(2) The services in this section are not part of the state's program of basic education pursuant to Article IX of the state Constitution.

Sec. 3. RCW 28A.155.070 and 1995 c 77 s 13 are each amended to read as follows:

Special educational and training programs provided by the state and the school districts thereof for children with disabilities (~~(may)~~) shall be extended to include children of preschool age. School districts (~~(which extend such special programs to children of preschool age)~~) shall be entitled to the regular apportionments from state and county school funds, as provided by law, and in addition to allocations from state excess cost funds made available for such special services for those children with disabilities who are given such special services.

NEW SECTION. Sec. 4. Section 3 of this act takes effect September 1, 2009."

On page 1, line 2 of the title, after "disabilities;" strike the remainder of the title and insert "amending RCW 28A.155.070; adding new sections to chapter 28A.155 RCW; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1107 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1107, as amended by the Senate.

MOTION

On motion of Representative Santos, Representative Eickmeyer was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1107, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

SUBSTITUTE HOUSE BILL NO. 1107, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1510, with the following amendment:

On page 2, line 7, after "year;" strike "and"

On page 2, line 8, after "(B)" insert "No comparable private for-profit facility exists within ten miles of the property that could be used for the same purpose for which the property is loaned or rented;

and C)"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1510 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Morris and Orcutt spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1510, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1510, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

SUBSTITUTE HOUSE BILL NO. 1510, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2233, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that active military and naval veterans, reserve military and naval veterans, and

national guard members called to active duty have served their country and have risked their lives to defend the lives of all Americans and the freedoms that define and distinguish our nation. The legislature intends to honor active military and naval veterans, reserve military and naval veterans, and national guard members who have served on active military or naval duty for the public service they have provided to this country by making available to all eligible admitted veterans a waiver of operating fees by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, to veterans who qualify under RCW 28B.15.621.

Sec. 2. RCW 28B.15.910 and 2005 c 249 s 3 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue in this subsection. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

(a) University of Washington	21 percent
(b) Washington State University	20 percent
(c) Eastern Washington University	11 percent
(d) Central Washington University	8 percent
(e) Western Washington University	10 percent
(f) The Evergreen State College	6 percent
(g) Community colleges as a whole	35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.15.014;
- (b) RCW 28B.15.100;
- (c) RCW 28B.15.225;
- (d) RCW 28B.15.380;
- (e) RCW 28B.15.520;
- (f) RCW 28B.15.526;
- (g) RCW 28B.15.527;
- (h) RCW 28B.15.543;
- (i) RCW 28B.15.545;
- (j) RCW 28B.15.555;
- (k) RCW 28B.15.556;
- (l) RCW 28B.15.615;
- (m) RCW 28B.15.621(2);
- (n) RCW 28B.15.730;
- ~~((m))~~ (o) RCW 28B.15.740;
- ~~((o))~~ (p) RCW 28B.15.750;
- ~~((p))~~ (q) RCW 28B.15.756;
- ~~((q))~~ (r) RCW 28B.50.259; and
- ~~((r))~~ (s) RCW 28B.70.050(~~and~~ RCW 28B.15.621(2)).

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540; and
- (c) RCW 28B.15.558.

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under RCW 28B.15.544 shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

(a) Washington State University	1 percent
(b) Eastern Washington University	3 percent
(c) Central Washington University	3 percent

(5) The institutions of higher education will participate in outreach activities to increase the number of veterans who receive tuition waivers. Colleges and universities shall revise the application for admissions so that all applicants shall have the opportunity to advise the institution that they are veterans who need assistance. If a person indicates on the application for admissions that the person is a veteran who is in need of assistance, then the institution of higher education shall ask the person whether they have any funds disbursed in accordance with the Montgomery GI Bill available to them. Each institution shall encourage veterans to utilize funds available to them in accordance with the Montgomery GI Bill prior to providing the veteran a tuition waiver."

On page 1, line 1 of the title, after "veterans;" strike the remainder of the title and insert "amending RCW 28B.15.910; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2233 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kenney, Rodne and Kristiansen spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2233, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2233, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

SUBSTITUTE HOUSE BILL NO. 2233, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2382, with the following amendment:

On page 2, line 14, after "means" strike "an" and insert "a cooperative not-for-profit"

On page 2, line 14, after "facility" insert ", such as a corral,"

On page 2, line 16, after "basis," strike "such as corrals" and insert "and does not include commercial slaughter facilities"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2382 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Lantz and Kretz spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2382, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2382, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

SUBSTITUTE HOUSE BILL NO. 2382, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2384, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.92 RCW to read as follows:

It is the intent of the legislature that there be an effective state geological survey that can produce essential information that provides for the health, safety, and economic well-being of the citizens.

Sec. 2. RCW 43.92.010 and 1988 c 127 s 28 are each amended to read as follows:

There shall be a geological survey of the state (~~(which)~~) that shall be under the direction of the commissioner of public lands who shall have general charge of the survey, and shall appoint as supervisor of the survey a geologist of established reputation, to be known as the (~~(supervisor of geology)~~) state geologist.

Sec. 3. RCW 43.92.020 and 1965 c 8 s 43.92.020 are each amended to read as follows:

The geological survey shall have for its objects:

- (1) An examination of the economic products of the state, (~~(viz)~~) including: ((The)) Gold, silver, copper, lead, and iron ores, as well as building stones, clays, coal, and all mineral substances of value;
- (2) An examination and classification of ((the)) soils, and the study of their adaptability to particular crops;
- (3) An investigation and report upon the water supplies, artesian wells, the water power of the state, gauging the streams, etc., with reference to their application for irrigation and other purposes;
- (4) An examination and report upon the occurrence of different road building material;
- (5) An examination of the physical features of the state with reference to their practical bearing upon the occupations of the people;
- (6) The preparation of special geological and economic maps to illustrate the resources of the state;
- (7) The preparation of special reports with necessary illustrations and maps, which shall embrace both the general and detailed description of the geology and natural resources of the state(,); and
- (8) The consideration of ((such other kindred)) similar scientific and economic questions ((as)) that, in the judgment of the ((director shall be)) state geologist, is deemed of value to the people of the state.

NEW SECTION. Sec. 4. A new section is added to chapter 43.92 RCW to read as follows:

In addition to the objectives stated in RCW 43.92.020, the geological survey must conduct and maintain an assessment of seismic, landslide, and tsunami hazards in Washington. This assessment must include the identification and mapping of volcanic, seismic, landslide, and tsunami hazards, an estimation of potential consequences, and the likelihood of occurrence. The maintenance of this assessment must include technical assistance to state and local government agencies on the proper interpretation and application of the results of this assessment.

Sec. 5. RCW 43.92.040 and 1965 c 8 s 43.92.040 are each amended to read as follows:

(~~The~~) Regular and special reports of the geological survey, with proper illustrations and maps, shall be printed as ((the director may direct, and the)) directed by the state geologist. All reports shall be distributed or sold by ((him)) the department of natural resources as the interests of the state and of science demand(, and)). All money obtained by the sale of reports under this section shall be paid into the state treasury.

Sec. 6. RCW 43.92.060 and 1965 c 8 s 43.92.060 are each amended to read as follows:

The (~~(director))~~ state geologist may make provisions for topographic, geologic, and hydrographic surveys of the state in cooperation with the United States geological survey in such manner as in (~~(his))~~ the opinion of the state geologist will be of the greatest

benefit to the agricultural, industrial, and geological requirements of the state(~~(-PROVIDED, That)). However, the director of the United States geological survey ((agrees)) must first agree to expend on the part of the United States upon such surveys a sum equal to that expended by the state.~~

Sec. 7. RCW 43.92.070 and 1965 c 8 s 43.92.070 are each amended to read as follows:

In order to complete the topographic map of the state and for the purpose of making more extensive stream measurements, and otherwise investigating and determining the water supply of the state, the (~~(director))~~ state geologist may enter into such agreements with the director of the United States geological survey as will (~~(insure))~~ ensure that the surveys and investigations be carried on in the most economical manner, and that the maps and data be available for the use of the public as quickly as possible.

Sec. 8. RCW 43.92.080 and 1965 c 8 s 43.92.080 are each amended to read as follows:

In order to carry out the purposes of this chapter, all persons employed (~~(hereunder))~~ by the department of natural resources to carry out the duties of this chapter are authorized to enter and cross all land within the state (~~((doing thereby))~~) as long as no damage is done to private property."

On page 1, line 1 of the title, after "survey;" strike the remainder of the title and insert "amending RCW 43.92.010, 43.92.020, 43.92.040, 43.92.060, 43.92.070, and 43.92.080; and adding new sections to chapter 43.92 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2384 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives B. Sullivan and Buck spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2384, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2384, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B.,

Sullivan, P., Sump, Takko, Talcott, Tom, Uptegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

SUBSTITUTE HOUSE BILL NO. 2384, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2457, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to the sale to an eligible farmer of replacement parts for qualifying farm machinery and equipment.

(2) Notwithstanding anything to the contrary in this chapter, if replacement parts are installed by the seller during the course of repairing, cleaning, altering, or improving qualifying farm machinery and equipment and the seller makes a separate charge for the parts, the tax levied by RCW 82.08.020 does not apply to the separately stated charge to an eligible farmer for replacement parts but only if the separately stated charge does not exceed either the seller's current publicly stated retail price for the parts or, if no separately stated retail price is available, the seller's cost for the parts. However, the exemption provided by this section shall not apply if replacement parts are installed by the seller during the course of repairing, cleaning, altering, or improving qualifying farm machinery and equipment and the seller makes a single nonitemized charge for providing the parts and service.

(3)(a) A person claiming an exemption under this section must keep records necessary for the department to verify eligibility under this section. An exemption is available only when the buyer provides the seller with an exemption certificate issued by the department containing such information as the department requires. The exemption certificate shall be in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(b) The department shall provide an exemption certificate to an eligible farmer or renew an exemption certificate, upon application by that eligible farmer. The application must be in a form and manner prescribed by the department and shall contain the following information as required by the department:

(i) The name and address of the applicant;

(ii) The uniform business identifier or tax reporting account number of the applicant, if the applicant is required to be registered with the department;

(iii) The type of farming engaged in;

(iv) A copy of the applicant's Schedule F of Form 1040, Form 1120, or other applicable form filed with the internal revenue service indicating the gross sales of agricultural products by the applicant in the calendar year immediately preceding the year that the application was made to the department. If application is made before the due date of the applicant's federal income tax return for the prior calendar year, or any extension of the due date, the applicant shall provide a copy of the appropriate federal income tax form that was due for the second calendar year immediately preceding the year that the application is made to the department. If the applicant is not required to file federal income tax returns, the department may require the applicant to provide copies of other documents establishing the amount of the applicant's gross sales of agricultural products for the relevant calendar year;

(v) The name of the individual authorized to sign the certificate, printed in a legible fashion;

(vi) The signature of the authorized individual; and

(vii) Other information the department may require to verify the applicant's eligibility for the exemption.

(c)(i) Except as otherwise provided in this section, exemption certificates issued by the department are not transferable and are valid for the calendar year in which the certificate is issued and the following four calendar years. The department shall attempt to notify holders of exemption certificates of the impending expiration of the certificate at least sixty days before the certificate expires and shall provide an application for renewal of the certificate.

(ii) When a certificate holder merely changes identity or form of ownership of an entity and there is no change in beneficial ownership, the exemption certificate shall be transferred to the new entity upon notice to the department by the transferor or transferee.

(d)(i) Exemption certificates issued to persons who are eligible farmers under subsection (4)(b)(iii) of this section are conditioned on the person making at least ten thousand dollars of gross sales of agricultural products grown, raised, or produced by that person in the first full calendar year that the person engages in business as a farmer.

(ii) A person who is issued a conditional exemption certificate must provide the department with a copy of the person's Schedule F of Form 1040, Form 1120, or other applicable form filed with the internal revenue service indicating the gross sales of agricultural products by the person in the first full calendar year that the person engaged in business as a farmer. If a person is not required to file federal income tax returns, the person shall provide copies of other documents establishing the amount of the person's gross sales of agricultural products for the first full calendar year that the person engaged in business as a farmer. The documentation required in this subsection (3)(d)(ii) is due no later than December 31st of the year immediately following the first full calendar year in which the person engaged in business as a farmer.

(iii) If a person fails to provide the required documentation to the department by the due date or any extension granted by the department, or if the condition in (d)(i) of this subsection is not met, the department shall revoke the exemption certificate. The department shall notify the person in writing of the revocation and the person's responsibility, and due date, for repayment of any taxes for which an exemption under this section was claimed. Any taxes for which an exemption under this section was claimed shall be due and payable within thirty days of the date of the notice revoking the certificate. The department shall assess interest on the taxes for which the exemption was claimed. Interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the exemption was claimed, and shall accrue until the taxes for which the exemption was claimed are repaid. Penalties shall not be imposed on any tax required to be repaid if full payment is received by the due date. Nothing in this subsection (3)(d) prohibits a person from reapplying for an exemption certificate.

(4) The definitions in this subsection apply to this section.

(a) "Agricultural products" has the meaning provided in RCW 82.04.213.

(b) "Eligible farmer" means:

(i) A farmer as defined in RCW 82.04.213 whose gross proceeds of sales of agricultural products grown, raised, or produced by that person is at least ten thousand dollars in the calendar year immediately preceding the year in which a claim of exemption is made under this section;

(ii) The transferee of an exemption certificate under subsection (3)(c)(ii) of this section where the transferred certificate expires before the transferee engages in farming operations for a full calendar year, if the combined gross proceeds of sales by the transferor and transferee of agricultural products that they have grown, raised, or produced meet the requirements of (b)(i) of this subsection;

(iii) A farmer as defined in RCW 82.04.213, who does not meet the definition of "eligible farmer" in (b)(i) or (ii) of this subsection, and who did not engage in farming for the entire calendar year immediately preceding the year in which application for exemption under this section is made and who did not engage in farming in any other year;

(iv) Anyone who otherwise meets the definition of "eligible farmer" in this subsection except that they are not a "person" as defined in RCW 82.04.030.

(c) "Qualifying farm machinery and equipment" means machinery and equipment used primarily for growing, raising, or producing agricultural products. "Qualifying farm machinery and equipment" does not include:

(i) Farm vehicles and other vehicles as those terms are defined in chapter 46.04 RCW, except farm tractors as defined in RCW 46.04.180 and other farm implements. For purposes of this subsection (4)(c)(i), "farm implement" does not include lawn tractors and all-terrain vehicles;

(ii) Aircraft;

(iii) Hand tools and hand-powered tools; and

(iv) Property with a useful life of less than one year.

(d) "Replacement parts" means those parts that replace an existing part, or which are essential to maintain the working condition, of a piece of qualifying farm machinery or equipment. However, "replacement parts" shall not include paint, fuel, oil, grease, hydraulic fluids, antifreeze, and similar items.

NEW SECTION. Sec. 2. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply in respect to the use by an eligible farmer of replacement parts for qualifying farm machinery and equipment.

(2) Notwithstanding anything to the contrary in this chapter, if replacement parts are installed by the seller during the course of repairing, cleaning, altering, or improving qualifying farm machinery and equipment and the seller makes a separate charge for the parts, the tax imposed by this chapter does not apply to the separately stated charge to an eligible farmer for replacement parts but only if the separately stated charge does not exceed either the seller's current publicly stated retail price for the parts or, if no separately stated retail price is available, the seller's cost for the parts. However, the exemption provided by this section shall not apply if replacement parts are installed by the seller during the course of repairing, cleaning, altering, or improving qualifying farm machinery and equipment and the seller makes a single nonitemized charge for providing the parts and service.

(3) The definitions and recordkeeping requirements in section 1 of this act, other than the exemption certificate requirement, apply to this section.

NEW SECTION. Sec. 3. This act takes effect July 1, 2006."

On page 1, line 2 of the title, after "equipment;" strike the remainder of the title and insert "adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2457 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Orcutt and Simpson spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2457, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2457, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

SUBSTITUTE HOUSE BILL NO. 2457, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2543, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 38.52.530 and 2002 c 341 s 3 are each amended to read as follows:

The enhanced 911 advisory committee is created to advise and assist the state enhanced 911 coordinator in coordinating and facilitating the implementation and operation of enhanced 911 throughout the state. The director shall appoint members of the committee who represent diverse geographical areas of the state and include state residents who are members of the national emergency number association, the associated public communications officers Washington chapter, the Washington state fire chiefs association, the Washington association of sheriffs and police chiefs, the Washington state council of fire fighters, the Washington state council of police officers, the Washington ambulance association, the state fire protection policy board, the Washington fire commissioners association, the Washington state patrol, the association of Washington cities, the Washington state association of counties, the utilities and transportation commission or commission staff, a representative of a voice over internet protocol company, and an equal number of representatives of large and small local exchange telephone companies and large and small radio communications service companies offering commercial mobile radio service in the state. This section expires December 31, (~~2006~~) 2011.

NEW SECTION. Sec. 2. A new section is added to chapter 38.52 RCW to read as follows:

On an annual basis, the enhanced 911 advisory committee shall provide an update on the status of enhanced 911 service in the state to the appropriate committees in the legislature."

On page 1, line 1 of the title, after "committee;" strike the remainder of the title and insert "amending RCW 38.52.530; adding a new section to chapter 38.52 RCW; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2543 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kilmer spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2543, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2543, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

SUBSTITUTE HOUSE BILL NO. 2543, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2573, with the following amendment:

On page 6, after line 27, insert the following:

"NEW SECTION. Sec. 4. (1) The department of corrections shall create a demonstration project with one county jail system, one city jail system in the same county as the county jail system, and one state prison to demonstrate an integrated electronic health records

system to facilitate and expedite the transfer of inmate health information between state and local correctional facilities.

(a) The demonstration project shall at a minimum be partially operational prior to September 1, 2006.

(b) The demonstration project data shall be available to the legislature by December 31, 2006.

(c) If specific funding is not provided for this subsection, the department is not required to complete the demonstration project.

(2) The department of corrections, in consultation with the Washington state health care authority, the Washington association of sheriffs and police chiefs, the Washington association of county officials, the Washington state association of counties, and the association of Washington cities shall prepare a recommendation to the 2007 legislature on how to implement a statewide integrated electronic health records system to facilitate and expedite the transfer of inmate health information between state and local correctional facilities. The recommendation shall include data from similar demonstration projects, the cost necessary to implement the statewide program, anticipated savings created to state and local governments, the benefits of such a system, any relevant data from other states that have implemented similar statewide programs, and whether any statutory changes are necessary to implement a statewide system. The recommendations shall be presented to the legislature by December 31, 2006."

On page 1, line 2 of the title, strike "a new section" and insert "new sections"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2573 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Morrell and Hinkle spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2573, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2573, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 83, Nays - 12, Excused - 3.

Voting yea: Representatives Ahern, Anderson, Appleton, Bailey, Blake, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, Dickerson, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 83.

Voting nay: Representatives Alexander, Armstrong, Buck, Chandler, Condotta, DeBolt, Dunn, Hinkle, Kretz, Kristiansen, Newhouse and Sump - 12.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

SUBSTITUTE HOUSE BILL NO. 2573, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 2573 as amended by the Senate.

KIRK PEARSON, 39th District

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2579, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that instruction in social studies, arts, health, and fitness is important to ensure a well-rounded and complete education. In particular, the civic mission of schools is strengthened and enhanced by comprehensive civics education and assessments. The legislature finds that effective and accountable democratic government depends upon an informed and engaged citizenry, and therefore, students should learn their rights and responsibilities as citizens, where those rights and responsibilities come from, and how to exercise them.

Sec. 2. RCW 28A.230.095 and 2004 c 19 s 203 are each amended to read as follows:

(1) By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness. Social studies includes history, geography, civics, economics, and social studies skills. Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction.

(2) Beginning with the 2008-09 school year, school districts shall require students in the fourth or fifth grades, the seventh or eighth grades, and the eleventh or twelfth grades to each complete at least one classroom-based assessment in civics. The civics assessment may be selected from a list of classroom-based assessments approved by the office of the superintendent of public instruction. Beginning with the 2008-09 school year, school districts shall annually submit implementation verification reports to the office of the superintendent of public instruction documenting the use of the classroom-based assessments in civics.

NEW SECTION. Sec. 3. (1) The legislature finds that the complexity of modern political life has created a demand for informed citizens who are willing not only to vote, but also to participate in the elections process.

(2) The purpose of this section is to create a pilot project to help graduate students who are better voters, better citizens, and who are ready to take an informed and responsible place in society.

(3) The office of the superintendent of public instruction shall work with selected county auditors' offices to develop an interactive high school civics curriculum to help students learn how to become informed citizens. The curriculum shall meet the requirements for the office of the superintendent of public instruction's classroom-

based assessments. Staff from the office of the superintendent of public instruction shall work directly in the curriculum development.

(4) Counties shall apply to, and be selected by, the office of the superintendent of public instruction to participate in the pilot project under this section. A maximum of fifteen counties may participate.

(5) The curriculum shall include, but not be limited to:

(a) Local government organization;

(b) A discussion of ballot measures, initiatives, and referenda;

(c) The role of the precinct in defining ballots, candidates, and political activities;

(d) The roles and responsibilities of taxing jurisdictions in establishing ballot measures; and

(e) The work of conducting elections.

(6) The study may include in the curriculum civics essential academic learning requirements relating to examining representative government and citizen participation and analyzing the purposes and organization of government and laws.

(7) A curriculum guide shall be developed that will help teachers and students maximize the learning of key issues in civics, and shall include strategies for helping students develop voters' guide information for ballot issues and candidates who appear on the ballot. This guide should incorporate ideas from other Washington state civics education programs, such as "We the People" and "Project Citizen." The guide should also present ideas for sharing the results of an election with the larger community and with local government officials in productive, meaningful ways.

(8) In addition to the required components of the pilot project under this section, other activities may be included in the project, such as:

(a) Conducting mock county elections at schools; and

(b) Preparing an advisory issue on which the school would vote, including issue preparation, conducting the election, and preparing a presentation to a local government official on the results of the advisory issue.

(9) The pilot project shall operate for the 2006-07 and 2007-08 school years.

(10) Funds for the pilot project shall be made available to the office of the superintendent of public instruction for a contract position in civics curriculum and for support costs for soliciting and implementing volunteer participation.

(11) The office of the superintendent of public instruction shall adopt rules to implement this section, including rules specifying selection criteria for counties that wish to participate.

(12) The superintendent of public instruction shall provide an interim report to appropriate committees of the legislature by December 1, 2008, and a final report by December 1, 2009, detailing the results of the project and budget recommendations for expansion, if appropriate.

(13) This section expires January 31, 2010.

NEW SECTION. Sec. 4. The sum of twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2007, from the general fund to the superintendent of public instruction. The superintendent shall use the funds to provide competitive grants to school districts for curriculum alignment, development of innovative civics projects, and other activities that support the civics assessment under this act. As a condition of grant receipt, districts shall make the products developed under the grant widely available as examples of best practices."

On page 1, line 1 of the title, after "assessments;" strike the remainder of the title and insert "amending RCW 28A.230.095; creating new sections; making an appropriation; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2579

and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Upthegrove and Nixon spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2579, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2579, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 76, Nays - 19, Excused - 3.

Voting yea: Representatives Appleton, Armstrong, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, Dickerson, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 76.

Voting nay: Representatives Ahern, Alexander, Anderson, Bailey, Chandler, Curtis, DeBolt, Dunn, Hinkle, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Rodne, Schindler, Serben and Strow - 19.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

ENGROSSED HOUSE BILL NO. 2579, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2596, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that direct-entry apprenticeship programs can be very beneficial to both students and employers. However, there is also concern that apprenticeship programs may reduce the number of students who enroll in traditional cosmetology school. The advisory committee is to update the legislature on the program with an updated final report by December 31, 2008, and is to include an evaluation of the effectiveness of the apprenticeship program, including but not limited to the number of apprentices who complete the program, the number of apprentices who take and pass the licensing examination, and a formal review of any impact the expansion of such an apprenticeship program may have on the enrollment of traditional cosmetology schools, including but not limited to whether the enrollment of traditional cosmetology schools is negatively impacted by the direct-entry apprenticeship programs.

Sec. 2. RCW 18.16.280 and 2003 c 400 s 1 are each amended to read as follows:

A cosmetology apprenticeship pilot program is hereby created.

(1) An advisory committee is created that may consist of representatives from individuals and businesses licensed under chapter 18.16 RCW; cosmetology, barbering, esthetics, and manicuring advisory board members; department of labor and industries; department of licensing; United States department of labor apprenticeship; and other interested parties.

(a) The advisory committee shall meet to review progress of the cosmetology apprenticeship pilot program.

(b) The department of labor and industries apprenticeship council shall coordinate the activities of the advisory committee. The advisory committee shall issue annual reports on the progress of the apprenticeship program to interested parties and shall issue a final report regarding the outcome of the apprenticeship program to be presented to the appropriate committees of the house of representatives and senate by December 31, 2005. The advisory committee shall submit an updated report, including an evaluation of the effectiveness of the apprenticeship program, to the appropriate committees of the house of representatives and senate by December 31, 2007.

(2) Up to twenty salons approved by the department of labor and industries apprenticeship council may participate in the apprenticeship program. The participating salons shall proportionately represent the geographic diversity of Washington state, including rural and urban areas, and salons located in both eastern and western Washington.

(3) The department of licensing shall adopt rules, including a mandatory requirement that apprentices complete in-classroom theory courses as a part of their training, to provide for the licensure of participants of the apprenticeship program.

(4) The cosmetology apprenticeship pilot program expires July 1, ~~(2006)~~ 2008."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 18.16.280; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2596 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Kenney and McDonald spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2596, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2596, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant,

Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

SUBSTITUTE HOUSE BILL NO. 2596, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 28, 2006

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2789, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.04 RCW to read as follows:

(1) The legislature finds that it is in the public interest of the state to encourage and facilitate the formation of cooperative relationships between business and labor and educational institutions that provide for the development and expansion of programs of educational skills training consistent with employment needs.

(2) Further, the legislature finds that it is in the state's interest to make students aware of the educational training programs and career employment opportunities.

(3) Therefore, the following shall be implemented to expand opportunities for secondary school students to prepare for technical careers and related apprenticeships:

(a) Centers of excellence and other colleges with a high density of apprenticeship programs shall act as brokers of relevant information and resources as provided for in section 2 of this act;

(b) An educational outreach program coordinated by the Washington state apprenticeship and training council as provided for in section 3 of this act; and

(c) The development of direct-entry programs for graduating secondary students, approved and overseen by the Washington state apprenticeship and training council as provided for in section 4 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 49.04 RCW to read as follows:

(1) Centers of excellence, as designated by the state board for community and technical colleges, and other colleges identified by the state board for community and technical colleges in consultation with the Washington state apprenticeship and training council as having a high density of apprenticeship programs, shall act as a broker of relevant information and resources on available grants, scholarship opportunities, job openings, and industries of growth.

(2) The Washington state apprenticeship and training council, in conjunction with the office of the superintendent of public instruction, shall aid all local school districts in meeting the goals of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 49.04 RCW to read as follows:

(1) Within existing resources, the Washington state apprenticeship and training council, in conjunction with individual state-approved apprenticeship training programs and the office of the

superintendent of public instruction, shall lead and coordinate an educational outreach program for middle and secondary school students, parents, and educators about apprenticeship and career opportunities and communicate work force projections to the office of the superintendent of public instruction for distribution to all local school districts.

(2) Appropriate activities of the Washington state apprenticeship and training council under this section include assistance with curriculum development, the establishment of practical learning opportunities for students, and seeking the advice and participation of industry and labor interests.

NEW SECTION. Sec. 4. A new section is added to chapter 49.04 RCW to read as follows:

(1) Within existing resources, the Washington state apprenticeship and training council shall approve and oversee direct-entry programs for graduating secondary students into building and construction-related apprenticeships by:

(a) Assisting individual school districts in using and leveraging existing resources; and

(b) Developing guidelines, including guidelines that ensure that graduating secondary school students will receive appropriate education and training and will have the opportunity to transition to local apprenticeship programs. The guidelines must be developed with input from apprenticeship coordinators, the office of the superintendent of public instruction, the state board for community and technical colleges, the work force training and education coordinating board, and other interested stakeholders for direct-entry programs.

(2) The Washington state apprenticeship and training council shall award up to ten incentive grants for the 2006-07 school year, based on guidelines established under subsection (1)(b) of this section, to school districts statewide solely for personnel to negotiate and implement agreements with local apprenticeship programs based upon state apprenticeship use requirements, as described in RCW 39.04.320, to accept graduating secondary school students with appropriate training into apprenticeship programs. The council shall make every effort to award the grants evenly across the state.

(3) Beginning December 1, 2006, the Washington state apprenticeship and training council shall provide an annual report to the governor and the education and commerce and labor committees of the legislature. The report shall include:

(a) The guidelines established under subsection (1)(b) of this section;

(b) The names of the school districts receiving incentive grants under subsection (2) of this section;

(c) The results of negotiations between school districts receiving incentive grants and local apprenticeship programs;

(d) A list of apprenticeship programs that have agreed, pursuant to negotiated agreements, to accept qualified graduating secondary students; and

(e) The number of qualified graduating secondary students entering into apprenticeship programs each year through direct-entry programs.

NEW SECTION. Sec. 5. A new section is added to chapter 28C.04 RCW to read as follows:

(1) Subject to funding provided for the purposes of this section, the superintendent of public instruction and the state board for community and technical colleges, in consultation with the Washington state apprenticeship and training council, shall allocate grants on a competitive basis to up to four pilot projects to expand enrollment of secondary school students in career and technical programs that enable them to enter apprenticeships, particularly building and construction apprenticeships, upon graduation. The purpose of the pilot projects is to develop new collaborations among K-12 education and work force education providers and try new approaches to delivering instruction and career and technical education to secondary school students.

(a) Two of the pilot projects shall involve skill centers or high schools working collaboratively with local or regional apprenticeship programs and the Washington state apprenticeship and training council to design and offer the programs.

(b) Two of the pilot projects shall involve community or technical colleges working collaboratively with local high schools, local or regional apprenticeship programs, and the Washington state apprenticeship and training council to design and offer the programs.

(c) At least one of the pilot projects is encouraged to involve small or rural high schools.

(d) In reviewing the grant applications, the superintendent of public instruction and the Washington state apprenticeship and training council shall convene a review committee representing the state board for community and technical colleges, the work force training and education coordinating board, business and labor interests with ties to apprenticeship fields, apprenticeship program coordinators, and career and technical educators in the public schools. Grant award recipients must be notified by June 1, 2006.

(e) Pilot projects must be ready to enroll students for the 2006-07 school year.

(f) The pilot projects shall operate for a three-year period.

(2) In addition to enrolling students in career and technical programs that enable them to enter apprenticeships upon graduation, the pilot projects under this section may engage in but are not limited to the following activities:

(a) Developing or modifying curriculum to align with apprenticeship entry requirements and skill expectations or to adjust curriculum to the secondary level;

(b) Negotiating agreements for nonmonetary consideration or for no consideration to use local or regional apprenticeship program training facilities to offer programs;

(c) Negotiating agreements with local or regional apprenticeship programs, community or technical colleges, or other contractors to provide specialized instruction within the program;

(d) Based on guidelines and assistance from the Washington state apprenticeship and training council, negotiating direct-entry agreements with local or regional apprenticeship programs to accept pilot project graduates into the programs;

(e) In conjunction with educational outreach efforts by the Washington state apprenticeship and training council and local or regional apprenticeship programs, conducting marketing, advertising, and communication about the pilot project to area teachers, counselors, students, and parents;

(f) Providing tutoring and other academic support services to ensure students have the necessary academic skills for the program and for high school graduation; and

(g) Offering other support services such as counseling, community service referral, and assistance for low-income students such as tools, supplies, books, or transportation to nonschool facilities.

(3) To the maximum extent possible, students enrolled in a pilot project shall receive both high school and college credit for their courses through tech-prep agreements or the high school program created in RCW 28A.600.300 through 28A.600.400 (running start).

(4) Beginning December 1, 2007, recipients of grants under this section shall report annually to the Washington state apprenticeship and training council: The number of students participating in programs developed under this section, the number of qualified graduating secondary students entering into apprenticeship programs each year, the apprenticeship programs into which the students entered, and lessons learned by the grant recipients that might lead to improvements in the development and implementation of additional preapprenticeship programs. The Washington state apprenticeship and training council shall provide an annual summary of the reports to the governor and the education and commerce and labor committees of the legislature.

(5) Funding for a student enrolled in a community or technical college pilot project under this section shall be provided under RCW 28A.320.015 and 28A.320.035 and rules adopted for the provision of instruction under contract.

(6) Using existing resources the superintendent of public instruction shall convene a work group to identify barriers and opportunities for further expansion of secondary career and technical programs that enable graduates to enter apprenticeships, including building and construction-related apprenticeships, beyond the pilot project stage. The work group shall include representatives from the Washington state apprenticeship and training council, local or

regional apprenticeship programs, the work force training and education coordinating board, community and technical colleges, high schools, and skill centers. The superintendent shall submit a report with recommendations to the governor and the education and commerce and labor committees of the legislature by December 1, 2006. Issues to be considered by the work group may include:

(a) Expanding participation and opportunities in running start for career and technical students, particularly in apprenticeship preparation programs, including the role of using parent involvement in guidance and counseling for students to expand participation;

(b) Addressing highly qualified teacher requirements under the federal no child left behind act;

(c) Cross-crediting of career and technical and core academic courses;

(d) The funding model for skill centers;

(e) Creating benchmarks to measure outcomes from the pilot projects and from possible expansion of the projects; and

(f) The impact of current student assessment and achievement requirements on student participation in apprenticeship preparation programs and opportunities for developing alternative assessment and achievement requirements.

(7) This section expires August 31, 2009.

Sec. 6. RCW 28B.15.067 and 2003 c 232 s 4 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, reductions or increases in full-time tuition fees for resident undergraduates shall be as provided in the omnibus appropriations act.

(3) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students.

(4) Academic year tuition for full-time students at the state's institutions of higher education beginning with 2009-10, other than summer term, shall be as charged during the 2008-09 academic year unless different rates are adopted by the legislature.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college under section 5 of this act.

(7) For the academic years 2003-04 through 2008-09, the University of Washington shall use an amount equivalent to ten percent of all revenues received as a result of law school tuition increases beginning in academic year 2000-01 through academic year 2008-09 to assist needy low and middle income resident law students.

~~((7))~~ (8) For the academic years 2003-04 through 2008-09, institutions of higher education shall use an amount equivalent to ten percent of all revenues received as a result of graduate academic school tuition increases beginning in academic year 2003-04 through academic year 2008-09 to assist needy low and middle-income resident graduate academic students.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 1, 2006."

On page 1, line 2 of the title, after "apprenticeships;" strike the remainder of the title and insert "amending RCW 28B.15.067; adding new sections to chapter 49.04 RCW; adding a new section to chapter 28C.04 RCW; providing an effective date; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2789 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Conway and Condotta spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2789, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2789, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 89, Nays - 6, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Bailey, Chandler, Crouse, Dunn, Orcutt and Schindler - 6.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

SECOND SUBSTITUTE HOUSE BILL NO. 2789, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2817, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

(1) The legislature recognizes the vital importance to the state's economic prosperity and the economic benefit of placing a priority on enrolling and conferring degrees upon students in the fields of

engineering, technology, biotechnology, science, computer science, and mathematics.

(2) The legislature has significant concerns that other countries are outpacing the United States in graduating qualified engineers, and that major corporations within Washington state are searching out-of-state and even outside the United States to find the qualified and trained employees they need.

(3) Data compiled by the technology alliance shows that Washington state ranks thirty-fourth among the fifty states in the percentage of residents who have earned a science or engineering degree, per capita.

(4) Data collected by the office of financial management indicates that between the academic years of 1993-94 and 2003-04 at public four-year institutions of higher education in Washington state:

(a) There was a twelve percent decline in the number of full-time equivalents enrolled in the fields of engineering and related technologies; and

(b) There was nearly a nine percent decline in the number of bachelor's degrees conferred in the fields of engineering and related technologies.

(5) Data collected by the office of financial management also shows that for the 2003-04 academic year, only four percent of all full-time equivalents were enrolled in engineering and related technologies and just two percent of all full-time equivalents were enrolled in computer science studies at public four-year institutions of higher education in the state.

(6) Therefore, it is the intent of the legislature to promote increased access, delivery models, enrollment slots, and degree opportunities in the fields of engineering, technology, biotechnology, sciences, computer sciences, and mathematics. It is recognized that these areas of study and training are integrally linked to ensuring that Washington state's economy can compete nationally and globally in the twenty-first century marketplace. It is also recognized that community colleges play a unique role in supporting degree attainment in the fields of science, technology, engineering, and mathematics through the development of transferable curricula and the maintenance of viable articulation agreements with both public and private universities.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW to read as follows:

(1) A state priority is established for institutions of higher education, including community colleges, to encourage growing numbers of enrollments and degrees in the fields of engineering, technology, biotechnology, sciences, computer sciences, and mathematics.

(2) In meeting this state priority, the legislature understands and recognizes that the demands of the economic marketplace and the desires of students are not always on parallel tracks. Therefore, institutions of higher education shall determine local student demand for programs in the fields of engineering, technology, biotechnology, sciences, computer sciences, and mathematics and submit findings and proposed alternatives to meet demand to the higher education coordinating board and the legislature by November 1, 2008.

(3) While it is understood that these areas of emphasis should not be the sole focus of institutions of higher education. It is the intent of the legislature that steady progress in these areas occur. The higher education coordinating board shall track and report progress in the fields of engineering, technology, biotechnology, sciences, computer sciences, and mathematics including, but not limited to, the following information:

(a) The number of students enrolled in these fields on a biennial basis;

(b) The number of associate, bachelor's, and master's degrees conferred in these fields on a biennial basis;

(c) The amount of expenditures in enrollment and degree programs in these fields; and

(d) The number and type of public-private partnerships established relating to these fields among institutions of higher education, including community colleges, and leading corporations in Washington state.

(4) Institutions of higher education, including community colleges, shall be provided discretion and flexibility in achieving the

objectives under this section. Examples of the types of institutional programs that may help achieve these objectives include, but are not limited to, establishment of institutes of technology, new polytechnic-based institutions, new divisions of existing institutions, and a flexible array of delivery models, including face-to-face learning, interactive courses, internet-based offerings, and instruction on main campuses, branch campuses, and other educational centers.

(5) The legislature recognizes the global needs of the economic marketplace for technologically prepared graduates, and the relationship between technology industries and higher education. Institutions of higher education, including community colleges, are strongly urged to consider science, engineering, and technology program growth in areas of the state that exhibit a high concentration of aerospace, biotechnology, and technology industrial presence. Expanded science and technology programs can gain from the proximity of experienced and knowledgeable industry leaders, while industry can benefit from access to new sources of highly trained and educated graduates."

On page 1, line 4 of the title, after "education;" strike the remainder of the title and insert "and adding new sections to chapter 28B.10 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2817 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Sells and Rodne spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2817, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2817, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

SUBSTITUTE HOUSE BILL NO. 2817, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 2939, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Washington's dependence on energy supplied from outside the state and volatile global energy markets makes its economy and citizens vulnerable to unpredictable and high energy prices;

(2) Washington's dependence on petroleum-based fuels increases energy costs for citizens and businesses;

(3) Diesel soot from diesel engines ranks as the highest toxic air pollutant in Washington, leading to hundreds of premature deaths and increasing rates of asthma and other lung diseases;

(4) The use of biodiesel results in significantly less air pollution than traditional diesel fuels;

(5) Improper disposal and treatment of organic waste from farms and livestock operations can have a significant negative impact on water quality;

(6) Washington has abundant supplies of organic wastes from farms that can be used for energy production and abundant farmland where crops could be grown to supplement or supplant petroleum-based fuels;

(7) The use of energy and fuel derived from these sources can help citizens and businesses conserve energy and reduce the use of petroleum-based fuels, would improve air and water quality in Washington, reduce environmental risks from farm wastes, create new markets for farm products, and provide new industries and jobs for Washington citizens;

(8) The bioenergy industry is a new and developing industry that is, in part, limited by the availability of capital for the construction of facilities for converting farm and forest products into energy and fuels;

(9) Instead of leaving our economy at the mercy of global events, and the policies of foreign nations, Washington state should adopt a policy of energy independence; and

(10) The energy freedom program is meant to lead Washington state towards energy independence.

Therefore, the legislature finds that it is in the public interest to encourage the rapid adoption and use of bioenergy, to develop a viable bioenergy industry within Washington state, to promote public research and development in bioenergy sources and markets, and to support a viable agriculture industry to grow bioenergy crops. To accomplish this, the energy freedom program is established to promote public research and development in bioenergy, and to stimulate the construction of facilities in Washington to generate energy from farm sources or convert organic matter into fuels.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any political subdivision of the state, including port districts, counties, cities, towns, special purpose districts, and other municipal corporations or quasi-municipal corporations. "Applicant" may also include federally recognized tribes and state institutions of higher education with appropriate research capabilities.

(2) "Assistance" includes loans, leases, product purchases, or other forms of financial or technical assistance.

(3) "Department" means the department of agriculture.

(4) "Director" means the director of the department of agriculture.

(5) "Peer review committee" means a board, appointed by the director, that includes bioenergy specialists, energy conservation

specialists, scientists, and individuals with specific recognized expertise.

(6) "Project" means the construction of facilities, including the purchase of equipment, to convert farm products or wastes into electricity or gaseous or liquid fuels or other coproducts associated with such conversion. These specifically include fixed or mobile facilities to generate electricity or methane from the anaerobic digestion of organic matter, and fixed or mobile facilities for extracting oils from canola, rape, mustard, and other oilseeds. "Project" may also include the construction of facilities associated with such conversion for the distribution and storage of such feedstocks and fuels.

(7) "Research and development project" means research and development, by an institution of higher education as defined in subsection (1) of this section, relating to:

(a) Bioenergy sources including but not limited to biomass and associated gases; or

(b) The development of markets for bioenergy coproducts.

NEW SECTION. Sec. 3. (1) The energy freedom program is established within the department. The director may establish policies and procedures necessary for processing, reviewing, and approving applications made under this chapter.

(2) When reviewing applications submitted under this program, the director shall consult with those agencies having expertise and knowledge to assess the technical and business feasibility of the project and probability of success. These agencies may include, but are not limited to, Washington State University, the University of Washington, the department of ecology, the department of community, trade, and economic development, and the Washington state conservation commission.

(3) The director, in cooperation with the department of community, trade, and economic development, may approve an application only if the director finds:

(a) The project will convert farm products or wastes directly into electricity or into gaseous or liquid fuels or other coproducts associated with such conversion;

(b) The project demonstrates technical feasibility and directly assists in moving a commercially viable project into the marketplace for use by Washington state citizens;

(c) The facility will produce long-term economic benefits to the state, a region of the state, or a particular community in the state;

(d) The project does not require continuing state support;

(e) The assistance will result in new jobs, job retention, or higher incomes for citizens of the state;

(f) The state is provided an option under the assistance agreement to purchase a portion of the fuel or feedstock to be produced by the project, exercisable by the department of general administration;

(g) The project will increase energy independence or diversity for the state;

(h) The project will use feedstocks produced in the state, if feasible, except this criterion does not apply to the construction of facilities used to distribute and store fuels that are produced from farm products or wastes;

(i) Any product produced by the project will be suitable for its intended use, will meet accepted national or state standards, and will be stored and distributed in a safe and environmentally sound manner;

(j) The application provides for adequate reporting or disclosure of financial and employment data to the director, and permits the director to require an annual or other periodic audit of the project books; and

(k) For research and development projects, the application has been independently reviewed by a peer review committee as defined in section 2 of this act and the findings delivered to the director.

(4) The director may approve an application for assistance up to five million dollars. In no circumstances shall this assistance constitute more than fifty percent of the total project cost.

(5) The director shall enter into agreements with approved applicants to fix the terms and rates of the assistance to minimize the costs to the applicants, and to encourage establishment of a viable bioenergy industry. The agreement shall include provisions to

protect the state's investment, including a requirement that a successful applicant enter into contracts with any partners that may be involved in the use of any assistance provided under this program, including services, facilities, infrastructure, or equipment. Contracts with any partners shall become part of the application record.

(6) The director may defer any payments for up to twenty-four months or until the project starts to receive revenue from operations, whichever is sooner.

NEW SECTION. Sec. 4. (1) Upon written notice to the recipient of any assistance under this program, the director may suspend or cancel the assistance if any of the following occur:

(a) The recipient fails to make satisfactory and reasonable progress to complete the project, or the director concludes the recipient will be unable to complete the project or any portion of it; or

(b) The recipient has made misrepresentations in any information furnished to the director in connection with the project.

(2) In the event that any assistance has been awarded to the recipient under this program at the time of breach, or failure of the recipient to satisfactorily perform, the director may require that the full amount or value of the assistance, or a portion thereof, be repaid within a period specified by the director.

NEW SECTION. Sec. 5. If the total requested dollar amount of assistance exceeds the amount available in the energy freedom account created in section 6 of this act, the applications must be prioritized based upon the following criteria:

(1) The extent to which the project will help reduce dependence on petroleum fuels and imported energy either directly or indirectly;

(2) The extent to which the project will reduce air and water pollution either directly or indirectly;

(3) The extent to which the project will establish a viable bioenergy production capacity in Washington;

(4) The benefits to Washington's agricultural producers; and

(5) The number and quality of jobs and economic benefits created by the project.

NEW SECTION. Sec. 6. The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for assistance for projects consistent with this chapter. Administrative costs of the department may not exceed three percent of the total funds available for this program.

NEW SECTION. Sec. 7. The director shall report to the legislature and governor on the status of the energy freedom program created under this chapter, on or before December 1, 2006, and annually thereafter. This report must include information on the projects that have been funded, the status of these projects, and their environmental, energy savings, and job creation benefits.

Sec. 8. RCW 42.56.270 and 2005 c 274 s 407 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.-- (sections 2 through 7, 11, and 15 of this act), 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011; and

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter.

Sec. 9. RCW 43.84.092 and 2005 c 514 s 1105, 2005 c 353 s 3, 2005 c 339 s 22, 2005 c 314 s 109, 2005 c 312 s 7, and 2005 c 94 s 1 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest

earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement

account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investments balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 10. RCW 43.84.092 and 2006 c 6 s 8 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions.

Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Columbia river basin water supply development account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington

University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 11. Sections 1 through 7 of this act expire June 30, 2016. Any moneys in the energy freedom account on that date and any moneys received pursuant to assistance made under this chapter must be deposited in the general fund.

NEW SECTION. Sec. 12. Sections 2 through 7, 11, and 15 of this act constitute a new chapter in Title 15 RCW.

NEW SECTION. Sec. 13. Sections 8 and 10 of this act take effect July 1, 2006.

NEW SECTION. Sec. 14. Section 9 of this act expires July 1, 2006.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 42.56.270 and 43.84.092; reenacting and amending RCW 43.84.092; adding a new chapter to Title 15 RCW; creating new sections; providing an effective date; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 2939 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Dunshee spoke in favor the passage of the bill.

Representatives Chandler and Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Third Substitute House Bill No. 2939, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 2939, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 66, Nays - 29, Excused - 3.

Voting yea: Representatives Appleton, Blake, Buri, Campbell, Chase, Clements, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Chandler, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Hinkle, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott and Woods - 29.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 2939, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2972, with the following amendment:

On page 10, after line 35 insert the following:

"NEW SECTION. Sec. 7. No policy or contract may be solicited, or contribution collected under this act until a federal opinion is received by the insurance commissioner indicating whether the purchasing pools referenced in sections 2, 4, and 6 of this act are legal. The commissioner shall request such an opinion from the federal departments of labor, treasury, health and human services, or other appropriate federal agencies no later than August 1, 2006. Upon receipt, the commissioner shall forward the opinion to the legislature, and within 30 days, provide the legislature with a report assessing the legality and potential impact of these purchasing pools on the uninsured and insurance markets in Washington state."

On page 1, line 3, after "48.44 RCW;" strike the remainder of the title and insert "adding a new section to chapter 48.46 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2972 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Clibborn and Hinkle spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2972, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2972, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

HOUSE BILL NO. 2972, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2973, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that Washington's performance-based education system should seek to provide fundamental academic knowledge and skills for all students, and to provide the opportunity for students to acquire knowledge and skills likely to contribute to their own economic well-being and that of their families and communities.

(2) The legislature recognizes that career and technical options are available for students.

(3) High schools or school districts should take advantage of their opportunity to offer course credits, including credits toward graduation requirements, for knowledge and skills in fundamental academic content areas that students gain in career and technical education courses.

(4) Therefore the legislature intends to create a rigorous and high quality career and technical high school alternative assessment

that assures students meet state standards, and also reflects nationally recognized standards for the knowledge and skills needed to pursue employment and careers in technical fields.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.230 RCW to read as follows:

(1) Each high school or school district board of directors shall adopt course equivalencies for career and technical high school courses offered to students at the high school. A career and technical course equivalency may be for whole or partial credit. Each school district board of directors shall develop a course equivalency approval procedure.

(2) Career and technical courses determined to be equivalent to academic core courses, in full or in part, by the high school or school district shall be accepted as meeting core requirements, including graduation requirements, if the courses are recorded on the student's transcript using the equivalent academic high school department designation and title. Full or partial credit shall be recorded as appropriate.

Sec. 3. RCW 28A.230.090 and 2005 c 205 s 3 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students, except those equivalencies established by local high schools or school districts under section 2 of this act.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board. The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements. The board shall reports its findings and recommendations for additional flexibility in graduation requirements, if necessary, to the legislature by December 1, 2007.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a

course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

Sec. 4. RCW 28A.230.100 and 1991 c 116 s 8 are each amended to read as follows:

The state board of education shall adopt rules pursuant to chapter 34.05 RCW, to implement the course requirements set forth in RCW 28A.230.090. The rules shall include, as the state board deems necessary, granting equivalencies for and temporary exemptions from the course requirements in RCW 28A.230.090 and special alterations of the course requirements in RCW 28A.230.090. In developing such rules the state board shall recognize the relevance of vocational and applied courses and allow such courses to fulfill in whole or in part the courses required for graduation in RCW 28A.230.090, as determined by the high school or school district in accordance with section 2 of this act. The rules may include provisions for competency testing in lieu of such courses required for graduation in RCW 28A.230.090 or demonstration of specific skill proficiency or understanding of concepts through work or experience.

NEW SECTION. Sec. 5. A new section is added to chapter 28C.04 RCW to read as follows:

(1) The superintendent of public instruction shall develop an objective alternative assessment for career and technical education programs. The objective alternative assessment shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning.

(2) The alternative assessment shall include an evaluation of a collection of work samples prepared and submitted by an applicant who is enrolled in a career and technical education program. The superintendent of public instruction shall develop guidelines for the collection of work samples that evidences that the collection:

(a) Is relevant to the student's particular career and technical program;

(b) Focuses on the application of academic knowledge and skills within the program;

(c) Includes completed activities or projects where demonstration of academic knowledge is inferred; and

(d) Is related to the essential academic learning requirements and state standards that students must meet to earn a certificate of academic achievement or certificate of individual achievement, but also represents the knowledge and skills that successful individuals in the career and technical field of the approved program are expected to possess.

(3) In developing the work samples for subsection (2) of this section, the superintendent shall consult with community and technical colleges, employers, the work force training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create an appropriate collection of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards."

On page 1, line 3 of the title, after "areas;" strike the remainder of the title and insert "amending RCW 28A.230.090 and 28A.230.100; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28C.04 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2973

and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Priest and Quall spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2973, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2973, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

SUBSTITUTE HOUSE BILL NO. 2973, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 3178, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.64.011 and 1983 c 15 s 2 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the definitions in this section shall apply.

(1) ("~~Arbitration~~" means the procedure whereby the parties involved in an impasse submit their differences to a third party for a final and binding decision or as provided in this chapter.

~~(2) "Arbitrator" means either a single arbitrator or a panel of three arbitrators as provided in RCW 47.64.240.~~

~~(3)) "Collective bargaining representative" means the persons designated by the ((secretary of transportation)) governor and employee organizations to be the exclusive representatives during collective bargaining negotiations.~~

~~((4)) (2) "Commission" means the marine employees' commission created in RCW 47.64.280.~~

(3) "Department of transportation" means the department as defined in RCW 47.01.021.

(4) "Employer" means the state of Washington.

(5) "Ferry employee" means any employee of the marine transportation division of the department of transportation who is a member of a collective bargaining unit represented by a ferry employee organization and does not include an exempt employee pursuant to RCW 41.06.079.

(6) "Ferry employee organization" means any labor organization recognized to represent a collective bargaining unit of ferry employees.

~~(7) ("Ferry system management" means those management personnel of the marine transportation division of the department of transportation who have been vested with the day-to-day management responsibilities of the Washington state ferry system by the transportation commission and who are not members of a collective bargaining unit represented by a ferry employee organization.~~

~~(8)) "Lockout" means the refusal of ((ferry system management) the employer) to furnish work to ferry employees in an effort to get ferry employee organizations to make concessions during collective bargaining, grievance, or other labor relation negotiations. Curtailment of employment of ferry employees due to lack of work resulting from a strike or work stoppage(~~(as defined in subsection (11) of this section.))~~) shall not be considered a lockout.~~

~~((9) "Marine employees' commission" means the commission created in RCW 47.64.280.~~

~~(10)) (8) "Office of financial management" means the office as created in RCW 43.41.050.~~

~~((11)) (9) "Strike or work stoppage" means a ferry employee's refusal, in concerted action with others, to report to duty, or his or her willful absence from his or her position, or his or her stoppage or slowdown of work, or his or her abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of his, her, or any other ferry employee's employment. A refusal, in good faith, to work under conditions which pose an endangerment to the health and safety of ferry employees or the public, as determined by the master of the vessel, shall not be considered a strike for the purposes of this chapter.~~

~~((12) "Transportation commission" means the commission as defined in RCW 47.01.021.)~~

NEW SECTION. Sec. 2. A new section is added to chapter 47.64 RCW to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee.

(2) Two or more ferry employee organizations may, upon agreement of the parties, negotiate, as a coalition with the employer representative as designated in subsection (1) of this section, a multiunion collective bargaining agreement on behalf of all the employees in ferry employee organization bargaining units that the exclusive bargaining representatives represent. The coalition shall bargain for a multiunion collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of bargaining unit-specific issues for inclusion in or as an addendum to the multiunion collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. Nothing in this section impairs the right of each ferry employee organization to negotiate a collective bargaining agreement exclusive to the bargaining unit it represents.

Sec. 3. RCW 47.64.120 and 1997 c 436 s 1 are each amended to read as follows:

(1) ~~((Ferry system management))~~ The employer and ferry system employee organizations, through their collective bargaining representatives, shall meet at reasonable times, to negotiate in good faith with respect to wages, hours, working conditions, insurance, and health care benefits as limited by RCW 47.64.270, and other matters mutually agreed upon. Employer funded retirement benefits shall be

provided under the public employees retirement system under chapter 41.40 RCW and shall not be included in the scope of collective bargaining.

(2) Upon ratification of bargaining agreements, ferry employees are entitled to an amount equivalent to the interest earned on retroactive compensation increases. For purposes of this section, the interest earned on retroactive compensation increases is the same monthly rate of interest that was earned on the amount of the compensation increases while held in the state treasury. The interest will be computed for each employee until the date the retroactive compensation is paid, and must be allocated in accordance with appropriation authority. The interest earned on retroactive compensation is not considered part of the ongoing compensation obligation of the state and is not compensation earnable for the purposes of chapter 41.40 RCW. Negotiations shall also include grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties.

(3) Except as otherwise provided in this chapter, if a conflict exists between an executive order, administrative rule, or agency policy relating to wages, hours, and terms and conditions of employment and a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with the terms of a statute is invalid and unenforceable.

Sec. 4. RCW 47.64.130 and 1983 c 15 s 4 are each amended to read as follows:

(1) It is an unfair labor practice for ~~((ferry system management))~~ the employer or its representatives:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it(~~(PROVIDED, That))~~). However, subject to rules made by the commission pursuant to RCW 47.64.280, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure of employment, or any term or condition of employment, but nothing contained in this subsection prevents an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to RCW 47.64.160(~~(PROVIDED, That))~~). However, nothing prohibits ~~((ferry system management))~~ the employer from agreeing to obtain employees by referral from a lawful hiring hall operated by or participated in by a labor organization;

(d) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It is an unfair labor practice for an employee organization:

(a) To restrain or coerce (i) employees in the exercise of the rights guaranteed by this chapter(~~(PROVIDED, That this paragraph))~~). However, this subsection does not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein, or (ii) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To refuse to bargain collectively with an employer(~~(when it is the representative of its employees subject to RCW 47.64.170))~~).

(3) The expression of any view, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this chapter, if the expression contains no threat of reprisal or force or promise of benefit.

Sec. 5. RCW 47.64.140 and 1989 c 373 s 25 are each amended to read as follows:

(1) It is unlawful for any ferry system employee or any employee organization, directly or indirectly, to induce, instigate, encourage, authorize, ratify, or participate in a strike or work stoppage against the ferry system.

(2) It is unlawful for ~~((ferry system management))~~ the employer to authorize, consent to, or condone a strike or work stoppage; or to conduct a lockout; or to pay or agree to pay any ferry system employee for any day in which the employee participates in a strike or work stoppage; or to pay or agree to pay any increase in compensation or benefits to any ferry system employee in response to or as a result of any strike or work stoppage or any act that violates subsection (1) of this section. It is unlawful for any official, director, or representative of the ferry system to authorize, ratify, or participate in any violation of this subsection. Nothing in this subsection prevents new or renewed bargaining and agreement within the scope of negotiations as defined by this chapter, at any time. No collective bargaining agreement provision regarding suspension or modification of any court-ordered penalty provided in this section is binding on the courts.

(3) In the event of any violation or imminently threatened violation of subsection (1) or (2) of this section, any citizen domiciled within the jurisdictional boundaries of the state may petition the superior court for Thurston county for an injunction restraining the violation or imminently threatened violation. Rules of civil procedure regarding injunctions apply to the action. However, the court shall grant a temporary injunction if it appears to the court that a violation has occurred or is imminently threatened; the plaintiff need not show that the violation or threatened violation would greatly or irreparably injure him or her; and no bond may be required of the plaintiff unless the court determines that a bond is necessary in the public interest. Failure to comply with any temporary or permanent injunction granted under this section is a contempt of court as provided in chapter 7.21 RCW. The court may impose a penalty of up to ten thousand dollars for an employee organization or the ferry system, for each day during which the failure to comply continues. The sanctions for a ferry employee found to be in contempt shall be as provided in chapter 7.21 RCW. An individual or an employee organization which makes an active good faith effort to comply fully with the injunction shall not be deemed to be in contempt.

(4) The right of ferry system employees to engage in strike or work slowdown or stoppage is not granted and nothing in this chapter may be construed to grant such a right.

(5) Each of the remedies and penalties provided by this section is separate and several, and is in addition to any other legal or equitable remedy or penalty.

(6) In addition to the remedies and penalties provided by this section the successful litigant is entitled to recover reasonable attorney fees and costs incurred in the litigation.

(7) Notwithstanding the provisions of chapter 88.04 RCW and chapter 88.08 RCW, the department of transportation shall ~~((promulgate))~~ adopt rules ~~((and regulations))~~ allowing vessels, as defined in RCW ~~((88.04.300))~~ 88.04.015, as well as other watercraft, to engage in emergency passenger service on the waters of Puget Sound in the event ferry employees engage in a work slowdown or stoppage. Such emergency rules ~~((and regulations))~~ shall allow emergency passenger service on the waters of Puget Sound within seventy-two hours following a work slowdown or stoppage. Such rules ~~((and regulations))~~ that are ~~((promulgated))~~ adopted shall give due consideration to the needs and the health, safety, and welfare of the people of the state of Washington.

Sec. 6. RCW 47.64.170 and 1983 c 15 s 8 are each amended to read as follows:

(1) Any ferry employee organization certified as the bargaining representative shall be the exclusive representative of all ferry employees in the bargaining unit and shall represent all such employees fairly.

(2) A ferry employee organization or organizations and the ~~((secretary of transportation))~~ governor may each designate any

individual as its representative to engage in collective bargaining negotiations.

(3) Negotiating sessions, including strategy meetings of ~~((ferry system management))~~ the employer or employee organizations, mediation, and the deliberative process of arbitrators are exempt from the provisions of chapter 42.30 RCW. Hearings conducted by arbitrators may be open to the public by mutual consent of the parties. ~~((Any meeting of the transportation commission, during which a collective bargaining agreement is subject to ratification, shall be open to the public.))~~

(4) Terms of any collective bargaining agreement may be enforced by civil action in Thurston county superior court upon the initiative of either party.

(5) Ferry system employees or any employee organization shall not negotiate or attempt to negotiate directly with ~~((a member of the transportation commission if the commission has))~~ anyone other than the person who has been appointed or authorized a bargaining representative for the purpose of bargaining with the ferry employees or their representative ~~((unless the member of the commission is the designated bargaining representative of the ferry system)).~~

(6)(a) The negotiation of a proposed collective bargaining agreement by representatives of ~~((ferry system management))~~ the employer and a ferry employee organization shall commence ~~((in each odd-numbered year immediately following adoption by the legislature and approval by the governor of the biennial budget))~~ on or about September 1st of every odd-numbered year. However, negotiations for the 2007-2009 biennial agreements may commence at any time after the effective date of this section. Negotiations for agreements pertaining to the 2009-2011 biennium and all subsequent negotiations must conclude on or about April 1st of the year following the year in which the negotiations commence. If negotiations are not concluded by April 1st, the parties shall be deemed to be at impasse and shall proceed to mediation under RCW 47.64.230 and sections 12 through 14 of this act.

(b) For negotiations covering the 2009-2011 biennium and subsequent biennia, the time periods specified in this section, and in RCW 47.64.210 and sections 12 through 14 of this act, must ensure conclusion of all agreements on or before September 1st of the even-numbered year next preceding the biennial budget period during which the agreement should take effect. These time periods may only be altered by mutual agreement of the parties in writing. Any such agreement and any impasse procedures agreed to by the parties under RCW 47.64.200 must include an agreement regarding the new time periods that will allow final resolution by negotiations or arbitration by September 1st of each even-numbered year. Negotiations for the 2007-2009 biennium must be concluded on or before October 1, 2006.

(7) Until a new collective bargaining agreement is ~~((negotiated, or until an award is made by the arbitrator))~~ in effect, the terms and conditions of the previous collective bargaining agreement shall remain in force. ~~((The wage and benefit provisions of any collective bargaining agreement, or arbitrator's award in lieu thereof, that is concluded after July 1st of an odd-numbered year shall be retroactive to July 1st.))~~ It is the intent of this section that the collective bargaining agreement or arbitrator's award shall commence on July 1st of each odd-numbered year and shall terminate on June 30th of the next odd-numbered year to coincide with the ensuing biennial budget year, as defined by RCW 43.88.020(7), to the extent practical. It is further the intent of this section that all collective bargaining agreements be concluded by September 1st of the even-numbered year before the commencement of the biennial budget year during which the agreements are to be in effect.

(8) ~~((Any ferry union contract terminating before July 1, 1983, shall, with the agreement of the parties, remain in effect until a contract can be concluded under RCW 47.64.006, 47.64.011, and 47.64.120 through 47.64.280. The contract may be retroactive to the expiration date of the prior contract, and the cost to the department of three months retroactive compensation and benefits for this 1983 contract negotiation only shall not be included in calculating the limitation imposed by RCW 47.64.180. If the parties cannot agree to contract extension, any increase agreed to for the three-month period shall be included in calculating the limit imposed by RCW 47.64.180.))~~

~~(9) Any ferry union contract which would terminate after July 1, 1983, may, by agreement of the parties, be terminated as of July 1, 1983, and a new contract concluded pursuant to RCW 47.64.006, 47.64.011, and 47.64.120 through 47.64.280. Any contract terminating after July 1, 1983, is subject to this chapter only upon its expiration and shall not be renewed for a period beyond July 1, 1985-)~~ (a) The governor shall submit a request either for funds necessary to implement the collective bargaining agreements including, but not limited to, the compensation and fringe benefit provisions or for legislation necessary to implement the agreement, or both. Requests for funds necessary to implement the collective bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(i) Have been submitted to the director of the office of financial management by October 1st before the legislative session at which the requests are to be considered; and

(ii) Have been certified by the director of the office of financial management as being feasible financially for the state.

(b) The governor shall submit a request either for funds necessary to implement the arbitration awards or for legislation necessary to implement the arbitration awards, or both. Requests for funds necessary to implement the arbitration awards shall not be submitted to the legislature by the governor unless such requests have been submitted to the director of the office of financial management by October 1st before the legislative session at which the requests are to be considered.

(c) The legislature shall approve or reject the submission of the request for funds necessary to implement the collective bargaining agreements or arbitration awards as a whole for each agreement or award. The legislature shall not consider a request for funds to implement a collective bargaining agreement or arbitration award unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement and award or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 47.64.210 and section 12 of this act.

(9) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

Sec. 7. RCW 47.64.200 and 1983 c 15 s 11 are each amended to read as follows:

As the first step in the performance of their duty to bargain, ~~((ferry system management))~~ the employer and the employee organization shall endeavor to agree upon impasse procedures. ((The agreement shall provide for implementation of these impasse procedures not later than July 1st in each odd-numbered year following enactment of the biennial budget.)) Unless otherwise agreed to by the employee organization and the employer in their impasse procedures, the arbitrator or panel is limited to selecting the most reasonable offer, in its judgment, of the final offers on each impasse item submitted by the parties. The employee organization and the employer may mutually agree to the impasse procedure under which the arbitrator or panel may issue a decision it deems just and appropriate with respect to each impasse item. If the parties fail to agree upon impasse procedures under this section, the impasse procedures provided in RCW 47.64.210 ~~((through))~~ and 47.64.230 and sections 12 through 14 of this act apply. It is unlawful for either party to refuse to participate in the impasse procedures provided in RCW 47.64.210 ~~((through))~~ and 47.64.230 and sections 12 through 14 of this act.

Sec. 8. RCW 47.64.210 and 1983 c 15 s 12 are each amended to read as follows:

In the absence of an impasse agreement between the parties or the failure of either party to utilize its procedures by ~~((August))~~ April 1st in ((each odd-numbered year, the marine employees' commission shall, upon the request of either party,)) the even-numbered year preceding the biennium, either party may request the commission to

appoint an impartial and disinterested person to act as mediator ~~((pursuant to RCW 47.64.280)).~~ It is the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator shall not compel the parties to agree.

Sec. 9. RCW 47.64.220 and 1999 c 256 s 1 are each amended to read as follows:

(1) Prior to collective bargaining and for purposes of collective bargaining and arbitration, the ~~((marine employees'))~~ commission shall conduct a salary survey. The results of the survey shall be published in a report which shall be a public document comparing wages, hours, employee benefits, and conditions of employment of involved ferry employees with those of public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia doing directly comparable but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved. Such survey report shall be for the purpose of disclosing generally prevailing levels of compensation, benefits, and conditions of employment. It shall be used to guide generally but not to define or limit collective bargaining between the parties. ~~((The commission shall make such other findings of fact as the parties may request during bargaining or impasse.))~~

(2) ~~((Except as provided in subsection (3) of this section,))~~ Salary and employee benefit information collected from private employers that identifies a specific employer with the salary and employee benefit rates which that employer pays to its employees is not subject to public disclosure under chapter 42.17 RCW.

~~((3) A person or entity, having reason to believe that the salary survey results are inaccurate, may submit a petition to the state auditor requesting an audit of the data upon which the salary survey results are based. The state auditor shall review and analyze all data collected for the salary survey, including proprietary information, but is prohibited from disclosing the salary survey data to any other person or entity, except by court order.))~~

Sec. 10. RCW 47.64.220 and 2005 c 274 s 308 are each amended to read as follows:

(1) Prior to collective bargaining and for purposes of collective bargaining and arbitration, the ~~((marine employees'))~~ commission shall conduct a salary survey. The results of the survey shall be published in a report which shall be a public document comparing wages, hours, employee benefits, and conditions of employment of involved ferry employees with those of public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia doing directly comparable but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved. Such survey report shall be for the purpose of disclosing generally prevailing levels of compensation, benefits, and conditions of employment. It shall be used to guide generally but not to define or limit collective bargaining between the parties. ~~((The commission shall make such other findings of fact as the parties may request during bargaining or impasse.))~~

(2) ~~((Except as provided in subsection (3) of this section,))~~ Salary and employee benefit information collected from private employers that identifies a specific employer with the salary and employee benefit rates which that employer pays to its employees is not subject to public disclosure under chapter 42.56 RCW.

~~((3) A person or entity, having reason to believe that the salary survey results are inaccurate, may submit a petition to the state auditor requesting an audit of the data upon which the salary survey results are based. The state auditor shall review and analyze all data collected for the salary survey, including proprietary information, but is prohibited from disclosing the salary survey data to any other person or entity, except by court order.))~~

Sec. 11. RCW 47.64.230 and 1983 c 15 s 14 are each amended to read as follows:

By mutual agreement, the parties may waive mediation ~~((and fact-finding, as provided for in RCW 47.64.210 and 47.64.220-))~~ and proceed with binding arbitration as provided for in ~~((RCW 47.64.240))~~ the impasse procedures agreed to under RCW 47.64.200

or in sections 12 through 14 of this act, as applicable. The waiver shall be in writing and be signed by the representatives of the parties.

NEW SECTION. Sec. 12. A new section is added to chapter 47.64 RCW to read as follows:

(1) If an agreement has not been reached following a reasonable period of negotiations and, when applicable, mediation, but in either event by April 15th, upon the recommendation of the assigned mediator that the parties remain at impasse, all impasse items shall be submitted to arbitration under this section. The issues for arbitration shall be limited to the issues certified by the commission.

(2) The parties may agree to submit the dispute to a single arbitrator, whose authority and duties shall be the same as those of an arbitration panel. If the parties cannot agree on the arbitrator within five working days, the selection shall be made under subsection (3) of this section. The full costs of arbitration under this section shall be shared equally by the parties to the dispute.

(3) Within seven days following the issuance of the determination of the commission, each party shall name one person to serve as its arbitrator on the arbitration panel. The two members so appointed shall meet within seven days following the appointment of the later appointed member to attempt to choose a third member to act as the neutral chair of the arbitration panel. Upon the failure of the arbitrators to select a neutral chair within seven days, either party may apply to the federal mediation and conciliation service, or the American arbitration association to provide a list of five qualified arbitrators from which the neutral chair shall be chosen. Each party shall pay the fees and expenses of its arbitrator, and the fees and expenses of the neutral chair shall be shared equally between the parties.

(4) In consultation with the parties, the arbitrator or arbitration panel shall promptly establish a date, time, and place for a hearing and shall provide reasonable notice thereof to the parties to the dispute. The parties shall exchange final positions in writing, with copies to the arbitrator or arbitration panel, with respect to every issue to be arbitrated, on a date mutually agreed upon, but in no event later than ten working days before the date set for hearing. A hearing, which shall be informal, shall be held, and each party shall have the opportunity to present evidence and make argument. No member of the arbitration panel may present the case for a party to the proceedings. The rules of evidence prevailing in judicial proceedings may be considered, but are not binding, and any oral testimony or documentary evidence or other data deemed relevant by the chair of the arbitration panel may be received in evidence. A recording of the proceedings shall be taken. The arbitration panel has the power to administer oaths, require the attendance of witnesses, and require the production of such books, papers, contracts, agreements, and documents as may be deemed by the panel to be material to a just determination of the issues in dispute. If any person refuses to obey a subpoena issued by the arbitration panel, or refuses to be sworn or to make an affirmation to testify, or any witness, party, or attorney for a party is guilty of any contempt while in attendance at any hearing held hereunder, the arbitration panel may invoke the jurisdiction of the superior court in the county where the labor dispute exists, and the court has jurisdiction to issue an appropriate order. Any failure to obey the order may be punished by the court as a contempt thereof.

(5) The neutral chair shall consult with the other members of the arbitration panel, if a panel has been created. Within thirty days following the conclusion of the hearing, the neutral chair shall make written findings of fact and a written determination of the issues in dispute, based on the evidence presented. A copy thereof shall be served on each of the other members of the arbitration panel, and on each of the parties to the dispute. That determination is final and binding upon both parties, subject to review by the superior court upon the application of either party solely upon the question of whether the decision of the panel was arbitrary or capricious.

NEW SECTION. Sec. 13. A new section is added to chapter 47.64 RCW to read as follows:

An interest arbitration proceeding under section 12 of this act exercises a state function and is, for the purposes of this chapter,

functioning as a state agency. Chapter 34.05 RCW does not apply to an interest arbitration proceeding under this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 47.64 RCW to read as follows:

(1) The mediator, arbitrator, or arbitration panel may consider only matters that are subject to bargaining under this chapter.

(2) The decision of an arbitrator or arbitration panel is not binding on the legislature and, if the legislature does not approve the funds necessary to implement provisions pertaining to compensation and fringe benefit provisions of an arbitrated collective bargaining agreement, is not binding on the state, the department of transportation, or the ferry employee organization.

(3) In making its determination, the arbitrator or arbitration panel shall be mindful of the legislative purpose under RCW 47.64.005 and 47.64.006 and, as additional standards or guidelines to aid it in reaching a decision, shall take into consideration the following factors:

(a) Past collective bargaining contracts between the parties including the bargaining that led up to the contracts;

(b) The constitutional and statutory authority of the employer;

(c) Stipulations of the parties;

(d) The results of the salary survey as required in RCW 47.64.220;

(e) Comparison of wages, hours, employee benefits, and conditions of employment of the involved ferry employees with those of public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia doing directly comparable but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved;

(f) Changes in any of the foregoing circumstances during the pendency of the proceedings;

(g) The limitations on ferry toll increases and operating subsidies as may be imposed by the legislature; and

(h) Other factors that are normally or traditionally taken into consideration in the determination of matters that are subject to bargaining under this chapter.

NEW SECTION. Sec. 15. A new section is added to chapter 47.64 RCW to read as follows:

Collective bargaining under this act may not be for the purposes of making a collective bargaining agreement take effect before July 1, 2007. No party may engage in collective bargaining under this act to amend a collective bargaining agreement in effect on the effective date of this section. A collective bargaining agreement or amendment thereto entered into under this act shall not be effective before July 1, 2007, and may not have any retroactive effect.

NEW SECTION. Sec. 16. (1) This act applies prospectively only and not retroactively. It applies to collective bargaining agreements, the negotiations of collective bargaining agreements, mediations, arbitrations, and other actions under this act that arise or are commenced on or after the effective date of this section.

(2) This act does not apply to collective bargaining agreements, either in effect or for which the negotiations have begun, or mediations and arbitrations that arose or commenced under this chapter before the effective date of this section. Such collective bargaining agreements and related proceedings must be administered in accordance with the authorities, rules, and procedures that were established under this chapter as it existed before the effective date of this section. The repealers in section 19 of this act do not affect any existing right acquired, or liability or obligation incurred, under the statutes repealed or under any rule or order adopted under those statutes, nor do they affect any proceeding instituted under them.

Sec. 17. RCW 47.64.270 and 1995 1st sp.s. c 6 s 6 are each amended to read as follows:

Absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state health care authority, under chapter 41.05 RCW; and the ((ferry system management)) employer and employee

organizations may collectively bargain for other insurance and health care plans, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050(~~(subject to RCW 47.64.180)~~). To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 fiscal biennium, employees shall not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during any subsequent fiscal biennium. If such differential increases in the 1987-89 fiscal biennium or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset. Compensation shall include all wages and employee benefits.

Sec. 18. RCW 47.64.280 and 1984 c 287 s 95 are each amended to read as follows:

(1) There is created the marine employees' commission. The governor shall appoint the commission with the consent of the senate. The commission shall consist of three members: One member to be appointed from labor, one member from industry, and one member from the public who has significant knowledge of maritime affairs. The public member shall be (~~(chairman)~~) chair of the commission. One of the original members shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he or she succeeds. Commission members are eligible for reappointment. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Commission members are not eligible for state retirement under chapter 41.40 RCW by virtue of their service on the commission. Members of the commission shall be compensated in accordance with RCW 43.03.250 and shall receive reimbursement for official travel and other expenses at the same rate and on the same terms as provided for the transportation commission by RCW 47.01.061. The payments shall be made from the Puget Sound ferry operations account.

(2) The (~~(marine employees')~~) commission shall: (a) Adjust all complaints, grievances, and disputes between labor and management arising out of the operation of the ferry system as provided in RCW 47.64.150; (b) provide for impasse mediation as required in RCW 47.64.210; (c) (~~(conduct fact-finding and)~~) provide salary surveys as required in RCW 47.64.220; and (d) (~~(provide for the selection of an impartial arbitrator as)~~) perform those duties required in (~~(RCW 47.64.240(5))~~) section 12 of this act.

(3)(a) In adjudicating all complaints, grievances, and disputes, the party claiming labor disputes shall, in writing, notify the (~~(marine employees')~~) commission, which shall make careful inquiry into the cause thereof and issue an order advising the ferry employee, or the ferry employee organization representing him or her, and the department of transportation, as to the decision of the commission. (b) The parties are entitled to offer evidence relating to disputes at all hearings conducted by the commission. The orders and awards of the commission are final and binding upon any ferry employee or employees or their representative affected thereby and upon the department.

(c) The commission shall adopt rules of procedure under chapter 34.05 RCW.

(d) The commission has the authority to subpoena any ferry employee or employees, or their representatives, and any member or representative of the department, and any witnesses. The commission may require attendance of witnesses and the production of all pertinent records at any hearings held by the commission. The subpoenas of the commission are enforceable by order of any superior court in the state of Washington for the county within which the proceeding may be pending. The commission may hire staff as necessary, appoint consultants, enter into contracts, and conduct studies as reasonably necessary to carry out this chapter.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

- RCW 47.64.180 (Agreements and awards limited by appropriation) and 1983 c 15 s 9;
- RCW 47.64.190 (Marine employees' commission review for compliance with fiscal limitations--Effective date of agreements and arbitration orders) and 1983 c 15 s 10; and
- RCW 47.64.240 (Binding arbitration) and 1989 c 327 s 3 & 1983 c 15 s 15.

NEW SECTION. Sec. 20. Section 9 of this act expires July 1, 2006.

NEW SECTION. Sec. 21. Except for section 10 of this act which takes effect July 1, 2006, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 47.64.011, 47.64.120, 47.64.130, 47.64.140, 47.64.170, 47.64.200, 47.64.210, 47.64.220, 47.64.230, 47.64.270, and 47.64.280; adding new sections to chapter 47.64 RCW; creating a new section; repealing RCW 47.64.180, 47.64.190, and 47.64.240; providing an effective date; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 3178 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 3178, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3178, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representative Serben - 1.
Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

SUBSTITUTE HOUSE BILL NO. 3178, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 28, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2416, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.05.070 and 2003 c 186 s 1 are each amended to read as follows:

The commission may:

(1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group shall agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. The commission may not charge fees for general park access or parking, unless the biennial general fund--state appropriation for the state parks and recreation commission is below the prior biennium's level;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed forty years;

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park

or recreation district, and no funds shall be made available for such purpose.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 9, 2006."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 79A.05.070; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2416 and asked the Senate to recede therefrom.

SENATE AMENDMENT TO HOUSE BILL

March 2, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. The legislature further finds that students and schools benefit from increased parental, guardian, and community knowledge of and input regarding the delivery of public education. The legislature further finds that increased knowledge of and input regarding the public education system is particularly needed in low-income and ethnic minority communities.

The legislature finds that the center for the improvement of student learning, created by the legislature in 1993 under the auspices of the superintendent of public instruction, has not been allocated funding since the 2001-2003 biennium, and in effect no longer exists. It is the intent of the legislature to reactivate the center for the improvement of student learning, and to create an educational ombudsman to serve as a resource for parents and students and as an advocate for students in the public education system.

Sec. 2. RCW 28A.300.130 and 1999 c 388 s 401 are each amended to read as follows:

(1) (~~Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible.~~) To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall establish the center for the improvement of student learning. (~~The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW 28A.630.885.~~) The center shall work in conjunction with ~~(the academic achievement and accountability commission)~~ parents, educational service districts, institutions of higher education, and education, parent, community, and business organizations.

(2) The center, in conjunction with other staff in the office of the superintendent of public instruction, shall:

~~(a) ((Serve as a clearinghouse for the completed work and activities of the academic achievement and accountability commission;~~

~~(b))~~ Serve as a clearinghouse for information regarding successful educational improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational improvement initiatives in Washington schools and districts;

~~((c))~~ (b) Provide best practices research ~~((and advice))~~ that can be used to help schools develop and implement: Programs and practices to improve instruction ~~((of the essential academic learning requirements under section 701 of this act));~~ systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

~~((d) Develop and distribute, in conjunction with the academic achievement and accountability commission, parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;~~

~~(c) Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;~~

~~(f))~~ (c) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

~~((g) Take other actions to increase public awareness of the importance of parental and community involvement in education;~~

~~(h))~~ (d) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available and the broadened school board powers under RCW 28A.320.015;

~~((i))~~ (e) Provide training and consultation services, including conducting regional summer institutes;

~~((j) Address methods for improving the success rates of certain ethnic and racial student groups))~~ (f) Identify strategies for improving the success rates of ethnic and racial student groups with disproportionate academic achievement;

(g) Work with parents, teachers, and school districts in establishing an absentee notification procedure that will properly notify parents when their student has not attended a class or has missed a school day. The office of the superintendent of public instruction shall consider various types of communication with parents, including but not limited to, electronic mail, phone, and postal mail; and

~~((k))~~ (h) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction ~~((after consultation with the academic achievement and accountability commission;))~~ shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and

responsibilities of the center. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The office of the superintendent of public instruction shall report to the legislature by September 1, 2007, and thereafter biennially, regarding the effectiveness of the center for improvement of student learning, how the services provided by the center for improvement of student learning have been used and by whom, and recommendations to improve the accessibility and application of knowledge and information that leads to improved student learning and greater family and community involvement in the public education system.

NEW SECTION. Sec. 3. (1) The state board of education shall establish an education ombudsman for all common school students in this state. The purpose of the education ombudsman is to provide information to parents, students, and others regarding their rights and responsibilities with respect to the state's public elementary and secondary education system, and to advocate on behalf of elementary and secondary students.

(2)(a) The state board of education shall conduct a request for proposals process and select the entity that will operate the education ombudsman's program. Entities eligible to apply for selection include, but are not limited:

- (i) Education service districts;
- (ii) Private, nonprofit educational organizations;
- (iii) Private, nonprofit community-based organizations; and
- (iv) Federally recognized Indian tribes.

(b) Entities not eligible to serve as the education ombudsman are school districts, schools, or the superintendent of public instruction, or any employee of a school district, school, or the superintendent of public instruction.

(3) The state board of education shall enter into a contract with the entity selected pursuant to this section to establish and operate the education ombudsman's program. The term of any contract between the state board of education and the entity selected shall not be greater than two years and may be renewed for terms of no longer than two years.

(4) The education ombudsman shall contract with educational service districts, nonprofit education or community organizations, or federally recognized tribes to provide education ombudsman services throughout the state. The education ombudsman shall delegate and certify regional education ombudsmen. The education ombudsman shall ensure that the regional ombudsmen selected are appropriate to the community in which they serve. The education ombudsman may not contract with the superintendent of public instruction, or any school, school district, or current employee of a school, school district, or the office of the superintendent of public instruction for the provision of regional ombudsman services.

NEW SECTION. Sec. 4. The education ombudsman shall have the following powers and duties:

(1) To develop parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements required by the superintendent of public instruction. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(2) To provide information to students, parents, and interested members of the public regarding this state's public elementary and secondary education system;

(3) To identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(4) To identify and recommend strategies for improving the success rates of ethnic and racial student groups with disproportionate academic achievement;

(5) To refer complainants and others to appropriate resources, agencies, or departments;

(6) To facilitate the resolution of complaints made by parents and students with regard to the state's public elementary and secondary education system; and

(7) To perform such other functions consistent with the purpose of the education ombudsman.

NEW SECTION. Sec. 5. (1) The education ombudsman and any regional education ombudsmen shall have training or experience or both in the following areas:

(a) Public education law and policy in this state;

(b) Dispute resolution or problem resolution techniques, including mediation and negotiation; and

(c) Community outreach.

(2) The education ombudsman may not be an employee of any school district, the office of the superintendent of public education or the state board of education while serving as an education ombudsman.

NEW SECTION. Sec. 6. (1) Neither the education ombudsman nor any regional educational ombudsmen are liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against any student or employee of any school district, the office of the superintendent of public education, or the state board of education, for any communication made, or information given or disclosed, to aid the education ombudsman in carrying out his or her duties and responsibilities, unless the same was done without good faith or maliciously. This subsection is not intended to infringe upon the rights of a school district to supervise, discipline, or terminate an employee for other reasons or to discipline a student for other reasons.

(3) All communications by the education ombudsman or the ombudsman's staff or designee, if reasonably related to the education ombudsman's duties and responsibilities and done in good faith, are privileged and that privilege shall serve as a defense to any action in libel or slander.

NEW SECTION. Sec. 7. The education ombudsman shall treat all matters, including the identities of students, complainants, and individuals from whom information is acquired, as confidential, except as necessary to enable the education ombudsman to perform the duties of the office. Upon receipt of information that by law is confidential or privileged, the ombudsman shall maintain the confidentiality of such information and shall not further disclose or disseminate the information except as provided by applicable state or federal law.

NEW SECTION. Sec. 8. (1) When developing the request for proposals under section 3 of this act, the state board of education shall confer with each of the following:

(a) The Washington state commission on Hispanic affairs;

(b) The Washington state commission on African-American affairs;

(c) The Washington state commission on Asian Pacific affairs; and

(d) The governor's office of Indian affairs.

(2) The state board of education may establish subcommittees as it desires, and may invite nonmembers to serve on these subcommittees to provide ongoing consultation to the ombudsman.

(3) Nonlegislative members of the committee shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 9. The state board of education shall advise and make recommendations to the legislature and the governor biennially. The state board of education shall provide a preliminary report to the legislature and the governor by September 1, 2007. Thereafter, the state board of education shall provide biennial reports to the legislature and the governor regarding:

(1) How the education ombudsman's services have been used and by whom;

(2) Methods for the education ombudsman to increase and enhance family and community involvement in public education;

(3) Recommendations to eliminate barriers and obstacles to meaningful family and community involvement in public education; and

(4) Strategies to improve the educational opportunities for all students in the state.

NEW SECTION. Sec. 10. Sections 3 through 9 of this act are each added to chapter 28A.305 RCW.

NEW SECTION. Sec. 11. Sections 3 through 9 of this act expire June 30, 2008.

NEW SECTION. Sec. 12. If specific funding for the purposes of this act and section 2 of this act, referencing this act and section 2 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 2 of this act is null and void."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.300.130; adding new sections to chapter 28A.305 RCW; creating new sections; and providing an expiration date."

APPOINTMENT OF CONFEREES

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127 and asked the Senate for a conference thereon.

The Speaker (Representative Lovick presiding) appointed Representatives Quall, Santos and Rodne as conferees on ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1650, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.021 and 1997 1st sp.s. c 1 s 1 are each amended to read as follows:

(1) Any person requested or signaled to stop by a law enforcement officer for a traffic infraction has a duty to stop.

(2) Whenever any person is stopped for a traffic infraction, the officer may detain that person for a reasonable period of time necessary to identify the person, check for outstanding warrants, check the status of the person's license, insurance identification card, and the vehicle's registration, and complete and issue a notice of traffic infraction.

(3) Any person requested to identify himself or herself to a law enforcement officer pursuant to an investigation of a traffic infraction has a duty to identify himself or herself(;) and give his or her current address(;- ~~and sign an acknowledgement of receipt of the notice of infraction~~)).

Sec. 2. RCW 46.63.060 and 1993 c 501 s 9 are each amended to read as follows:

(1) A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

(2) The form for the notice of traffic infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a traffic infraction has been committed by the person named in the

notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that a traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; that the penalty for a traffic infraction may include sanctions against the person's driver's license including suspension, revocation, or denial; that the penalty for a traffic infraction related to standing, stopping, or parking may include nonrenewal of the vehicle license;

(c) A statement of the specific traffic infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the traffic infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within fifteen days or the person's driver's license or driving privilege will be suspended by the department until any penalties imposed pursuant to this chapter have been satisfied; and

(i) A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in the suspension of the person's driver's license or driving privilege, or in the case of a standing, stopping, or parking violation, refusal of the department to renew the vehicle license, until any penalties imposed pursuant to this chapter have been satisfied;

~~(j) A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter).~~

Sec. 3. RCW 46.64.015 and 2004 c 43 s 5 are each amended to read as follows:

Whenever any person is arrested for any violation of the traffic laws or regulations which is punishable as a misdemeanor or by imposition of a fine, the arresting officer may serve upon him or her a traffic citation and notice to appear in court. Such citation and notice shall conform to the requirements of RCW 46.64.010, and in addition, shall include spaces for the name and address of the person arrested, the license number of the vehicle involved, the driver's license number of such person, if any, the offense or violation charged, and the time and place where such person shall appear in court~~(, and a place where the person arrested may sign)~~. Such spaces shall be filled with the appropriate information by the arresting officer. ~~((The arrested person, in order to secure release, and when permitted by the arresting officer, must give his or her written promise to appear in court as required by the citation and notice by signing in the appropriate place the written or electronic citation and notice served by the arresting officer, and if the arrested person is a nonresident of the state, shall also post a bond, cash security, or bail as required under RCW 46.64.035.))~~ An officer may not serve or issue any traffic citation or notice for any offense or violation except either when the offense or violation is committed in his or her presence or when a person may be arrested pursuant to RCW 10.31.100, as now or hereafter amended. The detention arising from an arrest under this section may not be for a period of time longer than is reasonably necessary to issue and serve a citation and notice, except that the time limitation does not apply under any of the following circumstances:

(1) ~~((Where the arrested person refuses to sign a written promise to appear in court as required by the citation and notice provisions of this section;~~

~~(2))~~ Where the arresting officer has probable cause to believe that the arrested person has committed any of the offenses enumerated in RCW 10.31.100(3)~~(, as now or hereafter amended)~~;

~~((3))~~ (2) When the arrested person is a nonresident and is being detained for a hearing under RCW 46.64.035.

Sec. 4. RCW 46.64.025 and 1999 c 86 s 7 are each amended to read as follows:

Whenever any person ~~((violates his or her written promise to appear in court, or))~~ served with a traffic citation willfully fails to appear for a scheduled court hearing, the court in which the defendant failed to appear shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated.

Sec. 5. RCW 7.80.070 and 1987 c 456 s 15 are each amended to read as follows:

(1) A notice of civil infraction represents a determination that a civil infraction has been committed. The determination is final unless contested as provided in this chapter.

(2) The form for the notice of civil infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a civil infraction has been committed by the person named in the notice and that the determination is final unless contested as provided in this chapter;

(b) A statement that a civil infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

(c) A statement of the specific civil infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the civil infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the civil infraction was committed and that the person may subpoena witnesses including the enforcement officer who issued the notice of civil infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the civil infraction, the person will be deemed to have committed the civil infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within fifteen days;

(i) A statement that failure to respond to the notice or a failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty and that this failure may be referred to the prosecuting attorney for criminal prosecution for failure to respond or appear;

~~(j) ((A statement, which the person shall sign, that the person promises to respond to the notice of civil infraction in one of the ways provided in this chapter;~~

~~(k))~~ A statement that failure to respond to a notice of civil infraction ~~((as promised))~~ or to appear at a requested hearing is a misdemeanor and may be punished by a fine or imprisonment in jail.

Sec. 6. RCW 7.80.160 and 2002 c 175 s 2 are each amended to read as follows:

(1) ~~((A person who fails to sign a notice of civil infraction is guilty of a misdemeanor.~~

~~(2))~~ Any person ~~((willfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction))~~ who, after receiving a statement of the options provided in this chapter for responding to the notice of civil infraction and the procedures necessary to exercise these options, fails to exercise one of the options in a timely manner is guilty of a misdemeanor regardless of

the disposition of the notice of civil infraction. A ~~((written promise to appear in court or a written promise to respond to a))~~ notice of civil infraction may be complied with by an appearance by counsel.

~~((3))~~ (2) A person who willfully fails to pay a monetary penalty or to perform community restitution as required by a court under this chapter may be found in contempt of court as provided in chapter 7.21 RCW.

Sec. 7. RCW 7.84.050 and 1987 c 380 s 5 are each amended to read as follows:

(1) A notice of infraction represents a determination that an infraction has been committed. The determination shall be final unless contested as provided in this chapter.

(2) The form for the notice of infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that an infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that an infraction is a noncriminal offense for which imprisonment will not be imposed as a sanction;

(c) A statement of the specific infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination, the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person shall be deemed to have committed the infraction and shall not subpoena witnesses;

(h) A statement that failure to respond to a notice of infraction within fifteen days is a misdemeanor and may be punished by fine or imprisonment; and

(i) A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances is a misdemeanor and may be punished by fine or imprisonment ~~((; and~~

~~((; and~~ (j) ~~a statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter)).~~

Sec. 8. RCW 18.27.240 and 1986 c 197 s 4 are each amended to read as follows:

The form of the notice of infraction issued under this chapter shall include the following:

(1) A statement that the notice represents a determination that the infraction has been committed by the contractor named in the notice and that the determination shall be final unless contested as provided in this chapter;

(2) A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

(3) A statement of the specific violation which necessitated issuance of the infraction;

(4) A statement of penalty involved if the infraction is established;

(5) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(6) A statement that at any hearing to contest the notice of infraction the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the contractor may subpoena witnesses, including the compliance inspector of the department who issued and served the notice of infraction;

(7) A statement ~~((; which the person who has been served with the notice of infraction shall sign;))~~ that the contractor ~~((promises to))~~

must respond to the notice of infraction in one of the ways provided in this chapter; and

~~((A statement that refusal to sign the infraction as directed in subsection (7) of this section is a misdemeanor and may be punished by a fine or imprisonment in jail; and~~

~~((9))~~ A statement that a contractor's failure to ~~((respond to a notice of infraction as promised))~~ timely select one of the options for responding to the notice of infraction after receiving a statement of the options provided in this chapter for responding to the notice of infraction and the procedures necessary to exercise these options is guilty of a misdemeanor and may be punished by a fine or imprisonment in jail.

Sec. 9. RCW 18.106.190 and 1994 c 174 s 4 are each amended to read as follows:

The form of the notice of infraction issued under this chapter shall include the following:

(1) A statement that the notice represents a determination that the infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(2) A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

(3) A statement of the specific infraction for which the notice was issued;

(4) A statement of the monetary penalty that has been established for the infraction;

(5) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(6) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses, including the authorized representative of the department who issued and served the notice of infraction; and

(7) A statement ~~((; which the person shall sign;))~~ that the person ~~((promises to))~~ must respond to the notice of infraction in one of the ways provided in this chapter ~~((;))~~.

~~((8) A statement that refusal to sign the infraction as directed in subsection (7) of this section is a misdemeanor; and~~

~~((9))~~ A statement that failure to ~~((respond to a notice of infraction as promised))~~ timely select one of the options for responding to the notice of civil infraction after receiving a statement of the options provided in this chapter for responding to the notice of infraction and the procedures necessary to exercise these options is a misdemeanor and may be punished by a fine or imprisonment in jail.

Sec. 10. RCW 20.01.482 and 2004 c 43 s 3 are each amended to read as follows:

(1) The director shall have the authority to issue a notice of civil infraction if an infraction is committed in his or her presence or, if after investigation, the director has reasonable cause to believe an infraction has been committed.

(2) It is a misdemeanor for any person to refuse to properly identify himself or herself for the purpose of issuance of a notice of infraction ~~((or to refuse to sign the written or electronic promise to appear or respond to a notice of infraction)).~~

(3) Any person willfully ~~((violating a written or electronic and signed promise))~~ failing to respond to a notice of infraction is guilty of a misdemeanor regardless of the disposition of the notice of infraction.

Sec. 11. RCW 43.63B.140 and 1994 c 284 s 26 are each amended to read as follows:

(1) The department shall prescribe the form of the notice of infraction issued under this chapter.

(2) The notice of infraction shall include the following:

(a) A statement that the notice represents a determination that the infraction has been committed by the person named in the notice and that the determination is final unless contested as provided in this chapter;

(b) A statement that the infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

(c) A statement of the specific infraction for which the notice was issued;

(d) A statement of a monetary penalty that has been established for the infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that, at a hearing to contest the determination, the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed, and that the person may subpoena witnesses including the authorized representative who issued and served the notice of the infraction; and

(g) ~~(A statement, that the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter;~~

~~(h) A statement that refusal to sign the infraction as directed in (g) of this subsection is a misdemeanor; and~~

~~(i)) A statement that failure to respond to a notice of infraction ((as promised)) is a misdemeanor and may be punished by a fine or imprisonment in jail.~~

Sec. 12. RCW 81.112.230 and 1999 c 20 s 5 are each amended to read as follows:

Nothing in RCW 81.112.020 and 81.112.210 through 81.112.230 shall be deemed to prevent law enforcement authorities from prosecuting for theft, trespass, or other charges by any individual who:

(1) Fails to pay the required fare on more than one occasion within a twelve-month period;

(2) Fails to ~~((sign a notice of civil infraction))~~ timely select one of the options for responding to the notice of civil infraction after receiving a statement of the options provided in this chapter for responding to the notice of infraction and the procedures necessary to exercise these options; or

(3) Fails to depart the train, including but not limited to commuter trains and light rail trains, when requested to do so by a person designated to monitor fare payment.

NEW SECTION. Sec. 13. RCW 18.27.280 (Notice--Penalty for person refusing to promise to respond) and 1983 1st ex.s. c 2 s 10 are each repealed."

On page 1, line 1 of the title, after "infractions;" strike the remainder of the title and insert "amending RCW 46.61.021, 46.63.060, 46.64.015, 46.64.025, 7.80.070, 7.80.160, 7.84.050, 18.27.240, 18.106.190, 20.01.482, 43.63B.140, and 81.112.230; repealing RCW 18.27.280; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1650 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives O'Brien and Pearson spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1650, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1650, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

SUBSTITUTE HOUSE BILL NO. 1650, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2974, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.130.060 and 2001 c 101 s 1 are each amended to read as follows:

In addition to the authority specified in RCW 18.130.050, the secretary has the following additional authority:

(1) To employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter;

(2) Upon the request of a board, to appoint pro tem members to participate as members of a panel of the board in connection with proceedings specifically identified in the request. Individuals so appointed must meet the same minimum qualifications as regular members of the board. Pro tem members appointed for matters under this chapter are appointed for a term of no more than one year. No pro tem member may serve more than four one-year terms. While serving as board members pro tem, persons so appointed have all the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular members of the board. The chairperson of a panel shall be a regular member of the board appointed by the board chairperson. Panels have authority to act as directed by the board with respect to all matters concerning the review, investigation, and adjudication of all complaints, allegations, charges, and matters subject to the jurisdiction of the board. The authority to act through panels does not restrict the authority of the board to act as a single body at any phase of proceedings within the board's jurisdiction. Board panels may make interim orders and issue final decisions with respect to matters and cases delegated to the panel by the board. Final decisions may be appealed as provided in chapter 34.05 RCW, the administrative procedure act;

(3) To establish fees to be paid for witnesses, expert witnesses, and consultants used in any investigation and to establish fees to witnesses in any agency adjudicative proceeding as authorized by RCW 34.05.446;

(4) To conduct investigations and practice reviews at the direction of the disciplining authority and to issue subpoenas, administer oaths, and take depositions in the course of conducting those investigations and practice reviews at the direction of the disciplining authority;

(5) To have the health professions regulatory program establish a system to recruit potential public members, to review the qualifications of such potential members, and to provide orientation to those public members appointed pursuant to law by the governor or the secretary to the boards and commissions specified in RCW 18.130.040(2)(b), and to the advisory committees and councils for professions specified in RCW 18.130.040(2)(a); and

(6) To adopt rules, in consultation with the disciplining authorities, requiring every license holder to report information identified in RCW 18.130.070.

Sec. 2. RCW 18.130.070 and 2005 c 470 s 2 are each amended to read as follows:

(1)(a) The ((disciplining authority may)) secretary shall adopt rules requiring ((any person, including, but not limited to, licensees, corporations, organizations, health care facilities, impaired practitioner programs, or voluntary substance abuse monitoring programs approved by the disciplining authority and state or local governmental agencies;)) every license holder to report to the appropriate disciplining authority any conviction, determination, or finding that ((a)) another license holder has committed an act which constitutes unprofessional conduct, or to report information to the disciplining authority, an impaired practitioner program, or voluntary substance abuse monitoring program approved by the disciplining authority, which indicates that the other license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition.

(b) The secretary may adopt rules to require other persons, including corporations, organizations, health care facilities, impaired practitioner programs, or voluntary substance abuse monitoring programs approved by a disciplining authority, and state or local government agencies to report:

(i) Any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct; or

(ii) Information to the disciplining authority, an impaired practitioner program, or voluntary substance abuse monitoring program approved by the disciplining authority, which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition.

(c) If a report has been made by a hospital to the department pursuant to RCW 70.41.210, a report to the disciplining authority is not required. To facilitate meeting the intent of this section, the cooperation of agencies of the federal government is requested by reporting any conviction, determination, or finding that a federal employee or contractor regulated by the disciplining authorities enumerated in this chapter has committed an act which constituted unprofessional conduct and reporting any information which indicates that a federal employee or contractor regulated by the disciplining authorities enumerated in this chapter may not be able to practice his or her profession with reasonable skill and safety as a result of a mental or physical condition.

(d) Reporting under this section is not required by:

(i) Any entity with a peer review committee, quality improvement committee or other similarly designated professional review committee, or by a license holder who is a member of such committee, during the investigative phase of the respective committee's operations if the investigation is completed in a timely manner; or

(ii) An impaired practitioner program or voluntary substance abuse monitoring program approved by a disciplining authority under RCW 18.130.175 if the license holder is currently enrolled in the treatment program, so long as the license holder actively participates in the treatment program and the license holder's impairment does not constitute a clear and present danger to the public health, safety, or welfare.

(2) If a person fails to furnish a required report, the disciplining authority may petition the superior court of the county in which the person resides or is found, and the court shall issue to the person an order to furnish the required report. A failure to obey the order is a contempt of court as provided in chapter 7.21 RCW.

(3) A person is immune from civil liability, whether direct or derivative, for providing information to the disciplining authority pursuant to the rules adopted under subsection (1) of this section.

(4)(a) The holder of a license subject to the jurisdiction of this chapter shall report to the disciplining authority:

(i) Any conviction, determination, or finding that ((the licensee)) he or she has committed unprofessional conduct or is unable to practice with reasonable skill or safety; and

(ii) Any disqualification from participation in the federal medicare program, under Title XVIII of the federal social security act or the federal medicaid program, under Title XIX of the federal social security act.

(b) Failure to report within thirty days of notice of the conviction, determination, ((or)) finding, or disqualification constitutes grounds for disciplinary action.

NEW SECTION. Sec. 3. A new section is added to chapter 18.130 RCW to read as follows:

Any individual who applies for a license or temporary practice permit or holds a license or temporary practice permit and is prohibited from practicing a health care profession in another state because of an act of unprofessional conduct that is substantially equivalent to an act of unprofessional conduct prohibited by this chapter or any of the chapters specified in RCW 18.130.040 is prohibited from practicing a health care profession in this state until proceedings of the appropriate disciplining authority have been completed under RCW 18.130.050.

Sec. 4. RCW 18.130.050 and 1995 c 336 s 4 are each amended to read as follows:

The disciplining authority has the following authority:

(1) To adopt, amend, and rescind such rules as are deemed necessary to carry out this chapter;

(2) To investigate all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;

(3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(5) To compel attendance of witnesses at hearings;

(6) In the course of investigating a complaint or report of unprofessional conduct, to conduct practice reviews;

(7) To take emergency action ordering summary suspension of a license, or restriction or limitation of the ((licensee's)) license holder's practice pending proceedings by the disciplining authority. Consistent with section 3 of this act, a disciplining authority shall issue a summary suspension of the license or temporary practice permit of a license holder prohibited from practicing a health care profession in another state, federal, or foreign jurisdiction because of an act of unprofessional conduct that is substantially equivalent to an act of unprofessional conduct prohibited by this chapter or any of the chapters specified in RCW 18.130.040. The summary suspension remains in effect until proceedings by the Washington disciplining authority have been completed;

(8) To use a presiding officer as authorized in RCW 18.130.095(3) or the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. The disciplining authority shall make the final decision regarding disposition of the license unless the disciplining authority elects to delegate in writing the final decision to the presiding officer;

(9) To use individual members of the boards to direct investigations. However, the member of the board shall not subsequently participate in the hearing of the case;

(10) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(11) To contract with licensees or other persons or organizations to provide services necessary for the monitoring and supervision of licensees who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the disciplining authority;

(12) To adopt standards of professional conduct or practice;

(13) To grant or deny license applications, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter;

(14) To designate individuals authorized to sign subpoenas and statements of charges;

(15) To establish panels consisting of three or more members of the board to perform any duty or authority within the board's jurisdiction under this chapter;

(16) To review and audit the records of licensed health facilities' or services' quality assurance committee decisions in which a licensee's practice privilege or employment is terminated or restricted. Each health facility or service shall produce and make accessible to the disciplining authority the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to discovery or introduction into evidence in any civil action pursuant to RCW 70.41.200(3).

Sec. 5. RCW 18.130.080 and 1998 c 132 s 9 are each amended to read as follows:

(1) A person, including but not limited to consumers, licensees, corporations, organizations, health care facilities, impaired practitioner programs, or voluntary substance abuse monitoring programs approved by disciplining authorities, and state and local governmental agencies, may submit a written complaint to the disciplining authority charging a license holder or applicant with unprofessional conduct and specifying the grounds therefor or to report information to the disciplining authority, or voluntary substance abuse monitoring program, or an impaired practitioner program approved by the disciplining authority, which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition. If the disciplining authority determines that the complaint merits investigation, or if the disciplining authority has reason to believe, without a formal complaint, that a license holder or applicant may have engaged in unprofessional conduct, the disciplining authority shall investigate to determine whether there has been unprofessional conduct. In determining whether or not to investigate, the disciplining authority shall consider any prior complaints received by the disciplining authority, any prior findings of fact under RCW 18.130.110, any stipulations to informal disposition under RCW 18.130.172, and any comparable action taken by other state disciplining authorities.

(2) Notwithstanding subsection (1) of this section, the disciplining authority shall initiate an investigation in every instance where the disciplining authority receives information that a health care provider has been disqualified from participating in the federal medicare program, under Title XVIII of the federal social security act, or the federal medicaid program, under Title XIX of the federal social security act.

(3) A person who files a complaint or reports information under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint.

Sec. 6. RCW 18.130.160 and 2001 c 195 s 1 are each amended to read as follows:

Upon a finding, after hearing, that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority may issue an order providing for one or any combination of the following:

(1) Revocation of the license;

(2) Suspension of the license for a fixed or indefinite term;

(3) Restriction or limitation of the practice;

(4) Requiring the satisfactory completion of a specific program of remedial education or treatment;

(5) The monitoring of the practice by a supervisor approved by the disciplining authority;

(6) Censure or reprimand;

(7) Compliance with conditions of probation for a designated period of time;

(8) Payment of a fine for each violation of this chapter, not to exceed five thousand dollars per violation. Funds received shall be placed in the health professions account;

(9) Denial of the license request;

(10) Corrective action;

(11) Refund of fees billed to and collected from the consumer;

(12) A surrender of the practitioner's license in lieu of other sanctions, which must be reported to the federal data bank.

Any of the actions under this section may be totally or partly stayed by the disciplining authority. Safeguarding the public's health and safety is the paramount responsibility of every disciplining authority and in determining what action is appropriate, the disciplining authority must first consider what sanctions are necessary to protect or compensate the public. Only after such provisions have been made may the disciplining authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or inability to practice, or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct or inability to practice. The stipulation entered into pursuant to this subsection shall be considered formal disciplinary action for all purposes.

Sec. 7. RCW 18.130.175 and 2005 c 274 s 233 are each amended to read as follows:

(1) In lieu of disciplinary action under RCW 18.130.160 and if the disciplining authority determines that the unprofessional conduct may be the result of substance abuse, the disciplining authority may refer the license holder to a voluntary substance abuse monitoring program approved by the disciplining authority.

The cost of the treatment shall be the responsibility of the license holder, but the responsibility does not preclude payment by an employer, existing insurance coverage, or other sources. Primary alcoholism or other drug addiction treatment shall be provided by approved treatment programs under RCW 70.96A.020 or by any other provider approved by the entity or the commission. However, nothing shall prohibit the disciplining authority from approving additional services and programs as an adjunct to primary alcoholism or other drug addiction treatment. The disciplining authority may also approve the use of out-of-state programs. Referral of the license holder to the program shall be done only with the consent of the license holder. Referral to the program may also include probationary conditions for a designated period of time. If the license holder does not consent to be referred to the program or does not successfully complete the program, the disciplining authority may take appropriate action under RCW 18.130.160 which includes suspension of the license unless or until the disciplining authority, in consultation with the director of the voluntary substance abuse monitoring program, determines the license holder is able to practice safely. The secretary shall adopt uniform rules for the evaluation by the disciplinary authority of a relapse or program violation on the part of a license holder in the substance abuse monitoring program. The evaluation shall encourage program participation with additional conditions, in lieu of disciplinary action, when the disciplinary authority determines that the license holder is able to continue to practice with reasonable skill and safety.

(2) In addition to approving substance abuse monitoring programs that may receive referrals from the disciplining authority, the disciplining authority may establish by rule requirements for participation of license holders who are not being investigated or

monitored by the disciplining authority for substance abuse. License holders voluntarily participating in the approved programs without being referred by the disciplining authority shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the disciplining authority, if they meet the requirements of this section and the program in which they are participating.

(3) The license holder shall sign a waiver allowing the program to release information to the disciplining authority if the licensee does not comply with the requirements of this section or is unable to practice with reasonable skill or safety. The substance abuse program shall report to the disciplining authority any license holder who fails to comply with the requirements of this section or the program or who, in the opinion of the program, is unable to practice with reasonable skill or safety. License holders shall report to the disciplining authority if they fail to comply with this section or do not complete the program's requirements. License holders may, upon the agreement of the program and disciplining authority, reenter the program if they have previously failed to comply with this section.

(4) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved programs shall be confidential, shall be exempt from chapter 42.56 RCW, and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplining authority for cause as defined in subsection (3) of this section. Monitoring records relating to license holders referred to the program by the disciplining authority or relating to license holders reported to the disciplining authority by the program for cause, shall be released to the disciplining authority at the request of the disciplining authority. Records held by the disciplining authority under this section shall be exempt from chapter 42.56 RCW and shall not be subject to discovery by subpoena except by the license holder.

(5) "Substance abuse," as used in this section, means the impairment, as determined by the disciplining authority, of a license holder's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(6) This section does not affect an employer's right or ability to make employment-related decisions regarding a license holder. This section does not restrict the authority of the disciplining authority to take disciplinary action for any other unprofessional conduct.

(7) A person who, in good faith, reports information or takes action in connection with this section is immune from civil liability for reporting information or taking the action.

(a) The immunity from civil liability provided by this section shall be liberally construed to accomplish the purposes of this section and the persons entitled to immunity shall include:

- (i) An approved monitoring treatment program;
- (ii) The professional association operating the program;
- (iii) Members, employees, or agents of the program or association;

(iv) Persons reporting a license holder as being possibly impaired or providing information about the license holder's impairment; and

(v) Professionals supervising or monitoring the course of the impaired license holder's treatment or rehabilitation.

(b) The courts are strongly encouraged to impose sanctions on clients and their attorneys whose allegations under this subsection are not made in good faith and are without either reasonable objective, substantive grounds, or both.

(c) The immunity provided in this section is in addition to any other immunity provided by law.

NEW SECTION. Sec. 8. A new section is added to chapter 43.43 RCW to read as follows:

(1) Upon a guilty plea or conviction of a person for any felony crime involving homicide under chapter 9A.32 RCW, assault under chapter 9A.36 RCW, kidnapping under chapter 9A.40 RCW, or sex offenses under chapter 9A.44 RCW, the prosecuting attorney shall notify the state patrol of such guilty pleas or convictions.

(2) When the state patrol receives information that a person has pled guilty to or been convicted of one of the felony crimes under subsection (1) of this section, the state patrol shall transmit that information to the department of health. It is the duty of the

department of health to identify whether the person holds a credential issued by a disciplining authority listed under RCW 18.130.040, and provide this information to the disciplining authority that issued the credential to the person who pled guilty or was convicted of a crime listed in subsection (1) of this section.

NEW SECTION. Sec. 9. A new section is added to chapter 18.130 RCW to read as follows:

(1) When developing its biennial budget request for appropriation of the health professions account created in RCW 43.70.320, beginning in the 2007-2009 budget and continuing in subsequent biennia, the department shall specify the number of full-time employees designated as investigators and attorneys and the costs associated with supporting their activities. The department shall also specify the additional full-time employees designated as investigators and attorneys that are required to achieve a staffing level that is able to respond promptly, competently, and appropriately to the workload associated with health professions disciplinary activities and the costs associated with supporting disciplinary activities. In identifying the need for additional staff, the department shall develop a formula based on its prior experience with staff levels compared to the number of providers, complaints, investigations, and other criteria that the department determines is relevant to staffing level decisions. The department must request additional funds for activities that most critically impact public health and safety. The budget request must specify the methodology used for each biennium.

(2) The joint legislative audit and review committee, in consultation with the department, shall report to the legislature by December 1, 2010, with recommendations for formulas for determining appropriate staffing levels for investigators and attorneys at the department of health involved in the health professions disciplinary process to achieve prompt, competent, and appropriate responses to complaints of unprofessional conduct. The report must be based upon the department's prior experience with staff levels compared to the number of providers, complaints, investigations, and other criteria that the department finds are relevant to determining appropriate staffing levels.

(3) This section expires July 1, 2011.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

- RCW 18.57.174 (Duty to report unprofessional conduct-- Exceptions) and 2000 c 171 s 20 & 1986 c 300 s 9; and
- RCW 18.71.0193 (Duty to report unprofessional conduct-- Exceptions) and 1994 sp.s. c 9 s 327 & 1986 c 300 s 5.

NEW SECTION. Sec. 11. Section 7 of this act takes effect July 1, 2006."

On page 1, line 1 of the title, after "discipline;" strike the remainder of the title and insert "amending RCW 18.130.060, 18.130.070, 18.130.050, 18.130.080, 18.130.160, and 18.130.175; adding new sections to chapter 18.130 RCW; adding a new section to chapter 43.43 RCW; repealing RCW 18.57.174 and 18.71.0193; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2974 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hinkle and Cody spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2974, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2974, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 65, Nays - 30, Excused - 3.

Voting yea: Representatives Ahern, Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 65.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Crouse, Curtis, DeBolt, Dunn, Haler, Hinkle, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Walsh and Woods - 30.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

SUBSTITUTE HOUSE BILL NO. 2974, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

SECONDSUBSTITUTE SENATE BILL NO. 6326, By Senate Committee on Ways & Means (originally sponsored by Senators Shin, Rasmussen, Pflug, Doumit, Rockefeller, Weinstein, Pridemore, Hewitt, Jacobsen, Thibaudeau, Swecker, Sheldon, Oke, Keiser, Kohl-Welles, Franklin, Kline and Berkey)

Providing a source of funding for customized work force training.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, 50th Day, February 27, 2006.)

With the consent of the House, amendments (1076) and (1121) were withdrawn.

Representative Kenney moved the adoption of amendment (1125):

On page 3, after line 21, insert the following:

"(c) Preference shall be given to employers with fewer than fifty employees."

On page 4, after line 17, insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 82.04 RCW to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(2) Each person claiming a tax credit under section 5 of this act shall report information to the department by filing a complete annual survey. The survey is due by March 31st of the year following any calendar year in which a tax credit under section 5 of this act is taken. The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall include the amount of tax credit taken. The survey shall also include the following information for employment positions in Washington:

(a) The number of total employment positions;

(b) Full-time, part-time, and temporary employment positions as a percent of total employment;

(c) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(d) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

The first survey filed under this subsection shall also include information for the twelve-month period immediately before first use of a tax incentive.

(3) The department may request additional information necessary to measure the results of the credit program, to be submitted at the same time as the survey.

(4) All information collected under this section, except the amount of the tax credit taken, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax credit taken is not subject to the confidentiality provisions of RCW 82.32.330.

(5) If a person fails to submit an annual survey under subsection (2) of this section by the due date of the report or any extension under RCW 82.32.590, the department shall declare the amount of taxes credited for the previous calendar year to be immediately due and payable. The department shall assess interest, but not penalties, on the amounts due under this section. The interest shall be assessed at the rate provided for delinquent taxes under this chapter, retroactively to the date the credit was claimed, and shall accrue until the taxes for which the credit was claimed are repaid. This information is not subject to the confidentiality provisions of RCW 82.32.330.

(6) The department shall use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(7) The department shall study the tax credit authorized in section 5 of this act. The department shall submit a report to the finance committee of the house of representatives and the ways and means committee of the senate by December 1, 2011. The report shall measure the effect of the credit on job creation, job retention, company growth, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

NEW SECTION. Sec. 7. RCW 82.32.590 and 2005 c 514 s 1001 are each amended to read as follows:

(1) If the department finds that the failure of a taxpayer to file an annual survey under RCW 82.04.4452 or section 6 of this act by the due date was the result of circumstances beyond the control of the taxpayer, the department shall extend the time for filing the survey. Such extension shall be for a period of thirty days from the date the department issues its written notification to the taxpayer that it qualifies for an extension under this section. The department may grant additional extensions as it deems proper.

(2) In making a determination whether the failure of a taxpayer to file an annual survey by the due date was the result of circumstances beyond the control of the taxpayer, the department shall be guided by rules adopted by the department for the waiver or cancellation of penalties when the underpayment or untimely

payment of any tax was due to circumstances beyond the control of the taxpayer."

On page 5, beginning on line 1, strike all of section 7

On page 5, line 12, after "July 1," strike "2016" and insert "2012"

Renumber the remaining sections consecutively and correct any internal references accordingly

Correct the title

Representative Kenney spoke in favor of the adoption of the amendment.

Representative Chandler spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 54 - YEAS; 41 -NAYS.

The amendment was adopted.

Representative Chandler moved the adoption of amendment (1129):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 28B.50 RCW to read as follows:

The legislature finds that the provision of customized training is critical to attracting and retaining businesses, and that the growth of many businesses is limited by an unmet need for customized training. The legislature also finds that work force training not only helps business, it also improves the quality of life for workers and communities. Because of the statewide public benefit to be gained from instituting a customized training program, the legislature intends to promote work force training in a manner that reduces the costs of training to new and expanding firms.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.50 RCW to read as follows:

(1) The board shall assist in matching participating employers with qualified training institutions for purposes of providing customized training.

(2) For purposes of sections 2 and 3 of this act, qualified training institutions may enter into agreements with four-year institutions of higher education, as defined in RCW 28B.10.016, in accordance with the interlocal cooperation act, chapter 39.34 RCW.

(3) The board may adopt rules to implement this section.

NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

(1) A participating employer may take a credit against the tax imposed by this chapter if the number of employees a participating employer has in the state during the calendar year following the completion of the customized training program equals the number of employees the participating employer had in the state in the calendar year preceding the start of the customized training program plus at least seventy-five percent of the number of trainees.

(2) The credit under this section is equal to twenty percent of the amount of customized training costs, up to a maximum of two hundred thousand dollars per employer per calendar year.

(3)(a) The credit may not be used to train workers who have been hired as a result of a strike or lockout.

(b) A credit may not be claimed under this section with respect to the value of job training services for which credit is claimed under RCW 82.04.4333.

(4) Credits are available on a first in-time basis. The department shall disallow any credits, or portion thereof, that would cause the

total amount of credits claimed under this section during any calendar year to exceed one million dollars. If this limitation is reached, the department shall notify the board, the work force training and education coordinating board, and the higher education coordinating board that the annual statewide limit has been met. In addition, the department shall provide written notice to any person who has claimed tax credits in excess of the one million dollar limitation in this subsection. The notice shall indicate the amount of tax due and shall provide that the tax be paid within thirty days from the date of such notice. The department shall not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof.

(5) Any amount of tax credit otherwise allowable under this section not claimed by the person in any calendar year may be carried over and claimed against the person's tax liability until used.

NEW SECTION. Sec. 4. A new section is added to chapter 82.04 RCW to read as follows:

The definitions in this section apply to sections 2 and 3 of this act unless the context clearly requires otherwise.

(1) "Board" means the state board for community and technical colleges.

(2) "Participating employer" means a private employer that undertakes a training program with a qualified training institution under section 2 of this act.

(3) "Qualified training institution" means a public community or technical college or a private vocational school licensed by either the work force training and education coordinating board or the higher education coordinating board.

(4) "Customized training costs" means the direct costs experienced under a contract with a qualified training institution for formal technical or skill training, including basic skills. "Customized training costs" includes amounts in the contract for costs of instruction, materials, equipment, rental of class space, marketing, and overhead. "Customized training costs" does not include employee tuition reimbursements.

NEW SECTION. Sec. 5. A new section is added to chapter 82.32 RCW to read as follows:

(1) The department shall study the tax credit authorized in section 3 of this act. The department shall submit a report to the finance committee of the house of representatives and the ways and means committee of the senate by December 1, 2015. The report shall measure the effect of the credit on job creation, job retention, company growth, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

Sec. 6. RCW 82.04.4333 and 1996 c 1 s 4 are each amended to read as follows:

(1) There may be credited against the tax imposed by this chapter, the value of state-approved, employer-provided or sponsored job training services designed to enhance the job-related performance of employees, for those businesses eligible for a tax deferral under chapter 82.60 RCW.

(2) The value of the state-approved, job training services provided by the employer to the employee, without charge, shall be determined by the allocation of the cost method using generally accepted accounting standards.

(3) The credit allowed under this section shall be limited to an amount equal to twenty percent of the value of the state-approved, job training services determined under subsection (2) of this section. The total credits allowed under this section for a business shall not exceed five thousand dollars per calendar year.

(4) Prior to claiming the credit under this section, the business must obtain approval of the proposed job training service from the employment security department. The employer's request for approval must include a description of the proposed job training service, how the job training will enhance the employee's performance, and the cost of the proposed job training.

(5) This section only applies to training in respect to eligible business projects for which an application is approved on or after January 1, 1996.

(6) A credit may not be claimed under this section with respect to the amount of customized training costs for which credit is claimed under section 3 of this act.

NEW SECTION. Sec. 7. Section 3 of this act takes effect July 1, 2006.

NEW SECTION. Sec. 8. Section 3 of this act expires July 1, 2016."

Correct the title.

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Kenney spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kenney, Kilmer, Linville and McIntire spoke in favor of passage of the bill.

Representatives Rodne, Alexander, Bailey and Dunn spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6326, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6326, as amended by the House, and the bill passed the House by the following vote: Yeas - 63, Nays - 32, Excused - 3.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schual-Berke, Sells, Serben, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Kretz, Kristiansen, Newhouse, Nixon, Orcutt, Pearson, Rodne, Schindler, Shabro, Skinner, Strow, Sump, Talcott, Walsh and Woods - 32.

Excused: Representatives Cox Eickmeyer, and Holmquist - 3.

SECOND SUBSTITUTE SENATE BILL NO. 6326, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6247, By Senate Committee on Transportation (originally sponsored by Senators Haugen and Benson)

Providing uniform administration of locally imposed motor vehicle excise taxes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6247.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6247 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Cox, Eickmeyer and Holmquist - 3.

SUBSTITUTE SENATE BILL NO. 6247, having received the necessary constitutional majority, was declared passed.

There being no objection, the bills remaining on the Second Reading calendar were returned to the Rules Committee with the exception of HOUSE BILL NO. 3315 and SENATE BILL NO. 6368 which held their places on the Second Reading calendar.

There being no objection, the Rules Committee was relieved of the following bills and the bills were placed on the Second Reading calendar:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672,
SUBSTITUTE HOUSE BILL NO. 2880,
SUBSTITUTE SENATE BILL NO. 6369,
SUBSTITUTE SENATE BILL NO. 6533,
SECOND SUBSTITUTE SENATE BILL NO. 6558,
SUBSTITUTE SENATE BILL NO. 6686,
SUBSTITUTE SENATE BILL NO. 6781,

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

There being no objection, the House adjourned until 10:00 a.m., March 6, 2006, the 57th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FIFTY SEVENTH DAY

House Chamber, Olympia, Monday, March 6, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kimberly Lusk and Brenda Martinez. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Dennis Magnuson, Light of the Hill United Methodist Church, Puyallup.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2006-4709. By Representative Walsh, Hankins, Skinner, Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Chopp, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Williams, Wood and Woods

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

WHEREAS, Rickey Dale Bowman exhibited true excellence during his tenure as a state employee; and

WHEREAS, Rick Bowman was born October 4, 1954, in Burlingame, California, to Helen and Wilbur Bowman, and had two sisters, Valoren and Cheryl, and one brother, Buddy; and

WHEREAS, Rick Bowman spent his younger years in Seaside and Jewell, Oregon, and graduated from Jewell High School in 1972; and

WHEREAS, Rick Bowman served in the United States Army from 1974 to 1982, eight years of those as an Orthopedic Specialist and Operating Room Specialist; and

WHEREAS, Rick Bowman attended Clover Park Vocational Technical Institute from 1982 to 1985 and graduated as a Computer Maintenance Technician; and

WHEREAS, Rick Bowman became father to Allison Leigh Bowman in 1988, and husband to Mary in 1998; and

WHEREAS, Rick Bowman came to work for the Legislature in 1985; and

WHEREAS, Rick Bowman served the Legislature for 20 years, with dedication and cheerfulness, by supporting the members and staff in their use of information technology; and

WHEREAS, Rick Bowman was a humble and warm man, with an infectious smile and wit, and an incredible and enthusiastic zest for life; and

WHEREAS, Rick Bowman, whatever circumstances he found himself in, was always ready to listen, to encourage, and to fight for what he thought was right; and

WHEREAS, Rick Bowman was respected for his sincerity, his honesty, his kindness, and his friendship; and

WHEREAS, Rick Bowman loved God, his family, fantasy football, people, music, and travel; and

WHEREAS, Rick Bowman exhibited great strength and faith in the last battle of his life, spending more time comforting his family and friends, than being comforted;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor Rick Bowman for his many years of dedicated service, his personal and professional integrity, and his faithfulness to the principles and ideals that were the basis of his character and his life; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mary Bowman and Allison Bowman.

Representative Walsh moved the adoption of the resolution.

Representatives Walsh and Hunt spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4709 was adopted.

HOUSE RESOLUTION NO. 2006-4717. By Representatives Kenney, Cody, Green, Moeller, Conway, Morrell, Skinner and Cox

WHEREAS, Washington State is the birthplace for long-term dialysis treatment for people with kidney disease; and

WHEREAS, According to the Northwest Kidney Centers, more than 20 million Americans, one in nine adults, have chronic kidney disease; and

WHEREAS, Globally, more than 500 million individuals have some degree of chronic kidney disease; and

WHEREAS, The International Federation of Kidney Foundations and the International Society of Nephrology have jointly declared March 9, 2006, as World Kidney Day in an international effort to address treatment and prevention of kidney and cardiovascular disease; and

WHEREAS, When individuals are diagnosed, they are too often treated suboptimally or not at all, and in most parts of the world, once kidney failure occurs, patients do not have access to treatment or transplantation and simply die; and

WHEREAS, High risk groups include those with diabetes, hypertension, and family history of kidney disease; and

WHEREAS, African Americans, Hispanics, Pacific Islanders, Native Americans, and seniors are at an increased risk; and

WHEREAS, Early detection can help prevent the progression of kidney disease to kidney failure. The earlier kidney disease is detected, the better the chance of (1) slowing or stopping its progression and (2) avoiding long hospital stays and dialysis; and

WHEREAS, The public health mandate is clear that detection and prevention are the most cost-effective methods to address chronic kidney disease and its impact on diabetes and cardiovascular disease;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives observe March 9, 2006, as World Kidney Day and encourage increased awareness of kidney disease.

HOUSE RESOLUTION NO. 4717 was adopted.

INTRODUCTION & FIRST READING

2SSB 6793 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Brown, Brandland, McAuliffe, Thibaudeau, Rockefeller and Rasmussen)

AN ACT Relating to specifying roles and responsibilities with respect to the treatment of persons with mental disorders; amending RCW 71.24.016, 71.24.045, 71.24.300, 71.24.310, 71.24.320, 71.24.3201, 71.24.330, 71.24.360, 72.23.025, 71.05.230, 71.05.300, and 71.05.320; reenacting and amending RCW 71.24.025 and 71.24.035; adding a new section to chapter 71.24 RCW; adding a new section to chapter 71.05 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

There being no objection, SECOND SUBSTITUTE SENATE BILL NO. 6793 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

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

There being no objection, the Rules Committee was relieved of SUBSTITUTE SENATE BILL NO. 6512, and the bill was placed on the Second Reading calendar.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 6369, By Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Mulliken and Rasmussen)

Providing excise tax exemptions for water services provided by small water systems.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and Bailey spoke in favor of passage of the bill.

MOTION

On motion of Representative Rodne, Representative Curtis was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6369.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6369 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Sommers - 1.
Excused: Representative Curtis - 1.

SUBSTITUTE SENATE BILL NO. 6369, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6781, By Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Pflug, Fraser, Parlette, Shin and Schoesler)

Modifying the excise taxation of environmental remediation services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6781.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6781 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Dickerson - 1.

Excused: Representative Curtis - 1.

SUBSTITUTE SENATE BILL NO. 6781, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2695, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.60.165 and 2005 c 243 s 8 are each amended to read as follows:

(1) If the voter neglects to sign the outside envelope of an absentee or provisional ballot, the auditor shall notify the voter by ~~((telephone))~~ first class mail and advise the voter of the correct procedures for completing the unsigned affidavit. ~~((If the auditor is not able to provide the information personally to the voter by telephone, then the voter must be contacted by first class mail and advised of the correct procedures for completing the unsigned affidavit. Leaving a voice mail message for the voter is not to be considered as personally contacting the voter.))~~ If the absentee ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information. In order for the ballot to be counted, the voter must either:

(a) Appear in person and sign the envelope no later than the day before the certification of the primary or election; or

(b) Sign a copy of the envelope provided by the auditor, and return it to the auditor no later than the day before the certification of the primary or election.

(2)(a) If the handwriting of the signature on an absentee or provisional ballot envelope is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by ~~((telephone))~~ first class mail, enclosing a voter registration form, and advise the voter of the correct procedures for updating his or her signature on the voter registration file. ~~((If the auditor is not able to provide the information personally to the voter by telephone, then the voter must be contacted by first class mail and advised of the correct procedures for completing the unsigned affidavit. Leaving a voice mail message for the voter is not to be considered as personally contacting the voter.))~~ If the absentee ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded at least three business days before the final meeting of the canvassing

board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information. In order for the ballot to be counted, the voter must ~~((either:~~

~~(i) Appear in person and sign))~~ provide a new registration form no later than the day before the certification of the primary or election~~((or~~

~~(ii) Sign a copy of the affidavit provided by the auditor and return it to the auditor no later than the day before the certification of the primary or election. If the signature on the copy of the affidavit does not match the signature on file, the voter must appear in person and sign a new registration form no later than the day before the certification of the primary or election in order for the ballot to be counted)).~~

(b) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the name is different, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.

(c) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.

(3) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

(4) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter signed the envelope, a copy of the envelope, a new registration form, or a change-of-name form. That record is a public record under chapter 42.17 RCW and may be disclosed to interested parties on written request."

On page 1, line 2 of the title, after "requirements;" strike the remainder of the title and insert "and amending RCW 29A.60.165."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2695 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.60.010 and 2000 c 158 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Customer-generator" means a user of a net metering system.

(3) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(4) "Electric cooperative" means a cooperative or association organized under chapter 23.86 or 24.06 RCW.

(5) "Electric utility" means any electrical company, public utility district, irrigation district, port district, electric cooperative, or municipal electric utility that is engaged in the business of distributing electricity to retail electric customers in the state.

(6) "Irrigation district" means an irrigation district under chapter 87.03 RCW.

(7) "Municipal electric utility" means a city or town that owns or operates an electric utility authorized by chapter 35.92 RCW.

(8) "Net metering" means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator ~~((that is fed back to the electric utility))~~ over the applicable billing period.

(9) "Net metering system" means a fuel cell ~~((or)), a facility that produces electricity and used and useful thermal energy from a common fuel source, or a facility for the production of electrical energy that generates renewable energy, and that:~~

~~((a))~~ ~~((Uses as its fuel either solar, wind, or hydropower;~~
~~((b)))~~ Has ~~((a))~~ an electrical generating capacity of not more than ~~((twenty-five))~~ one hundred kilowatts;

~~((c)))~~ (b) Is located on the customer-generator's premises;

~~((d)))~~ (c) Operates in parallel with the electric utility's transmission and distribution facilities; and

~~((e)))~~ (d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.

(10) "Port district" means a port district within which an industrial development district has been established as authorized by Title 53 RCW.

(11) "Public utility district" means a district authorized by chapter 54.04 RCW.

(12) "Renewable energy" means energy generated by a facility that uses water, wind, solar energy, or biogas from animal waste as a fuel.

Sec. 2. RCW 80.60.020 and 2000 c 158 s 2 are each amended to read as follows:

An electric utility:

(1) Shall offer to make net metering available to eligible customers-generators on a first-come, first-served basis until the cumulative generating capacity of net metering systems equals ~~((0.7))~~ 0.25 percent of the utility's peak demand during 1996 ~~((of which not less than 0.05 percent shall be attributable to net metering systems that use as its fuel either solar, wind, or hydropower)).~~ On January 1, 2014, the cumulative generating capacity available to net metering systems will equal 0.5 percent of the utility's peak demand during 1996. Not less than one-half of the utility's 1996 peak demand available for net metering systems shall be reserved for the cumulative generating capacity attributable to net metering systems that generate renewable energy;

(2) Shall allow net metering systems to be interconnected using a standard kilowatt-hour meter capable of registering the flow of electricity in two directions, unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment:

(a) That the use of additional metering equipment to monitor the flow of electricity in each direction is necessary and appropriate for the interconnection of net metering systems, after taking into account the benefits and costs of purchasing and installing additional metering equipment; and

(b) How the cost of purchasing and installing an additional meter is to be allocated between the customer-generator and the utility;

(3) Shall charge the customer-generator a minimum monthly fee that is the same as other customers of the electric utility in the same rate class, but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment that:

(a) The electric utility will incur direct costs associated with interconnecting or administering net metering systems that exceed any offsetting benefits associated with these systems; and

(b) Public policy is best served by imposing these costs on the customer-generator rather than allocating these costs among the utility's entire customer base.

Sec. 3. RCW 80.60.030 and 1998 c 318 s 4 are each amended to read as follows:

Consistent with the other provisions of this chapter, the net energy measurement must be calculated in the following manner:

(1) The electric utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(2) If the electricity supplied by the electric utility exceeds the electricity generated by the customer-generator and fed back to the electric utility during the billing period, the customer-generator shall be billed for the net electricity supplied by the electric utility, in accordance with normal metering practices.

(3) If electricity generated by the customer-generator exceeds the electricity supplied by the electric utility, the customer-generator:

(a) Shall be billed for the appropriate customer charges for that billing period, in accordance with RCW 80.60.020; and

(b) Shall be credited for the excess kilowatt-hours generated during the billing period, with this kilowatt-hour credit appearing on the bill for the following billing period.

~~((At the beginning))~~ On April 30th of each calendar year, any remaining unused kilowatt-hour credit accumulated during the previous year shall be granted to the electric utility, without any compensation to the customer-generator.

Sec. 4. RCW 80.60.040 and 2000 c 158 s 3 are each amended to read as follows:

(1) A net metering system used by a customer-generator shall include, at the customer-generator's own expense, all equipment necessary to meet applicable safety, power quality, and interconnection requirements established by the national electrical code, national electrical safety code, the institute of electrical and electronics engineers, and underwriters laboratories.

(2) The commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, after appropriate notice and opportunity for comment, may adopt by regulation additional safety, power quality, and interconnection requirements for customer-generators, including limitations on the number of customer generators and total capacity of net metering systems that may be interconnected to any distribution feeder line, circuit, or network that the commission or governing body determines are necessary to protect public safety and system reliability.

(3) An electric utility may not require a customer-generator whose net metering system meets the standards in subsections (1) and (2) of this section to comply with additional safety or performance standards, perform or pay for additional tests, or purchase additional liability insurance. However, an electric utility shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a net metering system, or for the acts or omissions of the customer-generator that cause loss or injury, including death, to any third party."

On page 1, line 1 of the title, after "metering;" strike the remainder of the title and insert "and amending RCW 80.60.010, 80.60.020, 80.60.030, and 80.60.040."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Morris spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2352, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2352, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Hasegawa - 1.

Excused: Representative Curtis - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2402, with the following amendment:

On page 5, line 7, after "with" strike "municipal" and insert "city"

On page 5, line 29, after "with" strike "municipal" and insert "city"

On page 5, line 32, after "application, the" strike "municipal" and insert "city"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2402 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Morris spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2402, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2402, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Curtis - 1.

SUBSTITUTE HOUSE BILL NO. 2402, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2917, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.177 and 2004 c 207 s 1 are each amended to read as follows:

(1) A county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW 36.70A.170. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. Except as provided in subsection (3) of this section, a county or city should encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes.

(2) Innovative zoning techniques a county or city may consider include, but are not limited to:

(a) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land and may allow accessory uses, including nonagricultural accessory uses and activities, that support, promote, or sustain agricultural operations and production, as provided in subsection (3) of this section;

(b) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;

(c) Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;

(d) Quarter/quarter zoning, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land; and

(e) Sliding scale zoning, which allows the number of lots for single-family residential purposes with a minimum lot size of one acre to increase inversely as the size of the total acreage increases.

(3) ~~((+))~~ Accessory uses allowed under subsection (2)(a) of this section shall comply with the following:

~~((+))~~ (a) Accessory uses shall be located, designed, and operated so as ~~((not))~~ to not interfere with ~~((natural resource land uses and shall be accessory to the growing of crops or raising of animals))~~, and to support the continuation of, the overall agricultural

use of the property and neighboring properties, and shall comply with the requirements of this chapter;

~~((iii))~~ (b) Accessory (commercial or retail) uses (shall predominantly produce, store, or sell regionally produced) may include:

(i) Agricultural accessory uses and activities, including but not limited to the storage, distribution, and marketing of regional agricultural products from one or more producers, ((products derived from regional agricultural production,)) agriculturally related experiences, or ((products produced on-site. Accessory commercial and retail uses shall offer for sale predominantly products or services produced on-site)) the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities; and

~~((iii) Accessory uses may operate out of existing or new buildings with parking and other supportive uses))~~ (ii) Nonagricultural accessory uses and activities as long as they are consistent with the size ((and)), scale, and intensity of the existing agricultural use of the property and the existing buildings on the site ((but)), Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses(:

~~(b) Accessory uses may include compatible commercial or retail uses including, but not limited to:~~

~~(i) Storage and refrigeration of regional agricultural products;~~

~~(ii) Production, sales, and marketing of value-added agricultural products derived from regional sources;~~

~~(iii) Supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production;~~

~~(iv) Support services that facilitate the production, marketing, and distribution of agricultural products; and~~

~~(v) Off-farm and on-farm sales and marketing of predominately regional agricultural products and experiences, locally made art and crafts, and ancillary retail sales or service activities); and~~

(c) Counties and cities have the authority to limit or exclude accessory uses otherwise authorized in this subsection (3) in areas designated as agricultural lands of long-term commercial significance.

(4) This section shall not be interpreted to limit agricultural production on designated agricultural lands."

On page 1, line 1 of the title, after "lands;" strike the remainder of the title and insert "and amending RCW 36.70A.177."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2917 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Simpson and Schindler spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2917, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2917, as amended by the Senate, and the bill

passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Curtis - 1.

SUBSTITUTE HOUSE BILL NO. 2917, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2991, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.61.130 and 1969 c 54 s 1 are each amended to read as follows:

(1) A metropolitan park district has the right of eminent domain, and may purchase, acquire and condemn lands lying within or without the boundaries of said park district, for public parks, parkways, boulevards, aviation landings and playgrounds, and may condemn such lands to widen, alter and extend streets, avenues, boulevards, parkways, aviation landings and playgrounds, to enlarge and extend existing parks, and to acquire lands for the establishment of new parks, boulevards, parkways, aviation landings and playgrounds. The right of eminent domain shall be exercised and instituted pursuant to resolution of the board of park commissioners and conducted in the same manner and under the same procedure as is or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, HOWEVER, Funds to pay for condemnation allowed by this section shall be raised only as specified in this chapter.

(2) The board of park commissioners shall have power to employ counsel, and to regulate, manage and control the parks, parkways, boulevards, streets, avenues, aviation landings and playgrounds under its control, and to provide for park ((policemen)) police, for a secretary of the board of park commissioners and for all necessary employees, to fix their salaries and duties.

(3) The board of park commissioners shall have power to improve, acquire, extend and maintain, open and lay out, parks, parkways, boulevards, avenues, aviation landings and playgrounds, within or without the park district, and to authorize, conduct and manage the letting of boats, or other amusement apparatus, the operation of bath houses, the purchase and sale of foodstuffs or other merchandise, the giving of vocal or instrumental concerts or other entertainments, the establishment and maintenance of aviation landings and playgrounds, and generally the management and conduct of such forms of recreation or business as it shall judge desirable or beneficial for the public, or for the production of revenue for expenditure for park purposes; and may pay out moneys for the maintenance and

improvement of any such parks, parkways, boulevards, avenues, aviation landings and playgrounds as now exist, or may hereafter be acquired, within or without the limits of said city and for the purchase of lands within or without the limits of said city, whenever it deems the purchase to be for the benefit of the public and for the interest of the park district, and for the maintenance and improvement thereof and for all expenses incidental to its duties: PROVIDED, That all parks, boulevards, parkways, aviation landings and playgrounds shall be subject to the police regulations of the city within whose limits they lie.

(4) For all employees, volunteers, or independent contractors, who may, in the course of their work or volunteer activity with the park district, have unsupervised access to children or vulnerable adults, or be responsible for collecting or disbursing cash or processing credit/debit card transactions, park districts shall establish by resolution the requirements for a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation, including a fingerprint check using a complete Washington state criminal identification fingerprint card. The park district shall provide a copy of the record report to the employee, volunteer, or independent contractor. When necessary, as determined by the park district, prospective employees, volunteers, or independent contractors may be employed on a conditional basis pending completion of the investigation. If the prospective employee, volunteer, or independent contractor has had a record check within the previous twelve months, the park district may waive the requirement upon receiving a copy of the record. The park district may in its discretion require that the prospective employee, volunteer, or independent contractor pay the costs associated with the record check."

On page 1, line 2 of the title, after "contractors;" strike the remainder of the title and insert "and amending RCW 35.61.130."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2991 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Darneille spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2991, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2991, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia,

Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Ericksen - 1.

Excused: Representative Curtis - 1.

HOUSE BILL NO. 2991, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 3122, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that employees of the department of social and health services who provide child protective, child welfare, and adult protective services are sometimes faced with highly volatile, hostile, and/or threatening situations during the course of performing their official duties. The legislature finds that the work group convened by the department of social and health services pursuant to chapter 389, Laws of 2005, has made various recommendations regarding policies and protocols to address the safety of workers. The legislature intends to implement the work group's recommendations for statutory changes in recognition of the sometimes hazardous nature of employment in child protective, child welfare, and adult protective services.

NEW SECTION. Sec. 2. A new section is added to chapter 74.04 RCW to read as follows:

(1) For purposes of this section only, "assault" means an unauthorized touching of a child protective, child welfare, or adult protective services worker employed by the department of social and health services resulting in physical injury to the employee.

(2) In recognition of the hazardous nature of employment in child protective, child welfare, and adult protective services, the legislature hereby provides a supplementary program to reimburse employees of the department, for some of their costs attributable to their being the victims of assault while in the course of discharging their assigned duties. This program shall be limited to the reimbursement provided in this section.

(3) An employee is only entitled to receive the reimbursement provided in this section if the secretary of social and health services, or the secretary's designee, finds that each of the following has occurred:

(a) A person has assaulted the employee while the employee was in the course of performing his or her official duties and, as a result thereof, the employee has sustained demonstrated physical injuries which have required the employee to miss days of work;

(b) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment; and

(c) The department of labor and industries has approved the employee's workers' compensation application pursuant to chapter 51.32 RCW.

(4) The reimbursement authorized under this section shall be as follows:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed;

(b) For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(5) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury.

(6) The employee shall not be entitled to the reimbursement provided in subsection (4) of this section for any workday for which the secretary, or the secretary's designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(7) The reimbursement shall only be made for absences which the secretary, or the secretary's designee, believes are justified.

(8) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(9) All reimbursement payments required to be made to employees under this section shall be made by the department. The payments shall be considered as a salary or wage expense and shall be paid by the department in the same manner and from the same appropriations as other salary and wage expenses of the department.

(10) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right.

Sec. 3. RCW 9A.46.110 and 2003 c 53 s 70 are each amended to read as follows:

(1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

(a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and

(b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and

(c) The stalker either:

(i) Intends to frighten, intimidate, or harass the person; or

(ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(2)(a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this section that the stalker was not given actual notice that the person did not want the stalker to contact or follow the person; and

(b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person.

(3) It shall be a defense to the crime of stalking that the defendant is a licensed private investigator acting within the capacity of his or her license as provided by chapter 18.165 RCW.

(4) Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person.

(5)(a) Except as provided in (b) of this subsection, a person who stalks another person is guilty of a gross misdemeanor.

(b) A person who stalks another is guilty of a class C felony if any of the following applies: (i) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a protective order; (ii) the stalking violates any protective order protecting the person being stalked; (iii) the stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person; (iv) the stalker was armed with a deadly weapon, as defined in RCW 9.94A.602, while

stalking the person; (v) the stalker's victim is or was a law enforcement officer, judge, juror, attorney, victim advocate, legislator, ((or)) community correction's officer, or an employee of the child protective, child welfare, or adult protective services division within the department of social and health services, and the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or (vi) the stalker's victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

(6) As used in this section:

(a) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.

(b) "Harasses" means unlawful harassment as defined in RCW 10.14.020.

(c) "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person.

(d) "Repeatedly" means on two or more separate occasions.

NEW SECTION. Sec. 4. The department of social and health services shall report to the governor and the appropriate committees of the legislature by December 1, 2006, on the implementation of those recommendations contained in the department's October 2005 report entitled child protective services - staff safety.

NEW SECTION. Sec. 5. Section 4 of this act expires January 1, 2007."

On page 1, line 2 of the title, after "workers;" strike the remainder of the title and insert "amending RCW 9A.46.110; adding a new section to chapter 74.04 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 3122 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kagi spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 3122, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3122, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold,

Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Curtis - 1.

HOUSE BILL NO. 3122, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Morris to preside.

MESSAGE FROM THE SENATE

February 28, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2407, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.713 and 2001 2nd sp.s. c 12 s 304 are each amended to read as follows:

(1) When an offender is sentenced under RCW 9.94A.712, the department shall assess the offender's risk of recidivism and shall recommend to the board any additional or modified conditions of the offender's community custody based upon the risk to community safety. In addition, the department shall make a recommendation with regard to, and the board may require the offender to participate in, rehabilitative programs, or otherwise perform affirmative conduct, and obey all laws. The department may recommend and, if recommended, the board may impose electronic monitoring as a condition of community custody for the offender. Within the resources made available by the department for this purpose, the department shall carry out any monitoring imposed under this section using the most appropriate technology given the individual circumstances of the offender. As used in this section, "electronic monitoring" means the monitoring of an offender using an electronic offender tracking system including, but not limited to, a system using radio frequency or active or passive global positioning technology. The board must consider and may impose department-recommended conditions.

(2) The department may not recommend and the board may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court-imposed conditions. The board shall notify the offender in writing of any such conditions or modifications.

(3) In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(4) If an offender violates conditions imposed by the court, the department, or the board during community custody, the board or the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.95.435.

(5) By the close of the next business day, after receiving notice of a condition imposed by the board or the department, an offender may request an administrative hearing under rules adopted by the board. The condition shall remain in effect unless the hearing examiner finds that it is not reasonably related to any of the following:

- (a) The crime of conviction;
- (b) The offender's risk of reoffending; or
- (c) The safety of the community.

(6) An offender released by the board under RCW 9.95.420 shall be subject to the supervision of the department until the expiration of the maximum term of the sentence. The department shall monitor the offender's compliance with conditions of community custody imposed by the court, department, or board, and promptly report any violations to the board. Any violation of conditions of community custody established or modified by the board shall be subject to the provisions of RCW 9.95.425 through 9.95.440.

(7) If the department finds that an emergency exists requiring the immediate imposition of conditions of release in addition to those set by the board under RCW 9.95.420 and subsection (1) of this section in order to prevent the offender from committing a crime, the department may impose additional conditions. The department may not impose conditions that are contrary to those set by the board or the court and may not contravene or decrease court-imposed or board-imposed conditions. Conditions imposed under this subsection shall take effect immediately after notice to the offender by personal service, but shall not remain in effect longer than seven working days unless approved by the board under subsection (1) of this section within seven working days.

Sec. 2. RCW 9.94A.715 and 2003 c 379 s 6 are each amended to read as follows:

(1) When a court sentences a person to the custody of the department for a sex offense not sentenced under RCW 9.94A.712, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range established under RCW 9.94A.850 or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2), whichever is longer. The community custody shall begin: (a) Upon completion of the term of confinement; (b) at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.728 (1) and (2); or (c) with regard to offenders sentenced under RCW 9.94A.660, upon failure to complete or administrative termination from the special drug offender sentencing alternative program. Except as provided in RCW 9.94A.501, the department shall supervise any sentence of community custody imposed under this section.

(2)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to subsection (6) of this section.

(b) As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department under RCW 9.94A.720. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. In addition, the department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws. The department may impose electronic monitoring as a condition of community custody for an offender sentenced to a term of community custody under this section pursuant to a conviction for a sex offense. Within the resources made available by the department for this purpose, the department shall carry out any electronic monitoring imposed under this section using the most appropriate technology given the individual circumstances of the offender. As used in this section, "electronic monitoring" means the monitoring of an offender using an electronic offender tracking system including, but not limited to,

a system using radio frequency or active or passive global positioning system technology.

(c) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(3) If an offender violates conditions imposed by the court or the department pursuant to this section during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.737 and 9.94A.740.

(4) Except for terms of community custody under RCW 9.94A.670, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(5) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.631 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(6) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection.

(7) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (a) The crime of conviction; (b) the offender's risk of reoffending; or (c) the safety of the community.

NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW to read as follows:

Local governments, their subdivisions and employees, the department of corrections and its employees, and the Washington association of sheriffs and police chiefs and its employees are immune from civil liability for damages arising from incidents involving offenders who are placed on electronic monitoring, unless it is shown that an employee acted with gross negligence or bad faith."

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9.94A.713 and 9.94A.715; and adding a new section to chapter 4.24 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2407

and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Darneille spoke in favor the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be final passage of Substitute House Bill No. 2407, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2407, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2407, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2465, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.37.010 and 2005 c 213 s 7 are each amended to read as follows:

(1) It is a traffic infraction for any person to drive or move, or for ~~((the))~~ a vehicle owner to cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles ~~((which))~~ that:

~~((a))~~ Is in such unsafe condition as to endanger any person ~~((or which does not contain those parts or))~~;

~~((b))~~ Is not at all times equipped with such lamps and other equipment in proper working condition and adjustment as required ~~((m))~~ by this chapter or ~~((m regulations))~~ by rules issued by ~~((the chief of))~~ the Washington state patrol ~~((or which is equipped in any manner))~~;

~~((c))~~ Contains any parts in violation of this chapter or ~~((the state patrol's regulations, or))~~ rules issued by the Washington state patrol.

(2) It is a traffic infraction for any person to do any act forbidden or fail to perform any act required under this chapter or ~~((the state patrol's regulations))~~ rules issued by the Washington state patrol.

~~((2))~~ (3) Nothing contained in this chapter or the state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the state patrol's regulations.

~~((3))~~ (4) The provisions of the chapter and the state patrol's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

~~((4))~~ (5) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

~~((5))~~ (6) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the state patrol as prescribed in RCW 46.37.005 unless it has been approved by the state patrol.

~~((6))~~ (7) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

~~((7))~~ (8) This chapter does not apply to off-road vehicles used on nonhighway roads.

~~((8))~~ (9) This chapter does not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks.

~~((9))~~ (10) Notices of traffic infraction issued to commercial drivers under the provisions of this chapter with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes under chapter 46.20 RCW.

~~((10))~~ (11) Whenever a traffic infraction is chargeable to the owner or lessee of a vehicle under subsection (1) of this section, the driver shall not be arrested or issued a notice of traffic infraction unless the vehicle is registered in a jurisdiction other than Washington state, or unless the infraction is for an offense that is clearly within the responsibility of the driver.

~~((11))~~ (12) Whenever the owner or lessee is issued a notice of traffic infraction under this section the court may, on the request of the owner or lessee, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. If the codefendant is held solely responsible and is found to have committed the traffic infraction, the court may dismiss the notice against the owner or lessee.

Sec. 2. RCW 46.37.070 and 1977 ex.s. c 355 s 7 are each amended to read as follows:

(1) After January 1, 1964, every motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with two or more stop lamps meeting the requirements of RCW 46.37.200, except that passenger cars manufactured or assembled prior to January 1, 1964, shall be equipped with at least one such stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in RCW 46.37.200(1).

(2) After January 1, 1960, every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of RCW 46.37.200(2), except that passenger cars, trailers, semitrailers, pole trailers, and trucks less than eighty inches in width, manufactured or assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps.

(3) Every passenger car manufactured or assembled after September 1, 1985; and every passenger truck, passenger van, or passenger sports utility vehicle manufactured or assembled after September 1, 1993, must be equipped with a rear center high-mounted stop lamp meeting the requirements of RCW 46.37.200(3).

Sec. 3. RCW 46.37.200 and 1977 ex.s. c 355 s 17 are each amended to read as follows:

(1) Any vehicle may be equipped and when required under this chapter shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet and on any vehicle manufactured or assembled after January 1, 1964, three hundred feet to the rear in normal sunlight,

and which shall be actuated upon application of a service brake, and which may but need not be incorporated with one or more other rear lamps.

(2) Any vehicle may be equipped and when required under RCW 46.37.070(2) shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit amber light: PROVIDED, That on any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may emit white or amber light, or any shade of light between white and amber. The lamp showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light, or any shade of color between red and amber. Turn signal lamps shall be visible from a distance of not less than five hundred feet to the front and rear in normal sunlight. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle.

(3) Any vehicle may be equipped and when required under this chapter shall be equipped with a center high-mounted stop lamp mounted on the center line of the rear of the vehicle. These stop lamps shall display a red light visible from a distance of not less than three hundred feet to the rear in normal sunlight, and shall be actuated upon application of a service brake, and may not be incorporated with any other rear lamps.

Sec. 4. RCW 46.37.390 and 2001 c 293 s 1 are each amended to read as follows:

(1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway.

(2)(a) No motor vehicle first sold and registered as a new motor vehicle on or after January 1, 1971, shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 1 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a)(i) above.

(b) No motor vehicle first sold and registered prior to January 1, 1971, shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 2 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (b)(i) above.

(c) For the purposes of this subsection the following definitions shall apply:

(i) "Opacity" means the degree to which an emission reduces the transmission of light and obscures the view of an object in the background;

(ii) "Ringelmann chart" means the Ringelmann smoke chart with instructions for use as published by the United States bureau of mines in May 1967 and as thereafter amended, information circular 7718.

(3) No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motor vehicle not equipped as required by this subsection, or which has been amplified as prohibited by this subsection ~~((so that the vehicle's exhaust noise exceeds ninety-five decibels as measured by the Society of Automotive Engineers (SAE) test procedure J1169 (May, 1998). It is not a violation of this subsection unless proven by proper authorities that the exhaust system modification results in noise amplification in excess of ninety-~~

five decibels under the prescribed SAE test standard)). A court may dismiss an infraction notice for a violation of this subsection if there is reasonable grounds to believe that the vehicle was not operated in violation of this subsection.

This subsection (3) does not apply to vehicles twenty-five or more years old or to passenger vehicles being operated off the highways in an organized racing or competitive event conducted by a recognized sanctioning body."

On page 1, line 2 of the title, after "installed;" strike the remainder of the title and insert "and amending RCW 46.37.010, 46.37.070, 46.37.200, and 46.37.390."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2465 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Morris presiding) stated the question before the House to be final passage of House Bill No. 2465, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2465, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2465, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.85 RCW to read as follows:

(1) It is unlawful for a person to:

(a) Grant or award a false academic credential or offer to grant or award a false academic credential in violation of this section;

(b) Represent that a credit earned or granted by the person, in violation of this section, can be applied toward a credential offered by another person; or

(c) Solicit another person to seek a credential or to earn a credit that is offered in violation of this section.

(2) The definitions in section 2 of this act apply to this section.

(3) A violation of this section constitutes an unfair or deceptive act or practice in the conduct of trade or commerce under chapter 19.86 RCW.

(4) In addition to any other venue authorized by law, venue for the prosecution of an offense under this section is in the county in which an element of the offense occurs.

NEW SECTION. Sec. 2. A new section is added to chapter 9A.60 RCW to read as follows:

(1) A person is guilty of issuing a false academic credential if the person knowingly:

(a) Grants or awards a false academic credential or offers to grant or award a false academic credential in violation of this section;

(b) Represents that a credit earned or granted by the person in violation of this section can be applied toward a credential offered by another person;

(c) Grants or offers to grant a credit for which a representation as described in (b) of this subsection is made; or

(d) Solicits another person to seek a credential or to earn a credit the person knows is offered in violation of this section.

(2) A person is guilty of knowingly using a false academic credential if the person knowingly uses a false academic credential or falsely claims to have a credential issued by an institution of higher education that is accredited by an accrediting association recognized as such by rule of the higher education coordinating board:

(a) In a written or oral advertisement or other promotion of a business; or

(b) With the intent to:

(i) Obtain employment;

(ii) Obtain a license or certificate to practice a trade, profession, or occupation;

(iii) Obtain a promotion, compensation or other benefit, or an increase in compensation or other benefit, in employment or in the practice of a trade, profession, or occupation;

(iv) Obtain admission to an educational program in this state; or

(v) Gain a position in government with authority over another person, regardless of whether the person receives compensation for the position.

(3) The definitions in this subsection apply throughout this section and section 1 of this act.

(a) "False academic credential" means a document that provides evidence or demonstrates completion of an academic or professional course of instruction beyond the secondary level that results in the attainment of an academic certificate, degree, or rank, and that is not issued by a person or entity that: (i) Is an entity accredited by an agency recognized as such by rule of the higher education coordinating board or has the international equivalents of such accreditation; or (ii) is an entity authorized as a degree-granting institution by the higher education coordinating board; or (iii) is an entity exempt from the requirements of authorization as a degree-granting institution by the higher education coordinating board; or (iv) is an entity that has been granted a waiver by the higher education coordinating board from the requirements of authorization by the board. Such documents include, but are not limited to, academic certificates, degrees, coursework, degree credits, transcripts, or certification of completion of a degree.

(b) "Grant" means award, bestow, confer, convey, sell, or give.

(c) "Offer," in addition to its usual meanings, means advertise, publicize, or solicit.

(d) "Operate" includes but is not limited to the following:

(i) Offering courses in person, by correspondence, or by electronic media at or to any Washington location for degree credit;

- (ii) Granting or offering to grant degrees in Washington;
 - (iii) Maintaining or advertising a Washington location, mailing address, computer server, or telephone number, for any purpose, other than for contact with the institution's former students for any legitimate purpose related to the students having attended the institution.
- (4) Issuing a false academic credential is a class C felony.
 (5) Knowingly using a false academic credential is a class C felony.

Sec. 3. RCW 28B.85.020 and 2005 c 274 s 246 are each amended to read as follows:

(1) The board:

(a) Shall adopt by rule, in accordance with chapter 34.05 RCW, minimum standards for degree-granting institutions concerning granting of degrees, quality of education, unfair business practices, financial stability, and other necessary measures to protect citizens of this state against substandard, fraudulent, or deceptive practices. The rules ~~((may))~~ shall require that an institution operating in Washington:

~~(i) Be accredited ((or be making progress toward accreditation by an accrediting agency recognized by the United States department of education. The board shall adopt the rules in accordance with chapter 34.05 RCW));~~

~~(ii) Have applied for accreditation and such application is pending before the accrediting agency;~~

~~(iii) Have been granted a waiver by the board waiving the requirement of accreditation; or~~

~~(iv) Have been granted an exemption by the board from the requirements of this subsection (1)(a);~~

(b) May investigate any entity the board reasonably believes to be subject to the jurisdiction of this chapter. In connection with the investigation, the board may administer oaths and affirmations, issue subpoenas and compel attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the board deems relevant or material to the investigation. The board, including its staff and any other authorized persons, may conduct site inspections, the cost of which shall be borne by the institution, and examine records of all institutions subject to this chapter;

(c) Shall develop an interagency agreement with the work force training and education coordinating board to regulate degree-granting private vocational schools with respect to degree and nondegree programs; and

(d) Shall develop and disseminate information to the public about entities that sell or award degrees without requiring appropriate academic achievement at the postsecondary level, including but not limited to, a description of the substandard and potentially fraudulent practices of these entities, and advice about how the public can recognize and avoid the entities. To the extent feasible, the information shall include links to additional resources that may assist the public in identifying specific institutions offering substandard or fraudulent degree programs.

(2) Financial disclosures provided to the board by degree-granting private vocational schools are not subject to public disclosure under chapter 42.56 RCW.

Sec. 4. RCW 28B.85.040 and 2004 c 96 s 2 are each amended to read as follows:

(1) An institution or person shall not advertise, offer, sell, or award a degree or any other type of educational credential unless the student has enrolled in and successfully completed a prescribed program of study, as outlined in the institution's publications. This prohibition shall not apply to honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions offering other educational credentials in compliance with state law.

(2) No exemption or waiver granted under this chapter is permanent. The board shall periodically review exempted degree-granting institutions and degree-granting institutions granted a waiver, and continue exemptions or waivers only if an institution meets the statutory or board requirements for exemption or waiver in effect on the date of the review.

(3) Except as provided in subsection (1) of this section, this chapter shall not apply to:

(a) Any public college, university, community college, technical college, or institute operating as part of the public higher educational system of this state;

(b) Institutions that have been accredited by an accrediting association recognized by the agency for the purposes of this chapter: PROVIDED, That those institutions meet minimum exemption standards adopted by the agency; and PROVIDED FURTHER, That an institution, branch, extension, or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association to qualify for this exemption;

(c) Institutions of a religious character, but only as to those education programs devoted exclusively to religious or theological objectives if the programs are represented in an accurate manner in institutional catalogs and other official publications;

(d) Honorary credentials clearly designated as such on the front side of the diploma or certificate awarded by institutions offering other educational credentials in compliance with state law; or

(e) Institutions not otherwise exempt which offer only workshops or seminars and institutions offering only credit-bearing workshops or seminars lasting no longer than three calendar days.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.405 RCW to read as follows:

A person who issues or uses a false academic credential is subject to sections 1 and 2 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 28B.50 RCW to read as follows:

A person who issues or uses a false academic credential is subject to sections 1 and 2 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 41.06 RCW to read as follows:

A person who issues or uses a false academic credential is subject to sections 1 and 2 of this act."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.85.020 and 28B.85.040; adding a new section to chapter 28B.85 RCW; adding a new section to chapter 9A.60 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 41.06 RCW; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 3115, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Foster parents are able to successfully maintain placements of sexually aggressive youth, physically assaultive children, or

children with other high-risk behaviors when they are provided with proper training and support. Lack of support contributes to placement disruptions and multiple moves between foster homes.

(2) Young children who have experienced repeated early abuse and trauma are at high risk for behavior later in life that is sexually deviant, if left untreated. Placement with a well-trained, prepared, and supported foster family can break this cycle.

(3) The department is better able to recruit and retain foster parents by acknowledging that foster parents who serve sexually aggressive youth, physically assaultive children, or children with other high-risk behaviors may be more susceptible to allegations of abuse arising out of a foster child's conduct. Fair investigations of the allegations, protection from disclosure of unfounded allegations, and appropriate maintenance of all department records are necessary to protect foster parents and other similarly situated individuals.

NEW SECTION. Sec. 2. A foster parent critical support and retention program is established to retain foster parents who care for sexually aggressive youth, physically assaultive children, or children with other high-risk behaviors. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. Services shall be coordinated with the children's administration social worker. The foster parent critical support and retention program is to be implemented under the division of children and family services' contract and supervision. A contractor must demonstrate experience providing in-home case management, as well as experience working with caregivers of children with significant behavioral issues that pose a threat to others or themselves or the stability of the placement.

NEW SECTION. Sec. 3. Under the foster parent critical support and retention program, foster parents who care for sexually aggressive youth, physically assaultive children, or children with other high-risk behaviors shall receive:

(1) Availability at any time of the day or night to address specific concerns related to the identified child;

(2) Assessment of risk and development of a safety and supervision plan;

(3) Home-based foster parent training utilizing evidence-based models;

(4) Referral to relevant community services and training provided by the local children's administration office or community agencies. Referral to additional services shall be coordinated with the assigned social worker; and

(5) Any relevant health care information. Disclosure of any relevant health care information shall be consistent with RCW 70.24.105 and any guidelines or recommendations established by the department of health concerning disclosure of such information, including testing for and disclosure of information related to blood-borne pathogens.

Sec. 4. RCW 26.44.020 and 2005 c 512 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(15) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child (~~do {does}~~) does not constitute negligent treatment or maltreatment in and of (~~themselves {itself}~~) itself.

(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(20) "Unfounded" means ~~((available information indicates)) a finding at the completion of an investigation by the department or a judicial finding that, more likely than not, child abuse or neglect did not occur. ((No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.))~~

(21) "Inconclusive" means a finding at the completion of an investigation by the department that there is insufficient evidence to conclude that the alleged child abuse or neglect occurred.

(22) "Founded" means a finding at the completion of an investigation by the department or a judicial finding that, more likely than not, the alleged child abuse or neglect occurred.

Sec. 5. RCW 26.44.030 and 2005 c 417 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or

significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the

child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report((s)) of alleged abuse or neglect, the department shall:

(a) Make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(i) The department believes there is a serious threat of substantial harm to the child;

(ii) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(iii) The department has a prior founded report of abuse or neglect that is within three years of receipt of the referral;

(b) Unless the report is screened-out or being investigated by a law enforcement agency, conduct an investigation within time frames established by the department in rule; and

(c) Make a finding that the report of child abuse or neglect is unfounded, founded, or inconclusive at the completion of the investigation.

(11) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation((:

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency); and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases ((constituting)) of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

(14) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

((15) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with

regard to a member of the household within three years of receipt of the referral.))

Sec. 6. RCW 26.44.031 and 1997 c 282 s 1 are each amended to read as follows:

(1) To protect the privacy in reporting and the maintenance of reports of nonaccidental injury, neglect, death, sexual abuse, and cruelty to children by their parents, and to safeguard against arbitrary, malicious, or erroneous information or actions, the department shall not disclose or maintain information related to ((unfounded referrals in files or)) reports of child abuse or neglect ((for longer than six years)) except as provided in this section.

((At the end of six years from receipt of the unfounded report, the information shall be purged unless an additional report has been received in the intervening period.))

(2) The department shall destroy all of the electronic records concerning:

(a) A screened-out report, within thirty days from the receipt of the report;

(b) An unfounded report, within one year of completion of the investigation; and

(c) An inconclusive report, within six years of completion of the investigation, unless a prior or subsequent founded report has been received before the records are destroyed.

(3) The department may keep records concerning founded reports of child abuse or neglect as the department determines by rule.

(4) An unfounded or screened-out report may not be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

(5)(a) If the department fails to comply with this section, an individual who is the subject of a report may institute proceedings for injunctive or other appropriate relief for enforcement of the requirement to purge information. These proceedings may be instituted in the superior court for the county in which the person resides or, if the person is not then a resident of this state, in the superior court for Thurston county.

(b) If the department fails to comply with subsection (4) of this section and an individual who is the subject of the report is harmed by the disclosure of information, in addition to the relief provided in (a) of this subsection, the court may award a penalty of up to one thousand dollars and reasonable attorneys' fees and court costs to the petitioner.

(c) A proceeding under this subsection does not preclude other methods of enforcement provided for by law.

(6) The department shall establish, by rule, a process and standards for an individual who is the subject of an inconclusive report of child abuse or neglect to request destruction of department records earlier than the time frames set out in this section.

(7) Nothing in this section shall prevent the department from retaining general, nonidentifying information which is required for state and federal reporting and management purposes.

Sec. 7. RCW 74.13.280 and 2001 c 318 s 3 are each amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a child-placing agency, the department or agency shall share information about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child and the child's family shall include information about behavioral and emotional problems of the child and whether the child is a sexually aggressive youth as provided in RCW 74.13.075.

(3) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law.

((~~3~~)) (4) Nothing in this section shall be construed to limit the authority of the department or child-placing agencies to disclose client information or to maintain client confidentiality as provided by law.

NEW SECTION. Sec. 8. A new section is added to chapter 74.13 RCW to read as follows:

(1) A care provider may not be found to have abused or neglected a child under chapter 26.44 RCW or be denied a license pursuant to chapter 74.15 RCW and RCW 74.13.031 for any allegations of failure to supervise wherein:

(a) The allegations arise from the child's conduct that is substantially similar to prior behavior of the child, the child has behavioral or emotional problems that were known to the department, and the problems were not disclosed to the care provider as required by RCW 74.13.280;

(b) The allegations arise from the child's conduct, the child is a sexually aggressive youth as defined in RCW 74.13.075, and the care provider had no prior knowledge that the child was sexually aggressive; or

(c) The child was not within the reasonable control of the care provider at the time of the incident that is the subject of the allegation.

(2) Allegations of child abuse or neglect against a care provider that meet the provisions of this section shall be designated as "unfounded" as defined in RCW 26.44.020.

Sec. 9. RCW 74.15.130 and 2005 c 473 s 6 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended, revoked, modified, or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or (b) that the conditions required for the issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of a foster family home license, the department's decision shall be upheld if there is reasonable cause to believe that:

(a) The applicant or licensee lacks the character, suitability, or competence to care for children placed in out-of-home care, however, no unfounded or screened-out report of child abuse or neglect may be used to deny employment or a license;

(b) The applicant or licensee has failed or refused to comply with any provision of chapter 74.15 RCW, RCW 74.13.031, or the requirements adopted pursuant to such provisions; or

(c) The conditions required for issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses.

(3) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, other than a foster family home license, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(4) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under the provisions of this chapter and RCW 74.13.031 or that an agency subject to licensing under this chapter and RCW 74.13.031 is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home. Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance. Civil monetary penalties shall not exceed seventy-five dollars per violation for a family day-care home and two hundred fifty dollars

per violation for group homes, child day-care centers, and child-placing agencies. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty. The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period. The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty if it has assessed pursuant to this chapter within ten days after such assessment becomes final. Chapter 43.20A RCW governs notice of a civil monetary penalty and provides the right of an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

(5)(a) In addition to or in lieu of an enforcement action being taken, the department may place a child day-care center or family day-care provider on nonreferral status if the center or provider has failed or refused to comply with this chapter or rules adopted under this chapter or an enforcement action has been taken. The nonreferral status may continue until the department determines that: (i) No enforcement action is appropriate; or (ii) a corrective action plan has been successfully concluded.

(b) Whenever a child day-care center or family day-care provider is placed on nonreferral status, the department shall provide written notification to the child day-care center or family day-care provider.

(6) The department shall notify appropriate public and private child care resource and referral agencies of the department's decision to: (a) Take an enforcement action against a child day-care center or family day-care provider; or (b) place or remove a child day-care center or family day-care provider on nonreferral status.

NEW SECTION. Sec. 10. The code reviser shall alphabetize the definitions in RCW 26.44.020 and correct any references.

NEW SECTION. Sec. 11. Sections 4 through 6, 9, and 10 of this act take effect July 1, 2007. The department of social and health services shall present a report to the appropriate committees of the legislature by January 1, 2007, with proposed legislative changes, if any, to those sections."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 26.44.020, 26.44.030, 26.44.031, 74.13.280, and 74.15.130; adding a new section to chapter 74.13 RCW; creating new sections; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 3115 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to ensure an adequate supply of safe, clean, and reliable electricity at the lowest reasonable cost and risk to the utility and its ratepayers. To achieve this end, the legislature finds it essential that electric utilities in Washington develop comprehensive resource plans that explain the mix of generation and demand-side resources they plan to use to meet

their customers' electricity needs in both the short term and the long term. The legislature also finds that resource planning is an important way of maintaining Washington state's commitment to a vertically integrated utility structure. The legislature further finds that many utilities in Washington have had a long and successful history of resource planning and are able to share their expertise with other utilities. The legislature also finds it essential that the utility plans be made publicly available and be aggregated and analyzed at a statewide level so the citizens of the state and their public officials have confidence that Washington's electricity supply is adequate.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Conservation and efficiency resources" means any reduction in electric power consumption that results from increases in the efficiency of energy use, production, transmission, or distribution.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Department" means the department of community, trade, and economic development.

(5) "Electric utility" means a consumer-owned or investor-owned utility.

(6) "Full requirements customer" means an electric utility that relies on the Bonneville power administration for all power needed to supply its total load requirement other than that served by nondispatchable generating resources totaling no more than six megawatts or renewable resources.

(7) "Governing body" means the elected board of directors, city council, commissioners, or board of any consumer-owned utility.

(8) "High efficiency cogeneration" means the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility has a useful thermal energy output of no less than thirty-three percent of the total energy output.

(9) "Integrated resource plan" means an analysis describing the mix of generating resources and conservation and efficiency resources that will meet current and projected needs at the lowest reasonable cost to the utility and its ratepayers and that complies with the requirements specified in section 3(1) of this act.

(10) "Investor-owned utility" means a corporation owned by investors that meets the definition in RCW 80.04.010 and is engaged in distributing electricity to more than one retail electric customer in the state.

(11) "Lowest reasonable cost" means the lowest cost mix of generating resources and conservation and efficiency resources determined through a detailed and consistent analysis of a wide range of commercially available resources. At a minimum, this analysis must consider resource cost, market-volatility risks, demand-side resource uncertainties, resource dispatchability, resource effect on system operation, the risks imposed on the utility and its ratepayers, public policies regarding resource preference adopted by Washington state or the federal government, and the cost of risks associated with environmental effects including emissions of carbon dioxide.

(12) "Plan" means either an "integrated resource plan" or a "resource plan."

(13) "Renewable resources" means electricity generation facilities fueled by: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) biomass energy utilizing animal waste, solid organic fuels from wood, forest, or field residues or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (g) byproducts of pulping or wood manufacturing processes, including but not limited to bark, wood chips, sawdust, and lignin in spent pulping liquors; (h)

ocean thermal, wave, or tidal power; or (i) gas from sewage treatment facilities.

(14) "Resource plan" means an assessment that estimates electricity loads and resources over a defined period of time and complies with the requirements in section 3(2) of this act.

NEW SECTION. Sec. 3. Each electric utility must develop a plan consistent with this section.

(1) Utilities with more than twenty-five thousand customers that are not full requirements customers shall develop or update an integrated resource plan by September 1, 2008. At a minimum, progress reports reflecting changing conditions and the progress of the integrated resource plan must be produced every two years thereafter. An updated integrated resource plan must be developed at least every four years subsequent to the 2008 integrated resource plan. The integrated resource plan, at a minimum, must include:

(a) A range of forecasts, for at least the next ten years, of projected customer demand which takes into account econometric data and customer usage;

(b) An assessment of commercially available conservation and efficiency resources. Such assessment may include, as appropriate, high efficiency cogeneration, demand response and load management programs, and currently employed and new policies and programs needed to obtain the conservation and efficiency resources;

(c) An assessment of a commercially available, utility scale renewable and nonrenewable generating technologies;

(d) A comparative evaluation of renewable and nonrenewable generating resources, including transmission and distribution delivery costs, and conservation and efficiency resources using "lowest reasonable cost" as a criterion;

(e) The integration of the demand forecasts and resource evaluations into a long-range assessment describing the mix of supply side generating resources and conservation and efficiency resources that will meet current and projected needs at the lowest reasonable cost and risk to the utility and its ratepayers; and

(f) A short-term plan identifying the specific actions to be taken by the utility consistent with the long-range integrated resource plan.

(2) All other utilities may elect to develop a full integrated resource plan as set forth in subsection (1) of this section or, at a minimum, shall develop a resource plan that:

(a) Estimates loads for the next five and ten years;

(b) Enumerates the resources that will be maintained and/or acquired to serve those loads; and

(c) Explains why the resources in (b) of this subsection were chosen and, if the resources chosen are not renewable resources or conservation and efficiency resources, why such a decision was made.

(3) An electric utility that is required to develop a resource plan under this section must complete its initial plan by September 1, 2008.

(4) Resource plans developed under this section must be updated on a regular basis, at a minimum on intervals of two years.

(5) Plans shall not be a basis to bring legal action against electric utilities.

(6) Each electric utility shall publish a final integrated resource plan either as part of an annual report or as a separate document available to the public.

NEW SECTION. Sec. 4. (1) Investor-owned utilities shall submit integrated resource plans to the commission. The commission shall establish by rule the requirements for preparation and submission of integrated resource plans.

(2) The commission may adopt additional rules as necessary to clarify the requirements of section 3 of this act as they apply to investor-owned utilities.

NEW SECTION. Sec. 5. (1) The governing body of a consumer-owned utility that develops a plan under this chapter shall encourage participation of its consumers in development of the plans and progress reports and approve the plans and progress reports after it has provided public notice and hearing.

(2) Each consumer-owned utility shall transmit a copy of its plan to the department by September 1, 2008, and transmit subsequent

progress reports or plans to the department at least every two years thereafter. The department shall develop, in consultation with utilities, a common cover sheet that summarizes the essential data in their plans or progress reports.

(3) Consumer-owned utilities may develop plans of a similar type jointly with other consumer-owned utilities. Data and assessments included in joint reports must be identifiable to each individual utility.

(4) To minimize duplication of effort and maximize efficient use of utility resources, in developing their plans under section 3 of this act, consumer-owned utilities are encouraged to use resource planning concepts, techniques, and information provided to and by organizations such as the United States department of energy, the Northwest planning and conservation council, Pacific Northwest utility conference committee, and other state, regional, national, and international entities, and, for the 2008 plan, as appropriate, are encouraged to use and be consistent with relevant determinations required under Title XII - Electricity; Subtitle E, Sections 1251 - 1254 of the federal energy policy act of 2005.

NEW SECTION. Sec. 6. The department shall review the plans of consumer-owned utilities and investor-owned utilities, and data available from other state, regional, and national sources, and prepare a report to the legislature aggregating the data and assessing the overall adequacy of Washington's electricity supply. The report shall include a statewide summary of utility load forecasts, load/resource balance, and utility plans for the development of thermal generation, renewable resources, and conservation and efficiency resources. The commission shall provide the department with data summarizing the plans of investor-owned utilities for use in the department's statewide summary. The department shall submit its report within the biennial report required under RCW 43.21F.045.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 19 RCW."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "electric utility planning; and adding a new chapter to Title 19 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House refused to recede from its position on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Representative Morris presiding) appointed Representatives Morris, Hudgins and Crouse as conferees on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1439, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.19.1906 and 2002 c 332 s 4 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed, electronic, or web-based bid procedure, subject to RCW 43.19.1911, shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939.

This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed, electronic, or web-based competitive bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from three thousand dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from three thousand dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to three thousand dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management division under RCW 43.41.310;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases for resale by institutions of higher education to other than public agencies when such purchases are for the express purpose of supporting instructional programs and may best be executed through direct negotiation with one or more suppliers in order to meet the special needs of the institution;

(8) Purchases by institutions of higher education not exceeding thirty-five thousand dollars: PROVIDED, That for purchases between three thousand dollars and thirty-five thousand dollars quotations shall be secured from at least three vendors to assure

establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between three thousand dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from three thousand to thirty-five thousand dollars shall be documented for audit purposes; and

(9) Negotiation of a contract by the department of transportation, valid until June 30, 2001, with registered tow truck operators to provide roving service patrols in one or more Washington state patrol tow zones whereby those registered tow truck operators wishing to participate would cooperatively, with the department of transportation, develop a demonstration project upon terms and conditions negotiated by the parties.

Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars. However, the three thousand dollar figure in subsections (2) and (8) of this section may not be adjusted to exceed five thousand dollars.

Sec. 2. RCW 43.19.1908 and 1994 c 300 s 2 are each amended to read as follows:

Competitive bidding required by RCW 43.19.190 through 43.19.1939 shall be solicited by public notice, and through the sending of notices by mail, electronic transmission, or other means to bidders on the appropriate list of bidders who shall have qualified by application to the division of purchasing. Bids may be solicited by the purchasing division from any source thought to be of advantage to the state. All bids shall be in ((writing)) written or electronic form and conform to rules of the division of purchasing.

Sec. 3. RCW 43.19.1911 and 2005 c 204 s 5 are each amended to read as follows:

(1) Preservation of the integrity of the competitive bid system dictates that after competitive bids have been opened, award must be made to that responsible bidder who submitted the lowest responsive bid pursuant to subsections (7) and (9) of this section, unless there is a compelling reason to reject all bids and cancel the solicitation.

(2) Every effort shall be made to anticipate changes in a requirement before the date of opening and to provide reasonable notice to all prospective bidders of any resulting modification or cancellation. If, in the opinion of the purchasing agency, division, or department head, it is not possible to provide reasonable notice, the published date for receipt of bids may be postponed and all known bidders notified. This will permit bidders to change their bids and prevent unnecessary exposure of bid prices. In addition, every effort shall be made to include realistic, achievable requirements in a solicitation.

(3) After the opening of bids, a solicitation may not be canceled and resolicited solely because of an increase in requirements for the items being acquired. Award may be made on the initial solicitation and an increase in requirements may be treated as a new acquisition.

(4) A solicitation may be canceled and all bids rejected before award but after bid opening only when, consistent with subsection (1) of this section, the purchasing agency, division, or department head determines in writing that:

(a) Unavailable, inadequate, ambiguous specifications, terms, conditions, or requirements were cited in the solicitation;

(b) Specifications, terms, conditions, or requirements have been revised;

(c) The supplies or services being contracted for are no longer required;

(d) The solicitation did not provide for consideration of all factors of cost to the agency;

(e) Bids received indicate that the needs of the agency can be satisfied by a less expensive article differing from that for which the bids were invited;

(f) All otherwise acceptable bids received are at unreasonable prices or only one bid is received and the agency cannot determine the reasonableness of the bid price;

(g) No responsive bid has been received from a responsible bidder; or

(h) The bid process was not fair or equitable.

(5) The agency, division, or department head may not delegate his or her authority under this section.

(6) After the opening of bids, an agency may not reject all bids and enter into direct negotiations to complete the planned acquisition. However, the agency can enter into negotiations exclusively with the lowest responsible bidder in order to determine if the lowest responsible bid may be improved. Until December 31, 2009, for purchases requiring a formal bid process the agency shall also enter into negotiations with and may consider for award the lowest responsible bidder that is a vendor in good standing, as defined in RCW 43.19.525. An agency shall not use this negotiation opportunity to permit a bidder to change a nonresponsive bid into a responsive bid.

(7) In determining the lowest responsible bidder, the agency shall consider any preferences provided by law to Washington products and vendors and to RCW 43.19.704, and further, may take into consideration the quality of the articles proposed to be supplied, their conformity with specifications, the purposes for which required, and the times of delivery.

(8) Each bid with the name of the bidder shall be entered of record and each record, with the successful bid indicated, shall, after letting of the contract, be open to public inspection. Bid prices shall not be disclosed during electronic or web-based bidding before the letting of the contract.

(9) In determining "lowest responsible bidder", in addition to price, the following elements shall be given consideration:

(a) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;

(b) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

(c) Whether the bidder can perform the contract within the time specified;

(d) The quality of performance of previous contracts or services;

(e) The previous and existing compliance by the bidder with laws relating to the contract or services;

(f) Such other information as may be secured having a bearing on the decision to award the contract: PROVIDED, That in considering bids for purchase, manufacture, or lease, and in determining the "lowest responsible bidder," whenever there is reason to believe that applying the "life cycle costing" technique to bid evaluation would result in lowest total cost to the state, first consideration shall be given by state purchasing activities to the bid with the lowest life cycle cost which complies with specifications. "Life cycle cost" means the total cost of an item to the state over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life. The "estimated useful life" of an item means the estimated time from the date of acquisition to the date of replacement or disposal, determined in any reasonable manner. Nothing in this section shall prohibit any state agency, department, board, commission, committee, or other state-level entity from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

NEW SECTION. Sec. 4. A new section is added to chapter 39.04 RCW to read as follows:

(1) Any state agency, city with a population greater than one hundred thousand, or counties with a population greater than five hundred thousand executing public works using a competitive bidding process cannot reject all bids after opening unless there is a compelling reason.

(2) Every effort shall be made to anticipate changes in a requirement before the date of opening and to provide reasonable notice to all prospective bidders of any resulting modification or cancellation. If, in the opinion of the director or agency head or the appropriate city or county contract authority, it is not possible to

provide reasonable notice, the published date for receipt of bids may be postponed and all known bidders notified. This will permit bidders to change their bids and prevent unnecessary exposure of bid prices. In addition, every effort shall be made to include realistic, achievable requirements in a bid solicitation.

(3) After the opening of bids, a solicitation may not be canceled and resolicited solely because of an increase in requirements for the items being acquired. Award may be made on the initial solicitation and an increase in requirements may be treated as a new acquisition.

(4) A solicitation may be canceled and all bids rejected before award but after bid opening only when, consistent with subsection (1) of this section, the state, city, or county determines in writing that:

(a) Unavailable, inadequate, ambiguous specifications, terms, conditions, or requirements were cited in the solicitation;

(b) Specifications, terms, conditions, or requirements have been revised;

(c) The services being contracted for are no longer required;

(d) The solicitation did not provide for consideration of all factors of cost to the agency, city, or county;

(e) Bids received indicate that the needs of the state, city, or county can be satisfied by a less expensive article differing from that for which the bids were invited;

(f) All otherwise acceptable bids received are at unreasonable prices or only one bid is received and the agency, city, or county cannot determine the reasonableness of the bid price;

(g) No responsive bid has been received from a responsible bidder; or

(h) The bid process was not fair or equitable.

(5) The state agency head or city or county contract authority may not delegate his or her authority under this section.

NEW SECTION. Sec. 5. A new section is added to chapter 39.29 RCW to read as follows:

(1) Any agency or institution of state government procuring personal services using a competitive solicitation process cannot reject all solicitations after opening unless there is a compelling reason.

(2) Every effort shall be made to anticipate changes in a requirement before the date of opening and to provide reasonable notice to all prospective bidders of any resulting modification or cancellation. If, in the opinion of the director or agency head, it is not possible to provide reasonable notice, the published date for receipt of bids may be postponed and all known bidders notified. This will permit bidders to change their bids and prevent unnecessary exposure of bid prices. In addition, every effort shall be made to include realistic, achievable requirements in a solicitation.

(3) After the opening of bids, a solicitation may not be canceled and resolicited solely because of an increase in requirements for the items being acquired. Award may be made on the initial solicitation and an increase in requirements may be treated as a new acquisition.

(4) A solicitation may be canceled and all bids rejected before award but after bid opening only when, consistent with subsection (1) of this section, the agency determines in writing that:

(a) Unavailable, inadequate, ambiguous specifications, terms, conditions, or requirements were cited in the solicitation;

(b) Specifications, terms, conditions, or requirements have been revised;

(c) The services being contracted for are no longer required;

(d) The solicitation did not provide for consideration of all factors of cost to the agency;

(e) Bids received indicate that the needs of the agency can be satisfied by a less expensive article differing from that for which the bids were invited;

(f) All otherwise acceptable bids received are at unreasonable prices or only one bid is received and the agency cannot determine the reasonableness of the bid price;

(g) No responsive bid has been received from a responsible bidder; or

(h) The bid process was not fair or equitable.

(5) The agency head may not delegate his or her authority under this section.

NEW SECTION. Sec. 6. A new section is added to chapter 43.105 RCW to read as follows:

(1) The board, or other agencies and institutions of state government the board delegates authority to, when purchasing, leasing, renting, or otherwise acquiring, disposing of, or maintaining equipment, proprietary software, or purchased services using a competitive bidding process cannot reject all bids and cancel the solicitation after the bid opening unless there is a compelling reason.

(2) Every effort shall be made to anticipate changes in a requirement before the date of opening and to provide reasonable notice to all prospective bidders of any resulting modification or cancellation. If, in the opinion of the director or purchasing agency head, it is not possible to provide reasonable notice, the published date for receipt of bids may be postponed and all known bidders notified. This will permit bidders to change their bids and prevent unnecessary exposure of bid prices. In addition, every effort shall be made to include realistic, achievable requirements in a solicitation.

(3) After the opening of bids, a solicitation may not be canceled and resolicited solely because of an increase in requirements for the items being acquired. Award may be made on the initial solicitation and an increase in requirements may be treated as a new acquisition.

(4) A solicitation may be canceled and all bids rejected before award but after bid opening only when, consistent with subsection (1) of this section, the board or purchasing agency, determines in writing that:

(a) Unavailable, inadequate, ambiguous specifications, terms, conditions, or requirements were cited in the solicitation;

(b) Specifications, terms, conditions, or requirements have been revised;

(c) The supplies or services being contracted for are no longer required;

(d) The solicitation did not provide for consideration of all factors of cost to the board or agency;

(e) Bids received indicate that the needs of the board or agency can be satisfied by a less expensive article differing from that for which the bids were invited;

(f) All otherwise acceptable bids received are at unreasonable prices or only one bid is received and the board or agency cannot determine the reasonableness of the bid price;

(g) No responsive bid has been received from a responsible bidder; or

(h) The bid process was not fair or equitable.

(5) The agency head may not delegate his or her authority under this section."

On page 1, line 1 of the title, after "bidding;" strike the remainder of the title and insert "amending RCW 43.19.1906, 43.19.1908, and 43.19.1911; adding a new section to chapter 39.04 RCW; adding a new section to chapter 39.29 RCW; and adding a new section to chapter 43.105 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1439 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Green and Nixon spoke in favor the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be final passage of House Bill No. 1439, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1439, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 1439, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Lovick to preside.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2345, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 52.26.020 and 2004 c 129 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional fire protection service authority.

(2) "Regional fire protection service authority" or "authority" means a municipal corporation, an independent taxing authority within the meaning of Article VII, section 1 of the state Constitution, and a taxing district within the meaning of Article VII, section 2 of the state Constitution, whose boundaries are coextensive with two or more adjacent fire protection jurisdictions and that has been created by a vote of the people under this chapter to implement a regional fire protection service authority plan.

(3) "Regional fire protection service authority planning committee" or "planning committee" means the advisory committee created under RCW 52.26.030 to create and propose to fire protection jurisdictions a regional fire protection service authority plan to design, finance, and develop fire protection and emergency service projects.

(4) "Regional fire protection service authority plan" or "plan" means a plan to develop and finance a fire protection service authority project or projects, including, but not limited to, specific capital projects, fire operations and emergency service operations pursuant to RCW 52.26.040(3)(b), and preservation and maintenance of existing or future facilities.

(5) "Fire protection jurisdiction" means a fire district, city, town, port district, or Indian tribe.

(6) "Regular property taxes" has the same meaning as in RCW 84.04.140.

Sec. 2. RCW 52.26.040 and 2004 c 129 s 4 are each amended to read as follows:

(1) A regional fire protection service authority planning committee shall adopt a regional fire protection service authority plan providing for the design, financing, and development of fire protection and emergency services. The planning committee may consider the following factors in formulating its plan:

(a) Land use planning criteria; and

(b) The input of cities and counties located within, or partially within, a participating fire protection jurisdiction.

(2) The planning committee may coordinate its activities with neighboring cities, towns, and other local governments that engage in fire protection planning.

(3) The planning committee shall:

(a) Create opportunities for public input in the development of the plan;

(b) Adopt a plan proposing the creation of a regional fire protection service authority and recommending design, financing, and development of fire protection and emergency service facilities and operations, including maintenance and preservation of facilities or systems ~~(except that no ambulance service may be recommended unless the regional fire protection service authority determines that the fire protection jurisdictions that are members of the authority are not adequately served by existing private ambulance service in which case the authority may provide for the establishment of a system of ambulance service to be operated by the authority or operated by contract after a call for bids)).~~ The plan may authorize the authority to establish a system of ambulance service to be operated by the authority or operated by contract after a call for bids. However, the authority shall not provide for the establishment of an ambulance service that would compete with any existing private ambulance service, unless the authority determines that the region served by the authority, or a substantial portion of the region served by the authority, is not adequately served by an existing private ambulance service. In determining the adequacy of an existing private ambulance service, the authority shall take into consideration objective generally accepted medical standards and reasonable levels of service which must be published by the authority. Following the preliminary conclusion by the authority that the existing private ambulance service is inadequate, and before establishing an ambulance service or issuing a call for bids, the authority shall allow a minimum of sixty days for the private ambulance service to meet the generally accepted medical standards and accepted levels of service. In the event of a second preliminary conclusion of inadequacy within a twenty-four-month period, the authority may immediately issue a call for bids or establish its own ambulance service and is not required to afford the private ambulance service another sixty-day period to meet the generally accepted medical standards and reasonable levels of service. A private ambulance service that is not licensed by the department of health or whose license is denied, suspended, or revoked is not entitled to a sixty-day period within which to demonstrate adequacy and the authority may immediately issue a call for bids or establish an ambulance service; and

(c) In the plan, recommend sources of revenue authorized by RCW 52.26.050, identify the portions of the plan that may be amended by the board of the authority without voter approval, consistent with RCW 52.26.050, and recommend a financing plan to fund selected fire protection ((service)) and emergency services and projects.

(4) Once adopted, the plan must be forwarded to the participating fire protection jurisdictions' governing bodies to initiate the election process under RCW 52.26.060.

(5) If the ballot measure is not approved, the planning committee may redefine the selected regional fire protection service authority projects, financing plan, and the ballot measure. The fire protection jurisdictions' governing bodies may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at a subsequent election or a special election. If a ballot measure is not approved by the voters by the third vote, the planning committee is dissolved.

Sec. 3. RCW 52.26.050 and 2004 c 129 s 5 are each amended to read as follows:

(1) A regional fire protection service authority planning committee may, as part of a regional fire protection service authority plan, recommend the imposition of some or all of the following revenue sources, which a regional fire protection service authority may impose upon approval of the voters as provided in this chapter:

(a) Benefit charges under RCW 52.26.180 through 52.26.270;

(b) Property taxes under RCW 52.26.140 through 52.26.170 and 84.52.044 and RCW 84.09.030, 84.52.010, 84.52.052, and 84.52.069; or

(c) Both (a) and (b) of this subsection.

(2) The authority may impose taxes and benefit charges (may not be imposed unless they are identified) as set forth in the regional fire protection service authority plan (and the plan is) upon creation of the authority, or as provided for in this chapter after creation of the authority. If the plan authorizes the authority to impose benefit charges or sixty percent voter approved taxes, the plan and creation of the authority must be approved by an affirmative vote of sixty percent of the voters within the boundaries of the authority voting on a ballot proposition as set forth in RCW 52.26.060. However, if the plan provides for alternative sources of revenue that become effective if the plan and creation of the authority is approved only by a majority vote, then the plan with alternative sources of revenue and creation of the authority may be approved by an affirmative vote of the majority of those voters. If the plan does not authorize the authority to impose benefit charges or sixty percent voter approved taxes, the plan and creation of the authority must be approved by an affirmative vote of the majority of the voters within the boundaries of the authority voting on a ballot proposition as set forth in RCW 52.26.060. ((The voter approval requirement) Except as provided in this section ((is in addition to any)), all other voter approval requirements under law for the levying of property taxes or the imposition of benefit charges apply. Revenues from these taxes and benefit charges may be used only to implement the plan as set forth in this chapter.

Sec. 4. RCW 52.26.060 and 2004 c 129 s 6 are each amended to read as follows:

The governing bodies of two or more adjacent fire protection jurisdictions, upon receipt of the regional fire protection service authority plan under RCW 52.26.040, may certify the plan to the ballot, including identification of the ~~((tax))~~ revenue options ~~((necessary))~~ specified to fund the plan. The governing bodies of the fire protection jurisdictions may draft a ballot title, give notice as required by law for ballot measures, and perform other duties as required to put the plan before the voters of the proposed authority for their approval or rejection as a single ballot measure that both approves formation of the authority and approves the plan. Authorities may negotiate interlocal agreements necessary to implement the plan. The electorate is the voters voting within the boundaries of the proposed regional fire protection service authority. A simple majority of the total persons voting on the single ballot measure to approve the plan ~~((;))~~ and establish the authority ~~((and approve the taxes))~~ is required for approval. However, if the plan authorizes the authority to impose benefit charges or sixty percent voter approved taxes, then the percentage of total persons voting on the single ballot measure to approve the plan and establish the authority is the same as in RCW 52.26.050. The authority must act in accordance with the general election laws of the state. The authority is liable for its proportionate share of the costs when the elections are held under RCW ~~((29A.04.320))~~ 29A.04.321 and 29A.04.330.

Sec. 5. RCW 52.26.070 and 2004 c 129 s 7 are each amended to read as follows:

If the voters approve the plan, including creation of a regional fire protection service authority and imposition of taxes and benefit charges, if any, the authority is formed on the next January 1st or July 1st, whichever occurs first. The appropriate county election officials shall, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general circulation in the authority declaring the authority formed. A party

challenging the procedure or the formation of a voter-approved authority must file the challenge in writing by serving the prosecuting attorney of each county within, or partially within, the regional fire protection service authority and the attorney general within thirty days after the final certification of the election. Failure to challenge within that time forever bars further challenge of the authority's valid formation.

Sec. 6. RCW 52.26.090 and 2004 c 129 s 9 are each amended to read as follows:

(1) The governing board of the authority is responsible for the execution of the voter-approved plan. Participating jurisdictions shall review the plan every ten years. The board ~~((shall))~~ may:

(a) Levy ~~((and impose))~~ taxes and impose benefit charges as authorized in the plan and approved by authority voters;

(b) Enter into agreements with federal, state, local, and regional entities and departments as necessary to accomplish authority purposes and protect the authority's investments;

(c) Accept gifts, grants, or other contributions of funds that will support the purposes and programs of the authority;

(d) Monitor and audit the progress and execution of fire protection and emergency service projects to protect the investment of the public and annually make public its findings;

(e) Pay for services and enter into leases and contracts, including professional service contracts;

(f) Hire, manage, and terminate employees; and

(g) Exercise ~~((other))~~ powers and perform duties as ~~((may be reasonable))~~ the board determines necessary to carry out the purposes, functions, and projects of the authority in accordance with Title 52 RCW if one of the fire protection jurisdictions is a fire district, unless provided otherwise in the regional fire protection service authority plan, or in accordance with the statutes identified in the plan if none of the fire protection jurisdictions is a fire district.

~~((2))~~ ~~((An authority may acquire, hold, or dispose of real property.~~

~~((3))~~ ~~An authority may exercise the powers of eminent domain.~~

~~((4))~~ An authority may enforce fire codes as provided under chapter 19.27 RCW.

Sec. 7. RCW 52.26.100 and 2004 c 129 s 10 are each amended to read as follows:

(1) Except as otherwise provided in the regional fire protection service authority plan, all powers, duties, and functions of a participating fire protection jurisdiction pertaining to ((providing)) fire protection and emergency services ((may)) shall be transferred ((; by resolution;)) to the regional fire protection service authority on its creation date.

(2)(a) Except as otherwise provided in the regional fire protection service authority plan, and on the creation date of the regional fire protection service authority, all reports, documents, surveys, books, records, files, papers, or written material in the possession of the participating fire protection jurisdiction pertaining to ((the)) fire protection and emergency services powers, functions, and duties ((transferred)) shall be delivered to the ((custody of the)) regional fire protection service authority ((;)) all real property and personal property including cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the participating fire protection jurisdiction in carrying out the fire protection and emergency services powers, functions, and duties ((transferred)) shall be ((made available)) transferred to the regional fire protection service authority ((;)) and all funds, credits, or other assets held by the participating fire protection jurisdiction in connection with the fire protection and emergency services powers, functions, and duties ((transferred)) shall be ((assigned)) transferred and credited to the regional fire protection service authority.

(b) Except as otherwise provided in the regional fire protection service authority plan, any appropriations made to the participating fire protection jurisdiction for carrying out the fire protection and emergency services powers, functions, and duties ((transferred)) shall ((; on the effective date of the resolution;)) be transferred and credited to the regional fire protection service authority.

(c) Except as otherwise provided in the regional fire protection service authority plan, whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files,

equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the governing body of the participating fire protection jurisdiction shall make a determination as to the proper allocation.

(3) Except as otherwise provided in the regional fire protection service authority plan, all rules and all pending business before the participating fire protection jurisdiction pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the regional fire protection service authority((-)), and all existing contracts and obligations shall remain in full force and shall be performed by the regional fire protection service authority.

(4) The transfer of the powers, duties, functions, and personnel of the participating fire protection jurisdiction shall not affect the validity of any act performed before ~~((the effective date of the resolution))~~ creation of the regional fire protection service authority.

(5) If apportionments of budgeted funds are required because of the transfers ~~((directed by the resolution))~~, the treasurer ~~((under RCW 52.26.170))~~ for the authority shall certify the apportionments.

(6)(a) Subject to (c) of this subsection, all employees of the participating fire protection jurisdictions are transferred to the jurisdiction of the regional fire protection service authority on its creation date. Upon transfer, unless an agreement for different terms of transfer is reached between the collective bargaining representatives of the transferring employees and the participating fire protection jurisdictions, an employee is entitled to the employee rights, benefits, and privileges to which he or she would have been entitled as an employee of a participating fire protection jurisdiction, including rights to:

(i) Compensation at least equal to the level at the time of transfer;

(ii) Retirement, vacation, sick leave, and any other accrued benefit;

(iii) Promotion and service time accrual; and

(iv) The length or terms of probationary periods, including no requirement for an additional probationary period if one had been completed before the transfer date.

(b) If any or all of the participating fire protection jurisdictions provide for civil service in their fire departments, the collective bargaining representatives of the transferring employees and the participating fire protection jurisdictions must negotiate regarding the establishment of a civil service system within the authority. This subsection does not apply if none of the participating fire protection districts provide for civil service.

(c) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified as provided by law. ((RCW 35.13.215 through 35.13.235 apply to the transfer of employees under this section.))

NEW SECTION. Sec. 8. A new section is added to chapter 52.26 RCW to read as follows:

(1) Subject to subsection (2) of this section, a regional fire protection service authority may, by resolution of its board, provide for civil service for its employees in the same manner, with the same powers, and with the same force and effect as provided by chapter 41.08 RCW for cities, towns, and municipalities, including restrictions against the discharge of an employee because of residence outside the limits of the regional fire protection service authority.

(2) If an agreement is reached to provide for civil service under RCW 52.26.100(6), the regional fire protection service authority shall establish such a system as is required by the agreement.

NEW SECTION. Sec. 9. A new section is added to chapter 52.26 RCW to read as follows:

Territory that is annexed to a participating jurisdiction is annexed to the authority as of the effective date of the annexation. The statutes regarding transfer of assets and employees do not apply to the participating jurisdictions in the annexation.

Sec. 10. RCW 52.26.130 and 2004 c 129 s 14 are each amended to read as follows:

~~((Unless contrary to this section, chapter 39.42 RCW applies to debt and bonding under this section. The authority may borrow money, but may not issue any debt of its own for more than ten years' duration. An authority may issue notes or other evidences of indebtedness with a maturity of not more than twenty years. An authority may, when authorized by the plan, enter into agreements with the state to pledge taxes or other revenues of the authority for the purpose of paying in part or whole principal and interest on bonds issued by the authority. The contracts pledging revenues and taxes are binding for the term of the agreement, but not to exceed twenty-five years, and no tax pledged by an agreement may be eliminated or modified if it would impair the pledge of the agreement.)) (1) An authority may incur general indebtedness for authority purposes, issue bonds, notes, or other evidences of indebtedness not to exceed an amount, together with any outstanding nonvoter approved general obligation debt, equal to three-fourths of one percent of the value of the taxable property within the authority. The maximum term of the obligations may not exceed twenty years. The obligations may pledge benefit charges and may pledge payments to an authority from the state, the federal government, or any fire protection jurisdiction under an interlocal contract. The interlocal contracts pledging revenues and taxes are binding for a term not to exceed twenty-five years, and taxes or other revenue pledged by an interlocal contract may not be eliminated or modified if it would impair the pledge of the contract.~~

~~(2) An authority may also issue general obligation bonds for capital purposes not to exceed an amount, together with any outstanding general obligation debt, equal to one and one-half percent of the value of the taxable property within the authority. The authority may provide for the retirement of the bonds by excess property tax levies. The voters of the authority must approve a proposition authorizing the bonds and levies by an affirmative vote of three-fifths of those voting on the proposition at an election. At the election, the total number of persons voting must constitute not less than forty percent of the voters in the authority who voted at the last preceding general state election. The maximum term of the bonds may not exceed twenty-five years. Elections shall be held as provided in RCW 39.36.050.~~

~~(3) Obligations of an authority shall be issued and sold in accordance with chapters 39.46 and 39.50 RCW, as applicable.~~

Sec. 11. RCW 52.26.140 and 2004 c 129 s 15 are each amended to read as follows:

(1) To carry out the purposes for which a regional fire protection service authority is created, as authorized in the plan and approved by the voters, the governing board of an authority may annually levy the following taxes:

(a) An ad valorem tax on all taxable property located within the authority not to exceed fifty cents per thousand dollars of assessed value;

(b) An ad valorem tax on all property located within the authority not to exceed fifty cents per thousand dollars of assessed value and which will not cause the combined levies to exceed the constitutional or statutory limitations. This levy, or any portion of this levy, may also be made when dollar rates of other taxing units are released by agreement with the other taxing units from their authorized levies; and

(c) An ad valorem tax on all taxable property located within the authority not to exceed fifty cents per thousand dollars of assessed value if the authority has at least one full-time, paid employee, or contracts with another municipal corporation for the services of at least one full-time, paid employee. This levy may be made only if it will not affect dollar rates which other taxing districts may lawfully claim nor cause the combined levies to exceed the constitutional or statutory limitations or both.

(2) Levies in excess of the amounts provided in subsection (1) of this section or in excess of the aggregate dollar rate limitations or both may be made for any authority purpose when so authorized at a special election under RCW 84.52.052. Any such tax when levied must be certified to the proper county officials for the collection of the tax as for other general taxes. The taxes when collected shall be placed in the appropriate authority fund or funds as provided by law, and must be paid out on warrants of the auditor of the county in

which all, or the largest portion of, the authority is located, upon authorization of the governing board of the authority.

(3) ~~((Authorities are additionally authorized to incur general indebtedness and to issue general obligation bonds for capital purposes as provided in RCW 52.26.130-))~~ Authorities may provide for the retirement of general indebtedness by excess property tax levies ~~(, when the voters of the authority have approved a proposition authorizing such indebtedness and levies by an affirmative vote of three-fifths of those voting on the proposition at such an election, at which election the total number of persons voting shall constitute not less than forty percent of the voters in the authority who voted at the last preceding state general election. Elections must be held as provided in RCW 39.36.050. The maximum term of any bonds issued under the authority of this section may not exceed ten years and must be issued and sold in accordance with chapter 39.46 RCW))~~ as set forth in RCW 52.26.130.

(4) For purposes of this ~~(section)~~ chapter, the term "value of the taxable property" has the same meaning as in RCW 39.36.015.

Sec. 12. RCW 52.26.220 and 2004 c 129 s 28 are each amended to read as follows:

(1) Notwithstanding any other provision in this chapter to the contrary, any benefit charge authorized by this chapter is not effective unless a proposition to impose the benefit charge is approved by a sixty percent majority of the voters of the regional fire protection service authority voting at a general election or at a special election called by the authority for that purpose, held within the authority. A ballot measure that contains an authorization to impose benefit charges and that is approved by the voters pursuant to RCW 52.26.060 meets the proposition approval requirement of this section. An election held under this section must be held not more than twelve months prior to the date on which the first charge is to be assessed. A benefit charge approved at an election expires in six years or fewer as authorized by the voters, unless subsequently reapproved by the voters.

(2) The ballot must be submitted so as to enable the voters favoring the authorization of a regional fire protection service authority benefit charge to vote "Yes" and those opposed to vote "No." The ballot question is as follows:

"Shall the regional fire protection service authority composed of (insert the participating fire protection jurisdictions) be authorized to impose benefit charges each year for (insert number of years not to exceed six) years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW 52.26.140(1)(c)?

YES NO

(3) Authorities renewing the benefit charge may elect to use the following alternative ballot:

"Shall the regional fire protection service authority composed of (insert the participating fire protection jurisdictions) be authorized to continue voter-authorized benefit charges each year for (insert number of years not to exceed six) years, not to exceed an amount equal to sixty percent of its operating budget, and be prohibited from imposing an additional property tax under RCW 52.26.140(1)(c)?

YES NO

On page 1, line 1 of the title, after "authorities;" strike the remainder of the title and insert "amending RCW 52.26.020, 52.26.040, 52.26.050, 52.26.060, 52.26.070, 52.26.090, 52.26.100, 52.26.130, 52.26.140, and 52.26.220; and adding new sections to chapter 52.26 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2345 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Simpson and Schindler spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2345, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2345, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2345, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2418, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.185 RCW to read as follows:

The legislature finds that Washington is experiencing an affordable housing crisis and that this crisis is growing exponentially every year as the population of the state expands and housing values increase at a rate that far exceeds most households' proportionate increase in income.

The fiscal and societal costs of the lack of adequate affordable housing are high for both the public and private sectors. Current

levels of funding for affordable housing programs are inadequate to meet the housing needs of many low-income Washington households.

NEW SECTION. Sec. 2. The legislature may authorize a transfer of up to twenty-five million dollars for the fiscal year ending June 30, 2006, into the Washington housing trust fund created in RCW 43.185.030. Any portion of this act that is appropriated to the department shall be included in the calculation of annual funds available for determining the administrative costs of the department, which shall not exceed five percent of the annual funds available for the housing assistance program and the affordable housing program as authorized under RCW 43.185.030 and 43.185A.030.

NEW SECTION. Sec. 3. A new section is added to chapter 43.185 RCW to read as follows:

The application process and distribution procedure for the allocation of funds are the same as the competitive application process and distribution procedure for the housing trust fund, described in this chapter and chapter 43.185A RCW, except for the funds applied to the homeless families services fund created in RCW 43.330.167, dollars appropriated to weatherization administered through the energy matchmaker program, dollars appropriated for housing vouchers for homeless persons, victims of domestic violence, and low-income persons or seasonal farm workers, and dollars appropriated to any program to provide financial assistance for grower-provided on-farm housing for low-income migrant or seasonal farm workers.

NEW SECTION. Sec. 4. A new section is added to chapter 43.185A RCW to read as follows:

The application process and distribution procedure for the allocation of funds are the same as the competitive application process and distribution procedure described in section 3 of this act.

NEW SECTION. Sec. 5. The department must report to the appropriate committees of the legislature how appropriated funds were utilized on a county or city specific basis no later than December 31, 2007.

Sec. 6. RCW 43.185C.010 and 2005 c 484 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "Homeless person" means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, mentally ill people, and sex offenders who are homeless.

(4) "Washington homeless census" means an annual statewide census conducted as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect data on all homeless individuals in Washington.

(5) "Homeless housing account" means the state treasury account receiving the state's portion of income from revenue from the sources established by RCW 36.22.179.

(6) "Homeless housing grant program" means the vehicle by which competitive grants are awarded by the department, utilizing moneys from the homeless housing account, to local governments for programs directly related to housing homeless individuals and families, addressing the root causes of homelessness, preventing homelessness, collecting data on homeless individuals, and other efforts directly related to housing homeless persons.

(7) "Local government" means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its borders.

(8) "Housing continuum" means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.

(9) "Local homeless housing task force" means a voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It must include a representative of the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low-income housing.

(10) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.

(11) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, ~~((the director of))~~ policy level representatives of the following entities: (a) The department of community, trade, and economic development; (b) the ((secretary of the)) department of corrections; (c) the ((secretary of the)) department of social and health services; (d) the ((director of the)) department of veterans affairs; and (e) the ((secretary of the)) department of health.

(12) "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.

(13) "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.

(14) "Housing authority" means any of the public corporations created by chapter 35.82 RCW.

(15) "Homeless housing program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.

(16) "Homeless housing plan" means the ten-year plan developed by the county or other local government to address housing for homeless persons.

(17) "Homeless housing strategic plan" means the ten-year plan developed by the department, in consultation with the interagency council on homelessness and the affordable housing advisory board.

(18) "Washington homeless client management information system" means a data base of information about homeless individuals in the state used to coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.

NEW SECTION. Sec. 7. A new section is added to chapter 43.185C RCW to read as follows:

(1) The interagency council on homelessness, as defined in RCW 43.185C.010, shall be convened not later than August 31, 2006, and shall meet at least two times each year and report to the appropriate committees of the legislature annually by December 31st on its activities.

(2) The interagency council on homelessness shall work to create greater levels of interagency coordination and to coordinate state agency efforts with the efforts of state and local entities addressing homelessness.

(3) The interagency council shall seek to:

(a) Align homeless-related housing and supportive service policies among state agencies;

(b) Identify ways in which providing housing with appropriate services can contribute to cost savings for state agencies;

(c) Identify policies and actions that may contribute to homelessness or interfere with its reduction;

(d) Review and improve strategies for discharge from state institutions that contribute to homelessness;

(e) Recommend policies to either improve practices or align resources, or both, including those policies requested by the affordable housing advisory board or through state and local housing plans; and

(f) Ensure that the housing status of people served by state programs is collected in consistent formats available for analysis.

Sec. 8. RCW 43.63A.655 and 1999 c 267 s 4 are each amended to read as follows:

(1) In order to improve services for the homeless, the department, within amounts appropriated by the legislature for this specific purpose, shall implement ~~((a))~~ the Washington homeless client management information system for the ongoing collection and ~~((analysis of))~~ updates of information about all homeless individuals in the state.

(2) Information about homeless individuals for the Washington homeless client management information system shall come from the Washington homeless census and from state agencies and community organizations providing services to homeless individuals and families. Personally identifying information about homeless individuals for the Washington homeless client management system may only be collected after having obtained informed, reasonably time limited written consent from the homeless individual to whom the information relates. Data collection shall be done in a manner consistent with federally informed consent guidelines regarding human research which, at a minimum, require that individuals be informed about the expected duration of their participation, an explanation of whom to contact for answers to pertinent questions about the data collection and their rights regarding their personal identifying information, an explanation regarding whom to contact in the event of injury to the individual related to the homeless client survey, a description of any reasonably foreseeable risks to the homeless individual, and a statement describing the extent to which confidentiality of records identifying the individual will be maintained.

(3) The Washington homeless client management information system shall serve as an online information and referral system to enable local governments and providers to connect homeless persons in the data base with available housing and other support services. Local governments shall develop a capacity for continuous case management, including independent living plans, when appropriate, to assist homeless persons.

(4) The information in the Washington homeless client management information system will also provide the department with the information to consolidate and analyze data about the extent and nature of homelessness in Washington state, giving emphasis to information about the extent and nature of homelessness in Washington state among families with children.

(5) The system may be merged with other data gathering and reporting systems and shall:

(a) Protect the right of privacy of individuals;

(b) Provide for consultation and collaboration with all relevant state agencies including the department of social and health services, experts, and community organizations involved in the delivery of services to homeless persons; and

(c) Include related information held or gathered by other state agencies.

~~((2))~~ (6) Within amounts appropriated by the legislature, for this specific purpose, the department shall evaluate the information gathered and disseminate the analysis and the evaluation broadly, using appropriate computer networks as well as written reports.

(7) The Washington homeless client management information system shall be implemented by December 31, 2009, and updated with new homeless client information at least annually.

NEW SECTION. Sec. 9. (1) The department of community, trade, and economic development shall conduct a study to evaluate the potential development of a voluntary statewide, low-income household housing waiting list data base that would include information on all low-income households requesting housing assistance for the purpose of connecting such households with appropriate housing opportunities. The study shall investigate and evaluate the following:

(a) The anticipated benefits of such a statewide waiting list to low-income households and low-income housing providers;

(b) The cost of implementing and maintaining the data base; and

(c) Best practices from other states or from counties in other states that currently have a similar data base.

The department shall report the results of this study to the appropriate committees of the legislature by December 31, 2007.

(2) This section expires December 31, 2007.

NEW SECTION. Sec. 10. A new section is added to chapter 43.185A RCW to read as follows:

(1) The department shall create or purchase, and implement by December 31, 2009, a master affordable housing data base that includes specific information about existing affordable rental housing stock in the state of Washington. The data base shall be maintained and continually updated by the department, and the department may cross-reference and exchange information between this data base and other existing state housing data bases.

(2) The data base shall include information on all rental units that meet the affordable housing definition and have received or continue to receive funding from the federal, state, or local government, or other nonprofit organization or financing through the Washington housing finance commission. The department shall encourage private landlords to voluntarily submit information about private rental units that are affordable for low-income households to be included in the data base.

(3) The data base shall include information about rental units that shall be determined by the department. However, the data base must include, at a minimum, measures for quality, cost, safety, and size.

(4) Other state agencies, local governments, local public agencies, including water and sewer districts, housing authorities, and other housing organizations shall cooperate with the department to create and update the affordable housing data base by providing to the department any requested existing information about rental housing units within the jurisdiction.

(5) The data base shall be searchable by the department, local governments, community housing organizations, including housing authorities, and the public according to housing characteristics determined by the department including, at a minimum, location, cost, and size. The data base will be utilized for data collection about Washington's affordable rental housing stock and will also serve as a low-income housing referral system to connect low-income households seeking housing with appropriate and available units.

NEW SECTION. Sec. 11. A new section is added to chapter 43.185A RCW to read as follows:

The department, the housing finance commission, the affordable housing advisory board, and all local governments, housing authorities, and other nonprofits receiving state housing funds or financing through the housing finance commission shall, by December 31, 2006, and annually thereafter, review current housing reporting requirements related to housing programs and services and give recommendations to streamline and simplify all planning and reporting requirements to the department of community, trade, and economic development, which will compile and present the recommendations annually to the legislature. The entities listed in this section shall also give recommendations for additional legislative actions that could promote affordable housing and end homelessness.

NEW SECTION. Sec. 12. A new section is added to chapter 35.82 RCW to read as follows:

A joint housing authority may be dissolved pursuant to substantially identical resolutions or ordinances of the legislative authority of each of the counties or cities that previously authorized that joint housing authority. These resolutions or ordinances may authorize the execution of an agreement among the counties, cities, and the joint housing authority that provides for the timing, distribution of assets, obligations and liabilities, and other matters deemed necessary or appropriate by the legislative authorities.

(2) Each resolution or ordinance dissolving a joint housing authority shall provide for the following:

(a) Activation or reactivation of a housing authority or joint housing authority by each of the cities and counties that previously authorized the joint housing authority and any additional cities or counties that are then to be added. This activation or reactivation

takes effect upon the dissolution of the joint housing authority or at an earlier time provided in the resolutions or ordinances dissolving the joint housing authority; and

(b) Distribution of all assets, obligations, and liabilities of the joint housing authority to the housing authorities activated or reactivated under (a) of this subsection. Distribution of assets, obligations, and liabilities may be based on any, or a combination of any of, the following considerations:

(i) The population within the boundaries of each of the housing authorities activated or reactivated under (a) of this subsection;

(ii) The number of housing units owned by the joint housing authority within the boundaries of each of the housing authorities activated or reactivated under (a) of this subsection;

(iii) The number of low-income residents within the boundaries of each of the housing authorities activated or reactivated under (a) of this subsection;

(iv) The effect of the proposed distribution on the viability of the housing authorities activated or reactivated under (a) of this subsection; or

(v) Any other reasonable criteria to determine the distribution of assets, obligations, and liabilities.

(3) Each activated or reactivated housing authority shall be responsible for debt service on bonds or other obligations issued or incurred to finance the acquisition, construction, or improvement of the projects, properties, and other assets that have been distributed to them under the dissolution. However, if an outstanding bond issue is secured in whole or in part by the general revenues of the joint housing authority being dissolved, each housing authority activated or reactivated under subsection (2)(a) of this section shall remain jointly and severally liable for retirement of debt service through repayment of those outstanding bonds and other obligations of the joint housing authority until paid or defeased, from general revenues of each of the activated or reactivated housing authorities, and from any other revenues and accounts that had been expressly pledged by the joint housing authority to the payment of those bonds or other obligations. As used in this subsection, "general revenues" means all revenues of a housing authority from any source, but only to the extent that those revenues are available to pay debt service on bonds or other obligations and are not then or thereafter pledged or restricted by law, regulation, contract, covenant, resolution, deed of trust, or otherwise, solely to another particular purpose.

NEW SECTION. Sec. 13. RCW 43.63A.655 is recodified as a section in chapter 43.185C RCW.

NEW SECTION. Sec. 14. If specific funding is not transferred from the general fund to the Washington housing trust fund for the purposes of this act, referencing this act by bill or chapter number, by June 30, 2006, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "housing;" strike the remainder of the title and insert "amending RCW 43.185C.010 and 43.63A.655; adding new sections to chapter 43.185 RCW; adding new sections to chapter 43.185A RCW; adding new sections to chapter 43.185C RCW; adding a new section to chapter 35.82 RCW; creating new sections; recodifying RCW 43.63A.655; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2418 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Miloscia spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2418, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2418, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 74, Nays - 24, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clements, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 74.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Haler, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Rodne, Schindler, Sump, and Talcott - 24.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2418, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2553, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.110.010 and 1999 c 112 s 1 are each amended to read as follows:

The legislature finds that increasing numbers of businesses are selling service contracts for repair, replacement, and maintenance of motor vehicles, appliances, computers, electronic equipment, and other consumer products. There are risks that contract obligors will close or otherwise be unable to fulfill their contract obligations that could result in unnecessary and preventable losses to citizens of this state. The legislature declares that it is necessary to establish standards that will safeguard the public from possible losses arising from the conduct or cessation of the business of service contract obligors or the mismanagement of funds paid for service contracts. The purpose of this chapter is to create a legal framework within which service contracts may be sold in this state and to set forth requirements for conducting a service contract business.

Sec. 2. RCW 48.110.015 and 2000 c 208 s 1 are each amended to read as follows:

(1) The following are exempt from this title:

- (a) Warranties;
- (b) Maintenance agreements; and
- (c) Service contracts:

(i) Paid for with separate and additional consideration;

(ii) Issued at the point of sale, or within sixty days of the original purchase date of the property; and

(iii) On tangible property when the tangible property for which the service contract is sold has a purchase price of fifty dollars or less, exclusive of sales tax.

(2) This chapter does not apply to:

- (a) ~~(Vehicle service contracts which are governed under chapter 48.96 RCW;~~
- ~~(b))~~ Vehicle mechanical breakdown insurance; and
- ~~((c))~~ (b) Service contracts on tangible personal property purchased by persons who are not consumers.

Sec. 3. RCW 48.110.020 and 2000 c 208 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Administrator" means the person who is responsible for the administration of the service contracts ~~((or))~~, the service contracts plan, or the protection product guarantees.

(2) "Commissioner" means the insurance commissioner of this state.

(3) "Consumer" means an individual who buys any tangible personal property that is primarily for personal, family, or household use.

(4) "Incidental costs" means expenses specified in the guarantee incurred by the protection product guarantee holder related to damages to other property caused by the failure of the protection product to perform as provided in the guarantee. "Incidental costs" may include, without limitation, insurance policy deductibles, rental vehicle charges, the difference between the actual value of the stolen vehicle at the time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction fees, and mechanical inspection fees. Incidental costs may be paid under the provisions of the protection product guarantee in either a fixed amount specified in the protection product guarantee or sales agreement, or by the use of a formula itemizing specific incidental costs incurred by the protection product guarantee holder to be paid.

(5) "Protection product" means any product offered or sold with a guarantee to repair or replace another product or pay incidental costs upon the failure of the product to perform pursuant to the terms of the protection product guarantee.

(6) "Protection product guarantee" means a written agreement by a protection product guarantee provider to repair or replace another product or pay incidental costs upon the failure of the protection product to perform pursuant to the terms of the protection product guarantee.

(7) "Protection product guarantee provider" means a person who is contractually obligated to the protection product guarantee holder under the terms of the protection product guarantee. Protection product guarantee provider does not include an authorized insurer providing a reimbursement insurance policy.

(8) "Protection product guarantee holder" means a person who is the purchaser or permitted transferee of a protection product guarantee.

(9) "Protection product seller" means the person who sells the protection product to the consumer.

(10) "Maintenance agreement" means a contract of limited duration that provides for scheduled maintenance only.

~~((5))~~ (11) "Motor vehicle" means any vehicle subject to registration under chapter 46.16 RCW.

(12) "Person" means an individual, partnership, corporation, incorporated or unincorporated association, joint stock company, reciprocal insurer, syndicate, or any similar entity or combination of entities acting in concert.

~~((6))~~ (13) "Premium" means the consideration paid to an insurer for a reimbursement insurance policy.

~~((7))~~ (14) "Provider fee" means the consideration paid by a consumer for a service contract.

~~((8))~~ (15) "Reimbursement insurance policy" means a policy of insurance that is issued to a service contract provider or a protection product guarantee provider to provide reimbursement to the service contract provider or the protection product guarantee provider or to pay on behalf of the service contract provider or the protection product guarantee provider all contractual obligations incurred by the service contract provider or the protection product guarantee provider under the terms of the insured service contracts or protection product guarantees issued or sold by the service contract provider or the protection product guarantee provider.

~~((9))~~ (16) "Service contract" means a contract or agreement for ((a separately stated)) consideration over and above the lease or purchase price of the property for a specific duration to perform the repair, replacement, or maintenance of property or the indemnification for repair, replacement, or maintenance for operational or structural failure due to a defect in materials or workmanship, or normal wear and tear. Service contracts may provide for the repair, replacement, or maintenance of property for damage resulting from power surges and accidental damage from handling, with or without additional provision for ((indemnity payments for incidental damages to other property directly caused by the failure of the property which is the subject of the service contract, provided the indemnity payment per incident does not exceed the purchase price of the property that is the subject of the service contract)) incidental payment of indemnity under limited circumstances, including towing, rental, emergency road services, or other expenses relating to the failure of the product or of a component part thereof.

~~((10))~~ (17) "Service contract holder" or "contract holder" means a person who is the purchaser or holder of a service contract.

~~((11))~~ (18) "Service contract provider" means a person who is contractually obligated to the service contract holder under the terms of the service contract.

~~((12))~~ (19) "Service contract seller" means the person who sells the service contract to the consumer.

~~((13))~~ (20) "Warranty" means a warranty made solely by the manufacturer, importer, or seller of property or services without consideration; that is not negotiated or separated from the sale of the product and is incidental to the sale of the product; and that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor, or other remedial measures, such as repair or replacement of the property or repetition of services.

Sec. 4. RCW 48.110.030 and 2005 c 223 s 33 are each amended to read as follows:

(1) A person may not act as, or offer to act as, or hold himself or herself out to be a service contract provider in this state, nor may a service contract be sold to a consumer in this state, unless the service contract provider has a valid registration as a service contract provider issued by the commissioner.

(2) Applicants to be a service contract provider must make an application to the commissioner upon a form to be furnished by the commissioner. The application must include or be accompanied by the following information and documents:

(a) All basic organizational documents of the service contract provider, including any articles of incorporation, articles of association, partnership agreement, trade name certificate, trust agreement, shareholder agreement, bylaws, and other applicable documents, and all amendments to those documents;

(b) The identities of the service contract provider's executive officer or officers directly responsible for the service contract provider's service contract business, and, if more than fifty percent of the service contract provider's gross revenue is derived from the sale of service contracts, the identities of the service contract provider's directors and stockholders having beneficial ownership of ten percent or more of any class of securities;

(c) Audited annual financial statements or other financial reports acceptable to the commissioner for the two most recent years which prove that the applicant is solvent and any information the commissioner may require in order to review the current financial condition of the applicant. If the service contract provider is relying on RCW 48.110.050(2) ~~((a) or))~~ (c) to assure the faithful performance of its obligations to service contract holders, then the

audited financial statements of the service contract provider's parent company (~~may be substituted for the audited financial statements of the service contract provider~~) must also be filed:

(d) An application fee of two hundred fifty dollars, which shall be deposited into the general fund; and

(e) Any other pertinent information required by the commissioner.

(3) The applicant shall appoint the commissioner as its attorney to receive service of legal process in any action, suit, or proceeding in any court. This appointment is irrevocable and shall bind the service contract provider or any successor in interest, shall remain in effect as long as there is in force in this state any contract or any obligation arising therefrom related to residents of this state, and shall be processed in accordance with RCW 48.05.210.

(4) The commissioner may refuse to issue a registration if the commissioner determines that the service contract provider, or any individual responsible for the conduct of the affairs of the service contract provider under subsection (2)(b) of this section, is not competent, trustworthy, financially responsible, or has had a license as a service contract provider or similar license denied or revoked for cause by any state.

(5) A registration issued under this section is valid, unless surrendered, suspended, or revoked by the commissioner, or not renewed for so long as the service contract provider continues in business in this state and remains in compliance with this chapter. A registration is subject to renewal annually on the first day of July upon application of the service contract provider and payment of a fee of two hundred dollars, which shall be deposited into the general fund. If not so renewed, the registration expires on the June 30th next preceding.

(6) A service contract provider shall keep current the information required to be disclosed in its registration under this section by reporting all material changes or additions within thirty days after the end of the month in which the change or addition occurs.

Sec. 5. RCW 48.110.040 and 2005 c 223 s 34 are each amended to read as follows:

(1) Every registered service contract provider (~~that is assuring its faithful performance of its obligations to its service contract holders by complying with RCW 48.110.050(2)(b))~~ must file an annual report for the preceding calendar year with the commissioner on or before March 1st of each year, or within any extension of time the commissioner for good cause may grant. The report must be in the form and contain those matters as the commissioner prescribes and shall be verified by at least two officers of the service contract provider.

(2) At the time of filing the report, the service contract provider must pay a filing fee of twenty dollars which shall be deposited into the general fund.

(3) As part of any investigation by the commissioner, the commissioner may require a service contract provider to file monthly financial reports whenever, in the commissioner's discretion, there is a need to more closely monitor the financial activities of the service contract provider. Monthly financial statements must be filed in the commissioner's office no later than the twenty-fifth day of the month following the month for which the financial report is being filed. These monthly financial reports are the internal financial statements of the service contract provider. The monthly financial reports that are filed with the commissioner constitute information that might be damaging to the service contract provider if made available to its competitors, and therefore shall be kept confidential by the commissioner. This information may not be made public or be subject to subpoena, other than by the commissioner and then only for the purpose of enforcement actions taken by the commissioner.

Sec. 6. RCW 48.110.050 and 1999 c 112 s 6 are each amended to read as follows:

(1) Service contracts shall not be issued, sold, or offered for sale in this state or sold to consumers in this state unless the service contract provider has:

(a) Provided a receipt for, or other written evidence of, the purchase of the service contract to the contract holder; and

(b) Provided a copy of the service contract to the service contract holder within a reasonable period of time from the date of purchase.

(2) In order to either demonstrate its financial responsibility or assure the faithful performance of ~~(a) the~~ service contract provider's obligations to its service contract holders, every service contract provider shall ~~(be responsible for complying)~~ comply with the requirements of one of the following:

(a) Insure all service contracts under a reimbursement insurance policy issued by an insurer holding a certificate of authority from the commissioner or a risk retention group, as defined in 15 U.S.C. Sec. 3901(a)(4), as long as that risk retention group is in full compliance with the federal liability risk retention act of 1986 (15 U.S.C. Sec. 3901 et seq.), is in good standing in its domiciliary jurisdiction, and is properly registered with the commissioner under chapter 48.92 RCW. The insurance required by this subsection must meet the following requirements:

(i) The insurer or risk retention group must, at the time the policy is filed with the commissioner, and continuously thereafter, maintain surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually file audited financial statements with the commissioner; and

(ii) The commissioner may authorize an insurer or risk retention group that has surplus as to policyholders and paid-in capital of less than fifteen million dollars, but at least equal to ten million dollars, to issue the insurance required by this subsection if the insurer or risk retention group demonstrates to the satisfaction of the commissioner that the company maintains a ratio of direct written premiums, wherever written, to surplus as to policyholders and paid-in capital of not more than three to one;

(b)(i) Maintain a funded reserve account for its obligations under its service contracts issued and outstanding in this state. The reserves shall not be less than forty percent of the gross consideration received, less claims paid, on the sale of the service contract for all in-force contracts. The reserve account shall be subject to examination and review by the commissioner; and

(ii) Place in trust with the commissioner a financial security deposit, having a value of not less than five percent of the gross consideration received, less claims paid, on the sale of the service contract for all service contracts issued and in force, but not less than twenty-five thousand dollars, consisting of one of the following:

(A) A surety bond issued by an insurer holding a certificate of authority from the commissioner;

(B) Securities of the type eligible for deposit by authorized insurers in this state;

(C) Cash;

(D) An evergreen letter of credit issued by a qualified financial institution; or

(E) Another form of security prescribed by rule by the commissioner; or

(c)(i) Maintain, or its parent company maintain, a net worth or stockholder's equity of at least one hundred million dollars; and

(ii) Upon request, provide the commissioner with a copy of the service contract provider's or the service contract provider's parent company's most recent form 10-K or form 20-F filed with the securities and exchange commission within the last calendar year, or if the company does not file with the securities and exchange commission, a copy of the service contract provider's or the service contract provider's parent company's audited financial statements, which shows a net worth of the service contract provider or its parent company of at least one hundred million dollars. If the service contract provider's parent company's form 10-K, form 20-F, or audited financial statements are filed with the commissioner to meet the service contract provider's financial stability requirement, then the parent company shall agree to guarantee the obligations of the service contract provider relating to service contracts sold by the service contract provider in this state. A copy of the guarantee shall be filed with the commissioner. The guarantee shall be irrevocable as long as there is in force in this state any contract or any obligation arising from service contracts guaranteed, unless the parent company has made arrangements approved by the commissioner to satisfy its obligations under the guarantee.

(3) Service contracts shall require the service contract provider to permit the service contract holder to return the service contract within twenty days of the date the service contract was mailed to the service contract holder or within ten days of delivery if the service contract is delivered to the service contract holder at the time of sale, or within a longer time period permitted under the service contract. Upon return of the service contract to the service contract provider within the applicable period, if no claim has been made under the service contract prior to the return to the service contract provider, the service contract is void and the service contract provider shall refund to the service contract holder, or credit the account of the service contract holder with the full purchase price of the service contract. The right to void the service contract provided in this subsection is not transferable and shall apply only to the original service contract purchaser. A ten percent penalty per month shall be added to a refund of the purchase price that is not paid or credited within thirty days after return of the service contract to the service contract provider.

~~(4) (Except for service contract providers, persons marketing, selling, or offering to sell service contracts for providers are exempt from the registration requirements of RCW 48.110.030.~~

~~(5) The marketing, sale, offering for sale, issuance, making, proposing to make, and administration of service contracts by service contract providers and related service contract sellers, administrators, and other persons complying with this chapter are exempt from the other provisions of this title, except chapter 48.04 RCW and as otherwise provided in this chapter.) This section does not apply to service contracts on motor vehicles or to protection product guarantees.~~

Sec. 7. RCW 48.110.060 and 1999 c 112 s 7 are each amended to read as follows:

(1) Reimbursement insurance policies insuring service contracts or protection product guarantees issued, sold, or offered for sale in this state or issued or sold to consumers in this state shall state that the insurer that issued the reimbursement insurance policy shall reimburse or pay on behalf of the service contract provider or the protection product guarantee provider all sums the service contract provider or the protection product guarantee provider is legally obligated to pay, including but not limited to the refund of the full purchase price of the service contract to the service contract holder or shall provide the service which the service contract provider or the protection product guarantee provider is legally obligated to perform according to the service contract provider's or protection product guarantee provider's contractual obligations under the service contracts or protection product guarantees issued or sold by the service contract provider or the protection product guarantee provider.

(2) The reimbursement insurance policy shall fully insure the obligations of the service contract provider or protection product guarantee provider, rather than partially insure, or insure only in the event of service contract provider or protection product guarantee provider default.

(3) The reimbursement insurance policy shall state that the service contract holder or protection product guarantee holder is entitled to apply directly to the reimbursement insurance company for payment or performance due.

Sec. 8. RCW 48.110.070 and 1999 c 112 s 8 are each amended to read as follows:

(1) Service contracts marketed, sold, offered for sale, issued, made, proposed to be made, or administered in this state or sold to residents of this state shall be written, printed, or typed in clear, understandable language that is easy to read, and disclose the requirements set forth in this section, as applicable.

(2) Service contracts insured under a reimbursement insurance policy under RCW 48.110.050(2)(a) and 48.110.060 shall not be issued, sold, or offered for sale in this state or sold to residents of this state unless the service contract conspicuously contains a statement in substantially the following form: "Obligations of the service contract provider under this service contract are insured under a service contract reimbursement insurance policy." The service contract shall also conspicuously state the name and address of the

issuer of the reimbursement ~~((insurance))~~ insurance policy and state that the service contract holder is entitled to apply directly to the reimbursement insurance company.

(3) Service contracts not insured under a reimbursement insurance policy under RCW 48.110.050(2)(a) and 48.110.060 shall contain a statement in substantially the following form: "Obligations of the service contract provider under this contract are backed by the full faith and credit of the service contract provider."

(4) Service contracts shall state the name and address of the service contract provider and shall identify any administrator if different from the service contract provider, the service contract seller, and the service contract holder to the extent that the name of the service contract holder has been furnished by the service contract holder. The identities of such parties are not required to be preprinted on the service contract and may be added to the service contract at the time of sale.

(5) Service contracts shall state the purchase price of the service contract and the terms under which the service contract is sold. The purchase price is not required to be preprinted on the service contract and may be negotiated at the time of sale.

(6) Service contracts shall state the procedure to obtain service or to file a claim, including but not limited to the procedures for obtaining prior approval for repair work, the toll-free telephone number if prior approval is necessary for service, and the procedure for obtaining emergency repairs performed outside of normal business hours or provide for twenty-four-hour telephone assistance.

(7) Service contracts shall state the existence of any deductible amount, if applicable.

(8) Service contracts shall specify the merchandise, parts, and services to be provided and any limitations, exceptions, or exclusions.

(9) Service contracts shall state any restrictions governing the transferability of the service contract, if applicable.

(10) Service contracts shall state the terms, restrictions, or conditions governing cancellation of the service contract prior to the termination or expiration date of the service contract by either the service contract provider or by the service contract holder, which rights can be no more restrictive than provided in RCW 48.110.050(3). The service contract provider of the service contract shall mail a written notice to the service contract holder at the last known address of the service contract holder contained in the records of the service contract provider at least twenty-one days prior to cancellation by the service contract provider. The notice shall state the effective date of the cancellation and the true and actual reason for the cancellation.

(11) Service contracts shall set forth the obligations and duties of the service contract holder, including but not limited to the duty to protect against any further damage and any requirement to follow owner's manual instructions.

(12) Service contracts shall state whether or not the service contract provides for or excludes consequential damages or preexisting conditions.

(13) Service contracts shall state any exclusions of coverage.

(14) Service contracts shall not contain a provision which requires that any civil action brought in connection with the service contract must be brought in the courts of a jurisdiction other than this state. Service contracts that authorize binding arbitration to resolve claims or disputes ~~((may))~~ must allow for arbitration proceedings to be held at a location in closest proximity to the service contract holder's permanent residence.

This section does not apply to service contracts on motor vehicles or to protection product guarantees.

Sec. 9. RCW 48.110.080 and 1999 c 112 s 9 are each amended to read as follows:

(1) A service contract provider or protection product guarantee provider shall not use in its name the words insurance, casualty, guaranty, surety, mutual, or any other words descriptive of the insurance, casualty, guaranty, or surety business; or a name deceptively similar to the name or description of any insurance or surety corporation, or to the name of any other service contract provider or protection product guarantee provider. This subsection does not apply to a company that was using any of the prohibited language in its name prior to January 1, 1999. However, a company

using the prohibited language in its name shall conspicuously disclose in its service contracts or protection product guarantees the following statement: "This agreement is not an insurance contract."

(2) Every service contract provider or protection product guarantee provider shall conduct its business in its own legal name, unless the commissioner has approved the use of another name.

(3) A service contract provider or protection product guarantee provider or ~~(its)~~ their representatives shall not in ~~(its)~~ their service contracts or protection product guarantees or literature make, permit, or cause to be made any false or misleading statement, or deliberately omit any material statement that would be considered misleading if omitted.

(4) A person, such as a bank, savings and loan association, lending institution, manufacturer, or seller shall not require the purchase of a service contract or protection product as a condition of a loan or a condition for the sale of any property.

Sec. 10. RCW 48.110.090 and 1999 c 112 s 10 are each amended to read as follows:

(1) The service contract provider or protection product guarantee provider shall keep accurate accounts, books, and records concerning transactions regulated under this chapter.

(2) The service contract provider's or protection product guarantee provider's accounts, books, and records shall include the following:

(a) Copies of each type of service contract or protection product guarantees offered, issued, or sold;

(b) The name and address of each service contract holder or protection product guarantee holder, to the extent that the name and address have been furnished by the service contract holder or protection product guarantee holder;

(c) A list of the locations where the service contracts or protection products are marketed, sold, or offered for sale; and

(d) Written claim files that contain at least the dates, amounts, and descriptions of claims related to the service contracts or protection products.

(3) Except as provided in subsection (5) of this section, the service contract provider or protection product guarantee provider shall retain all records required to be maintained by subsection (1) of this section for at least six years after the specified coverage has expired.

(4) The records required under this chapter may be, but are not required to be, maintained on a computer disk or other recordkeeping technology. If the records are maintained in other than hard copy, the records shall be capable of duplication to legible hard copy.

(5) A service contract provider or protection product guarantee provider discontinuing business in this state shall maintain its records until it furnishes the commissioner satisfactory proof that it has discharged all obligations to service contract holders or protection product guarantee holders in this state.

Sec. 11. RCW 48.110.100 and 1999 c 112 s 11 are each amended to read as follows:

As applicable, an insurer that issued a reimbursement insurance policy shall not terminate the policy until a notice of termination in accordance with RCW 48.18.290 has been given to the service contract provider or protection product guarantee provider and has been delivered to the commissioner. The termination of a reimbursement insurance policy does not reduce the issuer's responsibility for service contracts issued by service contract providers or protection product guarantees issued by protection product guarantee providers prior to the effective date of the termination.

Sec. 12. RCW 48.110.110 and 1999 c 112 s 12 are each amended to read as follows:

(1) Service contract providers or protection product guarantee providers are considered to be the agent of the insurer which issued the reimbursement insurance policy for purposes of obligating the insurer to service contract holders or protection product guarantee holders in accordance with the service contract or protection product guarantee holders and this chapter. Payment of the provider fee by the consumer to the service contract seller, service contract provider,

or administrator or payment of consideration for the protection product to the protection product seller constitutes payment by the consumer to the service contract provider or protection product guarantee provider and to the insurer which issued the reimbursement insurance policy. In cases where a service contract provider or protection product guarantee provider is acting as an administrator and enlists other service contract providers or protection product guarantee providers, the service contract provider or protection product guarantee provider acting as the administrator shall notify the insurer of the existence and identities of the other service contract providers or protection product guarantee providers.

(2) ~~(Chapter 112, Laws of 1999)~~ This chapter does not prevent or limit the right of an insurer which issued a reimbursement insurance policy to seek indemnification or subrogation against a service contract provider or protection product guarantee provider if the issuer pays or is obligated to pay the service contract holder or protection product guarantee holder sums that the service contract provider or protection product guarantee provider was obligated to pay under the provisions of the service contract or protection product guarantee.

Sec. 13. RCW 48.110.120 and 1999 c 112 s 13 are each amended to read as follows:

(1) The commissioner may conduct investigations of service contract providers or protection product guarantee providers, administrators, service contract sellers or protection product sellers, insurers, and other persons to enforce this chapter and protect service contract holders or protection product guarantee holders in this state. Upon request of the commissioner, the service contract provider or protection product guarantee provider shall make all accounts, books, and records concerning service contracts or protection products offered, issued, or sold by the service contract provider or protection product guarantee provider available to the commissioner which are necessary to enable the commissioner to determine compliance or noncompliance with this chapter.

(2) The commissioner may take actions under RCW 48.02.080 or 48.04.050 which are necessary or appropriate to enforce this chapter and the commissioner's rules and orders, and to protect service contract holders or protection product guarantee holders in this state.

Sec. 14. RCW 48.110.130 and 1999 c 112 s 14 are each amended to read as follows:

(1) The commissioner may, subject to chapter 48.04 RCW, deny, suspend, or revoke the registration of a service contract provider or protection product guarantee provider if the commissioner finds that the service contract provider or protection product guarantee provider:

(a) Has violated this chapter or the commissioner's rules and orders;

(b) Has refused to be investigated or to produce its accounts, records, and files for investigation, or if any of its officers have refused to give information with respect to its affairs or refused to perform any other legal obligation as to an investigation, when required by the commissioner;

(c) Has, without just cause, refused to pay proper claims or perform services arising under its contracts or has, without just cause, caused service contract holders or protection product guarantee holders to accept less than the amount due them or caused service contract holders or protection product guarantee holders to employ attorneys or bring suit against the service contract provider or protection product guarantee provider to secure full payment or settlement of claims;

(d) Is affiliated with or under the same general management or interlocking directorate or ownership as another service contract provider or protection product guarantee provider which unlawfully transacts business in this state without having a registration;

(e) At any time fails to meet any qualification for which issuance of the registration could have been refused had such failure then existed and been known to the commissioner;

(f) Has been convicted of, or has entered a plea of guilty or nolo contendere to, a felony;

(g) Is under suspension or revocation in another state with respect to its service contract business or protection product business;

(h) Has made a material misstatement in its application for registration;

(i) Has obtained or attempted to obtain a registration through misrepresentation or fraud;

(j) Has, in the transaction of business under its registration, used fraudulent, coercive, or dishonest practices; ~~((or))~~

(k) Has failed to pay any judgment rendered against it in this state regarding a service contract or protection product guarantee within sixty days after the judgment has become final; or

(l) Has failed to respond promptly to any inquiry from the insurance commissioner relative to service contract or protection product business. A lack of response within fifteen business days from receipt of an inquiry is untimely. A response must be in writing, unless otherwise indicated in the inquiry.

(2) The commissioner may, without advance notice or hearing thereon, immediately suspend the registration of a service contract provider or protection product guarantee provider if the commissioner finds that any of the following circumstances exist:

(a) The provider is insolvent;

(b) A proceeding for receivership, conservatorship, rehabilitation, or other delinquency proceeding regarding the service contract provider or protection product guarantee provider has been commenced in any state; or

(c) The financial condition or business practices of the service contract provider or protection product guarantee provider otherwise pose an imminent threat to the public health, safety, or welfare of the residents of this state.

(3) If the commissioner finds that grounds exist for the suspension or revocation of a registration issued under this chapter, the commissioner may, in lieu of suspension or revocation, impose a fine upon the service contract provider or protection product guarantee provider in an amount not more than two thousand dollars per violation.

Sec. 15. RCW 48.110.140 and 1999 c 112 s 15 are each amended to read as follows:

The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Violations of this chapter are not reasonable in relation to the development and preservation of business. A violation of this chapter is an unfair or deceptive act or practice in the conduct of trade or commerce and an unfair method of competition, as specifically contemplated by RCW 19.86.020, and is a violation of the consumer protection act, chapter 19.86 RCW. Any service contract holder or protection product guarantee holder injured as a result of a violation of a provision of this chapter shall be entitled to maintain an action pursuant to chapter 19.86 RCW against the service contract provider or protection product guarantee provider and the insurer issuing the applicable service contract or protection product guarantee reimbursement ~~((insurance))~~ insurance policy and shall be entitled to all of the rights and remedies afforded by that chapter.

Sec. 16. RCW 48.110.900 and 1999 c 112 s 17 are each amended to read as follows:

This chapter applies to all service contracts, other than on motor vehicles, sold or offered for sale ninety or more days after July 25, 1999. This chapter applies to all service contracts on motor vehicles and protection products sold or offered for sale after September 30, 2006.

NEW SECTION. Sec. 17. A new section is added to chapter 48.110 RCW to read as follows:

(1) This section applies to protection product guarantee providers.

(2) A person shall not act as, or offer to act as, or hold himself or herself out to be a protection product guarantee provider in this state, nor may a protection product be sold to a consumer in this state, unless the protection product guarantee provider has:

(a) A valid registration as a protection product guarantee provider issued by the commissioner; and

(b) Either demonstrated its financial responsibility or assured the faithful performance of the protection product guarantee provider's obligations to its protection product guarantee holders by insuring all protection product guarantees under a reimbursement insurance policy issued by an insurer holding a certificate of authority from the commissioner or a risk retention group, as defined in 15 U.S.C. Sec. 3901(a)(4), as long as that risk retention group is in full compliance with the federal liability risk retention act of 1986 (15 U.S.C. Sec. 3901 et seq.), is in good standing in its domiciliary jurisdiction, and properly registered with the commissioner under chapter 48.92 RCW. The insurance required by this subsection must meet the following requirements:

(i) The insurer or risk retention group must, at the time the policy is filed with the commissioner, and continuously thereafter, maintain surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually file audited financial statements with the commissioner; and

(ii) The commissioner may authorize an insurer or risk retention group that has surplus as to policyholders and paid-in capital of less than fifteen million dollars, but at least equal to ten million dollars, to issue the insurance required by this subsection if the insurer or risk retention group demonstrates to the satisfaction of the commissioner that the company maintains a ratio of direct written premiums, wherever written, to surplus as to policyholders and paid-in capital of not more than three to one.

(3) Applicants to be a protection product guarantee provider shall make an application to the commissioner upon a form to be furnished by the commissioner. The application shall include or be accompanied by the following information and documents:

(a) The names of the protection product guarantee provider's executive officer or officers directly responsible for the protection product guarantee provider's protection product guarantee business and their biographical affidavits on a form prescribed by the commissioner;

(b) The name, address, and telephone number of any administrators designated by the protection product guarantee provider to be responsible for the administration of protection product guarantees in this state;

(c) A copy of the protection product guarantee reimbursement insurance policy or policies;

(d) A copy of each protection product guarantee the protection product guarantee provider proposes to use in this state;

(e) Any other pertinent information required by the commissioner; and

(f) A nonrefundable application fee of two hundred fifty dollars.

(4) The applicant shall appoint the commissioner as its attorney to receive service of legal process in any action, suit, or proceeding in any court. This appointment is irrevocable and shall bind the protection product guarantee provider or any successor in interest, shall remain in effect as long as there is in force in this state any protection product guarantee or any obligation arising therefrom related to residents of this state, and shall be processed in accordance with RCW 48.05.210.

(5) The commissioner may refuse to issue a registration if the commissioner determines that the protection product guarantee provider, or any individual responsible for the conduct of the affairs of the protection product guarantee provider under subsection (3)(a) of this section, is not competent, trustworthy, financially responsible, or has had a license as a protection product guarantee provider or similar license denied or revoked for cause by any state.

(6) A registration issued under this section is valid, unless surrendered, suspended, or revoked by the commissioner, or not renewed for so long as the protection product guarantee provider continues in business in this state and remains in compliance with this chapter. A registration is subject to renewal annually on the first day of July upon application of the protection product guarantee provider and payment of a fee of two hundred fifty dollars. If not so renewed, the registration expires on the June 30th next preceding.

(7) A protection product guarantee provider shall keep current the information required to be disclosed in its registration under this section by reporting all material changes or additions within thirty days after the end of the month in which the change or addition occurs.

NEW SECTION. Sec. 18. A new section is added to chapter 48.110 RCW to read as follows:

(1) This section applies to service contracts on motor vehicles.
 (2) Service contracts shall not be issued, sold, or offered for sale in this state or sold to consumers in this state unless:

(a) The service contract provider has either demonstrated its financial responsibility or assured the faithful performance of the service contract provider's obligations to its service contract holders by insuring all service contracts under a reimbursement insurance policy issued by an insurer holding a certificate of authority from the commissioner or a risk retention group, as defined in 15 U.S.C. Sec. 3901(a)(4), as long as that risk retention group is in full compliance with the federal liability risk retention act of 1986 (15 U.S.C. Sec. 3901 et seq.), is in good standing in its domiciliary jurisdiction, and properly registered with the commissioner under chapter 48.92 RCW. The insurance required by this subsection must meet the following requirements:

(i) The insurer or risk retention group must, at the time the policy is filed with the commissioner, and continuously thereafter, maintain surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually file audited financial statements with the commissioner; and

(ii) The commissioner may authorize an insurer or risk retention group that has surplus as to policyholders and paid-in capital of less than fifteen million dollars, but at least equal to ten million dollars, to issue the insurance required by this subsection if the insurer or risk retention group demonstrates to the satisfaction of the commissioner that the company maintains a ratio of direct written premiums, wherever written, to surplus as to policyholders and paid-in capital of not more than three to one;

(b) The service contract conspicuously states that the obligations of the provider to the service contract holder are guaranteed under the reimbursement insurance policy, the name and address of the issuer of the reimbursement insurance policy, the applicable policy number, and the means by which a service contract holder may file a claim under the policy;

(c) The service contract conspicuously and unambiguously states the name and address of the service contract provider and identifies any administrator if different from the service contract provider, the service contract seller, and the service contract holder. The identity of the service contract seller and the service contract holder are not required to be preprinted on the service contract and may be added to the service contract at the time of sale;

(d) The service contract states the purchase price of the service contract and the terms under which the service contract is sold. The purchase price is not required to be preprinted on the service contract and may be negotiated at the time of sale;

(e) The contract contains a conspicuous statement that has been initialed by the service contract holder and discloses:

(i) Any material conditions that the service contract holder must meet to maintain coverage under the contract including, but not limited to, any maintenance schedule to which the service contract holder must adhere, any requirement placed on the service contract holder for documenting repair or maintenance work, any duty to protect against any further damage, and any procedure to which the service contract holder must adhere for filing claims;

(ii) The work and parts covered by the contract;

(iii) Any time or mileage limitations;

(iv) That the implied warranty of merchantability on the motor vehicle is not waived if the contract has been purchased within ninety days of the purchase date of the motor vehicle from a provider or service contract seller who also sold the motor vehicle covered by the contract;

(v) Any exclusions of coverage; and

(vi) The contract holder's right to return the contract for a refund, which right can be no more restrictive than provided for in subsection (4) of this section;

(f) The service contract states the procedure to obtain service or to file a claim, including but not limited to the procedures for obtaining prior approval for repair work, the toll-free telephone number if prior approval is necessary for service, and the procedure for obtaining emergency repairs performed outside of normal

business hours or for obtaining twenty-four-hour telephone assistance;

(g) The service contract states the existence of any deductible amount, if applicable;

(h) The service contract states any restrictions governing the transferability of the service contract, if applicable; and

(i) The service contract states whether or not the service contract provides for or excludes consequential damages or preexisting conditions.

(3) Service contracts shall not contain a provision which requires that any civil action brought in connection with the service contract must be brought in the courts of a jurisdiction other than this state. Service contracts that authorize binding arbitration to resolve claims or disputes must allow for arbitration proceedings to be held at a location in closest proximity to the service contract holder's permanent residence.

(4)(a) At a minimum, every provider shall permit the service contract holder to return the contract within thirty days of its purchase if no claim has been made under the contract, and shall refund to the holder the full purchase price of the contract unless the service contract holder returns the contract ten or more days after its purchase, in which case the provider may charge a cancellation fee not exceeding twenty-five dollars.

(b) If no claim has been made and a contract holder returns the contract after thirty days, the provider shall refund the purchase price pro rata based upon either elapsed time or mileage computed from the date the contract was purchased and the mileage on that date, less a cancellation fee not exceeding twenty-five dollars.

(c) A ten percent penalty shall be added to any refund that is not paid within thirty days of return of the contract to the provider.

(d) If a contract holder returns the contract under this subsection, the contract is void from the beginning and the parties are in the same position as if no contract had been issued.

(e) If a service contract holder returns the contract in accordance with this section, the insurer issuing the reimbursement insurance policy covering the contract shall refund to the provider the full premium by the provider for the contract if canceled within thirty days or a pro rata refund if canceled after thirty days.

(5) A service contract provider shall not deny a claim for coverage based upon the service contract holder's failure to properly maintain the vehicle, unless the failure to maintain the vehicle involved the failed part or parts.

(6) A contract provider has only sixty days from the date of the sale of the service contract to the holder to determine whether or not the vehicle qualifies under the provider's program for that vehicle. After sixty days the vehicle qualifies for the service contract that was issued and the service contract provider may not cancel the contract and is fully obligated under the terms of the contract sold to the service contract holder.

NEW SECTION. Sec. 19. A new section is added to chapter 48.110 RCW to read as follows:

(1) Except for service contract providers or protection product guarantee providers, persons marketing, selling, or offering to sell service contracts or protection products for providers are exempt from the registration requirements of RCW 48.110.030.

(2) The marketing, sale, offering for sale, issuance, making, proposing to make, and administration of service contracts or protection products by service contract providers or protection product guarantee providers and related service contract or protection product sellers, administrators, and other persons complying with this chapter are exempt from the other provisions of this title, except chapters 48.04 and 48.30 RCW and as otherwise provided in this chapter.

NEW SECTION. Sec. 20. A new section is added to chapter 48.110 RCW to read as follows:

(1) If the service contract provider or protection product guarantee provider is using reimbursement insurance policy to satisfy the requirements of RCW 48.110.050(2)(a) or section 17(2)(b) or 18(2)(a) of this act, then the reimbursement insurance policy shall be filed with and approved by the commissioner in accordance with and pursuant to the requirements of chapter 48.18 RCW.

(2) All service contracts forms covering motor vehicles must be filed with and approved by the commissioner prior to the service contract forms being used, issued, delivered, sold, or marketed in this state or to residents of this state.

(3) All service contracts forms covering motor vehicles being used, issued, delivered, sold, or marketed in this state or to residents of this state by motor vehicle manufacturers or import distributors or wholly owned subsidiaries thereof must be filed with the commissioner for approval within sixty days after the motor vehicle manufacturer or import distributor or wholly owned subsidiary thereof begins using the service contracts forms.

(4) The commissioner shall disapprove any motor vehicle service contract form if:

(a) The form is in any respect in violation of, or does not comply with, this chapter or any applicable order or regulation of the commissioner issued under this chapter;

(b) The form contains or incorporates by reference any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions;

(c) The form has any title, heading, or other indication of its provisions that is misleading; or

(d) The purchase of the contract is being solicited by deceptive advertising.

NEW SECTION. Sec. 21. (1) RCW 48.110.030 (2) (a) and (b), (3), and (4), 48.110.040, 48.110.060, 48.110.100, 48.110.110, section 18 (2)(a) and (b) and (4)(e) of this act, and section 20 (1) and (2) of this act do not apply to motor vehicle service contracts issued by a motor vehicle manufacturer or import distributor covering vehicles manufactured or imported by the motor vehicle manufacturer or import distributor.

(2) RCW 48.110.030(2)(c) does not apply to a publicly traded motor vehicle manufacturer or import distributor.

(3) RCW 48.110.030 (2) (a) through (c), (3), and (4), 48.110.040, and section 20(2) of this act do not apply to wholly owned subsidiaries of motor vehicle manufacturers or import distributors.

(4) The adoption of this act does not imply that a vehicle protection product warranty was insurance prior to October 1, 2006.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

- RCW 48.96.005 (Purpose) and 1990 c 239 s 2;
- RCW 48.96.010 (Definitions) and 1987 c 99 s 1;
- RCW 48.96.020 (Reimbursement policy required for sale of service contract) and 1987 c 99 s 2;
- RCW 48.96.025 (Reimbursement policy--Insurer's responsibility) and 1990 c 239 s 3;
- RCW 48.96.030 (Reimbursement policy--Required provisions) and 1990 c 239 s 6 & 1987 c 99 s 3;
- RCW 48.96.040 (Service contract--Required statements) and 1990 c 239 s 7 & 1987 c 99 s 4;
- RCW 48.96.045 (Service contract--Notice to holder) and 1990 c 239 s 4;
- RCW 48.96.047 (Service contract--Holder's right to return) and 1990 c 239 s 5;
- RCW 48.96.050 (Service contracts--Excluded parties) and 1990 c 239 s 8 & 1987 c 99 s 5;
- RCW 48.96.060 (Noncompliance as unfair competition, trade practice--Remedies) and 1990 c 239 s 9 & 1987 c 99 s 6;
- RCW 48.96.900 (Application of chapter--Date) and 1987 c 99 s 7; and
- RCW 48.96.901 (Effective date--1990 c 239 §§ 2-10) and 1990 c 239 s 11.

NEW SECTION. Sec. 24. This act takes effect October 1, 2006."

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 48.110.010, 48.110.015, 48.110.020, 48.110.030, 48.110.040, 48.110.050, 48.110.060, 48.110.070, 48.110.080, 48.110.090, 48.110.100, 48.110.110, 48.110.120, 48.110.130, 48.110.140, and 48.110.900; adding new sections to chapter 48.110 RCW; creating a new section; repealing RCW 48.96.005, 48.96.010, 48.96.020, 48.96.025, 48.96.030, 48.96.040, 48.96.045, 48.96.047, 48.96.050, 48.96.060, 48.96.900, and 48.96.901; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2553 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kirby and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2553, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2553, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2553, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2575, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.14 RCW to read as follows:

DEFINITIONS. The definitions in this section apply throughout sections 2 through 7 of this act unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the Washington state health care authority under chapter 41.05 RCW.

(2) "Advisory group" means a group established under section 4(2)(c) of this act.

(3) "Committee" means the health technology clinical committee established under section 2 of this act.

(4) "Coverage determination" means a determination of the circumstances, if any, under which a health technology will be included as a covered benefit in a state purchased health care program.

(5) "Health technology" means medical and surgical devices and procedures, medical equipment, and diagnostic tests. Health technologies does not include prescription drugs governed by RCW 70.14.050.

(6) "Participating agency" means the department of social and health services, the state health care authority, and the department of labor and industries.

(7) "Reimbursement determination" means a determination to provide or deny reimbursement for a health technology included as a covered benefit in a specific circumstance for an individual patient who is eligible to receive health care services from the state purchased health care program making the determination.

NEW SECTION. Sec. 2. A new section is added to chapter 70.14 RCW to read as follows:

HEALTH TECHNOLOGY COMMITTEE ESTABLISHED.

(1) A health technology clinical committee is established, to include the following eleven members appointed by the administrator in consultation with participating state agencies:

(a) Six practicing physicians licensed under chapter 18.57 or 18.71 RCW; and

(b) Five other practicing licensed health professionals who use health technology in their scope of practice.

At least two members of the committee must have professional experience treating women, children, elderly persons, and people with diverse ethnic and racial backgrounds.

(2) Members of the committee:

(a) Shall not contract with or be employed by a health technology manufacturer or a participating agency during their term or for eighteen months before their appointment. As a condition of appointment, each person shall agree to the terms and conditions imposed by the administrator regarding conflicts of interest;

(b) Are immune from civil liability for any official acts performed in good faith as members of the committee; and

(c) Shall be compensated for participation in the work of the committee in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the committee.

(3) Meetings of the committee and any advisory group are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(l), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential nonpublished information.

(4) Neither the committee nor any advisory group is an agency for purposes of chapter 34.05 RCW.

(5) The health care authority shall provide administrative support to the committee and any advisory group, and may adopt rules governing their operation.

NEW SECTION. Sec. 3. A new section is added to chapter 70.14 RCW to read as follows:

TECHNOLOGY SELECTION AND ASSESSMENT. (1) The administrator, in consultation with participating agencies and the committee, shall select the health technologies to be reviewed by the committee under section 4 of this act. Up to six may be selected for

review in the first year after the effective date of this act, and up to eight may be selected in the second year after the effective date of this act. In making the selection, priority shall be given to any technology for which:

(a) There are concerns about its safety, efficacy, or cost-effectiveness, especially relative to existing alternatives, or significant variations in its use;

(b) Actual or expected state expenditures are high, due to demand for the technology, its cost, or both; and

(c) There is adequate evidence available to conduct the complete review.

(2) A health technology for which the committee has made a determination under section 4 of this act shall be considered for rereview at least once every eighteen months, beginning the date the determination is made. The administrator, in consultation with participating agencies and the committee, shall select the technology for rereview if he or she decides that evidence has since become available that could change a previous determination. Upon rereview, consideration shall be given only to evidence made available since the previous determination.

(3) Pursuant to a petition submitted by an interested party, the health technology clinical committee may select health technologies for review that have not otherwise been selected by the administrator under subsection (1) or (2) of this section.

(4) Upon the selection of a health technology for review, the administrator shall contract for a systematic evidence-based assessment of the technology's safety, efficacy, and cost-effectiveness. The contract shall:

(a) Be with an evidence-based practice center designated as such by the federal agency for health care research and quality, or other appropriate entity;

(b) Require the assessment be initiated no sooner than thirty days after notice of the selection of the health technology for review is posted on the internet under section 7 of this act;

(c) Require, in addition to other information considered as part of the assessment, consideration of: (i) Safety, health outcome, and cost data submitted by a participating agency; and (ii) evidence submitted by any interested party; and

(d) Require the assessment to: (i) Give the greatest weight to the evidence determined, based on objective indicators, to be the most valid and reliable, considering the nature and source of the evidence, the empirical characteristic of the studies or trials upon which the evidence is based, and the consistency of the outcome with comparable studies; and (ii) take into account any unique impacts of the technology on specific populations based upon factors such as sex, age, ethnicity, race, or disability.

NEW SECTION. Sec. 4. A new section is added to chapter 70.14 RCW to read as follows:

HEALTH TECHNOLOGY COMMITTEE DETERMINATIONS. (1) The committee shall determine, for each health technology selected for review under section 3 of this act: (a) The conditions, if any, under which the health technology will be included as a covered benefit in health care programs of participating agencies; and (b) if covered, the criteria which the participating agency administering the program must use to decide whether the technology is medically necessary, or proper and necessary treatment.

(2) In making a determination under subsection (1) of this section, the committee:

(a) Shall consider, in an open and transparent process, evidence regarding the safety, efficacy, and cost-effectiveness of the technology as set forth in the systematic assessment conducted under section 3(4) of this act;

(b) Shall provide an opportunity for public comment; and

(c) May establish ad hoc temporary advisory groups if specialized expertise is needed to review a particular health technology or group of health technologies, or to seek input from enrollees or clients of state purchased health care programs. Advisory group members are immune from civil liability for any official act performed in good faith as a member of the group. As a condition of appointment, each person shall agree to the terms and conditions imposed by the administrator regarding conflicts of interest.

(3) Determinations of the committee under subsection (1) of this section shall be consistent with decisions made under the federal medicare program and in expert treatment guidelines, including those from specialty physician organizations and patient advocacy organizations, unless the committee concludes, based on its review of the systematic assessment, that substantial evidence regarding the safety, efficacy, and cost-effectiveness of the technology supports a contrary determination.

NEW SECTION. Sec. 5. A new section is added to chapter 70.14 RCW to read as follows:

COMPLIANCE BY STATE AGENCIES. (1) A participating agency shall comply with a determination of the committee under section 4 of this act unless:

(a) The determination conflicts with an applicable federal statute or regulation, or applicable state statute; or

(b) Reimbursement is provided under an agency policy regarding experimental or investigational treatment, services under a clinical investigation approved by an institutional review board, or health technologies that have a humanitarian device exemption from the federal food and drug administration.

(2) For a health technology not selected for review under section 3 of this act, a participating agency may use its existing statutory and administrative authority to make coverage and reimbursement determinations. Such determinations shall be shared among agencies, with a goal of maximizing each agency's understanding of the basis for the other's decisions and providing opportunities for agency collaboration.

(3) A health technology not included as a covered benefit under a state purchased health care program pursuant to a determination of the health technology clinical committee under section 4 of this act, or for which a condition of coverage established by the committee is not met, shall not be subject to a determination in the case of an individual patient as to whether it is medically necessary, or proper and necessary treatment.

(4) Nothing in this act diminishes an individual's right under existing law to appeal an action or decision of a participating agency regarding a state purchased health care program. Appeals shall be governed by state and federal law applicable to participating agency decisions.

NEW SECTION. Sec. 6. A new section is added to chapter 70.14 RCW to read as follows:

APPEAL PROCESS. The administrator shall establish an open, independent, transparent, and timely process to enable patients, providers, and other stakeholders to appeal the determinations of the health technology clinical committee made under section 4 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 70.14 RCW to read as follows:

PUBLIC NOTICE. (1) The administrator shall develop a centralized, internet-based communication tool that provides, at a minimum:

(a) Notification when a health technology is selected for review under section 3 of this act, indicating when the review will be initiated and how an interested party may submit evidence, or provide public comment, for consideration during the review;

(b) Notification of any determination made by the committee under section 4(1) of this act, its effective date, and an explanation of the basis for the determination; and

(c) Access to the systematic assessment completed under section 3(4) of this act, and reports completed under subsection (2) of this section.

(2) Participating agencies shall develop methods to report on the implementation of this section and sections 1 through 6 of this act with respect to health care outcomes, frequency of exceptions, cost outcomes, and other matters deemed appropriate by the administrator.

Sec. 8. RCW 41.05.013 and 2005 c 462 s 3 are each amended to read as follows:

(1) The authority shall coordinate state agency efforts to develop and implement uniform policies across state purchased health care programs that will ensure prudent, cost-effective health services

purchasing, maximize efficiencies in administration of state purchased health care programs, improve the quality of care provided through state purchased health care programs, and reduce administrative burdens on health care providers participating in state purchased health care programs. The policies adopted should be based, to the extent possible, upon the best available scientific and medical evidence and shall endeavor to address:

(a) Methods of formal assessment, such as a health technology assessment under sections 1 through 7 of this act. Consideration of the best available scientific evidence does not preclude consideration of experimental or investigational treatment or services under a clinical investigation approved by an institutional review board;

(b) Monitoring of health outcomes, adverse events, quality, and cost-effectiveness of health services;

(c) Development of a common definition of medical necessity; and

(d) Exploration of common strategies for disease management and demand management programs, including asthma, diabetes, heart disease, and similar common chronic diseases. Strategies to be explored include individual asthma management plans. On January 1, 2007, and January 1, 2009, the authority shall issue a status report to the legislature summarizing any results it attains in exploring and coordinating strategies for asthma, diabetes, heart disease, and other chronic diseases.

(2) The administrator may invite health care provider organizations, carriers, other health care purchasers, and consumers to participate in efforts undertaken under this section.

(3) For the purposes of this section "best available scientific and medical evidence" means the best available clinical evidence derived from systematic research.

NEW SECTION. Sec. 9. A new section is added to chapter 70.14 RCW to read as follows:

Sections 1 through 7 of this act and RCW 41.05.013 do not apply to state purchased health care services that are purchased from or through health carriers as defined in RCW 48.43.005.

NEW SECTION. Sec. 10. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 11. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 41.05.013; adding new sections to chapter 70.14 RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2575 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Morrell and Hinkle spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2575, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2575, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Chandler - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2575, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2678, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.148.020 and 2005 c 518 s 942 are each amended to read as follows:

(1) The pollution liability insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the pollution liability insurance and underground storage tank community assistance programs. Expenditures for payment of administrative and operating costs of the agency are subject to the allotment procedures under chapter 43.88 RCW and may be made only after appropriation by statute. No appropriation is required for other expenditures from the account.

(2) Each calendar quarter, the director shall report to the insurance commissioner the loss and surplus reserves required for the calendar quarter. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

(3) Each calendar quarter the director shall determine the amount of reserves necessary to fund commitments made to provide financial assistance under RCW 70.148.130 to the extent that the financial assistance reserves do not jeopardize the operations and liabilities of the pollution liability insurance program. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter. The director may immediately establish an initial financial assistance reserve of five million dollars from

available revenues. The director may not expend more than fifteen million dollars for the financial assistance program.

(4) During the 2005-2007 fiscal biennium, the legislature may transfer from the pollution liability insurance program trust account to the state general fund such amounts as reflect the excess fund balance of the account.

(5) This section expires June 1, ~~((2007))~~ 2013.

Sec. 2. RCW 70.148.050 and 1998 c 245 s 115 are each amended to read as follows:

The director has the following powers and duties:

(1) To design and from time to time revise a reinsurance contract providing coverage to an insurer meeting the requirements of this chapter. Before initially entering into a reinsurance contract, the director shall prepare an actuarial report describing the various reinsurance methods considered by the director and describing each method's costs. In designing the reinsurance contract the director shall consider common insurance industry reinsurance contract provisions and shall design the contract in accordance with the following guidelines:

(a) The contract shall provide coverage to the insurer for the liability risks of owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action that are underwritten by the insurer.

(b) In the event of an insolvency of the insurer, the reinsurance contract shall provide reinsurance payable directly to the insurer or to its liquidator, receiver, or successor on the basis of the liability of the insurer in accordance with the reinsurance contract. In no event may the program be liable for or provide coverage for that portion of any covered loss that is the responsibility of the insurer whether or not the insurer is able to fulfill the responsibility.

(c) The total limit of liability for reinsurance coverage shall not exceed one million dollars per occurrence and two million dollars annual aggregate for each policy underwritten by the insurer less the ultimate net loss retained by the insurer as defined and provided for in the reinsurance contract.

(d) Disputes between the insurer and the insurance program shall be settled through arbitration.

(2) To design and implement a structure of periodic premiums due the director from the insurer that takes full advantage of revenue collections and projected revenue collections to ensure affordable premiums to the insured consistent with sound actuarial principles.

(3) To periodically review premium rates for reinsurance to determine whether revenue appropriations supporting the program can be reduced without substantially increasing the insured's premium costs.

(4) To solicit bids from insurers and select an insurer to provide pollution liability insurance to owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action.

(5) To monitor the activities of the insurer to ensure compliance with this chapter and protect the program from excessive loss exposure resulting from claims mismanagement by the insurer.

(6) To monitor the success of the program and periodically make such reports and recommendations to the legislature as the director deems appropriate, and to annually publish a financial report on the pollution liability insurance program trust account showing, among other things, administrative and other expenses paid from the fund.

(7) To annually report the financial and loss experience of the insurer as to policies issued under the program and the financial and loss experience of the program to the legislature.

~~(8) ((To evaluate the effects of the program upon the private market for liability insurance for owners and operators of underground storage tanks and make recommendations to the legislature on the necessity for continuing the program to ensure availability of such coverage.~~

~~---~~ ~~(9))~~ To enter into contracts with public and private agencies to assist the director in his or her duties to design, revise, monitor, and evaluate the program and to provide technical or professional assistance to the director.

~~((10))~~ (9) To examine the affairs, transactions, accounts, records, documents, and assets of insurers as the director deems advisable.

Sec. 3. RCW 70.148.900 and 2000 c 16 s 1 are each amended to read as follows:

This chapter shall expire June 1, (~~2007~~) 2013.

Sec. 4. RCW 70.149.900 and 2000 c 16 s 2 are each amended to read as follows:

Sections 1 through 11 of this act shall expire June 1, (~~2007~~) 2013.

Sec. 5. RCW 82.23A.902 and 2000 c 16 s 3 are each amended to read as follows:

This chapter shall expire on June 1, (~~2007~~) 2013, coinciding with the expiration of chapter 70.148 RCW.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

- 2000 c 16 s 4 & 1998 c 245 s 178 (uncodified);
- 2000 c 16 s 5 & 1997 c 8 s 3 (uncodified); and
- 2005 c 428 s 4 (uncodified)."

On page 1, line 1 of the title, after "agency;" strike the remainder of the title and insert "amending RCW 70.148.020, 70.148.050, 70.148.900, 70.149.900, and 82.23A.902; repealing 2000 c 16 s 4 and 1998 c 245 s 178 (uncodified); repealing 2000 c 16 s 5 and 1997 c 8 s 3 (uncodified); repealing 2005 c 428 s 4 (uncodified); and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2678 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi and Roach spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2678, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2678, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Erickson, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2678, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.32 RCW under the subchapter heading "plan 2" to read as follows:

(1) An active member who has completed a minimum of five years of creditable service in the teachers' retirement system may, upon written application to the department, make a one-time purchase of up to seven years of service credit for public education experience outside the Washington state retirement system, subject to the following limitations:

(a) The public education experience being claimed must have been performed as a teacher in a public school in another state or with the federal government; and

(b) The public education experience being claimed must have been covered by a retirement or pension plan provided by a state or political subdivision of a state, or by the federal government; and

(c) The member is not currently receiving a benefit or currently eligible to receive an unreduced retirement benefit from a retirement or pension plan of a state or political subdivision of a state or the federal government that includes the service credit to be purchased.

(2) The service credit purchased shall be membership service, and may be used to qualify the member for retirement.

(3) The member shall pay the actuarial value of the resulting increase in the member's benefit calculated in a manner consistent with the department's method for calculating payments for reestablishing service credit under RCW 41.50.165.

(4) The member may pay all or part of the cost of the service credit to be purchased with a lump sum payment, eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan. The department shall adopt rules to ensure that all lump sum payments, rollovers, and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(5) The employer also may pay all or a portion of the member's cost of the service credit purchased under this section.

NEW SECTION. Sec. 2. A new section is added to chapter 41.32 RCW under the subchapter heading "plan 3" to read as follows:

(1) An active member who has completed a minimum of five years of creditable service in the teachers' retirement system may, upon written application to the department, make a one-time purchase of up to seven years of service credit for public education experience outside the Washington state retirement system, subject to the following limitations:

(a) The public education experience being claimed must have been performed as a teacher in a public school in another state or with the federal government;

(b) The public education experience being claimed must have been covered by a retirement or pension plan provided by a state or political subdivision of a state, or by the federal government; and

(c) The member is not currently receiving a benefit or currently eligible to receive an unreduced retirement benefit from a retirement or pension plan of a state or political subdivision of a state or the federal government that includes the service credit to be purchased.

(2) The service credit purchased shall be membership service, and may be used to qualify the member for retirement.

(3) The member shall pay the actuarial value of the resulting increase in the member's benefit calculated in a manner consistent with the department's method for calculating payments for reestablishing service credit under RCW 41.50.165.

(4) The member may pay all or part of the cost of the service credit to be purchased with a lump sum payment, eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan. The department shall adopt rules to ensure that all lump sum payments, rollovers, and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(5) The employer also may pay all or a portion of the member's cost of the service credit purchased under this section.

Sec. 3. RCW 41.32.065 and 1991 c 278 s 1 are each amended to read as follows:

A member who has not purchased service credit under the provisions of section 1 or 2 of this act may elect under this section to apply service credit earned in an out-of-state retirement system that covers teachers in public schools solely for the purpose of determining the time at which the member may retire. The benefit shall be actuarially reduced to recognize the difference between the age a member would have first been able to retire based on service in the state of Washington and the member's retirement age.

NEW SECTION. Sec. 4. This act takes effect January 1, 2007."

On page 1, line 4 of the title, after "government;" strike the remainder of the title and insert "amending RCW 41.32.065; adding new sections to chapter 41.32 RCW; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Conway and Alexander spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2680, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2680, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi,

Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 6, 2006

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5535,
SECOND ENGROSSED SENATE BILL NO. 5714,
SECOND SUBSTITUTE SENATE BILL NO. 6172,
SUBSTITUTE SENATE BILL NO. 6223,
SUBSTITUTE SENATE BILL NO. 6225,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6244,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6255,
SUBSTITUTE SENATE BILL NO. 6287,
SECOND SUBSTITUTE SENATE BILL NO. 6319,
SENATE BILL NO. 6364,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6396,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6427,
SENATE BILL NO. 6429,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6475,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 6, 2006

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5048,
ENGROSSED SENATE BILL NO. 5232,
SUBSTITUTE SENATE BILL NO. 6161,
SENATE BILL NO. 6674,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 6, 2006

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5042,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5204,
SECOND SUBSTITUTE SENATE BILL NO. 5717,
SUBSTITUTE SENATE BILL NO. 5838,
SUBSTITUTE SENATE BILL NO. 6168,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6189,
SENATE BILL NO. 6231,
SENATE BILL NO. 6371,
ENGROSSED SENATE BILL NO. 6376,
SUBSTITUTE SENATE BILL NO. 6382,
SUBSTITUTE SENATE BILL NO. 6401,
SENATE BILL NO. 6411,
SENATE BILL NO. 6416,
SUBSTITUTE SENATE BILL NO. 6417,
SUBSTITUTE SENATE BILL NO. 6441,
SENATE BILL NO. 6463,
SUBSTITUTE SENATE BILL NO. 6473,
SENATE BILL NO. 6504,
SENATE BILL NO. 6531,
SENATE BILL NO. 6539,
SENATE BILL NO. 6545,
SUBSTITUTE SENATE BILL NO. 6570,

SUBSTITUTE SENATE BILL NO. 6571,
 SUBSTITUTE SENATE BILL NO. 6572,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6580,
 ENGROSSED SENATE BILL NO. 6606,
 SENATE BILL NO. 6658,
 SUBSTITUTE SENATE BILL NO. 6670,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6679,
 SENATE BILL NO. 6720,
 SENATE BILL NO. 6723,
 SENATE BILL NO. 6762,
 SENATE BILL NO. 6766,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6776,
 SUBSTITUTE SENATE BILL NO. 6791,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6802,
 SENATE BILL NO. 6816,
 SENATE BILL NO. 6861,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6870,
 ENGROSSED SENATE JOINT MEMORIAL NO. 8019,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

SUBSTITUTE SENATE BILL NO. 5042,
 ENGROSSED SENATE BILL NO. 5048,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5204,
 ENGROSSED SENATE BILL NO. 5232,
 SECOND SUBSTITUTE SENATE BILL NO. 5717,
 SUBSTITUTE SENATE BILL NO. 5838,
 SUBSTITUTE SENATE BILL NO. 6161,
 SUBSTITUTE SENATE BILL NO. 6168,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6189,
 SENATE BILL NO. 6231,
 SENATE BILL NO. 6371,
 ENGROSSED SENATE BILL NO. 6376,
 SUBSTITUTE SENATE BILL NO. 6382,
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 SUBSTITUTE SENATE BILL NO. 6417,
 SUBSTITUTE SENATE BILL NO. 6441,
 SENATE BILL NO. 6463,
 SUBSTITUTE SENATE BILL NO. 6473,
 SENATE BILL NO. 6504,
 SENATE BILL NO. 6531,
 SENATE BILL NO. 6539,
 SENATE BILL NO. 6545,
 SUBSTITUTE SENATE BILL NO. 6570,
 SUBSTITUTE SENATE BILL NO. 6571,
 SUBSTITUTE SENATE BILL NO. 6572,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6580,
 ENGROSSED SENATE BILL NO. 6606,
 SENATE BILL NO. 6658,
 SUBSTITUTE SENATE BILL NO. 6670,
 SENATE BILL NO. 6674,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6679,
 SENATE BILL NO. 6720,
 SENATE BILL NO. 6723,
 SENATE BILL NO. 6762,
 SENATE BILL NO. 6766,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6776,
 SUBSTITUTE SENATE BILL NO. 6791,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6802,
 SENATE BILL NO. 6816,
 SENATE BILL NO. 6861,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6870,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6885,
 ENGROSSED SENATE JOINT MEMORIAL NO. 8019,

POINT OF PERSONAL PRIVILEGE

Representative Ericks: "Thank you, Mr. Speaker. We've, over the course of what seems like a very long session, been able to do our jobs, go about our business because of a group of employees that have made sure we have been safe in the pursuit of our duties. That would be our Security employees. You will all remember that last year we had the big metal

detectors and other pieces of apparatus that were intended to make us safe. What I know based on the work I've done my whole life is that it is the people that make us safe. So, Mr. Speaker, I would like to see this body recognize the efforts of our Security personnel and invite them in to recognize them in a way that is appropriate. Thank you, Mr. Speaker."

POINT OF PERSONAL PRIVILEGE

Representative DeBolt: "Thank you, Mr. Speaker. Ladies and gentlemen of the House, I really want to say thank you from the bottom of my caucus's heart to the people who keep us safe, who make this work. Not only do they help keep us safe and protect us from all those outside forces that are always banging on the door and causing peril, but they are also there to help us whenever we need a helping hand with anything. You know, the thing that is amazing to me, not only do they help us and work with us, but they are our friends. These are people that I value dearly and that to me, make a world of difference and make this place a little bit easier. It gets tiring and it gets hard but it is always nice that they have a smile for us and they let us in when we forget our cards, and they help us with our day. And they provide us with entertainment. My hat goes off to you. Thank you so much for what you do for us and our families and all the members of this body. Thank you."

MESSAGE FROM THE SENATE

March 6, 2006

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 6384 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Fraser, Prentice and Brandland, and the same is herewith transmitted.

Thomas Hoemann, Secretary

APPOINTMENT OF CONFEREES

There being no objection, the House granted the Senate's request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6384. The Speaker (Representative Lovick presiding) appointed Representatives Dunshee, Ormsby and Jarrett.

MESSAGE FROM THE SENATE

March 6, 2006

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 6386 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Prentice, Doumit and Zarelli, and the same if herewith transmitted.

Thomas Hoemann, Secretary

APPOINTMENT OF CONFEREES

On motion of Representative Sommers, the House granted the Senate's request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6386. The Speaker (Representative Lovick presiding) appointed Representatives Sommers, Fromhold and Alexander.

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2812, with the following amendment:

On page 1, after line 3, insert the following:

"Sec. 1. RCW 28A.500.030 and 2005 c 518 s 914 are each amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; to

(b) The statewide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's twelve percent levy amount, multiplied by the following percentage:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by

(b) The district's twelve percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

(4) From January 1, 2004, to December 31, 2005, allocations and maximum eligibility under this chapter shall be multiplied by 0.937.

(5) From January 1, 2006, to (~~June 30, 2007~~) December 31, 2006, allocations and maximum eligibility under this chapter shall be multiplied by 0.9563. Beginning with calendar year 2007, allocations and maximum eligibility under this chapter shall be fully funded at one hundred percent and shall not be reduced."

Re-number the sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "RCW" insert "28A.500.030 and"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2812 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Quall and Anderson spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2812, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2812, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2812, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2836, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.79 RCW to read as follows:

(1) The reading achievement account is created in the custody of the state treasurer. The purposes of the account are to establish a depository for state and other funds made available for reading achievement, and to ensure that unspent amounts appropriated for reading achievement continue to be available for that purpose in future biennia.

(2) The director of early learning shall deposit in the account all appropriations to the department and nonstate moneys received by the department for reading achievement, including reading foundations and implementation of research-based reading models.

Moneys deposited in the account do not lapse at the close of the fiscal period for which they were appropriated. Both during and after the fiscal period in which moneys were deposited in the account, the director may expend moneys in the account only for the purposes for which they were appropriated, and the expenditures are subject to any other conditions or limitations placed on the appropriations.

(3) Expenditures from the account may be used only for reading achievement, including reading foundations, implementation of research-based reading models, and grants to school districts.

(4) Only the director of early learning or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 2. RCW 43.79A.040 and 2005 c 424 s 18, 2005 c 402 s 8, 2005 c 215 s 10, and 2005 c 16 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and

disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), ~~((and))~~ the life sciences discovery fund, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

On page 1, line 1 of the title, after "achievement;" strike the remainder of the title and insert "reenacting and amending RCW 43.79A.040; and adding a new section to chapter 43.79 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

On motion of Representative Sommers, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2836 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Alexander and Sommers spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2836, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2836, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2836, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 2880, By Representative McIntire; by request of Department of Revenue

Regarding insurance premiums tax.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2880 was substituted for House Bill No. 2880 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2880 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McIntire spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2880.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2880 and the bill passed the House by the following vote: Yeas - 63, Nays - 35, Excused - 0.

Voting yea: Representatives Anderson, Appleton, Blake, Chandler, Chase, Clements, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Buck, Buri, Campbell, Condotta, Cox, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump and Woods - 35.

SUBSTITUTE HOUSE BILL NO. 2880, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6558, By Senate Committee on Ways & Means (originally sponsored by Senators Brown, Hewitt, Eide, Kohl-Welles, Benson, McAuliffe, Benton, Kline and Keiser)

Improving the state of Washington's economic, cultural, and educational standing in the motion picture industry.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was before the House for purpose of amendment. (For Committee amendment, see Journal, 50th Day, February 27, 2006.)

Representative McIntire moved the adoption of amendment (1143) to the committee amendment:

On page 6 of the amendment, line 3, strike all of subsection (3) and insert the following:

"(3) The maximum credit that may be earned for each calendar year under this section for a person is limited to the lesser of:

(a) One million dollars; or

(b)(i) Through calendar year 2008, an amount equal to one hundred percent of the contributions made by the person to a program during the calendar year; and

(ii) For calendar years after 2008, an amount equal to ninety percent of the contributions made by the person to a program during the calendar year."

Representatives McIntire and Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

Representative Schual-Berke spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative McIntire moved the adoption of amendment (1157) to the committee amendment:

On page 6 of the amendment, line 24, after "exceed" strike "five million" and insert "three million five hundred thousand"

On page 6 of the amendment, line 28, after "of the" strike "five million" and insert "three million five hundred thousand"

Representatives McIntire and Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives McIntire and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6558, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6558, as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 8, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 90.

Voting nay: Representatives Cody, Dickerson, Kenney, McCune, McIntire, Moeller, Schual-Berke and Upthegrove - 8.

SECOND SUBSTITUTE SENATE BILL NO. 6558, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6686, By Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Esser, Kastama, Johnson, Kline, Finkbeiner, Weinstein, Keiser, Berkey and McAuliffe)

Authorizing a local sales and use tax that is credited against the state sales and use tax.

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (1137):

On page 1, line 18, strike "and"

On page 2, line 4, after "basis" insert "; and"

"(c) The city has submitted findings that support the ordinance or resolution to the state auditor, and the state auditor has approved the findings"

On page 2, line 24, strike subsection (5) and insert:

"(5) All revenue collected under this section shall be deposited in a separate account and used solely to provide, maintain, and operate municipal services for the annexation area. The city shall keep adequate records for expenditures from the account to show that expenditures from the account are used solely for these purposes."

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire, Springer and Nixon spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6686.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6686 and the bill passed the House by the following vote: Yeas - 75, Nays - 23, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Blake, Buck, Campbell, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Walsh, Williams, Wood, Woods and Mr. Speaker - 75.

Voting nay: Representatives Ahern, Armstrong, Bailey, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, Hinkle, Holmquist, Kretz, Kristiansen, Newhouse, Orcutt, Pearson, Schindler, Serben, Skinner, Strow, Sump and Wallace - 23.

SUBSTITUTE SENATE BILL NO. 6686, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6512, By Senate Committee on Water, Energy & Environment (originally sponsored by Senators Fraser, Pridemore, Honeyford, Poulsen, Mulliken, Regala, Rockefeller, Delvin and Kline)

Enhancing air quality at truck stops.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6512.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6512 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Anderson, Moeller and Rodne - 3.

SUBSTITUTE SENATE BILL NO. 6512, having received the necessary constitutional majority, was declared passed.

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

MOTION

On motion of Representative Chandler, the House immediately reconsidered the vote on third reading by which SUBSTITUTE HOUSE BILL NO. 2880 passed the House.

RECONSIDERATION

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2880 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2880 on reconsideration and the bill passed the House by the following vote: Yeas - 55, Nays - 43, Excused - 0.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney,

Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Erickson, Haler, Hankins, Hinkle, Holmquist, Kilmer, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Sommers, Strow, Sump, Talcott, Walsh and Woods - 43.

SUBSTITUTE HOUSE BILL NO. 2880, on reconsideration, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2006

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 6415 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the rules were suspended and SENATE BILL NO. 6415 was returned to second reading for purpose of amendment.

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

SECOND READING

SENATE BILL NO. 6415, By Senators Pridemore, McAuliffe, Mulliken and Kohl-Welles

Allowing interpreters to assist hearing impaired persons during driver's license examinations.

Representative Hudgins moved the adoption of amendment (1162):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.20.130 and 1999 c 6 s 20 are each amended to read as follows:

(1) The director shall prescribe the content of the driver licensing examination and the manner of conducting the examination, which shall include but is not limited to:

(a) A test of the applicant's eyesight and ability to see, understand, and follow highway signs regulating, warning, and directing traffic;

(b) A test of the applicant's knowledge of traffic laws and ability to understand and follow the directives of lawful authority, orally or graphically, that regulate, warn, and direct traffic in accordance with the traffic laws of this state;

(c) An actual demonstration of the applicant's ability to operate a motor vehicle without jeopardizing the safety of persons or property. If the applicant is deaf or hearing impaired, the applicant may be accompanied by an interpreter to assist the applicant during

the demonstration. The interpreter will be of the applicant's choosing from a list provided by the department of licensing; and

(d) Such further examination as the director deems necessary:

(i) To determine whether any facts exist that would bar the issuance of a vehicle operator's license under chapters 46.20, 46.21, and 46.29 RCW; and

(ii) To determine the applicant's fitness to operate a motor vehicle safely on the highways.

(2) If the applicant desires to drive a motorcycle or a motor-driven cycle he or she must qualify for a motorcycle endorsement under RCW 46.20.500 through 46.20.515.

NEW SECTION. Sec. 2. This act does not affect the right of state employees to collectively bargain wages, hours, and other terms and conditions of employment under chapter 41.80 RCW."

Correct the title.

Representatives Hudgins and Woods spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hudgins and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6415, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6415, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6415, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of the following bills, and the bills were placed on the Second Reading calendar:

HOUSE BILL NO. 2462,
SENATE BILL NO. 6671,
SENATE BILL NO. 6676,

There being no objection, the Committee on Appropriation was relieved of the following bills, and the bills were placed on the Second Reading calendar:

SUBSTITUTE HOUSE BILL NO. 3182
HOUSE BILL NO. 3205
HOUSE BILL NO. 3277

ENGROSSED HOUSE BILL NO. 2716,
SENATE BILL NO. 6219,

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

SIGNED BY THE SPEAKER

There being no objection, the House adjourned until 10:00 a.m., March 7, 2006, the 58th Day of the Regular Session.

The Speaker signed:

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1020
- ENGROSSED HOUSE BILL NO. 1069
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080
- SUBSTITUTE HOUSE BILL NO. 1107
- THIRD SUBSTITUTE HOUSE BILL NO. 1226
- SUBSTITUTE HOUSE BILL NO. 1257
- SECOND SUBSTITUTE HOUSE BILL NO. 1384
- FOURTH SUBSTITUTE HOUSE BILL NO. 1483
- SUBSTITUTE HOUSE BILL NO. 1510
- SUBSTITUTE HOUSE BILL NO. 1650
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1850
- HOUSE BILL NO. 1966
- SECOND SUBSTITUTE HOUSE BILL NO. 2002
- SUBSTITUTE HOUSE BILL NO. 2033
- SUBSTITUTE HOUSE BILL NO. 2233
- ENGROSSED HOUSE BILL NO. 2322
- SECOND SUBSTITUTE HOUSE BILL NO. 2342
- HOUSE BILL NO. 2348
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2353
- HOUSE BILL NO. 2381
- SUBSTITUTE HOUSE BILL NO. 2382
- SUBSTITUTE HOUSE BILL NO. 2384
- HOUSE BILL NO. 2386
- SUBSTITUTE HOUSE BILL NO. 2402
- SUBSTITUTE HOUSE BILL NO. 2407
- SUBSTITUTE HOUSE BILL NO. 2415
- SUBSTITUTE HOUSE BILL NO. 2426
- SUBSTITUTE HOUSE BILL NO. 2446
- SUBSTITUTE HOUSE BILL NO. 2457
- SUBSTITUTE HOUSE BILL NO. 2471
- HOUSE BILL NO. 2477
- SECOND SUBSTITUTE HOUSE BILL NO. 2498
- SUBSTITUTE HOUSE BILL NO. 2500
- HOUSE BILL NO. 2501
- SUBSTITUTE HOUSE BILL NO. 2537
- SUBSTITUTE HOUSE BILL NO. 2543
- HOUSE BILL NO. 2544
- HOUSE BILL NO. 2567
- SUBSTITUTE HOUSE BILL NO. 2573
- ENGROSSED HOUSE BILL NO. 2579
- SUBSTITUTE HOUSE BILL NO. 2596
- HOUSE BILL NO. 2606
- HOUSE BILL NO. 2617
- SUBSTITUTE HOUSE BILL NO. 2654
- HOUSE BILL NO. 2681
- HOUSE BILL NO. 2704
- SECOND SUBSTITUTE HOUSE BILL NO. 2789
- SUBSTITUTE HOUSE BILL NO. 2817
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2848
- SUBSTITUTE HOUSE BILL NO. 2867
- SUBSTITUTE HOUSE BILL NO. 2917
- ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 2939
- SUBSTITUTE HOUSE BILL NO. 2958
- SECOND SUBSTITUTE HOUSE BILL NO. 2964
- HOUSE BILL NO. 2972
- SUBSTITUTE HOUSE BILL NO. 2973
- SUBSTITUTE HOUSE BILL NO. 2974
- HOUSE BILL NO. 2975
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2984
- SUBSTITUTE HOUSE BILL NO. 2985
- HOUSE BILL NO. 2991
- HOUSE BILL NO. 3041
- HOUSE BILL NO. 3048
- SUBSTITUTE HOUSE BILL NO. 3113
- HOUSE BILL NO. 3122
- HOUSE BILL NO. 3139
- HOUSE BILL NO. 3156
- SUBSTITUTE HOUSE BILL NO. 3178

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 7, 2006

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

The flags was escorted to the rostrum by members of the Bothell Police Department's Honor Guard, comprised of Detective Mike Stone, Officer Robert Hensley, Officer Less Brooks and Officer Ethan Nguyen. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Chaplain Chuck Goodwin, Bothell Police Department.

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

RESOLUTION

HOUSE RESOLUTION NO. 2006-4712. By Representative Ericks, McDonald, Holmquist, Rodne, Pearson, Ericksen, Kristiansen, Ahern, Hinkle, Shabro, Schindler, Bailey, Hudgins, Blake, Kretz, Skinner, Hankins, Conway, Williams, Kessler, Kirby, Simpson, Morrell, Sells, Springer, Kilmer, McCoy, Moeller, Roberts, Hunt, Haler, Lovick, Hunter, Takko, Chase, McDermott, Appleton, Clibborn, Dunshee, Darneille, Upthegrove, Lantz, Wallace, O'Brien, Talcott, Kenney and Newhouse

WHEREAS, The safety and well-being of the people of the State of Washington are dependent upon the efforts of the women and men of local, county, and state law enforcement; and

WHEREAS, Women and men in law enforcement risk their lives daily for the protection of others, often putting the safety of others above that of their own, which allows us to live in safer and healthier communities; and

WHEREAS, In the State of Washington, over the last ten years, 3,021 law enforcement officers have been assaulted in the line of duty and 17 have given their lives to protect the citizens of this state; and

WHEREAS, Law enforcement officers have been called to protect and serve the citizens of our community, while maintaining the highest level of integrity and honesty; and

WHEREAS, Since 9/11 law enforcement officers are not only charged with protecting the people of this state from domestic crimes, but have increased responsibility to provide protection against the threat of foreign terrorism; and

WHEREAS, The people of the State of Washington thank the women and men of law enforcement for their service and excellent protection against crime and corruption, and commend them for their bravery, devotion to the rule of law, and dedication to serving the public;

NOW, THEREFORE BE IT RESOLVED, That the House of Representatives recognize and honor the women and men who have served and currently serve as law enforcement officers in the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transferred by the Chief Clerk of the

House of Representatives to the Washington Council of Police and Sheriffs and the Washington Association of Sheriffs and Police Chiefs.

Representative Ericks moved the adoption of the resolution.

Representatives Ericks and McDonald spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4712 was adopted.

POINT OF PERSONAL PRIVILEGE

Representative Hunt: "Thank you, Mr. Speaker. As we wind down to the end of the Session, I want to remind the members of some things that go on around here. We show up everyday for hearings, for floor action, for various events and everything is always there in place for us. We get to a cutoff resolution, we take a big sigh of relief and head to dinner or to home or to our offices to put our feet up on the chair or desk and relax. However, there is tons of work that needs to be done. And a lot of that work is done by our OPR staff who are here with us today. With your permission, Mr. Speaker, I would like to have you invite them out on the floor. We have wonderfully talented, hard-working staff who prepare the amendments, do the hearings, are always here to help us – when we go home at night, they are still here. When we come here in the morning, they are already here. When we are taking a little time off Sunday, most of them were here working and slaving to make sure our jobs gets down. I just want to say on behalf of the House, a big thank you to all of you on the OPR staff for all the work you do because we couldn't do our jobs without your help and without your high quality work. Thank you."

POINT OF PERSONAL PRIVILEGE

Representative Armstrong: "Thank you, Mr. Speaker. I too want to echo the thanks to the OPR staff. Boy, it is a great looking crew, isn't it? We are extremely fortunate to work in this environment but I have to tell you that we all recognize that without the role you play that we would not be successful in what we do. I don't think we say thank you enough to each and everyone of you. I just want to make sure that you know how strong we feel about the work and how important the work you do is for us and the citizens of Washington State. So thank you very much."

MESSAGES FROM THE SENATE

March 6, 2006

Mr. Speaker:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6428,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6508,
 and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 6, 2006

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 3033,
SUBSTITUTE HOUSE BILL NO. 3164,
HOUSE JOINT RESOLUTION NO. 4223,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 7, 2006

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 2879,
SUBSTITUTE HOUSE BILL NO. 2933,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3222,
SUBSTITUTE HOUSE BILL NO. 3282,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3316,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

March 6, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that effective transportation planning in urbanized regions requires stronger and clearer lines of responsibility and accountability.

The legislature further finds that integrated, multimodal transportation planning will help reduce transportation congestion and improve safety, and that streamlined decision making will help reduce political congestion.

The legislature further finds that coordinated planning of, investment in, and operation of transportation systems will have significant benefit to the citizens of Washington, and that it is the will of the people to fund regional transportation solutions, including improving transit service in urbanized areas and among existing, fragmented transit agencies in the region. Although equity considerations must be respected, transportation problems are broader and deeper than the sum of geographic subareas.

It is therefore the policy of the state of Washington to create a regional transportation commission to develop a proposal for a regional transportation governing entity more directly accountable to the public, and to develop a comprehensive regional transportation finance plan for the citizens of the Puget Sound metropolitan region.

NEW SECTION. Sec. 2. (1) The regional transportation commission is established.

(2) The commission shall consist of seven voting commissioners. The commissioners shall be appointed by the governor by June 1, 2006. In addition, the secretary of transportation or the secretary's designee shall serve as a nonvoting member. Appointments of commissioners shall reflect geographical balance and diversity of populations within the central Puget Sound region and, to the extent possible, include commissioners with special expertise in relevant fields such as funding, planning, and construction of transportation improvement projects, structural reorganizations, and operation of transportation systems. Appointees must be citizen members who do not hold public office. Vacancies for any appointed commission seat shall be filled in the same manner as the original appointments were made.

(3) The term of office for a commissioner begins seven days following appointment by the governor. A commissioner must be a

qualified elector under the state Constitution when his or her term of office begins.

(4) The commission chair presides over the commission and sets the commission agenda subject to general rules established by the commission. Except as provided otherwise in this act, the commission chair appoints all members of the committees, councils, and boards created by the rules of the commission. The commission chair shall be designated by the governor from among the commissioners appointed under subsection (2) of this section.

(5) Each member of the commission is eligible to receive compensation in an amount not to exceed two hundred fifty dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chair. A commissioner may be compensated under this subsection only if the compensation is necessarily incurred in the course of authorized business, consistent with the responsibilities of the commission established by this act.

(6) The commission may be entitled to state funding, as appropriated by the legislature, to pay for expenses incurred by the commission and the department of transportation and through contracts in carrying out the duties authorized in this act.

(7) The department of transportation shall provide staff support to the commission and, upon request of the commission, contract with other parties for staff support to the commission.

NEW SECTION. Sec. 3. The regional transportation commission has the following duties:

(1) Evaluate transportation governance in the central Puget Sound area within the jurisdiction of the Puget Sound regional council. This evaluation must include an assessment of the current roles of regional transportation agencies, including regional transportation and metropolitan planning organizations, the regional transit authority, regional transportation investment districts, county and municipal agencies operating transit services, and cities, counties, and other public agencies providing transportation services or facilities. The commission shall assess and develop recommendations for what steps should be taken to:

(a) Consolidate governance among agencies, including changes in institutional powers, structures, and relationships and governance needed to improve accountability for transportation decisions, while enhancing the regional focus for transportation decisions and maintaining equity among citizens in the region;

(b) Improve coordination in the planning of transportation investments and services;

(c) Improve investment strategies;

(d) Coordinate transportation planning and investments with adopted land use policies within the region;

(e) Enhance efficiency and coordination in the delivery of services provided;

(f) Adjust boundaries for agencies or functions within the region to address existing and future transportation and land use issues; and

(g) Improve coordination between regional investments and federal funds, and state funding, including those administered by the transportation improvement board, the county road administration board, and the freight mobility strategic investment board;

(2) Develop options for a regional transportation governance proposal that include, at a minimum, an option providing for the formation of a regional transportation governing entity, of which all or a majority of its members must be directly elected, the revenue sources that will be available to such entity, and the scope of planning authority of such entity;

(3) Publicize the commission's proposal referenced in subsection (2) of this section by November 15, 2006, and provide at least fifteen days for public comment;

(4) Adopt the proposal referenced in subsection (2) of this section and submit it to the legislature by January 1, 2007, after which time the commission shall dissolve; and

(5) Conduct public meetings to assure active public participation in the development of the recommendations, proposal, and finance plan under this section.

Sec. 4. RCW 36.120.020 and 2002 c 56 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional transportation investment district.

(2) "Department" means the Washington state department of transportation.

(3) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, its successor entity, or the legislature.

(4) "Lead agency" means a public agency that by law can plan, design, and build a transportation project and has been so designated by the district.

(5) "Regional transportation investment district" or "district" means a municipal corporation (~~whose boundaries are coterminous with two or more contiguous counties and~~) that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.

(6) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created under RCW 36.120.030 to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.

(7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.

(8) "Transportation project" means:

(a) A capital improvement or improvements to a highway that has been designated, in whole or in part, as a highway of statewide significance, including an extension, that:

(i) Adds a lane or new lanes to an existing state or federal highway; or

(ii) Repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.

(b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, and may include the following associated multimodal capital improvements:

(i) Approaches to highways of statewide significance;

(ii) High-occupancy vehicle lanes;

(iii) Flyover ramps;

(iv) Park and ride lots;

(v) Bus pullouts;

(vi) Vans for vanpools;

(vii) Buses; and

(viii) Signalization, ramp metering, and other transportation system management improvements.

(c) A capital improvement or improvements to all or a portion of a city street, county road, or existing highway or the creation of a new highway that intersects with a highway of statewide significance, if all of the following conditions are met:

(i) The project is included in a plan that makes highway improvement projects that add capacity to a highway or highways of statewide significance;

(ii) The secretary of transportation determines that the project would better relieve traffic congestion than investing that same money in adding capacity to a highway of statewide significance;

(iii) Matching money equal to ~~((one-third))~~ fifteen percent of the total cost of the project is provided by local entities, including but not limited to a metropolitan planning organization, county, city, port, or private entity in which a county participating in a plan is located. Local entities may use federal grants to meet this matching requirement;

(iv) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed ten percent of the revenues generated by the district;

(v) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed one billion dollars; and

(vi) The specific projects are included within the plan and submitted as part of the plan to a vote of the people.

(d) Operations, preservation, and maintenance are excluded from this definition and may not be included in a regional transportation investment plan. However, operations, preservation, and maintenance for the following purposes are expressly authorized and may be included in a regional transportation investment plan:

(i) Tolled facilities where toll revenues have been pledged for the payment of contracts. The authority under this subsection includes operational expenses for toll enforcement;

(ii) Operational expenses for traffic mitigation provided solely for transportation project construction mitigation directly related to specific projects as outlined in the plan; and

(iii) Passenger-only ferry service supported by the taxes authorized under RCW 82.14.430.

(9) "Weighted vote" means a vote that reflects the population each board or planning committee member represents relative to the population represented by the total membership of the board or planning committee. Population will be determined using the federal 2000 census or subsequent federal census data.

Sec. 5. RCW 36.120.030 and 2002 c 56 s 103 are each amended to read as follows:

Regional transportation investment district planning committees are advisory entities that are created, convened, and empowered as follows:

(1) A county with a population over one million five hundred thousand persons and any adjoining counties with a population over five hundred thousand persons may create a regional transportation investment district and shall convene a regional transportation investment district planning committee.

(a) The boundaries of the district should include at least the contiguous areas within the regional transit authority serving the counties. The boundaries must be proposed by the planning committee and approved by the county legislative authorities before or in conjunction with approval of a regional transportation investment plan. Boundaries must follow complete parcels of land. However, any portion of a county that is located on a peninsula shall be exempt from a regional transportation investment district in which more than one county is included if (i) the portion of the county located on the peninsula is connected to the other portion of the county by a bridge improved under chapter 47.46 RCW, and (ii) the county has a national park and a population of more than five hundred thousand persons, but less than one million five hundred thousand persons.

(b) After voters within the district boundaries have approved a plan under RCW 36.120.070, elections to add areas to the district boundaries may be called by a resolution of the board, after consultation with the regional transportation planning organization and affected transit agencies and with the concurrence of the legislative authority of the city or town if the area is incorporated or with the concurrence of the county legislative authority if the area is unincorporated. The election may include a single ballot measure providing annexation to the district, approval of the plan, and approval of revenue sources necessary to finance the plan. The electorate are the voters voting within the proposed area to be annexed. A simple majority of the persons voting on the single ballot measure is required for approval of the measure. This option for annexation applies to areas within the counties initially establishing a district and also to areas within a county having a population over two hundred thirty thousand persons and whose boundaries abut three counties eligible to form a district under this subsection.

(2) The members of the legislative authorities participating in planning under this chapter shall serve as the district planning committee. Members of the planning committee receive no compensation, but may be reimbursed for travel and incidental expenses as the planning committee deems appropriate.

The secretary of transportation, or the appropriate regional administrator of the department, as named by the secretary, shall serve on the committee as a nonvoting member.

(3) A regional transportation investment district planning committee may be entitled to state funding, as appropriated by the legislature, for start-up funding to pay for salaries, expenses, overhead, supplies, and similar expenses ordinarily and necessarily incurred in selecting transportation projects and funding for those

transportation projects under this chapter. Upon creation of a regional transportation investment district, the district shall within one year reimburse the state for any sums advanced for these start-up costs from the state.

(4) The planning committee shall conduct its affairs and formulate a regional transportation investment plan as provided under RCW 36.120.040, except that it shall elect an executive board of seven members to discharge the duties of the planning committee and formulate a regional transportation investment plan, subject to the approval of the full committee.

(5) At its first meeting, a regional transportation investment district planning committee may elect officers and provide for the adoption of rules and other operating procedures.

(6) Governance of and decisions by a regional transportation investment district planning committee must be by a sixty-percent weighted majority vote of the total membership.

(7) The planning committee may dissolve itself at any time by a two-thirds weighted majority vote of the total membership of the planning committee.

(8) If a multicounty regional transportation investment district is not formed by December 1, 2007, through approval by the voters voting on a regional transportation investment plan, then the authority under this chapter to create a district, and to fund and construct transportation projects, shall be available to each of the eligible counties described in subsection (1) of this section on an individual and independent basis.

Sec. 6. RCW 36.120.040 and 2003 c 194 s 1 are each amended to read as follows:

(1) A regional transportation investment district planning committee shall adopt a regional transportation investment plan providing for the development, construction, and financing of transportation projects. The planning committee may consider the following factors in formulating its plan:

(a) Land use planning criteria;

(b) The input of cities located within a participating county; and

(c) The input of regional transportation planning organizations ~~((m))~~ of which a participating county is ~~((located))~~ a member. A regional transportation planning organization in which a participating county is located shall review its adopted regional transportation plan and submit, for the planning committee's consideration, its list of transportation improvement priorities.

(2) The planning committee may coordinate its activities with the department, which shall provide services, data, and personnel to assist in this planning as desired by the planning committee. In addition, the planning committee may coordinate its activities with affected cities, towns, and other local governments, including any regional transit authority existing within the participating counties' boundaries, that engage in transportation planning.

(3) The planning committee shall:

(a) Conduct public meetings that are needed to assure active public participation in the development of the plan;

(b) Adopt a plan proposing the:

(i) Creation of a regional transportation investment district, including district boundaries; and

(ii) Construction of transportation projects to improve mobility within each county and within the region. Operations, maintenance, and preservation of facilities or systems may not be part of the plan, except for the limited purposes provided under RCW 36.120.020(8)(d); and

(c) Recommend sources of revenue authorized by RCW 36.120.050 and a financing plan to fund selected transportation projects. The overall plan of the district must leverage the district's financial contributions so that the federal, state, local, and other revenue sources continue to fund major congestion relief and transportation capacity improvement projects in each county and the district. A combination of local, state, and federal revenues may be necessary to pay for transportation projects, and the planning committee shall consider all of these revenue sources in developing a plan.

(4) The plan must use tax revenues and related debt for projects that generally benefit a participating county in proportion to the general level of tax revenues generated within that participating

county. This equity principle applies to all modifications to the plan, appropriation of contingency funds not identified within the project estimate, and future phases of the plan. During implementation of the plan, the board shall retain the flexibility to manage distribution of revenues, debt, and project schedules so that the district may effectively implement the plan. Nothing in this section should be interpreted to prevent the district from pledging district-wide tax revenues for payment of any contract or debt entered into under RCW 36.120.130.

(5) Before adopting the plan, the planning committee, with assistance from the department, shall work with the lead agency to develop accurate cost forecasts for transportation projects. This project costing methodology must be integrated with revenue forecasts in developing the plan and must at a minimum include estimated project costs in constant dollars as well as year of expenditure dollars, the range of project costs reflected by the level of project design, project contingencies, identification of mitigation costs, the range of revenue forecasts, and project and plan cash flow and bond analysis. The plan submitted to the voters must provide cost estimates for each project, including reasonable contingency costs. Plans submitted to the voters must provide that the maximum amount possible of the funds raised will be used to fund projects in the plan, including environmental improvements and mitigation, and that administrative costs be minimized. If actual revenue exceeds actual plan costs, the excess revenues must be used to retire any outstanding debt associated with the plan.

(6) If a county opts not to adopt the plan or participate in the regional transportation investment district, but two or more contiguous counties do choose to continue to participate, then the planning committee may, within ninety days, redefine the regional transportation investment plan and the ballot measure to be submitted to the people to reflect elimination of the county, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to adopt the redefined plan and participate. This action must be completed within sixty days after receipt of the redefined plan.

(7) Once adopted by the planning committee, the plan must be forwarded to the participating county legislative authorities to initiate the election process under RCW 36.120.070. The planning committee shall at the same time provide notice to each city and town within the district, the governor, the chairs of the transportation committees of the legislature, the secretary of transportation, and each legislator whose legislative district is partially or wholly within the boundaries of the district.

(8) If the ballot measure is not approved, the planning committee may redefine the selected transportation projects, financing plan, and the ballot measure. The county legislative authorities may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at the next election or a special election. If no ballot measure is approved by the voters by the third vote, the planning committee is dissolved.

Sec. 7. RCW 36.120.070 and 2002 c 56 s 107 are each amended to read as follows:

(1) Two or more contiguous county legislative authorities, upon receipt of the regional transportation investment plan under RCW 36.120.040, may ~~((certify the plan to the ballot, including identification of the tax options))~~ submit to the voters of the proposed district a single ballot measure that approves formation of the district, approves the regional transportation investment plan, and approves the revenue sources necessary to ((fund)) finance the plan. ((County legislative authorities)) The planning committee may draft ((a ballot title-)) the ballot measure on behalf of the county legislative authorities, and the county legislative authorities may give notice as required by law for ballot measures, and perform other duties as required to ((put the plan before)) submit the measure to the voters of the proposed district for their approval or rejection ((as a single ballot measure that both approves formation of the district and approves the plan)). Counties may negotiate interlocal agreements necessary to implement the plan. The electorate will be the voters voting within the boundaries of the ~~((participating counties))~~ proposed district. A simple majority of the total persons voting on

the single ballot measure (~~(to approve the plan, establish the district, and approve the taxes and fees)~~) is required for approval. (2) In conjunction with RCW 81.112.030(10), prior to December 1, 2007, the plan must be submitted to the voters on the same ballot along with a proposition to support additional implementation phases of a regional transit authority's system and financing plan.

Sec. 8. RCW 29A.36.071 and 2004 c 271 s 169 are each amended to read as follows:

(1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and (c) a question. The ballot title must conform with the requirements and be displayed substantially as provided under RCW 29A.72.050, except that the concise description must not exceed seventy-five words; however, a concise description submitted on behalf of a proposed or existing regional transportation investment district may exceed seventy-five words. If the local governmental unit is a city or a town, the concise statement shall be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement shall be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement shall be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

(2) A referendum measure on the enactment of a unit of local government shall be advertised in the manner provided for nominees for elective office.

(3) Subsection (1) of this section does not apply if another provision of law specifies the ballot title for a specific type of ballot question or proposition.

Sec. 9. RCW 36.120.080 and 2002 c 56 s 108 are each amended to read as follows:

If the voters approve the plan, including creation of a regional transportation investment district and imposition of taxes and fees, the district will be declared formed. The county election officials of participating counties shall, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general circulation in the district declaring the district formed, and mail copies of the notice to the governor, the secretary of transportation, the executive director of the regional transit authority in which any part of the district is located, and the executive director of the regional transportation planning organization in which any part of the district is located. A party challenging the procedure or the formation of a voter-approved district must file the challenge in writing by serving the prosecuting attorney of the participating counties and the attorney general within thirty days after the final certification of the election. Failure to challenge within that time forever bars further challenge of the district's valid formation.

Sec. 10. RCW 36.120.110 and 2002 c 56 s 111 are each amended to read as follows:

(1) The governing board of the district is responsible for the execution of the voter-approved plan. The board shall:

(a) Impose taxes and fees authorized by district voters;

(b) Enter into agreements with state, local, and regional agencies and departments as necessary to accomplish district purposes and protect the district's investment in transportation projects;

(c) Accept gifts, grants, or other contributions of funds that will support the purposes and programs of the district;

(d) Monitor and audit the progress and execution of transportation projects to protect the investment of the public and annually make public its findings;

(e) Pay for services and enter into leases and contracts, including professional service contracts;

(f) Hire no more than ten employees, including a director or executive officer, a treasurer or financial officer, a project manager or engineer, a project permit coordinator, and clerical staff; and

(g) Coordinate its activities with affected cities, towns, and other local governments, including any regional transit authority existing either partially or entirely within the district area, that engage in transportation planning; and

(h) Exercise other powers and duties as may be reasonable to carry out the purposes of the district.

(2) It is the intent of the legislature that existing staff resources of lead agencies be used in implementing this chapter. A district may coordinate its activities with the department, which shall provide services, data, and personnel to assist as desired by the regional transportation investment district. Lead agencies for transportation projects that are not state facilities shall also provide staff support for the board.

(3) A district may not acquire, hold, or dispose of real property.

(4) Except for the limited purposes provided under RCW 36.120.020(8)(d), a district may not own, operate, or maintain an ongoing facility, road, or transportation system.

(5) A district may accept and expend or use gifts, grants, or donations.

(6) It is the intent of the legislature that administrative and overhead costs of a regional transportation investment district be minimized. For transportation projects costing up to fifty million dollars, administrative and overhead costs may not exceed three percent of the total construction and design project costs per year. For transportation projects costing more than fifty million dollars, administrative and overhead costs may not exceed three percent of the first fifty million dollars in costs, plus an additional one-tenth of one percent of each additional dollar above fifty million. These limitations apply only to the district, and do not limit the administration or expenditures of the department.

(7) A district may use the design-build procedure for transportation projects developed by it. As used in this section "design-build procedure" means a method of contracting under which the district contracts with another party for that party to both design and build the structures, facilities, and other items specified in the contract. The requirements and limitations of RCW 47.20.780 and 47.20.785 do not apply to the transportation projects under this chapter.

Sec. 11. RCW 81.112.030 and 1994 c 44 s 1 are each amended to read as follows:

Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.

The authority shall be formed in the following manner:

(1) The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. The final system plan shall be adopted no later than June 30, 1993. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the plan to the county legislative authorities within the adopted service area.

(2) The legislative authorities of the counties within the service area shall decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan or by August 13, 1993, whichever comes first.

(3) Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.

(4) The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the appointments. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

(5) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.

(6) If the authority determines that major modifications to the plan are necessary before the initial ballot proposition is submitted to the voters, the authority may make those modifications with a favorable vote of two-thirds of the entire membership. Any such modification shall be subject to the review process set forth in RCW 81.104.110. The modified plan shall be transmitted to the legislative authorities of the participating counties. The legislative authorities shall have forty-five days following receipt to act by motion or ordinance to confirm or rescind their continued participation in the authority.

(7) If any county opts to not participate in the authority, but two or more contiguous counties do choose to continue to participate, the authority's board shall be revised accordingly. The authority shall, within forty-five days, redefine the system and financing plan to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

(8) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to authorize the imposition of taxes to support the implementation of an appropriate phase of the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan approved by the authority's board before the submittal of a proposition to the voters shall contain an equity element which:

(a) Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;

(b) Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor. Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and

(c) Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.

A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the projects identified in the proposition. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993; nor may the authority issue bonds or form any local improvement district prior to July 1, 1993.

(9) If the vote on a proposition fails, the board may redefine the proposition, make changes to the authority boundaries, and make corresponding changes to the composition of the board. If the composition of the board is changed, the participating counties shall revise the membership of the board accordingly. The board may then submit the revised proposition or a different proposition to the voters. No single proposition may be submitted to the voters more than twice.

(10) The authority may place additional propositions on the ballot to impose taxes to support additional phases of plan implementation. In conjunction with RCW 36.120.070, prior to December 1, 2007, the proposition must be submitted to the voters on the same ballot along with a proposed regional transportation investment plan.

(11) If the authority is unable to achieve a positive vote on a proposition within two years from the date of the first election on a proposition, the board may, by resolution, reconstitute the authority as a single-county body. With a two-thirds vote of the entire

membership of the voting members, the board may also dissolve the authority.

Sec. 12. RCW 36.120.050 and 2003 c 350 s 4 are each amended to read as follows:

(1) A regional transportation investment district planning committee may, as part of a regional transportation investment plan, recommend the imposition of some or all of the following revenue sources, which a regional transportation investment district may impose upon approval of the voters as provided in this chapter:

(a) A regional sales and use tax, as specified in RCW 82.14.430, of up to 0.5 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district;

(b) A local option vehicle license fee, as specified under RCW 82.80.100, of up to one hundred dollars per vehicle registered in the district. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;

(c) A parking tax under RCW 82.80.030;

(d) A local motor vehicle excise tax under RCW 81.100.060 (~~and chapter 81.104 RCW~~);

(e) A local option fuel tax under RCW 82.80.120;

(f) An employer excise tax under RCW 81.100.030; and

(g) Vehicle tolls on new or reconstructed (~~facilities~~) local or regional arterials or state or federal highways within the boundaries of the district, if the following conditions are met:

(i) Any such toll must be approved by the state transportation commission or its successor;

(ii) The regional transportation investment plan must identify the facilities that may be tolled; and

(iii) Unless otherwise specified by law, the department shall administer the collection of vehicle tolls on designated facilities, and the state transportation commission, or its successor, shall be the tolling authority.

(2) Taxes, fees, and tolls may not be imposed without an affirmative vote of the majority of the voters within the boundaries of the district voting on a ballot proposition as set forth in RCW 36.120.070. Revenues from these taxes and fees may be used only to implement the plan as set forth in this chapter. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section.

(3) Existing statewide motor vehicle fuel and special fuel taxes, at the distribution rates in effect on January 1, 2001, are not intended to be altered by this chapter.

Sec. 13. RCW 81.100.080 and 1990 c 43 s 19 are each amended to read as follows:

Funds collected under RCW 81.100.030 or 81.100.060 and any investment earnings accruing thereon shall be used by the county or the regional transportation investment district in a manner consistent with the regional transportation plan only for costs of collection, costs of preparing, adopting, and enforcing agreements under RCW 81.100.030(3), for construction of high occupancy vehicle lanes and related facilities, mitigation of environmental concerns that result from construction or use of high occupancy vehicle lanes and related facilities, by an investment district for projects contained in a plan developed under chapter 36.120 RCW, payment of principal and interest on bonds issued for the purposes of this section, for high occupancy vehicle programs as defined in RCW 81.100.020(5), and for commuter rail projects in accordance with RCW 81.104.120. Except for funds raised by an investment district, no funds collected under RCW 81.100.030 or 81.100.060 after June 30, 2000, may be pledged for the payment or security of the principal or interest on any bonds issued for the purposes of this section. Not more than ten percent of the funds may be used for transit agency high occupancy vehicle programs.

Priorities for construction of high occupancy vehicle lanes and related facilities shall be as follows:

(1)(a) To accelerate construction of high occupancy vehicle lanes on the interstate highway system, as well as related facilities;

(b) To finance or accelerate construction of high occupancy vehicle lanes on the noninterstate state highway system, as well as related facilities.

(2) To finance construction of high occupancy vehicle lanes on local arterials, as well as related facilities.

Moneys received by ~~((an agency))~~ a county under this chapter shall be used in addition to, and not as a substitute for, moneys currently used by the ~~((agency))~~ county for the purposes specified in this section.

Counties and investment districts may contract with cities or the state department of transportation for construction of high occupancy vehicle lanes and related facilities, and may issue general obligation bonds to fund such construction and use funds received under this chapter to pay the principal and interest on such bonds.

Sec. 14. RCW 81.100.060 and 2002 c 56 s 411 are each amended to read as follows:

A county with a population of one million or more and a county with a population of from two hundred ten thousand to less than one million that is adjoining a county with a population of one million or more, having within their boundaries existing or planned high-occupancy vehicle lanes on the state highway system, or a regional transportation investment district ~~((for capital improvements))~~, but only to the extent that the surcharge has not already been imposed by the county, may, with voter approval, impose a local surcharge of not more than three-tenths of one percent in the case of a county, or eight-tenths of one percent in the case of a regional transportation investment district, of the value on vehicles registered to a person residing within the county or investment district and not more than 13.64 percent on the state sales and use taxes paid under the rate in RCW 82.08.020(2) on retail car rentals within the county or investment district. A county may impose the surcharge only to the extent that it has not been imposed by the district. No surcharge may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.085, or 46.16.090.

Counties or investment districts imposing a ~~((tax))~~ surcharge under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, and department of revenue, as appropriate, which shall deduct ~~((am))~~ a percentage amount, as provided by contract, not to exceed two percent of the taxes, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to motor vehicle excise taxes, be applicable to surcharges imposed under this section. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW shall, insofar as they are applicable to state sales and use taxes, be applicable to surcharges imposed under this section. A surcharge imposed under this section, or a change to the surcharge, shall take effect no sooner than seventy-five days after the department of licensing or the department of revenue receives notice of the surcharge or change to the surcharge, and shall take effect only on the first day of January, April, July, or October. Unless waived by the department of licensing or the department of revenue, notice includes providing the appropriate department with digital mapping and legal descriptions of areas in which the tax will be collected.

If the tax authorized in RCW 81.100.030 is also imposed, the total proceeds from tax sources imposed under this section and RCW 81.100.030 each year shall not exceed the maximum amount which could be collected under this section.

Sec. 15. RCW 82.14.0455 and 2005 c 336 s 15 are each amended to read as follows:

(1) Subject to the provisions in RCW 36.73.065, a transportation benefit district under chapter 36.73 RCW may fix and impose a sales and use tax in accordance with the terms of this chapter. The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the boundaries of the district. The rate of tax shall not exceed two-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use

tax. The tax may not be imposed for a period exceeding ten years. This tax may be extended for a period not exceeding ten years with an affirmative vote of the voters voting at the election.

(2) Money received from the tax imposed under this section must be spent in accordance with the requirements of chapter 36.73 RCW.

~~((3) A district may only levy the tax under this section if the district is comprised of boundaries coextensive with the boundaries of a county, counties, city or cities, a county transportation authority or authorities, a public transportation benefit area or areas, or any combination of these jurisdictions.))~~

Sec. 16. RCW 82.14.430 and 2002 c 56 s 405 are each amended to read as follows:

(1) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a sales and use tax of up to 0.5 percent of the selling price or value of the article used in the case of a use tax. The tax authorized by this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. Motor vehicles are exempt from the sales and use tax imposed under this subsection. In addition to being used for projects in a regional transportation investment plan under chapter 36.120 RCW, proceeds from the taxes under this section may be used for passenger-only ferry service.

(2) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a tax on the use of a motor vehicle within a regional transportation investment district. The tax applies to those persons who reside within the regional transportation investment district. The rate of the tax may not exceed ~~((0.5))~~ 0.1 percent of the value of the motor vehicle. The tax authorized by this subsection is in addition to the tax authorized under RCW 82.14.030 and must be imposed and collected at the time a taxable event under RCW 82.08.020(1) or 82.12.020 takes place. All revenue received under this subsection must be deposited in the local sales and use tax account and distributed to the regional transportation investment district according to RCW 82.14.050. The following provisions apply to the use tax in this subsection:

(a) Where persons are taxable under chapter 82.08 RCW, the seller shall collect the use tax from the buyer using the collection provisions of RCW 82.08.050.

(b) Where persons are taxable under chapter 82.12 RCW, the use tax must be collected using the provisions of RCW 82.12.045.

(c) "Motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(d) "Person" has the meaning given in RCW 82.04.030.

(e) The value of a motor vehicle must be determined under RCW 82.12.010.

(f) Except as specifically stated in this subsection (2), chapters 82.12 and 82.32 RCW apply to the use tax. The use tax is a local tax imposed under the authority of chapter 82.14 RCW, and chapter 82.14 RCW applies fully to the use tax.

(3) In addition to fulfilling the notice requirements under RCW 82.14.055(1), and unless waived by the department, a regional transportation investment district shall provide the department of revenue with digital mapping and legal descriptions of areas in which the tax will be collected.

NEW SECTION. Sec. 17. A new section is added to chapter 36.120 RCW to read as follows:

A regional transportation investment district may adopt system-wide pricing policies and an implementation plan for the regional transportation system within its boundaries. "System-wide pricing" includes the tolling authority provided in RCW 36.120.050, network value-pricing authority provided in section 19 of this act, the authority to set regional transit fares as provided in RCW 81.112.080(4), and other system pricing tools as determined by the

district governing board. System-wide pricing charges authorized by this act may be imposed to improve performance of the regional transportation system, improve integration of transportation modes, finance transportation improvements, and measure needed investments. Pricing charges may vary for type of vehicle, time of day, traffic conditions, and other factors. System-wide pricing policies under this section are subject to the approval of the state transportation commission or its statutory successor.

Sec. 18. RCW 82.80.120 and 2003 c 350 s 3 are each amended to read as follows:

(1) For purposes of this section:

(a) "Distributor" means every person who imports, refines, manufactures, produces, or compounds motor vehicle fuel and special fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells or distributes the fuel into a county;

(b) "Person" has the same meaning as in RCW 82.04.030;

(c) "District" means a regional transportation investment district under chapter 36.120 RCW.

(2) A regional transportation investment district under chapter 36.120 RCW, subject to the conditions of this section, may levy additional excise taxes equal to ten percent of the statewide motor vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in RCW 82.36.010 and on each gallon of special fuel as defined in RCW 82.38.020 sold within the boundaries of the district. The additional excise tax is subject to the approval of a majority of the voters within the district boundaries. Vehicles paying an annual license fee under RCW 82.38.075 are exempt from the district's fuel excise tax. The additional excise taxes are subject to the same exceptions and rights of refund as applicable to other motor vehicle fuel and special fuel excise taxes levied under chapters 82.36 and 82.38 RCW. The proposed tax may not be levied less than one month from the date the election results are certified. The commencement date for the levy of any tax under this section will be the first day of January, April, July, or October.

(3) The local option motor vehicle fuel tax on each gallon of motor vehicle fuel and on each gallon of special fuel is imposed upon the distributor of the fuel.

(4) A taxable event for the purposes of this section occurs upon the first distribution of the fuel within the boundaries of the district to a retail outlet, bulk fuel user, or ultimate user of the fuel.

(5) All administrative provisions in chapters 82.01, 82.03, and 82.32 RCW, insofar as they are applicable, apply to local option fuel taxes imposed under this section.

(6) Before the effective date of the imposition of the fuel taxes under this section, a district shall contract with the department of revenue for the administration and collection of the taxes. The contract must provide that a percentage amount, not to exceed one percent of the taxes imposed under this section, will be deposited into the local tax administration account created in the custody of the state treasurer. The department of revenue may spend money from this account, upon appropriation, for the administration of the local taxes imposed under this section.

(7) The state treasurer shall distribute monthly to the district levying the tax as part of the regional transportation investment district plan, after the deductions for payments and expenditures as provided in RCW 46.68.090(1) (a) and (b).

(8) The proceeds of the additional taxes levied by a district in this section, to be used as a part of a regional transportation investment district plan, must be used in accordance with chapter 36.120 RCW, but only for those areas that are considered "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(9) A district may only levy the tax under this section if the district is comprised of boundaries identical to the boundaries of a county or counties. A district may not levy the tax in this section if a member county is levying the tax in RCW 82.80.010 or 82.80.110.

NEW SECTION. Sec. 19. A new section is added to chapter 36.120 RCW to read as follows:

(1) A regional transportation investment district may impose a network value-pricing charge based upon vehicle travel. This charge may be, but is not limited to, a charge upon the vehicle miles traveled

within the district by a vehicle, or upon vehicle miles traveled within certain corridors in the district, or upon total vehicle miles traveled by a vehicle registered to a person whose legal residence is within the district. Network value-pricing charges imposed may vary by type of vehicle, time of day, traffic conditions, and other factors.

(2) Charges imposed may be collected either periodically in a manner prescribed by the district governing board or annually by the department of licensing upon renewal of the vehicle license. The district governing board may identify categories of miles driven that are subject to or exempt from the charge including, but not limited to, travel outside the district, travel in specified corridors, time of travel, or exempt or maximum mileage charges.

(3) The mileage charge under this section is subject to the approval of the state transportation commission or its statutory successor.

(4) A district governing board imposing a mileage charge collected annually by the state department of licensing upon renewal of the vehicle license shall enter into a contract with the department of licensing. The contract must contain provisions that fully recover the costs to the department of licensing for collection and administration of the charge. The district governing board imposing this charge or initiating an exemption process shall provide at least six months' notice to the department of licensing before the implementation of any changes in registration amounts or exemptions.

Sec. 20. RCW 47.56.076 and 2005 c 335 s 3 are each amended to read as follows:

Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, and ~~((only for the purposes authorized in RCW 36.120.050(1)(g)))~~ with the approval of the state transportation commission or its successor, a regional transportation investment district may authorize vehicle tolls on a local or regional arterial or a state (routes where improvements financed in whole or in part by a regional transportation investment district add additional lanes to, or reconstruct lanes on, a highway of statewide significance) or federal highway within the boundaries of the district. The department shall administer the collection of vehicle tolls authorized on designated facilities unless otherwise specified in law or by contract, and the ~~((state transportation))~~ commission(=) or its successor ~~((=))~~ shall ((be the tolling authority)) set and impose the tolls in amounts sufficient to implement the regional transportation investment plan under RCW 36.120.020.

NEW SECTION. Sec. 21. A new section is added to chapter 47.56 RCW to read as follows:

Notwithstanding any provision to the contrary in this chapter, a regional transportation investment district may authorize vehicle tolls on either Lake Washington bridge within its boundaries to implement a regional transportation investment plan as authorized in chapter 36.120 RCW and RCW 47.56.076.

Sec. 22. RCW 43.79A.040 and 2005 c 424 s 18, 2005 c 402 s 8, 2005 c 215 s 10, and 2005 c 16 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), and the life sciences discovery fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 23. RCW 43.84.092 and 2005 c 514 s 1105, 2005 c 353 s 3, 2005 c 339 s 22, 2005 c 314 s 109, 2005 c 312 s 7, and 2005 c 94 s 1 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions.

Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the real estate appraiser commission account, ~~((the regional transportation investment district account))~~ the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific

permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 24. RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of

retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education transportation account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, ~~(the regional transportation investment district account,)~~ the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the

Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 25. RCW 36.73.015 and 2005 c 336 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "District" means a transportation benefit district created under this chapter.

(2) "City" means a city or town.

(3) "Transportation improvement" means a project contained in the transportation plan of the state or a regional transportation planning organization ~~((that is of statewide or regional significance))~~. A project may include investment in new or existing highways of statewide significance, principal arterials of regional significance, high-capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance including transportation demand management. Projects may also include the operation, preservation, and maintenance of these facilities or programs. ~~((Not more than forty percent of the revenues generated by a district may be expended on city streets, county roads, existing highways other than highways of statewide significance, and the creation of a new highway that intersects with a highway of statewide significance.))~~

Sec. 26. RCW 36.73.020 and 2005 c 336 s 3 are each amended to read as follows:

(1) The legislative authority of a county or city may establish a transportation benefit district within the county or city area or within the area specified in subsection (2) of this section, for the purpose of acquiring, constructing, improving, providing, and funding a transportation improvement within the district that is consistent with any existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels. The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway. However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, highways, and transportation improvements. To the extent practicable, the district shall consider the following criteria when selecting transportation improvements:

(a) Reduced risk of transportation facility failure and improved safety;

(b) Improved travel time;

(c) Improved air quality;

(d) Increases in daily and peak period trip capacity;

(e) Improved modal connectivity;

(f) Improved freight mobility;

(g) Cost-effectiveness of the investment;

(h) Optimal performance of the system through time; and

(i) Other criteria, as adopted by the governing body.

(2) ~~((Subject to subsection (6) of this section.))~~ The district may include area within more than one county, city, port district, county transportation authority, or public transportation benefit area, if the legislative authority of each participating jurisdiction has agreed to the inclusion as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the boundaries of the district ~~((shall))~~ need not include all territory within the boundaries of the participating jurisdictions comprising the district.

(3) The members of the legislative authority proposing to establish the district, acting ex officio and independently, shall constitute the governing body of the district: PROVIDED, That where a district includes area within more than one jurisdiction under subsection (2) of this section, the district shall be governed under an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the governing body shall be composed of at least five members including at least one elected official from the legislative authority of each participating jurisdiction.

(4) The treasurer of the jurisdiction proposing to establish the district shall act as the ex officio treasurer of the district, unless an interlocal agreement states otherwise.

(5) The electors of the district shall all be registered voters residing within the district.

~~((6) The authority under this section, regarding the establishment of or the participation in a district, shall not apply to:~~

~~(a) Counties with a population greater than one million five hundred thousand persons and any adjoining counties with a population greater than five hundred thousand persons;~~

~~(b) Cities with any area within the counties under (a) of this subsection; and~~

~~(c) Other jurisdictions with any area within the counties under (a) of this subsection.))~~

NEW SECTION. Sec. 27. A new section is added to chapter 47.01 RCW to read as follows:

The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until agreements have been reached with the incorporated towns or cities directly affected by the project. The agreements must provide reasonable assurance that any degradation in the citizens' current use and enjoyment of their properties as a result of repairs and improvements made to the state route number 520 bridge and its connecting roadways will be addressed through engineering design choices, mitigation measures, or a combination of both.

NEW SECTION. Sec. 28. A new section is added to chapter 36.120 RCW to read as follows:

(1) Prior to a regional transportation public vote conducted under this chapter, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (a) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

(2) The requirements of this section shall not apply to (a) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (b) off-site pontoon construction, and related activities, supporting the state route number 520 bridge replacement and HOV project.

Sec. 29. RCW 81.112.050 and 1998 c 192 s 1 are each amended to read as follows:

(1) At the time of formation, the area to be included within the boundary of the authority shall be that area set forth in the system plan adopted by the joint regional policy committee. Prior to submitting the system and financing plan to the voters, the authority may make adjustments to the boundaries as deemed appropriate but must assure that, to the extent possible, the boundaries: (a) Include the largest-population urban growth area designated by each county under chapter 36.70A RCW; and (b) follow election precinct boundaries. If a portion of any city is determined to be within the service area, the entire city must be included within the boundaries of the authority.

(2) After voters within the authority boundaries have approved the system and financing plan, elections to add areas contiguous to the authority boundaries may be called by resolution of the regional transit authority, after consultation with affected transit agencies and with the concurrence of the legislative authority of the city or town if the area is incorporated, or with the concurrence of the county legislative authority if the area is unincorporated. Only those areas that would benefit from the services provided by the authority may be included and services or projects proposed for the area must be consistent with the regional transportation plan. The election may include a single ballot proposition providing for annexation to the authority boundaries and imposition of the taxes at rates already imposed within the authority boundaries. Alternatively, the annexation proposition may be submitted as part of a proposition to support additional implementation phases of the authority's system and financing plan as provided in RCW 81.112.030(10), in which case a simple majority of the combined electorate, voting within the existing boundaries and the proposed area to be annexed, is required to approve the annexation, along with approval of the plan and the revenue sources necessary to finance the plan.

(3) Upon receipt of a resolution requesting exclusion from the boundaries of the authority from a city whose municipal boundaries cross the boundaries of an authority and thereby result in only a portion of the city being subject to local option taxes imposed by the authority under chapters 81.104 and 81.112 RCW in order to implement a high-capacity transit plan, and where the vote to approve the city's incorporation occurred simultaneously with an election approving the local option taxes, then upon a two-thirds majority vote of the governing board of the authority, the governing board shall redraw the boundaries of the authority to exclude that portion of the city that is located within the authority's boundaries, and the excluded area is no longer subject to local option taxes imposed by the authority. This subsection expires December 31, 1998.

NEW SECTION. Sec. 30. Section 23 of this act expires July 1, 2006.

NEW SECTION. Sec. 31. Section 24 of this act takes effect July 1, 2006."

On page 1, line 1 of the title, after "governance;" strike the remainder of the title and insert "amending RCW 36.120.020, 36.120.030, 36.120.040, 36.120.070, 29A.36.071, 36.120.080, 36.120.110, 81.112.030, 36.120.050, 81.100.080, 81.100.060, 82.14.0455, 82.14.430, 82.80.120, 47.56.076, 36.73.015, 36.73.020, and 81.112.050; reenacting and amending RCW 43.79A.040, 43.84.092, and 43.84.092; adding new sections to chapter 36.120 RCW; adding a new section to chapter 47.56 RCW; adding a new section to chapter 47.01 RCW; creating new sections; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 1, 2006

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 3261, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.95.003 and 1997 c 350 s 2 are each amended to read as follows:

The board shall consist of a (~~chairman~~) chair, a vice-chair, and (~~two~~) three other members, each of whom shall be appointed by the governor with the consent of the senate. Each member shall hold office for a term of five years, and until his or her successor is appointed and qualified. The terms shall expire on April 15th of the expiration year. Vacancies in the membership of the board shall be filled by appointment by the governor with the consent of the senate. In the event of the inability of any member to act, the governor shall appoint some competent person to act in his stead during the continuance of such inability. The members shall not be removable during their respective terms except for cause determined by the superior court of Thurston county. The governor in appointing the members shall designate one of them to serve as chairman at the governor's pleasure.

The members of the board and its officers and employees shall not engage in any other business or profession or hold any other public office without the prior approval of the executive ethics board indicating compliance with RCW 42.52.020, 42.52.030, 42.52.040 and 42.52.120; nor shall they, at the time of appointment or employment or during their incumbency, serve as the representative of any political party on an executive committee or other governing body thereof, or as an executive officer or employee of any political committee or association. The members of the board shall each severally receive salaries fixed by the governor in accordance with the provisions of RCW 43.03.040, and in addition shall receive travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

The board may employ, and fix, with the approval of the governor, the compensation of and prescribe the duties of a secretary and such officers, employees, and assistants as may be necessary, and provide necessary quarters, supplies, and equipment.

Sec. 2. RCW 9.95.420 and 2002 c 174 s 1 are each amended to read as follows:

(1)(a) Except as provided in (c) of this subsection, before the expiration of the minimum term, as part of the end of sentence review process under RCW 72.09.340, 72.09.345, and where appropriate, 72.09.370, the department shall conduct, and the offender shall participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness, and including a prediction of the probability that the offender will engage in sex offenses if released.

(b) The board may contract for an additional, independent examination, subject to the standards in this section.

(c) If at the time the sentence is imposed by the superior court the offender's minimum term has expired or will expire within one hundred twenty days of the sentencing hearing, the department shall conduct, within ninety days of the offender's arrival at a department of corrections facility, and the offender shall participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness, and including a prediction of the probability that the offender will engage in sex offenses if released.

(2) The board shall impose the conditions and instructions provided for in RCW 9.94A.720. The board shall consider the department's recommendations and may impose conditions in addition to those recommended by the department. The board may impose or modify conditions of community custody following notice to the offender.

(3)(a) Except as provided in (b) of this subsection, no later than ninety days before expiration of the minimum term, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a

preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term, not to exceed an additional two years.

(b) If at the time the offender's minimum term has expired or will expire within one hundred twenty days of the offender's arrival at a department of correction's facility, then no later than one hundred twenty days after the offender's arrival at a department of corrections facility, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term, not to exceed an additional two years.

(4) In a hearing conducted under subsection (3) of this section, the board shall provide opportunities for the victims of any crimes for which the offender has been convicted to present oral, video, written, or in-person testimony to the board. The procedures for victim input shall be developed by rule. To facilitate victim involvement, county prosecutor's offices shall ensure that any victim impact statements and known contact information for victims of record are forwarded as part of the judgment and sentence.

NEW SECTION. Sec. 3. Section 1 of this act takes effect April 15, 2007. Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 4 of the title, after "9.94A.712;" strike the remainder of the title and insert "amending RCW 9.95.003 and 9.95.420; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 3261 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 6, 2006

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 6241 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Haugen, Jacobsen and Benson.

Thomas Hoemann, Secretary

APPOINTMENT OF CONFEREES

There being no objection, the House granted the Senate's request for a conference on SUBSTITUTE SENATE BILL NO. 6241.

The Speaker (Representative Lovick presiding) appointed Representatives Murray, Wallace and Woods.

MESSAGE FROM THE SENATE

March 6, 2006

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 6839 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Haugen, Jacobsen and Benson.

Tom Hoemann, Secretary

APPOINTMENT TO CONFEREES

There being no objection, the House granted the Senate's request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6839.

The Speaker (Representative Lovick presiding) appointed Representatives Murray, Wallace and Woods.

MESSAGE FROM THE SENATE

March 2, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.47 RCW to read as follows:

(1) The health care authority, in coordination with the department of social and health services, shall by November 15th of each year report to the legislature:

(a) The number of basic health plan enrollees who: (i) Upon enrollment or recertification had reported being employed, and the month and year they reported being hired; (ii) upon enrollment or recertification had reported being the dependent of someone who was employed, and the month and year they reported the employed person was hired; and (iii) the total cost to the state for these enrollees. The information shall be reported by employer for employers having more than fifty employees as enrollees or with dependents as enrollees. This information shall be provided for the preceding January and June of that year.

(b) The following aggregated information: (i) The number of employees who are enrollees or with dependents as enrollees by private and governmental employers; (ii) the number of employees who are enrollees or with dependents as enrollees by employer size for employers with fifty or fewer employees, fifty-one to one hundred employees, one hundred one to one thousand employees, one thousand one to five thousand employees and more than five thousand employees; and (iii) the number of employees who are enrollees or with dependents as enrollees by industry type.

For each aggregated classification, the report will include the number of hours worked and total cost to the state for these enrollees. This information shall be for each quarter of the preceding year.

NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services, in coordination with the health care authority, shall by November 15th of each year report to the legislature:

(a) The number of medical assistance recipients who: (i) Upon enrollment or recertification had reported being employed, and the month and year they reported being hired; or (ii) upon enrollment or recertification had reported being the dependent of someone who was

employed, and the month and year they reported the employed person was hired. For recipients identified under (a)(i) and (ii) of this subsection, the department shall report the basis for their medical assistance eligibility, including but not limited to family medical coverage, transitional medical assistance, children's medical or aged or disabled coverage; member months; and the total cost to the state for these recipients, expressed as general fund-state, health services account and general fund-federal dollars. The information shall be reported by employer for employers having more than fifty employees as recipients or with dependents as recipients. This information shall be provided for the preceding January and June of that year.

(b) The following aggregated information: (i) The number of employees who are recipients or with dependents as recipients by private and governmental employers; (ii) The number of employees who are recipients or with dependents as recipients by employer size for employers with fifty or fewer employees, fifty-one to one hundred employees, one hundred one to one thousand employees, one thousand one to five thousand employees and more than five thousand employees; and (iii) the number of employees who are recipients or with dependents as recipients by industry type.

For each aggregated classification, the report will include the number of hours worked, the number of department of social and health services covered lives, and the total cost to the state for these recipients. This information shall be for each quarter of the preceding year.

NEW SECTION. Sec. 3. If specific funding for the purpose of this act, referencing this act by bill or chapter number, is not provided by June 30, 2006, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "services;" strike all material through "section." on line 3 and insert "adding a new section to chapter 70.47 RCW; adding a new section to chapter 74.09 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079 and asked the Senate to recede therefrom.

There being no objection, the Rules Committee was relieved of SUBSTITUTE SENATE BILL NO. 6787, and the bill was placed on the Second Reading calendar.

MESSAGES FROM THE SENATE

March 6, 2006

Mr. Speaker:

The President has signed:

- ENGROSSED HOUSE BILL NO. 1069,
- SECOND SUBSTITUTE HOUSE BILL NO. 1384,
- FOURTH SUBSTITUTE HOUSE BILL NO. 1483,
- HOUSE BILL NO. 1966,
- SUBSTITUTE HOUSE BILL NO. 2033,
- SUBSTITUTE HOUSE BILL NO. 2233,
- SECOND SUBSTITUTE HOUSE BILL NO. 2342,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352,
- HOUSE BILL NO. 2386,
- SUBSTITUTE HOUSE BILL NO. 2402,
- SUBSTITUTE HOUSE BILL NO. 2407,
- SUBSTITUTE HOUSE BILL NO. 2426,
- SUBSTITUTE HOUSE BILL NO. 2446,
- HOUSE BILL NO. 2477,
- SECOND SUBSTITUTE HOUSE BILL NO. 2498,
- SUBSTITUTE HOUSE BILL NO. 2500,

- HOUSE BILL NO. 2501,
- SUBSTITUTE HOUSE BILL NO. 2537,
- HOUSE BILL NO. 2544,
- HOUSE BILL NO. 2567,
- ENGROSSED HOUSE BILL NO. 2579,
- HOUSE BILL NO. 2606,
- SUBSTITUTE HOUSE BILL NO. 2654,
- HOUSE BILL NO. 2681,
- HOUSE BILL NO. 2704,
- SECOND SUBSTITUTE HOUSE BILL NO. 2789,
- SUBSTITUTE HOUSE BILL NO. 2817,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2848,
- SUBSTITUTE HOUSE BILL NO. 2867,
- SUBSTITUTE HOUSE BILL NO. 2917,
- SUBSTITUTE HOUSE BILL NO. 2958,
- SECOND SUBSTITUTE HOUSE BILL NO. 2964,
- SUBSTITUTE HOUSE BILL NO. 2973,
- HOUSE BILL NO. 2991,
- HOUSE BILL NO. 3041,
- HOUSE BILL NO. 3048,
- SUBSTITUTE HOUSE BILL NO. 3113,
- HOUSE BILL NO. 3122,
- HOUSE BILL NO. 3205,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 7, 2006

Mr. Speaker:

The President has signed:

- SUBSTITUTE SENATE BILL NO. 5236,
- SECOND ENGROSSED SENATE BILL NO. 5714,
- SENATE BILL NO. 6059,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6106,
- SUBSTITUTE SENATE BILL NO. 6141,
- SECOND SUBSTITUTE SENATE BILL NO. 6172,
- SUBSTITUTE SENATE BILL NO. 6188,
- SUBSTITUTE SENATE BILL NO. 6234,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6244,
- SUBSTITUTE SENATE BILL NO. 6246,
- SUBSTITUTE SENATE BILL NO. 6247,
- SENATE BILL NO. 6248,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6255,
- SENATE BILL NO. 6264,
- SENATE BILL NO. 6280,
- SUBSTITUTE SENATE BILL NO. 6308,
- SECOND SUBSTITUTE SENATE BILL NO. 6319,
- SUBSTITUTE SENATE BILL NO. 6320,
- SUBSTITUTE SENATE BILL NO. 6369,
- SENATE BILL NO. 6373,
- SUBSTITUTE SENATE BILL NO. 6377,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6396,
- SENATE BILL NO. 6412,
- SENATE BILL NO. 6418,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6427,
- SENATE BILL NO. 6429,
- SENATE BILL NO. 6453,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6459,
- SECOND SUBSTITUTE SENATE BILL NO. 6460,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6508,
- SUBSTITUTE SENATE BILL NO. 6527,
- SUBSTITUTE SENATE BILL NO. 6555,
- SENATE BILL NO. 6568,
- SUBSTITUTE SENATE BILL NO. 6613,
- SUBSTITUTE SENATE BILL NO. 6617,
- SENATE BILL NO. 6637,
- ENGROSSED SENATE BILL NO. 6661,
- SUBSTITUTE SENATE BILL NO. 6717,
- SUBSTITUTE SENATE BILL NO. 6781,
- SECOND SUBSTITUTE SENATE BILL NO. 6823,
- SUBSTITUTE SENATE BILL NO. 6840,

and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 6, 2006

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1020,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080,
 SUBSTITUTE HOUSE BILL NO. 1107,
 THIRD SUBSTITUTE HOUSE BILL NO. 1226,
 SUBSTITUTE HOUSE BILL NO. 1257,
 SUBSTITUTE HOUSE BILL NO. 1510,
 SUBSTITUTE HOUSE BILL NO. 1650,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1850,
 SECOND SUBSTITUTE HOUSE BILL NO. 2002,
 ENGROSSED HOUSE BILL NO. 2322,
 HOUSE BILL NO. 2348,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2353,
 HOUSE BILL NO. 2381,
 SUBSTITUTE HOUSE BILL NO. 2382,
 SUBSTITUTE HOUSE BILL NO. 2384,
 SUBSTITUTE HOUSE BILL NO. 2415,
 SUBSTITUTE HOUSE BILL NO. 2457,
 SUBSTITUTE HOUSE BILL NO. 2471,
 SUBSTITUTE HOUSE BILL NO. 2543,
 SUBSTITUTE HOUSE BILL NO. 2573,
 SUBSTITUTE HOUSE BILL NO. 2596,
 HOUSE BILL NO. 2617,
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 2939,
 HOUSE BILL NO. 2972,
 SUBSTITUTE HOUSE BILL NO. 2974,
 HOUSE BILL NO. 2975,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2984,
 SUBSTITUTE HOUSE BILL NO. 2985,
 HOUSE BILL NO. 3139,
 HOUSE BILL NO. 3156,
 SUBSTITUTE HOUSE BILL NO. 3178,
 SUBSTITUTE HOUSE BILL NO. 3182,
 HOUSE BILL NO. 3277,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 7, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6896, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 7, 2006

Mr. Speaker:

The Senate concurred in the House amendment to SENATE BILL NO. 6415 and passed the bill as amended.

Thomas Hoemann, Secretary

March 7, 2006

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2685, and passed the bill without said amendment, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 7, 2006

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 2481, and passed the bill without said amendment, and the same is herewith transmitted.

Thomas Hoemann, Secretary

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

HOUSE BILL NO. 1439,
 SUBSTITUTE HOUSE BILL NO. 2345,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2418,

HOUSE BILL NO. 2465,
 SUBSTITUTE HOUSE BILL NO. 2481,
 SUBSTITUTE HOUSE BILL NO. 2553,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2575,
 SUBSTITUTE HOUSE BILL NO. 2678,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2685,
 SUBSTITUTE HOUSE BILL NO. 2812,
 SUBSTITUTE HOUSE BILL NO. 2836,
 HOUSE BILL NO. 2879,
 SUBSTITUTE HOUSE BILL NO. 2933,
 SUBSTITUTE HOUSE BILL NO. 3033,
 SUBSTITUTE HOUSE BILL NO. 3164,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3222,
 SUBSTITUTE HOUSE BILL NO. 3282,
 HOUSE JOINT RESOLUTION NO. 4223,

POINT OF PERSONAL PRIVILEGE

Representative Williams: "Thank you, Mr. Speaker. Earlier today we recognized the hard work of our staff in the Office of Program Resources. Certainly, each of us is grateful for the work that they do with respect to all of our policy committees. But laboring behind the scenes are the members and hard working staff of the Code Revisor's Office. This year we have been graced with a new Code Revisor – Kyle Thiessen – for the first time in decades – who has done a very able job of leading that office of hard working attorneys. I stand today, as a member myself of the Statute Law Committee, to recognize the work of the attorneys that comprise our Code Revisor's Office."

POINT OF PERSONAL PRIVILEGE

Representative Priest: "Thank you, Mr. Speaker. We too would like to thank personally the members of the Code Revisor's Office for the wonderful work they do. A couple of personal comments – I'd like to thank them because they gave me a new office. Thank you very much for that. We thanked the staff of the OPR office this morning. And now we would like to thank you for your dedication. We know the hours you spend. We know the stress and trials we put you under. We know the importance of your work. So, on behalf of all of us thank you again for your devotion and wonderful service. It is much appreciated."

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

SECOND READING

HOUSE BILL NO. 1672, By Representatives Conway, Hudgins, Green, Cody, Appleton, Morrell, Wood, McCoy, Kenney, Moeller and Chase

Requiring hospitals to establish a safe patient handling committee.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1672 was substituted for House Bill No. 1672 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1672 was read the second time.

With the consent of the House, amendment (909) was withdrawn.

Representative Cody moved the adoption of amendment (1163):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.17 RCW to read as follows:

The legislature finds that:

(1) Patients are not at optimum levels of safety while being lifted, transferred, or repositioned manually. Mechanical lift programs can reduce skin tears suffered by patients by threefold. Nurses, thirty-eight percent of whom have previous back injuries, can drop patients if their pain thresholds are triggered.

(2) According to the bureau of labor statistics, hospitals in Washington have a nonfatal employee injury incidence rate that exceeds the rate of construction, agriculture, manufacturing, and transportation.

(3) The physical demands of the nursing profession lead many nurses to leave the profession. Research shows that the annual prevalence rate for nursing back injury is over forty percent and many nurses who suffer a back injury do not return to nursing. Considering the present nursing shortage in Washington, measures must be taken to protect nurses from disabling injury.

(4) Washington hospitals have made progress toward implementation of safe patient handling programs that are effective in decreasing employee injuries. It is not the intent of this act to place an undue financial burden on hospitals.

NEW SECTION. Sec. 2. A new section is added to chapter 70.41 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Lift team" means hospital employees specially trained to conduct patient lifts, transfers, and repositioning using lifting equipment when appropriate.

(b) "Safe patient handling" means the use of engineering controls, lifting and transfer aids, or assistive devices, by lift teams or other staff, instead of manual lifting to perform the acts of lifting, transferring, and repositioning health care patients and residents.

(c) "Musculoskeletal disorders" means conditions that involve the nerves, tendons, muscles, and supporting structures of the body.

(2) By February 1, 2007, each hospital must establish a safe patient handling committee either by creating a new committee or assigning the functions of a safe patient handling committee to an existing committee. The purpose of the committee is to design and recommend the process for implementing a safe patient handling program. At least half of the members of the safe patient handling committee shall be frontline nonmanagerial employees who provide direct care to patients unless doing so will adversely affect patient care.

(3) By December 1, 2007, each hospital must establish a safe patient handling program. As part of this program, a hospital must:

(a) Implement a safe patient handling policy for all shifts and units of the hospital. Implementation of the safe patient handling policy may be phased-in with the acquisition of equipment under subsection (4) of this section;

(b) Conduct a patient handling hazard assessment. This assessment should consider such variables as patient-handling tasks, types of nursing units, patient populations, and the physical environment of patient care areas;

(c) Develop a process to identify the appropriate use of the safe patient handling policy based on the patient's physical and medical condition and the availability of lifting equipment or lift teams. The policy shall include a means to address circumstances under which it would be medically contraindicated to use lifting or transfer aids or assistive devices for particular patients;

(d) Conduct an annual performance evaluation of the program to determine its effectiveness, with the results of the evaluation reported to the safe patient handling committee. The evaluation shall determine the extent to which implementation of the program has resulted in a reduction in musculoskeletal disorder claims and days of lost work attributable to musculoskeletal disorder caused by

patient handling, and include recommendations to increase the program's effectiveness; and

(e) When developing architectural plans for constructing or remodeling a hospital or a unit of a hospital in which patient handling and movement occurs, consider the feasibility of incorporating patient handling equipment or the physical space and construction design needed to incorporate that equipment at a later date.

(4) By January 30, 2010, each hospital must complete, at a minimum, acquisition of their choice of: (a) One readily available lift per acute care unit on the same floor unless the safe patient handling committee determines a lift is unnecessary in the unit; (b) one lift for every ten acute care available inpatient beds; or (c) equipment for use by lift teams. Hospitals must train staff on policies, equipment, and devices at least annually.

(5) Nothing in this section precludes lift team members from performing other duties as assigned during their shift.

(6) A hospital shall develop procedures for hospital employees to refuse to perform or be involved in patient handling or movement that the hospital employee believes in good faith will expose a patient or a hospital employee to an unacceptable risk of injury. A hospital employee who in good faith follows the procedure developed by the hospital in accordance with this subsection shall not be the subject of disciplinary action by the hospital for the refusal to perform or be involved in the patient handling or movement.

NEW SECTION. Sec. 3. A new section is added to chapter 72.23 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Lift team" means hospital employees specially trained to conduct patient lifts, transfers, and repositioning using lifting equipment when appropriate.

(b) "Safe patient handling" means the use of engineering controls, lifting and transfer aids, or assistive devices, by lift teams or other staff, instead of manual lifting to perform the acts of lifting, transferring, and repositioning health care patients and residents.

(c) "Musculoskeletal disorders" means conditions that involve the nerves, tendons, muscles, and supporting structures of the body.

(2) By February 1, 2007, each hospital must establish a safe patient handling committee either by creating a new committee or assigning the functions of a safe patient handling committee to an existing committee. The purpose of the committee is to design and recommend the process for implementing a safe patient handling program. At least half of the members of the safe patient handling committee shall be frontline nonmanagerial employees who provide direct care to patients unless doing so will adversely affect patient care.

(3) By December 1, 2007, each hospital must establish a safe patient handling program. As part of this program, a hospital must:

(a) Implement a safe patient handling policy for all shifts and units of the hospital. Implementation of the safe patient handling policy may be phased-in with the acquisition of equipment under subsection (4) of this section;

(b) Conduct a patient handling hazard assessment. This assessment should consider such variables as patient-handling tasks, types of nursing units, patient populations, and the physical environment of patient care areas;

(c) Develop a process to identify the appropriate use of the safe patient handling policy based on the patient's physical and medical condition and the availability of lifting equipment or lift teams;

(d) Conduct an annual performance evaluation of the program to determine its effectiveness, with the results of the evaluation reported to the safe patient handling committee. The evaluation shall determine the extent to which implementation of the program has resulted in a reduction in musculoskeletal disorder claims and days of lost work attributable to musculoskeletal disorder caused by patient handling, and include recommendations to increase the program's effectiveness; and

(e) When developing architectural plans for constructing or remodeling a hospital or a unit of a hospital in which patient handling and movement occurs, consider the feasibility of incorporating patient handling equipment or the physical space and construction design needed to incorporate that equipment at a later date.

(4) By January 30, 2010, hospitals must complete acquisition of their choice of: (a) One readily available lift per acute care unit on the same floor, unless the safe patient handling committee determines a lift is unnecessary in the unit; (b) one lift for every ten acute care available inpatient beds; or (c) equipment for use by lift teams. Hospitals must train staff on policies, equipment, and devices at least annually.

(5) Nothing in this section precludes lift team members from performing other duties as assigned during their shift.

(6) A hospital shall develop procedures for hospital employees to refuse to perform or be involved in patient handling or movement that the hospital employee believes in good faith will expose a patient or a hospital employee to an unacceptable risk of injury. A hospital employee who in good faith follows the procedure developed by the hospital in accordance with this subsection shall not be the subject of disciplinary action by the hospital for the refusal to perform or be involved in the patient handling or movement.

NEW SECTION. Sec. 4. A new section is added to chapter 51.16 RCW to read as follows:

(1) By January 1, 2007, the department shall develop rules to provide a reduced workers' compensation premium for hospitals that implement a safe patient handling program. The rules shall include any requirements for obtaining the reduced premium that must be met by hospitals.

(2) The department shall complete an evaluation of the results of the reduced premium, including changes in claim frequency and costs, and shall report to the appropriate committees of the legislature by December 1, 2010, and 2012.

NEW SECTION. Sec. 5. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a hospital may take a credit for the cost of purchasing mechanical lifting devices and other equipment that are primarily used to minimize patient handling by health care providers, consistent with a safe patient handling program developed and implemented by the hospital in compliance with section 2 of this act. The credit is equal to one hundred percent of the cost of the mechanical lifting devices or other equipment.

(2) No application is necessary for the credit, however, a hospital taking a credit under this section must maintain records, as required by the department, necessary to verify eligibility for the credit under this section. The hospital is subject to all of the requirements of chapter 82.32 RCW. A credit earned during one calendar year may be carried over to be credited against taxes incurred in a subsequent calendar year. No refunds shall be granted for credits under this section.

(3) The maximum credit that may be earned under this section for each hospital is limited to one thousand dollars for each acute care available inpatient bed.

(4) Credits are available on a first in-time basis. The department shall disallow any credits, or portion thereof, that would cause the total amount of credits claimed statewide under this section to exceed ten million dollars. If the ten million dollar limitation is reached, the department shall notify hospitals that the annual statewide limit has been met. In addition, the department shall provide written notice to any hospital that has claimed tax credits after the ten million dollar limitation in this subsection has been met. The notice shall indicate the amount of tax due and shall provide that the tax be paid within thirty days from the date of such notice. The department shall not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof.

(5) Credit may not be claimed under this section for the acquisition of mechanical lifting devices and other equipment if the acquisition occurred before the effective date of this section.

(6) Credit may not be claimed under this section for any acquisition of mechanical lifting devices and other equipment that occurs after December 30, 2010.

(7) The department shall issue an annual report on the amount of credits claimed by hospitals under this section, with the first report due on July 1, 2008.

(8) For the purposes of this section, "hospital" has the meaning provided in RCW 70.41.020."

Correct the title.

Representative Cody moved the adoption of amendment (1167) to amendment (1163):

On page 1, line 3, after "Sec. 1." strike all material through "follows:" on line 4

Correct the title.

Representative Cody spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted. The amendment as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Green, Hinkle and Conway spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1672.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1672 and the bill passed the House by the following vote: Yeas - 85, Nays - 13, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Appleton, Armstrong, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schindler, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 85.

Voting nay: Representatives Anderson, Bailey, Buck, Dunn, Kretz, Kristiansen, Nixon, Orcutt, Pearson, Rodne, Serben, Sump and Talcott - 13.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2462, By Representatives Moeller, Wallace and Roberts

Establishing work groups to periodically review and update the child support schedule.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2462 was substituted for House Bill No. 2462 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2462 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Moeller and Walsh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2462.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2462 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 2462, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6219, By Senators Keiser, Weinstein, Eide, Pridemore, Prentice, Berkey, Fraser and Kohl-Welles

Providing for financial literacy education.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For Committee amendment, see Journal, 47th Day, February 24, 2006.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Quall and Anderson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6219, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6219, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SENATE BILL NO. 6219, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6671, By Senate Committee on Ways & Means (originally sponsored by Senators Doumit, Delvin, Rasmussen and Parlette)

Clarifying the application of taxes to the financial activities of professional employer organizations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire and Orcutt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6671.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6671 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse,

Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Hasegawa - 1.

SUBSTITUTE SENATE BILL NO. 6671, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6676, By Senate Committee on Judiciary (originally sponsored by Senators Roach, Kline, Mulliken, Fairley and Rasmussen)

Prohibiting fraudulent filings of vehicle reports of sale.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Roach spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6676.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6676 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6676, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1841, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.28.041 and 2002 c 249 s 2 are each amended to read as follows:

(1) It is unlawful for any person, firm, partnership, corporation, or other entity to advertise, offer to do work, submit a bid, engage in, conduct, or carry on the business of installing or maintaining wires or equipment to convey electric current, or installing or maintaining equipment to be operated by electric current as it pertains to the electrical industry, without having an unrevoked, unsuspended, and unexpired electrical contractor license, issued by the department in accordance with this chapter. All electrical contractor licenses expire twenty-four calendar months following the day of their issue. The department may issue an electrical contractors license for a period of less than twenty-four months only for the purpose of equalizing the number of electrical contractor licenses that expire each month. Application for an electrical contractor license shall be made in writing to the department, accompanied by the required fee. The application shall state:

(a) The name and address of the applicant; in case of firms or partnerships, the names of the individuals composing the firm or partnership; in case of corporations, the names of the managing officials thereof;

(b) The location of the place of business of the applicant and the name under which the business is conducted;

(c) Employer social security number;

(d) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:

(i) The applicant's industrial insurance account number issued by the department;

(ii) The applicant's self-insurer number issued by the department; or

(iii) For applicants domiciled in a state or province of Canada subject to an agreement entered into under RCW 51.12.120(7), as permitted by the agreement, filing a certificate of coverage issued by the agency that administers the workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law;

(e) Employment security department number;

(f) State excise tax registration number;

(g) Unified business identifier (UBI) account number may be substituted for the information required by (d) of this subsection if the applicant will not employ employees in Washington, and by (e) and (f) of this subsection; and

(h) Whether a general or specialty electrical contractor license is sought and, if the latter, the type of specialty. Electrical contractor specialties include, but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, appliance repair, and a combination specialty. A general electrical contractor license shall grant to the holder the right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electric current, and installing or maintaining equipment, or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current, in the state of Washington. A specialty electrical contractor license shall grant to the holder a limited right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electrical current, and installing or maintaining equipment; or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current in the state of Washington as expressly allowed by the license.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(d) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3) The application for an electrical contractor license shall be accompanied by a bond in the sum of four thousand dollars with the

state of Washington named as obligee in the bond, with good and sufficient surety, to be approved by the department. The bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, suspends the license issued to the principal until a new bond has been filed and approved as provided in this section. Upon approval of a bond, the department shall on the next business day deposit the fee accompanying the application in the electrical license fund and shall file the bond in the office. The department shall upon request furnish to any person, firm, partnership, corporation, or other entity a certified copy of the bond upon the payment of a fee that the department shall set by rule. The fee shall cover but not exceed the cost of furnishing the certified copy. The bond shall be conditioned that in any installation or maintenance of wires or equipment to convey electrical current, and equipment to be operated by electrical current, the principal will comply with the provisions of this chapter and with any electrical ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(3) that is in effect at the time of entering into a contract. The bond shall be conditioned further that the principal will pay for all labor, including employee benefits, and material furnished or used upon the work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm, partnership, corporation, or other entity due to a failure of the principal to make the installation or maintenance in accordance with this chapter or any applicable ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(3). In lieu of the surety bond required by this section the license applicant may file with the department a cash deposit or other negotiable security acceptable to the department. If the license applicant has filed a cash deposit, the department shall deposit the funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from the account.

(4) The department shall issue general or specialty electrical contractor licenses to applicants meeting all of the requirements of this chapter. The provisions of this chapter relating to the licensing of any person, firm, partnership, corporation, or other entity including the requirement of a bond with the state of Washington named as obligee therein and the collection of a fee therefor, are exclusive, and no political subdivision of the state of Washington may require or issue any licenses or bonds or charge any fee for the same or a similar purpose. No person, firm, partnership, corporation, or other entity holding more than one specialty contractor license under this chapter may be required to pay an annual fee for more than one such license or to post more than one four thousand dollar bond, equivalent cash deposit, or other negotiable security.

(5) To obtain a general or specialty electrical contractor license the applicant must designate an individual who currently possesses a valid master journeyman electrician's certificate of competency, master specialty electrician's certificate of competency in the specialty for which application has been made, or administrator's certificate as a general electrical contractor administrator or as a specialty electrical contractor administrator in the specialty for which application has been made.

(6) Administrator certificate specialties include but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, appliance repair, and combination specialty. To obtain an administrator's certificate an individual must pass an examination as set forth in RCW 19.28.051 unless the applicant was a licensed electrical contractor at any time during 1974. Applicants who were electrical contractors licensed by the state of Washington at any time during 1974 are entitled to receive a general electrical contractor administrator's certificate without examination if the applicants apply prior to January 1, 1984. The board of electrical examiners shall certify to the department the names of all persons who are entitled to either a general or specialty electrical contractor administrator's certificate.

Sec. 2. RCW 19.28.161 and 2002 c 249 s 4 are each amended to read as follows:

(1) No person may engage in the electrical construction trade without having a valid master journeyman electrician certificate of competency, journeyman electrician certificate of competency, master specialty electrician certificate of competency, or specialty electrician certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, and appliance repair.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade or who is learning the electrical construction trade may work in the electrical construction trade if supervised by a certified master journeyman electrician, journeyman electrician, master specialty electrician in that electrician's specialty, or specialty electrician in that electrician's specialty. All apprentices and individuals learning the electrical construction trade shall obtain an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade while under the direct supervision of a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. The holder of the electrical training certificate shall renew the certificate biennially. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the electrical construction industry for the previous biennial period and the number of hours worked for each employer, and proof of sixteen hours of approved classroom electrical continuing education courses covering this chapter, the national electrical code, or electrical theory, or the equivalent electrical training courses taken as part of an approved apprenticeship program under chapter 49.04 RCW or an approved electrical training program under RCW 19.28.191(1)(h). This education requirement is effective July 1, 2007. A biennial fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at all times that they are performing electrical work. They shall show their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter.

(4) The ratio of noncertified individuals to certified master journeymen electricians, journeymen electricians, master specialty electricians, or specialty electricians on any one job site is as follows:

(a) When working as a specialty electrician, not more than two noncertified individuals for every certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journeyman electrician, or journeyman electrician, except that the ratio requirements are one certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journeyman electrician, or journeyman electrician working as a specialty electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board; and

(b) When working as a journeyman electrician, not more than one noncertified individual for every certified master journeyman electrician or journeyman electrician, except that the ratio requirements shall be one certified master journeyman electrician or journeyman electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

(5) For the residential (as specified in WAC 296-46A-930(2)(a)), pump and irrigation (as specified in WAC 296-46A-930(2)(b)(i)), sign (as specified in WAC 296-46A-930(2)(c)), limited energy (as specified in WAC 296-46A-930(2)(e)(i)), nonresidential maintenance (as specified in WAC 296-46A-930(2)(f)(i)), restricted nonresidential maintenance as determined by the department in rule, or other new nonresidential specialties, not including appliance repair, as determined by the department in rule, either a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty must be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day. Other specialties must meet the requirements specified in RCW 19.28.191(1)(~~(f)(ii)~~) (g)(ii). When the ratio of certified electricians to noncertified individuals on a job site is one certified electrician to three or four noncertified individuals, the certified electrician must:

(a) Directly supervise and instruct the noncertified individuals and the certified electrician may not directly make or engage in an electrical installation; and

(b) Be on the same job site as the noncertified individual for a minimum of one hundred percent of each working day.

(6) The electrical contractor shall accurately verify and attest to the electrical trainee hours worked by electrical trainees on behalf of the electrical contractor."

On page 1, line 1 of the title, after "trainees" strike the remainder of the title and insert "and contractor licenses; and amending RCW 19.28.041 and 19.28.161."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1841 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1841, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1841, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 1841, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2155, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The state of Washington recognizes that an informed citizenry is indispensable to the proper functioning of a democratic society. It is the basic right of citizens to know about the activities of their government, to benefit from the information developed at public expense, and to have permanent access to the information published by state agencies.

The secretary of state through the state library must ensure permanent public access to public state government publications, regardless of the format, and prescribe the conditions for use of state publications in depository libraries.

Sec. 2. RCW 27.04.045 and 2002 c 342 s 3 are each amended to read as follows:

The state librarian shall be responsible and accountable for the following functions:

(1) Establishing content-related standards for common formats and agency indexes for state agency-produced information. In developing these standards, the state librarian is encouraged to seek involvement of, and comments from, public and private entities with an interest in such standards;

(2) Managing and administering the state library;

(3) Exerting leadership in information access and the development of library services;

(4) Acquiring library materials, equipment, and supplies by purchase, exchange, gift, or otherwise; and, as appropriate, assisting the legislature, other state agencies, and other libraries in the cost-effective purchase of information resources;

(5) Employing and terminating personnel in accordance with chapter 41.06 RCW as may be necessary to implement the purposes of this chapter;

(6) Entering into agreements with other public or private entities as a means of implementing the mission, goals, and objectives of the state library and the entity with which it enters such agreements. In

agreements for services between the library and other state agencies, the library may negotiate an exchange of services in lieu of monetary reimbursement for the library's indirect or overhead costs, when such an arrangement facilitates the delivery of library services;

(7) Maintaining a library at the state capitol grounds to effectively provide library and information services to members of the legislature, state officials, and state employees in connection with their official duties;

(8) Serving as the depository for newspapers published in the state of Washington thus providing a central location for a valuable historical record for scholarly, personal, and commercial reference and circulation;

(9) Promoting and facilitating electronic access to public information and services, including providing, or providing for, a service that identifies, describes, and provides location information for government information through electronic means, and that assists government agencies in making their information more readily available to the public;

(10) Collecting and distributing copies of state publications, as defined in RCW 40.06.010, prepared by any state agency for distribution. The state library shall maintain the state publications distribution center, as provided in chapter 40.06 RCW ~~(The office of the secretary of state, on recommendation of the state librarian, may provide by rule for deposit with the state library of up to three copies of each publication))~~ to provide copies of materials that are not available in electronic format to state depository libraries;

(11) Providing for the sale of library material in accordance with RCW 27.12.305;

(12) Providing advisory services to state agencies regarding their information needs;

(13) Providing for library and information service to residents and staff of state-supported residential institutions;

(14) Providing for library and information services to persons throughout the state who are blind and/or physically handicapped;

(15) Assisting individuals and groups such as libraries, library boards, governing bodies, and citizens throughout the state toward the establishment and development of library services;

(16) Making studies and surveys of library needs in order to provide, expand, enlarge, and otherwise improve access to library facilities and services throughout the state;

(17) Serving as an interlibrary loan, information, reference, and referral resource for all libraries in the state. The state library may charge lending fees to other libraries that charge the state library for similar services. Money paid as fees shall be retained by the state library as a recovery of costs; and

(18) Accepting and expending in accordance with the terms thereof grants of federal, state, local, or private funds. For the purpose of qualifying to receive such grants, the state librarian is authorized to make applications and reports required by the grantor.

Sec. 3. RCW 40.06.010 and 1977 ex.s. c 232 s 8 are each amended to read as follows:

As used in this chapter:

(1) ~~("Print" includes all forms of reproducing multiple copies, with the exception of typewritten correspondence and interoffice memoranda.~~

~~(2))~~ "Electronic repository" means a collection of publicly accessible electronic publications stored in a secure digital environment with redundant backup to preserve the collection.

(2) "Format" includes any media used in the publication of state information including electronic, print, audio, visual, and microfilm.

(3) "State agency" includes every state office, officer, department, division, bureau, board, commission and agency of the state, and, where applicable, all subdivisions of each.

~~((3))~~ (4) "State publication" means information published by state agencies, regardless of format, intended for distribution to state government or the public. Examples may include (s) annual, biennial, and special reports required by law, state agency newsletters, periodicals, and magazines, (books, pamphlets, leaflets, and all other materials, other than news releases sent exclusively to the news media, typewritten correspondence and interoffice memoranda, issued in print by the state, the legislature, constitutional officers, or any state department, committee, or other state agency

supported wholly or in part by state funds)) and other informational material intended for general dissemination to state agencies, the public, or the legislature.

Sec. 4. RCW 40.06.020 and 2002 c 342 s 5 are each amended to read as follows:

There is hereby created as a division of the state library, and under the direction of the state librarian, a state publications distribution center. The center shall utilize the depository library system to permit citizens economical and convenient access to state publications, regardless of format. To this end the secretary of state shall make such rules as may be deemed necessary to carry out the provisions of this chapter.

Sec. 5. RCW 40.06.030 and 1977 ex.s. c 232 s 10 are each amended to read as follows:

(1) Every state agency shall promptly ~~((deposit copies of each of its state publications with the state library in quantities as certified by the state librarian as required to meet the needs of the depository library system. Upon consent of the issuing state agency such state publications as are printed by the public printer shall be delivered directly to the center.~~

~~(2))~~ submit to the state library copies of published information that are state publications.

(a) For state publications available only in print format, each state agency shall deposit, at a minimum, two copies of each of its publications with the state library. For the purposes of broad public access, state agencies may deposit additional copies with the state library for distribution to additional depository libraries.

(b) For state publications available only in electronic format, each state agency shall deposit one copy of each of its publications with the state library.

(c) For state publications available in both print and electronic format, each state agency shall deposit two print copies and one electronic copy of the publication with the state library.

(2) Annually, each state agency shall provide the state library with a listing of all its publications made available to state government and the public during the preceding year, including those published in electronic form. The secretary of state shall, by rule, establish the annual date by which state agencies must provide the list of its publications to the state library.

(3) In the interest of economy and efficiency, the state librarian may specifically or by general rule exempt a given state publication or class of publications from the requirements of this section in full or in part.

(4) Upon consent of the issuing state agency, such state publications as are printed by the public printer shall be delivered directly to the center.

Sec. 6. RCW 40.06.040 and 2002 c 342 s 6 are each amended to read as follows:

(1) To provide economical public access to state publications, the center may enter into depository contracts with any free public library, The Evergreen State College, regional university, or state university library, or, if needed, the library of any privately incorporated college or university in this state. The requirements for eligibility to contract as a depository library shall be established by the secretary of state upon recommendations of the state librarian. The standards shall include and take into consideration the type of library, available housing and space for the publications, the number and qualifications of personnel, and availability for public use. The center may also contract with public, out-of-state libraries for the exchange of state and other publications on a reciprocal basis. Any state publication to be distributed to the public and the legislature shall be mailed at the lowest available postal rate.

(2) The office of the secretary of state through the state librarian shall preserve and make accessible state agency electronic publications deposited with the state library through an electronic repository.

Sec. 7. RCW 40.06.050 and 1963 c 233 s 5 are each amended to read as follows:

The center shall publish and distribute regularly a list of available state publications, and may publish and distribute such

other descriptive ((~~printed~~)) matter as will facilitate the distribution of and access to state publications."

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "amending RCW 27.04.045, 40.06.010, 40.06.020, 40.06.030, 40.06.040, and 40.06.050; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2155 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Haigh and Nixon spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2155, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2155, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2155, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2466, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of computer hardware, computer peripherals, or software, not otherwise eligible for exemption under RCW 82.08.02565 or 82.08.975, used primarily in the development, design, and engineering of commercial airplanes or components of such airplanes, or to sales of or charges made for labor and services rendered in respect to installing the computer hardware, computer peripherals, or software. The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(2) As used in this section:

(a) "Commercial airplane" and "component" have the meanings in RCW 82.32.550.

(b) "Peripherals" includes keyboards, monitors, mouse devices, and other accessories that operate outside of the computer, excluding cables, conduit, wiring, and other similar property.

(3) This section expires July 1, 2024.

NEW SECTION. Sec. 2. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of computer hardware, computer peripherals, or software, not otherwise eligible for exemption under RCW 82.12.02565 or 82.12.975, used primarily in the development, design, and engineering of commercial airplanes or components of such airplanes, or to the use of labor and services rendered in respect to installing the computer hardware, computer peripherals, or software.

(2) As used in this section:

(a) "Commercial airplane" and "component" have the meanings in RCW 82.32.550.

(b) "Peripherals" includes keyboards, monitors, mouse devices, and other accessories that operate outside of the computer, excluding cables, conduit, wiring, and other similar property.

(3) This section expires July 1, 2024.

NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for each person for qualified preproduction development expenditures occurring after the effective date of this section.

(2) The credit is equal to the amount of qualified preproduction development expenditures of a person, multiplied by the rate of 1.5 percent.

(3) The credit shall be taken against taxes due for the same calendar year in which the qualified preproduction development expenditures are incurred. Credits may not be carried over. The credit for each calendar year may not exceed the amount of tax otherwise due under this chapter for the calendar year. Refunds may not be granted in the place of a credit.

(4) Any person entitled to the credit in this section as a result of qualified preproduction development conducted under contract may assign all or any portion of the credit to the person contracting for the performance of the qualified preproduction development.

(5) The definitions in this subsection apply throughout this section.

(a) "Aeronautics" means the study of flight and the science of building and operating commercial aircraft.

(b) "Preproduction development" means research, design, and engineering activities performed in relation to the development of a product, product line, model, or model derivative, including prototype development, testing, and certification. The term includes the discovery of technological information, the translating of technological information into new or improved products, processes, techniques, formulas, or inventions, and the adaptation of existing products and models into new products or new models, or derivatives of products or models. The term does not include manufacturing activities or other production-oriented activities. The term does not include surveys and studies, social science and humanities research, market research or testing, quality control, sale promotion and service, computer software developed for internal use, and research in areas such as improved style, taste, and seasonal design.

(c) "Qualified preproduction development" means preproduction development performed within this state in the field of aeronautics.

(d) "Qualified preproduction development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership as determined by the department, benefits, supplies, and computer expenses, directly incurred in qualified preproduction development by a person claiming the credit provided in this section. The term does not include amounts paid to a person other than a public educational or research institution to conduct qualified preproduction development. The term does not include capital costs and overhead, such as expenses for land, structures, or depreciable property.

(6) Credit may not be claimed for expenditures for which a credit is claimed under RCW 82.04.4452 or 82.04.4461.

(7) This section expires July 1, 2024.

NEW SECTION. Sec. 4. A new section is added to chapter 82.32 RCW to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(2)(a) A person claiming the credit under section 3 of this act shall file a complete annual survey with the department. The survey is due by March 31st following any year in which a credit is claimed. The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall include the amount of the tax credit claimed, the qualified preproduction development expenditures during the calendar year for which the credit is claimed, whether the credit has been assigned under section 3(4) of this act and who assigned the credit, the number of new products or research projects by general classification, and the number of trademarks, patents, and copyrights associated with the qualified preproduction development activities for which a credit was claimed. The survey shall also include the following information for employment positions in Washington:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(b) As part of the annual survey, the department may request additional information necessary to measure the results of, or determine eligibility for, the tax credit program.

(c) All information collected under this section, except the amount of the tax credit claimed, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax credit claimed is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, except as provided in (d) of this subsection. If the amount of the tax credit as reported on the survey is different than the amount actually claimed on the taxpayer's tax returns or otherwise allowed by the department, the amount actually claimed or allowed may be disclosed.

(d) Persons for whom the actual amount of the tax credit claimed on the taxpayer's returns or otherwise allowed by the department is less than ten thousand dollars during the period covered by the survey may request the department to treat the tax credit amount as confidential under RCW 82.32.330.

(3) If a person fails to submit a complete annual survey under subsection (2) of this section by the due date or any extension under RCW 82.32.590, the department shall declare the amount of taxes against which a credit was claimed for that year to be immediately due and payable. The department shall assess interest, but not penalties, on the taxes against which the credit was claimed. Interest shall be assessed at the rate provided for delinquent excise taxes under this chapter, retroactively to the date the credit was claimed,

and shall accrue until the taxes against which the credit was claimed are repaid.

(4) The department shall use the information from the annual survey required under subsection (2) of this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(5) In conjunction with the reports due under RCW 82.32.545, by November 1, 2010, and November 1, 2023, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the credit authorized in section 3 of this act in regard to keeping Washington competitive. The report shall measure the effect of the credit authorized in section 3 of this act on job retention, net jobs created for Washington residents, company growth, diversification of the state's economy, cluster dynamics, and other factors as the committees select. The reports shall include a discussion of principles to apply in evaluating whether the legislature should reenact the credit authorized in section 3 of this act.

(6) A person who is subject to the requirements in RCW 82.32.545 is not required to file a complete annual survey under this section if the person timely files the annual report required by RCW 82.32.545.

Sec. 5. RCW 82.04.250 and 2003 2nd sp.s. c 1 s 2 are each amended to read as follows:

(1) Upon every person (~~except persons taxable under RCW 82.04.260 (5) or (13), 82.04.272, or subsection (2) of this section~~) engaging within this state in the business of making sales at retail, ~~except persons taxable as retailers under other provisions of this chapter~~, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent.

(2) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, ~~except persons taxable under RCW 82.04.260 ((13))~~ (1) or subsection (3) of this section, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of 0.484 percent.

(3) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, that is classified by the federal aviation administration as a FAR part 145 certificated repair station with airframe and instrument ratings and limited ratings for nondestructive testing, radio, Class 3 Accessory, and specialized services, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of 2.904 percent.

NEW SECTION. Sec. 6. A new section is added to chapter 82.32 RCW to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources, the legislature needs information on how a tax incentive is used.

(2)(a) A person who reports taxes under RCW 82.04.250(3) shall file a complete annual survey with the department. The survey is due by March 31st following any year in which a person reports taxes under RCW 82.04.250(3). The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall include the amount of tax reduced under the preferential rate in RCW 82.04.250(3). The survey shall also include the following information for employment positions in Washington:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and

sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(b) As part of the annual survey, the department may request additional information necessary to measure the results of, or determine eligibility for, the preferential tax rate in RCW 82.04.250(3).

(c) All information collected under this section, except the amount of the tax reduced under the preferential rate in RCW 82.04.250(3), is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax reduced is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, except as provided in (d) of this subsection. If the amount of the tax reduced as reported on the survey is different than the amount actually reduced based on the taxpayer's excise tax returns or otherwise allowed by the department, the amount actually reduced may be disclosed.

(d) Persons for whom the actual amount of the tax reduction is less than ten thousand dollars during the period covered by the survey may request the department to treat the amount of the tax reduction as confidential under RCW 82.32.330.

(3) If a person fails to submit a complete annual survey under subsection (2) of this section by the due date or any extension under RCW 82.32.590, the department shall declare the amount of taxes reduced under the preferential rate in RCW 82.04.250(3) for that year to be immediately due and payable. The department shall assess interest, but not penalties, on the taxes. Interest shall be assessed at the rate provided for delinquent excise taxes under this chapter, retroactively to the date the reduced taxes were due, and shall accrue until the amount of the reduced taxes is repaid.

(4) The department shall use the information from the annual survey required under subsection (2) of this section to prepare summary descriptive statistics by category. The department shall report these statistics to the legislature each year by September 1st.

(5) By November 1, 2010, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the preferential tax rate provided in RCW 82.04.250(3) in regard to keeping Washington competitive. The report shall measure the effect of the preferential tax rate provided in RCW 82.04.250(3) on job retention, net jobs created for Washington residents, company growth, diversification of the state's economy, cluster dynamics, and other factors as the committees select. The report shall include a discussion of principles to apply in evaluating whether the legislature should extend the preferential tax rate provided in RCW 82.04.250(3).

(6) This section expires December 31, 2012.

Sec. 7. RCW 82.32.330 and 2005 c 326 s 1 and 2005 c 274 s 361 are each reenacted and amended to read as follows:

(1) For purposes of this section:

(a) "Disclose" means to make known to any person in any manner whatever a return or tax information;

(b) "Return" means a tax or information return or claim for refund required by, or provided for or permitted under, the laws of this state which is filed with the department of revenue by, on behalf of, or with respect to a person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists that are supplemental to, or part of, the return so filed;

(c) "Tax information" means (i) a taxpayer's identity, (ii) the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability deficiencies, overassessments, or tax payments, whether taken from the taxpayer's books and records or any other source, (iii) whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, (iv) a part of a written determination that is not designated as a precedent and disclosed pursuant to RCW 82.32.410, or a background file document relating to a written determination, and (v) other data received by, recorded by, prepared by, furnished to, or collected by the department of revenue with respect to the determination of the existence, or possible

existence, of liability, or the amount thereof, of a person under the laws of this state for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense: PROVIDED, That data, material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Except as provided by RCW 82.32.410, nothing in this chapter shall require any person possessing data, material, or documents made confidential and privileged by this section to delete information from such data, material, or documents so as to permit its disclosure;

(d) "State agency" means every Washington state office, department, division, bureau, board, commission, or other state agency;

(e) "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer; and

(f) "Department" means the department of revenue or its officer, agent, employee, or representative.

(2) Returns and tax information shall be confidential and privileged, and except as authorized by this section, neither the department of revenue nor any other person may disclose any return or tax information.

(3) This section does not prohibit the department of revenue from:

(a) Disclosing such return or tax information in a civil or criminal judicial proceeding or an administrative proceeding;

(i) In respect of any tax imposed under the laws of this state if the taxpayer or its officer or other person liable under Title 82 RCW is a party in the proceeding; or

(ii) In which the taxpayer about whom such return or tax information is sought and another state agency are adverse parties in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director shall prescribe by rules adopted pursuant to chapter 34.05 RCW, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person: PROVIDED, That tax information not received from the taxpayer shall not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the taxpayer or another person, or that such disclosure would identify a confidential informant, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

(c) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been either issued or filed and remains outstanding for a period of at least ten working days. The department shall not be required to disclose any information under this subsection if a taxpayer: (i) Has been issued a tax assessment; (ii) has been issued a warrant that has not been filed; and (iii) has entered a deferred payment arrangement with the department of revenue and is making payments upon such deficiency that will fully satisfy the indebtedness within twelve months;

(d) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been filed with a court of record and remains outstanding;

(e) Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;

(f) Disclosing such return or tax information, for official purposes only, to the governor or attorney general, or to any state agency, or to any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions;

(g) Permitting the department of revenue's records to be audited and examined by the proper state officer, his or her agents and employees;

(h) Disclosing any such return or tax information to a peace officer as defined in RCW 9A.04.110 or county prosecuting attorney, for official purposes. The disclosure may be made only in response to a search warrant, subpoena, or other court order, unless the disclosure is for the purpose of criminal tax enforcement. A peace officer or county prosecuting attorney who receives the return or tax information may disclose that return or tax information only for use in the investigation and a related court proceeding, or in the court proceeding for which the return or tax information originally was sought;

(i) Disclosing any such return or tax information to the proper officer of the internal revenue service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of this state;

(j) Disclosing any such return or tax information to the Department of Justice, including the Bureau of Alcohol, Tobacco ~~((and)), Firearms ((of the Department of the Treasury)) and Explosives within the Department of Justice~~, the Department of Defense, the Immigration and Customs Enforcement and the Customs and Border Protection agencies of the United States ~~((Customs Service)) Department of Homeland Security~~, the Coast Guard of the United States, and the United States Department of Transportation, or any authorized representative thereof, for official purposes;

(k) Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to RCW 82.32.410;

(l) Disclosing, in a manner that is not associated with other tax information, the taxpayer name, entity type, business address, mailing address, revenue tax registration numbers, North American industry classification system or standard industrial classification code of a taxpayer, and the dates of opening and closing of business. This subsection shall not be construed as giving authority to the department to give, sell, or provide access to any list of taxpayers for any commercial purpose;

(m) Disclosing such return or tax information that is also maintained by another Washington state or local governmental agency as a public record available for inspection and copying under the provisions of chapter 42.56 RCW or is a document maintained by a court of record not otherwise prohibited from disclosure;

(n) Disclosing such return or tax information to the United States department of agriculture for the limited purpose of investigating food stamp fraud by retailers;

(o) Disclosing to a financial institution, escrow company, or title company, in connection with specific real property that is the subject of a real estate transaction, current amounts due the department for a filed tax warrant, judgment, or lien against the real property;

(p) Disclosing to a person against whom the department has asserted liability as a successor under RCW 82.32.140 return or tax information pertaining to the specific business of the taxpayer to which the person has succeeded; ~~((or))~~

(q) Disclosing such return or tax information in the possession of the department relating to the administration or enforcement of the real estate excise tax imposed under chapter 82.45 RCW, including information regarding transactions exempt or otherwise not subject to tax; or

(r) Disclosing the least amount of return or tax information necessary for the reports required in section 6 (4) and (5) of this act when the number of taxpayers included in the reports or any part of the reports cannot be classified to prevent the identification of taxpayers or particular returns, reports, tax information, or items in the possession of the department.

(4)(a) The department may disclose return or taxpayer information to a person under investigation or during any court or administrative proceeding against a person under investigation as provided in this subsection (4). The disclosure must be in connection with the department's official duties relating to an audit, collection

activity, or a civil or criminal investigation. The disclosure may occur only when the person under investigation and the person in possession of data, materials, or documents are parties to the return or tax information to be disclosed. The department may disclose return or tax information such as invoices, contracts, bills, statements, resale or exemption certificates, or checks. However, the department may not disclose general ledgers, sales or cash receipt journals, check registers, accounts receivable/payable ledgers, general journals, financial statements, expert's workpapers, income tax returns, state tax returns, tax return workpapers, or other similar data, materials, or documents.

(b) Before disclosure of any tax return or tax information under this subsection (4), the department shall, through written correspondence, inform the person in possession of the data, materials, or documents to be disclosed. The correspondence shall clearly identify the data, materials, or documents to be disclosed. The department may not disclose any tax return or tax information under this subsection (4) until the time period allowed in (c) of this subsection has expired or until the court has ruled on any challenge brought under (c) of this subsection.

(c) The person in possession of the data, materials, or documents to be disclosed by the department has twenty days from the receipt of the written request required under (b) of this subsection to petition the superior court of the county in which the petitioner resides for injunctive relief. The court shall limit or deny the request of the department if the court determines that:

(i) The data, materials, or documents sought for disclosure are cumulative or duplicative, or are obtainable from some other source that is more convenient, less burdensome, or less expensive;

(ii) The production of the data, materials, or documents sought would be unduly burdensome or expensive, taking into account the needs of the department, the amount in controversy, limitations on the petitioner's resources, and the importance of the issues at stake; or

(iii) The data, materials, or documents sought for disclosure contain trade secret information that, if disclosed, could harm the petitioner.

(d) The department shall reimburse reasonable expenses for the production of data, materials, or documents incurred by the person in possession of the data, materials, or documents to be disclosed.

(e) Requesting information under (b) of this subsection that may indicate that a taxpayer is under investigation does not constitute a disclosure of tax return or tax information under this section.

(5) Any person acquiring knowledge of any return or tax information in the course of his or her employment with the department of revenue and any person acquiring knowledge of any return or tax information as provided under subsection (3)(f), (g), (h), (i), (j), or (n) of this section, who discloses any such return or tax information to another person not entitled to knowledge of such return or tax information under the provisions of this section, is guilty of a misdemeanor. If the person guilty of such violation is an officer or employee of the state, such person shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.

Sec. 8. RCW 82.32.590 and 2005 c 514 s 1001 are each amended to read as follows:

(1) If the department finds that the failure of a taxpayer to file an annual survey under RCW 82.04.4452, section 4 of this act, or section 6 of this act by the due date was the result of circumstances beyond the control of the taxpayer, the department shall extend the time for filing the survey. Such extension shall be for a period of thirty days from the date the department issues its written notification to the taxpayer that it qualifies for an extension under this section. The department may grant additional extensions as it deems proper.

(2) In making a determination whether the failure of a taxpayer to file an annual survey by the due date was the result of circumstances beyond the control of the taxpayer, the department shall be guided by rules adopted by the department for the waiver or cancellation of penalties when the underpayment or untimely payment of any tax was due to circumstances beyond the control of the taxpayer.

Sec. 9. RCW 82.32.600 and 2005 c 514 s 1002 are each amended to read as follows:

(1) Persons required to file surveys under RCW 82.04.4452, section 4 of this act, or section 6 of this act must electronically file with the department all surveys, returns, and any other forms or information the department requires in an electronic format as provided or approved by the department (~~(, unless the department grants relief under subsection (2) of this section)~~). As used in this section, "returns" has the same meaning as "return" in RCW 82.32.050.

(2) ~~(Upon request, the department may relieve a person of the obligations in subsection (1) of this section if the person's taxes have been reduced a cumulative total of less than one thousand dollars from all of the credits, exemptions, or preferential business and occupation tax rates, for which a person is required to file an annual survey under RCW 82.04.4452, 82.32.535, 82.32.545, 82.32.570, 82.32.560, 82.60.070, or 82.63.020.~~

~~(3) Persons who no longer qualify for relief under subsection (2) of this section will be notified in writing by the department and must comply with subsection (1) of this section by the date provided in the notice.~~

~~(4))~~ Any survey, return, or any other form or information required to be filed in an electronic format under subsection (1) of this section is not filed until received by the department in an electronic format.

(3) The department may waive the electronic filing requirement in subsection (1) of this section for good cause shown.

Sec. 10. RCW 82.04.4463 and 2005 c 514 s 501 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for property taxes and leasehold excise taxes paid during the calendar year.

(2) The credit is equal to:

(a)(i)(A) Property taxes paid on new buildings, and land upon which this property is located, built after December 1, 2003, and used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(B) Leasehold excise taxes paid with respect to a building built after January 1, 2006, the land upon which the building is located, or both, if the building is used exclusively in manufacturing commercial airplanes or components of such airplanes; or

(ii) Property taxes attributable to an increase in assessed value due to the renovation or expansion, after December 1, 2003, of a building used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(b) An amount equal to property taxes paid on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 and acquired after December 1, 2003, multiplied by a fraction. The numerator of the fraction is the total taxable amount subject to the tax imposed under RCW 82.04.260(~~(+3))~~ (11) and the denominator of the fraction is the total taxable amount subject to the tax imposed under all manufacturing classifications in chapter 82.04 RCW, required to be reported on the person's returns for the calendar year before the calendar year in which the credit under this section is earned. No credit is available under this subsection (2)(b) if either the numerator or the denominator of the fraction is zero. If the fraction is greater than or equal to nine-tenths, then the fraction is rounded to one. For purposes of this subsection, "returns" means the combined excise tax returns for the calendar year.

(3) For the purposes of this section, "commercial passenger airplane" and "component" have the meanings given in RCW 82.32.550.

(4) A person taking the credit under this section is subject to all the requirements of chapter 82.32 RCW. In addition, the person must report as required under RCW 82.32.545. A credit earned during one calendar year may be carried over to be credited against taxes incurred in a subsequent calendar year, but may not be carried over a second year. No refunds may be granted for credits under this section.

(5) In addition to all other requirements under this title, a person taking the credit under this section must report as required under RCW 82.32.545.

(6) This section expires July 1, 2024.

NEW SECTION. **Sec. 11.** Section 10 of this act applies with respect to leasehold excise taxes paid on or after January 1, 2007.

NEW SECTION. **Sec. 12.** Sections 1 through 9 of this act take effect July 1, 2006.

NEW SECTION. **Sec. 13.** Sections 10 and 11 of this act take effect January 1, 2007.

NEW SECTION. **Sec. 14.** Section 5 of this act expires July 1, 2011."

On page 1, line 2 of the title, after "businesses;" strike the remainder of the title and insert "amending RCW 82.04.250, 82.32.590, 82.32.600, and 82.04.4463; reenacting and amending RCW 82.32.330; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.32 RCW; creating a new section; providing effective dates; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2466 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives McIntire and Orcutt spoke in favor the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be final passage of House Bill No. 2466, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2466, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Cody, Hasegawa and Moeller - 3.

HOUSE BILL NO. 2466, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate receded from the amendment by Committee on Ways & Means to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate passed the bill with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.39A.270 and 2004 c 3 s 1 are each amended to read as follows:

(1) Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer, as defined in chapter 41.56 RCW, of individual providers, who, solely for the purposes of collective bargaining, are public employees as defined in chapter 41.56 RCW. To accommodate the role of the state as payor for the community-based services provided under this chapter and to ensure coordination with state employee collective bargaining under chapter 41.80 RCW and the coordination necessary to implement RCW 74.39A.300, the public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW. The governor or governor's designee shall periodically consult with the authority during the collective bargaining process to allow the authority to communicate issues relating to the long-term in-home care services received by consumers. The governor or the governor's designee shall consult the authority on all issues for which the exclusive bargaining representative requests to engage in collective bargaining under subsection (6) of this section. The authority shall work with the developmental disabilities council, the governor's committee on disability issues and employment, the state council on aging, and other consumer advocacy organizations to obtain informed input from consumers on their interests, including impacts on consumer choice, for all issues proposed for collective bargaining under subsection (6) of this section.

(2) Chapter 41.56 RCW governs the collective bargaining relationship between the governor and individual providers, except as otherwise expressly provided in this chapter and except as follows:

(a) The only unit appropriate for the purpose of collective bargaining under RCW 41.56.060 is a statewide unit of all individual providers;

(b) The showing of interest required to request an election under RCW 41.56.060 is ten percent of the unit, and any intervener seeking to appear on the ballot must make the same showing of interest;

(c) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the bargaining representative of individual providers, negotiations shall be commenced by May 1st of any year prior to the year in which an existing collective bargaining agreement expires;

(ii) With respect to factors to be taken into consideration by an interest arbitration panel, the panel shall consider the financial ability of the state to pay for the compensation and fringe benefit provisions of a collective bargaining agreement; and

(iii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and fringe benefit provisions of the arbitrated collective bargaining agreement, is not binding on the authority or the state;

(d) Individual providers do not have the right to strike; and

(e) Individual providers who are related to, or family members of, consumers or prospective consumers are not, for that reason, exempt from this chapter or chapter 41.56 RCW.

(3) Individual providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state, its political subdivisions, or an area agency on aging for any purpose. Chapter 41.56 RCW applies only to the governance of the collective bargaining relationship between the employer and individual providers as provided in subsections (1) and (2) of this section.

(4) Consumers and prospective consumers retain the right to select, hire, supervise the work of, and terminate any individual provider providing services to them. Consumers may elect to receive long-term in-home care services from individual providers who are not referred to them by the authority.

(5) In implementing and administering this chapter, neither the authority nor any of its contractors may reduce or increase the hours of service for any consumer below or above the amount determined to be necessary under any assessment prepared by the department or an area agency on aging.

(6) Except as expressly limited in this section and RCW 74.39A.300, the wages, hours, and working conditions of individual providers are determined solely through collective bargaining as provided in this chapter. No agency or department of the state (~~or other than the authority~~) may establish policies or rules governing the wages or hours of individual providers. However, this subsection does not modify:

(a) The department's authority to establish a plan of care for each consumer (~~and to determine the hours~~) or its core responsibility to manage long-term in-home care services under this chapter, including determination of the level of care that each consumer is eligible to receive. However, at the request of the exclusive bargaining representative, the governor or the governor's designee appointed under chapter 41.80 RCW shall engage in collective bargaining, as defined in RCW 41.56.030(4), with the exclusive bargaining representative over how the department's core responsibility affects hours of work for individual providers. This subsection shall not be interpreted to require collective bargaining over an individual consumer's plan of care;

(b) The department's authority to terminate its contracts with individual providers who are not adequately meeting the needs of a particular consumer, or to deny a contract under RCW 74.39A.095(8);

(c) The consumer's right to assign hours to one or more individual providers selected by the consumer within the maximum hours determined by his or her plan of care;

(d) The consumer's right to select, hire, terminate, supervise the work of, and determine the conditions of employment for each individual provider providing services to the consumer under this chapter;

(e) The department's obligation to comply with the federal medicaid statute and regulations and the terms of any community-based waiver granted by the federal department of health and human services and to ensure federal financial participation in the provision of the services; and

(f) The legislature's right to make programmatic modifications to the delivery of state services under this title, including standards of eligibility of consumers and individual providers participating in the programs under this title, and the nature of services provided. The governor shall not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection (6)(f).

(7)(a) The state, the department, the authority, the area agencies on aging, or their contractors under this chapter may not be held vicariously or jointly liable for the action or inaction of any individual provider or prospective individual provider, whether or not that individual provider or prospective individual provider was included on the authority's referral registry or referred to a consumer or prospective consumer. The existence of a collective bargaining agreement, the placement of an individual provider on the referral registry, or the development or approval of a plan of care for a consumer who chooses to use the services of an individual provider and the provision of case management services to that consumer, by the department or an area agency on aging, does not constitute a special relationship with the consumer.

(b) The members of the board are immune from any liability resulting from implementation of this chapter.

(8) Nothing in this section affects the state's responsibility with respect to unemployment insurance for individual providers. However, individual providers are not to be considered, as a result of the state assuming this responsibility, employees of the state.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "amending RCW 74.39A.270; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Conway and Condotta spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2475, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2475, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Bailey, Chandler and Talcott - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2006

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2754, with the following amendment:

On page 4, after line 7, insert the following:

"**Sec. 9.** RCW 70.47.060 and 2004 c 192 s 3 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (11) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (12) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

(c) To determine the periodic premiums due the administrator from health coverage tax credit eligible enrollees. Premiums due from health coverage tax credit eligible enrollees must be in an amount equal to the cost charged by the managed health care system provider to the state for the plan, plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201. The administrator will consider the impact of eligibility determination by the appropriate federal agency designated by the Trade Act of 2002 (P.L. 107-210) as well as the premium collection and remittance activities by the United States internal revenue service when determining the administrative cost charged for health coverage tax credit eligible enrollees.

(d) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator. The administrator shall establish a mechanism

for receiving premium payments from the United States internal revenue service for health coverage tax credit eligible enrollees.

(e) To develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, 2001, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.

(3) To evaluate, with the cooperation of participating managed health care system providers, the impact on the basic health plan of enrolling health coverage tax credit eligible enrollees. The administrator shall issue to the appropriate committees of the legislature preliminary evaluations on June 1, 2005, and January 1, 2006, and a final evaluation by June 1, 2006. The evaluation shall address the number of persons enrolled, the duration of their enrollment, their utilization of covered services relative to other basic health plan enrollees, and the extent to which their enrollment contributed to any change in the cost of the basic health plan.

(4) To end the participation of health coverage tax credit eligible enrollees in the basic health plan if the federal government reduces or terminates premium payments on their behalf through the United States internal revenue service.

(5) To design and implement a structure of enrollee cost-sharing due a managed health care system from subsidized, nonsubsidized, and health coverage tax credit eligible enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(6) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists. Such a closure does not apply to health coverage tax credit eligible enrollees who receive a premium subsidy from the United States internal revenue service as long as the enrollees qualify for the health coverage tax credit program.

(7) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.

(8) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(9) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan for subsidized enrollees, nonsubsidized enrollees, or health coverage tax credit eligible enrollees. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(10) To receive periodic premiums from or on behalf of subsidized, nonsubsidized, and health coverage tax credit eligible enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(11) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized, nonsubsidized, or health coverage tax credit

eligible enrollees, to give priority to members of the Washington national guard and reserves who served in operation enduring freedom, operation Iraqi freedom, or operation noble eagle, and their spouses and dependents, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report income or income changes accurately, the administrator shall have the authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

(12) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(13) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(14) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(15) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate

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measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(16) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(17) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

(18) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.

(19) To administer the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington state health insurance pool."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 1, line 2 of the title, after "43.60A.010" insert "and 70.47.060"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2754 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Morrell and Alexander spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2754, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2754, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 2754, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS AND INTENT. (1) The legislature finds that many small employers struggle with the cost of providing employer-sponsored health insurance coverage to their employees, while others are unable to offer employer-sponsored health insurance due to its high cost. Low-wage workers also struggle with the burden of paying their share of the costs of employer-sponsored health insurance, while others turn down their employer's offer of coverage due to its costs. A small employer health insurance program that provides subsidies for employers who want to purchase one type of insurance and allows other employers to choose more kinds of low-cost insurance products would help more small employers provide health insurance for their employees.

(2) The legislature intends, through establishment of a small employer health insurance partnership program, to remove economic barriers to health insurance coverage for low-wage employees of small employers by building on the private sector health benefit plan system and encouraging employer and employee participation in employer-sponsored health benefit plan coverage.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the Washington state health care authority, established under chapter 41.05 RCW.

(2) "Eligible employee" means an individual who:

(a) Is a resident of the state of Washington;

(b) Has family income less than two hundred percent of the federal poverty level, as determined annually by the federal department of health and human services; and

(c) Is employed by a small employer.

(3) "Health benefit plan" has the same meaning as defined in RCW 48.43.005 or any plan provided by a self-funded multiple employer welfare arrangement as defined in RCW 48.125.010 or by a self-insured employer-sponsored health benefit arrangement under the federal employee retirement income security act of 1974, as amended.

(4) "Program" means the small employer health insurance partnership program established in section 3 of this act.

(5) "Small employer" has the same meaning as defined in RCW 48.43.005.

(6) "Subsidy" means payment or reimbursement to an eligible employee toward the purchase of a health benefit plan, and may include a net billing arrangement with insurance carriers or a prospective or retrospective payment for health benefit plan premiums.

NEW SECTION. Sec. 3. SMALL EMPLOYER HEALTH INSURANCE PARTNERSHIP PROGRAM ESTABLISHED. To the extent funding is appropriated in the operating budget for this purpose, the small employer health insurance partnership program is established. The administrator shall be responsible for the implementation and operation of the small employer health insurance partnership program, directly or by contract. The administrator shall offer premium subsidies to eligible employees under section 5 of this act, subsidies to fund a health savings account under section 4 of this act, or a business and occupation tax deduction under section 6 of this act.

NEW SECTION. Sec. 4. HEALTH SAVINGS ACCOUNT SUBSIDIES TO ELIGIBLE EMPLOYEES. (1) Beginning July 1, 2007, the administrator shall accept applications from eligible employees, on behalf of themselves, their spouses, and their dependent children, to receive subsidies to fund a health savings

account through the small employer health insurance partnership program.

(2) Health savings account subsidy payments may be provided to eligible employees if:

(a) The eligible employee is employed by a small employer; and

(b) The eligible employee participates in an employer sponsored high deductible health plan and health savings account that conforms to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986.

(3) The amount of an eligible employee's health savings account subsidy shall be determined by the legislature in the biennial operating budget.

(4) After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.

(5) An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on health savings account subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources.

NEW SECTION. Sec. 5. PREMIUM SUBSIDIES TO ELIGIBLE EMPLOYEES. (1) Beginning July 1, 2007, the administrator shall accept applications from eligible employees, on behalf of themselves, their spouses, and their dependent children, to receive premium subsidies through the small employer health insurance partnership program.

(2) Premium subsidy payments may be provided to eligible employees if:

(a) The eligible employee is employed by a small employer; and

(b) The small employer will pay at least forty percent of the monthly premium cost for health benefit plan coverage of the eligible employee.

(3) The amount of an eligible employee's premium subsidy shall be determined by applying the sliding scale subsidy schedule developed for subsidized basic health plan enrollees under RCW 70.47.060 to the employee's premium obligation for his or her employer's health benefit plan. However, in no case shall the amount of an eligible employee's monthly premium subsidy exceed the amount he or she would have received as a basic health plan enrollee.

(4) After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.

(5) An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on premium subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources.

NEW SECTION. Sec. 6. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax the amount paid by small employers to provide health care services for its employees. Payments made by employees are not eligible for deduction under this subsection.

(2) For the purposes of this section, the following definitions apply:

(a) "Small employer" has the meaning provided in RCW 48.43.005;

(b) "Health care services" means a health benefit plan as defined in RCW 48.43.005, contributions to health savings accounts as defined by the United States internal revenue service, or other health care services purchased by the small employer for its employees.

NEW SECTION. Sec. 7. ENROLLMENT LIMITS TO REMAIN WITHIN APPROPRIATION. Enrollment in the small employer health insurance partnership program is not an entitlement and shall not result in expenditures that exceed the amount that has been appropriated for the program in the operating budget. If it appears that continued enrollment will result in expenditures exceeding the appropriated level for a particular fiscal year, the administrator may freeze new enrollment in the program and establish a waiting list of eligible employees who shall receive subsidies only when sufficient funds are available.

NEW SECTION. Sec. 8. COLLABORATION WITH COMMUNITY ORGANIZATIONS. In implementing the small employer health insurance partnership program, the administrator shall work with organizations awarded grants through the community health care collaborative grant program established under Engrossed Second Substitute Senate Bill No. 6459, if enacted. The administrator may use funds appropriated for the small employer health insurance partnership program to enhance a grant otherwise awarded to a community-based organization. The grant enhancement shall be used by the organization specifically to provide a premium subsidy to eligible employees within the geographic region it serves.

NEW SECTION. Sec. 9. RULES. The administrator shall adopt all rules necessary for the implementation and operation of the small employer health insurance partnership program. As part of the rule development process, the administrator shall consult with small employers, carriers, employee organizations, and the office of the insurance commissioner under Title 48 RCW to determine an effective and efficient method for the payment of subsidies under this chapter, including methods for electronic funds transfers of the subsidy. All rules shall be adopted in accordance with chapter 34.05 RCW.

NEW SECTION. Sec. 10. REPORTS TO THE LEGISLATURE. The administrator shall report biennially to the relevant policy and fiscal committees of the legislature on the effectiveness and efficiency of the small employer health insurance partnership program, including the services and benefits covered under the purchased health benefit plans, consumer satisfaction, and other program operational issues.

NEW SECTION. Sec. 11. STATE CHILDREN'S HEALTH INSURANCE PROGRAM--FEDERAL WAIVER REQUEST. The department of social and health services shall submit a request to the federal department of health and human services by October 1, 2006, for a state children's health insurance program section 1115 demonstration waiver. The waiver request shall seek authorization from the federal government to draw down Washington state's unspent state children's health insurance program allotment to finance basic health plan coverage, as provided in chapter 70.47 RCW, for parents of children enrolled in medical assistance or the state children's health insurance program. The waiver also shall seek authorization from the federal government to utilize the resulting state savings to finance expanded basic health plan enrollment, or subsidies provided to low-wage workers through the small employer health insurance partnership program established in this chapter.

NEW SECTION. Sec. 12. The joint legislative audit and review committee shall conduct a program and fiscal review of the

small employer health insurance partnership program and report their findings and recommendation to the appropriate committees of the legislature no later than November 2009. The review shall include an assessment of at least the following issues:

(1) The extent to which eligible employees' employers were providing health insurance coverage prior to their entry into the program, and whether their employer modified their contribution to health plan premium costs or the scope of coverage provided prior to the employee's entry into the program;

(2) The extent to which eligible employees are employed by an employer who began providing health insurance coverage to its employees due at least in part to the availability of the program;

(3) The average percentage and dollar amount of employer contributions to premiums for eligible employees and dependents participating in the program;

(4) The scope of covered benefits and the cost of employer-sponsored health plans being subsidized through the program; and

(5) The amount of the state premium subsidy per participating employee and their dependents, in comparison to the cost that the state would have incurred if the eligible employees and their dependents were enrolled in the basic health plan.

Sec. 13. RCW 48.21.045 and 2004 c 244 s 1 are each amended to read as follows:

~~(1)((a))~~ An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ~~(Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.~~

~~(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.~~

~~(2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.21.130 through 48.21.240, 48.21.244 through 48.21.280, 48.21.300 through 48.21.320, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the insurer must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) An insurer offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and

(iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the enrollment of the small employer;

(ii) Changes to the family composition of the employee;

(iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool ~~((such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal))~~ if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a

small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

~~((7))~~ (8) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 14. RCW 48.44.023 and 2004 c 244 s 7 are each amended to read as follows:

~~(1)((a))~~ A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ((Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

~~(b)~~ A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.

~~(2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.44.210, 48.44.212, 48.44.225, 48.44.240 through 48.44.245, 48.44.290 through 48.44.340, 48.44.344, 48.44.360 through 48.44.380, 48.44.400, 48.44.420, 48.44.440 through 48.44.460, 48.44.500, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

~~(b)~~ In offering the plan under this subsection, the health care service contractor must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

~~(2)~~ A health care service contractor offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

~~(3)~~ Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any

plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

(i) Geographic area;

(ii) Family size;

(iii) Age; and

(iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the enrollment of the small employer;

(ii) Changes to the family composition of the employee;

(iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool ~~((such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal))~~ if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within

thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 15. RCW 48.46.066 and 2004 c 244 s 9 are each amended to read as follows:

~~(1)((a))~~ (1)((a)) A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ (a) no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.~~

~~((b))~~ (b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.

~~((2))~~ (2) (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.46.250, 48.46.272 through 48.46.290, 48.46.320, 48.46.350, 48.46.375, 48.46.440 through 48.46.460, 48.46.480, 48.46.490, 48.46.510, 48.46.520, 48.46.530, 48.46.565, 48.46.570, 48.46.575, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the health maintenance organization must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) A health maintenance organization offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

(i) Geographic area;

(ii) Family size;

(iii) Age; and

(iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the enrollment of the small employer;

(ii) Changes to the family composition of the employee;

(iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool ~~((such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal))~~ if certified by a member of the American academy of actuaries, that: (i) The variation is a result of

deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the health maintenance organization's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

NEW SECTION. Sec. 16. Captions used in this act are not part of the law.

NEW SECTION. Sec. 17. Sections 1 through 5, 7 through 11, and 16 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 18. Section 6 of this act takes effect July 1, 2006."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 48.21.045, 48.44.023, and 48.46.066; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

Representative Hinkle moved the House concur in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572 and advance the bill as amended by the Senate to final passage.

POINT OF ORDER

Representative Hunt requested a scope and object ruling on the Senate amendment to Engrossed Second Substitute House Bill No. 2572.

SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572 is an acting relating to "establishment of the small employer health insurance partnership program." The bill as it passed the House created a new chapter in Title 70 RCW and established a premium assistance program for small businesses through the Health Care Authority. The premium assistance program was limited to subsidies to low-wage employees of small employers who pay for at least 40% of health care benefit plan coverage. The bill did not make any changes to the insurance code in Title 48 or the tax code in Title 82.

The Senate amendment makes various changes to the House bill.

The part of the Senate amendment originally numbered 296 changes insurance regulations for carriers participating in the small group market and amends the insurance code in Title 48.

The part of the Senate amendment originally numbered 297 provides a business and occupation tax credit for small employers providing health care coverage and amends the tax code in Title 82.

These provisions in the Senate amendment are unrelated to the establishment of a premium assistance program for small businesses through the Health Care Authority as specified in the bill that passed the House and are therefore beyond the scope and object of the House bill.

Representative Hunt, your point of order is well taken."

Representative Cody moved that the House refuse to concur in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572 and ask the Senate to recede therefrom.

Representatives Cody, Simpson, Clibborn and Morrell spoke in favor of adoption of the motion.

Representatives Curtis, Armstrong, Hinkle, Condotta, Bailey, Shabro, Ahern, Anderson, Ericksen, Buck, Nixon, Sump, Orcutt, McDonald, Buri, Roach, Dunn, Walsh and DeBolt spoke against the adoption of the motion.

An electronic roll call vote was requested and the request was granted.

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of the motion not to concur in the Senate amendment to Engrossed Second Substitute House Bill No. 2572.

ROLL CALL

The Clerk called the roll on the adoption of the motion not to concur in the Senate amendment to Engrossed Second Substitute House Bill No. 2572, and the amendment was adopted by the following vote: Yeas - 56, Nays - 42, Excused - 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant,

Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 56.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 42.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SENATE BILL NO. 5330 and asks the House to recede therefrom.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendments to ENGROSSED SENATE BILL NO. 5330 and asked the Senate to concur therein.

MESSAGE FROM THE SENATE

March 6, 2006

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 6330 and asks the House to recede therefrom.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendments to SUBSTITUTE SENATE BILL NO. 6330 and asked the Senate to concur therein.

MESSAGE FROM THE SENATE

March 6, 2006

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 6680 and asks the House to recede therefrom.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendments to SENATE BILL NO. 6680 and asked the Senate to concur therein.

MESSAGE FROM THE SENATE

March 6, 2006

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5305 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 5305 was returned to second reading for purpose of amendment.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5305, By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Rasmussen, Benton, Roach, Swecker, Zarelli, Regala, Stevens, Shin, Delvin, Franklin and Mulliken)

Prohibiting vaccinating pregnant women and children with mercury-containing vaccines.

Representative Cody moved the adoption of amendment (1142):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that vaccinations and immunizations are among the most important public health innovations of the last one hundred years. The centers for disease control and prevention placed vaccinations at the top of its list of the ten greatest public health achievements of the twentieth century. In its efforts to improve public health in the world's poorest countries, the Bill and Melinda Gates foundation has identified childhood immunization as a cost-effective method of improving public health and saving the lives of millions of children around the world.

Fortunately, in Washington, safe and cost-effective vaccinations against childhood diseases are widely available through both public and private resources. The vaccines that the Washington state department of health provides to meet the requirements for the recommended childhood vaccination schedule through its universal childhood vaccine program are screened for thimerosal and preference is given toward the purchase of thimerosal-free products. The department of health currently provides thimerosal-free products for all routinely recommended childhood vaccines. Regardless of the absence of thimerosal in childhood vaccines in Washington, scientifically reputable organizations such as the centers for disease control and prevention, the national institute of medicine, the American academy of pediatrics, the food and drug administration, and the world health organization have all determined that there is no credible evidence that the use of thimerosal in vaccines poses a threat to the health and safety of children.

Notwithstanding these assurances of the safety of the vaccine supply, the legislature finds that where there is public concern over the safety of vaccines, vaccination rates may be reduced to the point that deadly, vaccine-preventable, childhood diseases return. This measure is being enacted to maintain public confidence in vaccine programs, so that the public will continue to seek vaccinations and their health benefits may continue to protect the people of Washington.

NEW SECTION. **Sec. 2.** A new section is added to chapter 70.95M RCW to read as follows:

(1) Beginning July 1, 2007, a person who is known to be pregnant or who is under three years of age shall not be vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than 0.5 micrograms of mercury per 0.5 milliliter dose.

(2) Notwithstanding subsection (1) of this section, an influenza vaccine may contain up to 1.0 micrograms of mercury per 0.5 milliliter dose.

(3) The secretary of the department of health may, upon declaration of a public health emergency, suspend the requirements of this section for the duration of the emergency.

(4) All vaccines and products referenced under this section must meet food and drug administration licensing requirements."

Representatives Cody and Hinkle spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5305, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5305, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5305, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2006

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6257 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the rules were suspended and SUBSTITUTE SENATE BILL NO. 6257 was returned to second reading for purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6257, By Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senator Delvin)

Exempting guest services or crowd management employees from the requirements of chapter 18.170 RCW.

Representative Hudgins moved the adoption of amendment (1161):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.170.020 and 1991 c 334 s 2 are each amended to read as follows:

The requirements of this chapter do not apply to:

(1) A person who is employed exclusively or regularly by one employer and performs the functions of a private security guard solely in connection with the affairs of that employer, if the employer is not a private security company;

(2) A sworn peace officer while engaged in the performance of the officer's official duties; ((or))

(3) A sworn peace officer while employed by any person to engage in off-duty employment as a private security guard, but only if the employment is approved by the chief law enforcement officer of the jurisdiction where the employment takes place and the sworn peace officer does not employ, contract with, or broker for profit other persons to assist him or her in performing the duties related to his or her private employer; or

(4) Guest services or crowd management employees who do not perform the duties of a private security guard."

Correct the title.

Representative Hudgins spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hudgins and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6257, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6257, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P.,

Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6257, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6362 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the rules were suspended and SUBSTITUTE SENATE BILL NO. 6362 was returned to second reading for purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6362, By Senate Committee on Government Operations & Elections (originally sponsored by Senators Kohl-Welles, Keiser, Jacobsen and Kline)

Modifying voter registration provisions.

Representative Nixon moved the adoption of amendment (1165):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.170.020 and 1991 c 334 s 2 are each amended to read as follows:

The requirements of this chapter do not apply to:

(1) A person who is employed exclusively or regularly by one employer and performs the functions of a private security guard solely in connection with the affairs of that employer, if the employer is not a private security company;

(2) A sworn peace officer while engaged in the performance of the officer's official duties; ((or))

(3) A sworn peace officer while employed by any person to engage in off-duty employment as a private security guard, but only if the employment is approved by the chief law enforcement officer of the jurisdiction where the employment takes place and the sworn peace officer does not employ, contract with, or broker for profit other persons to assist him or her in performing the duties related to his or her private employer; or

(4) Guest services or crowd management employees who do not perform the duties of a private security guard."

Correct the title.

Representatives Nixon and Haigh spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Nixon and Haigh spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6362, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6362, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6362, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2006

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6144 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 6144 and passed the bill to final passage without the House amendment.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6144 without the House amendment.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6144, without the House amendment and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi,

Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6144, without the House amendment, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate recessed from the amendment by Committee on Ways & Means to SUBSTITUTE HOUSE BILL NO. 2416. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate passed the bill with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.05.070 and 2003 c 186 s 1 are each amended to read as follows:

The commission may:

(1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group shall agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. The commission may not charge fees for general park access or parking;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed forty years;

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 and

determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 9, 2006."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 79A.05.070; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2416 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives B. Sullivan and Buck spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2416, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2416, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Hudgins and Murray - 2.

SUBSTITUTE HOUSE BILL NO. 2416, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3098. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate passed the bill with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In 2005, the legislature reconstituted the state board of education to refocus its purpose; abolished the academic achievement and accountability commission; and assigned policy and rule-making authority for educator preparation and certification to the professional educator standards board. The purpose of this act is to address the remaining statutory responsibilities of the state board of education held before 2005. The legislature finds that some duties should be retained with the reconstituted board; many duties should be transferred to other agencies or organizations, primarily but not exclusively to the superintendent of public instruction; and some duties should be repealed. This act also corrects statutes to implement fully the transfer of responsibilities authorized in 2005.

PART 1 NEW STATE BOARD OF EDUCATION

NEW SECTION. Sec. 101. The legislature encourages the members of the new state board of education to review the transfer of duties from the state board to other entities made in this act and if any of the duties that were transferred away from the state board are necessary for the board to accomplish the purpose set out in this act then the state board shall come back to the legislature to request those necessary duties to be returned to the state board of education. The state board of education is encouraged to make such a request by January 15, 2007.

Sec. 102. RCW 28A.305.130 and 2005 c 497 s 104 are each amended to read as follows:

The purpose of the state board of education is to ~~((adopt statewide policies that promote achievement of the goals of RCW 28A.150.210; implement a standards-based accountability system; and provide leadership in the creation of an education system that respects the diverse cultures, abilities, and learning styles of all students))~~ provide advocacy and strategic oversight of public education; implement a standards-based accountability system to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board of education shall:

~~(1) ((Until January 1, 2006, approve or disapprove the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.~~

~~(2) Until January 1, 2006, conduct every five years a review of the program approval standards, including the minimum standards for teachers, administrators, and educational staff associates, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and educational staff associates.~~

~~(3) Until January 1, 2006, investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) of this section, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.~~

~~(4) Until January 1, 2006:~~

~~(a) Adopt rules to allow a teacher certification candidate to fulfill, in part, teacher preparation program requirements through work experience as a classified teacher's aide in a public school or private school meeting the requirements of RCW 28A.195.010. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter; and~~

~~(b) Require that at the time of the individual's enrollment in a teacher preparation program, the supervising teacher and the building principal shall jointly provide to the teacher preparation program of the higher education institution at which the teacher candidate is enrolled, a written assessment of the performance of the teacher candidate. The assessment shall contain such information as determined by the state board of education and shall include: Evidence that at least fifty percent of the candidate's work as a classified teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for one school year; the type of work performed by the candidate; and a recommendation of whether the candidate's work experience as a classified teacher's aide should be substituted for teacher preparation program requirements. In compliance with such rules as may be established by the state board of education under this section, the teacher preparation programs of the higher education institution where the candidate is enrolled shall make the final determination as to what teacher preparation program requirements may be fulfilled by teacher aide work experience.~~

~~(5) Until January 1, 2006, supervise the issuance of such certificates as provided for in subsection (1) of this section and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.410.010.~~

~~(6)) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business((-);~~

~~((7)) (2) Form committees as necessary to effectively and efficiently conduct the work of the board((-);~~

~~((8)) (3) Seek advice from the public and interested parties regarding the work of the board((-);~~

~~((9)) (4) For purposes of statewide accountability((-; the board shall):~~

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, to obtain a certificate of academic achievement. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall consider the incorporation of the standard error of measurement into

the decision regarding the award of the certificates. The board shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. The initial performance standards and any changes recommended by the board in the performance standards for the tenth grade assessment shall be presented to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. The legislature shall be advised of the initial performance standards and any changes made to the elementary level performance standards and the middle school level performance standards;

(c) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature and by the board under (a) of this subsection;

(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index. When determining the baseline year or years for recognizing individual schools, the board may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards. In its deliberations, the board shall consider the use of all statewide mandated criterion-referenced and norm-referenced standardized tests;

(e) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies after the legislature has authorized a set of intervention strategies. After the legislature has authorized a set of intervention strategies, at the request of the board, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the board or the superintendent of public instruction to intervene in a school or school district;

(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system; and

(h) Include in the biennial report required under RCW 28A.305.035, information on the progress that has been made in achieving goals adopted by the board(;-);

~~((10))~~ (5) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no ~~(public or)~~ private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials(~~(-PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such~~

~~preaccreditation examination and evaluation processes as may now or hereafter be established by the board.~~

~~((11) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.~~

~~((12) Prepare such outline of study for the common schools as the board shall deem necessary, and in conformance with legislative requirements, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.~~

~~((13) Continuously reevaluate courses and other requirements and adopt and enforce regulations within the common schools so as to meet the educational needs of students.~~

~~((14) Evaluate course of study requirements and);~~

~~(6) Articulate with the institutions of higher education, work force representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system(;-);~~

~~((15) Carry out board powers and duties relating to the organization and reorganization of school districts.~~

~~((16) Hear and decide appeals as otherwise provided by law.~~

~~((17) Promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools.~~

~~((18)) (7) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The executive director, administrative assistant, and all but one of the other personnel of the board are exempt from civil service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW(;-); and~~

~~((19)) (8) Adopt a seal that shall be kept in the office of the superintendent of public instruction.~~

Sec. 103. RCW 28A.305.035 and 2005 c 497 s 103 are each amended to read as follows:

(1) By October 15th of each even-numbered year, the state board of education and the professional educator standards board shall submit a joint report to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals in RCW 28A.150.210.

(2) The state board of education shall include the chairs and ranking minority members of the legislative education committees in board communications so that the legislature can be kept apprised of the discussions and proposed actions of the board.

Sec. 104. RCW 28A.300.040 and 2005 c 360 s 6 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

(3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount;

~~((6))~~ ~~(To act as ex officio member and the chief executive officer of the state board of education;~~

~~((7))~~ To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

~~((8))~~ (7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

~~((9))~~ (8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

~~((10))~~ (9) To issue certificates as provided by law;

~~((11))~~ (10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

~~((12))~~ (11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

~~((13))~~ (12) To administer oaths and affirmations in the discharge of the superintendent's official duties;

~~((14))~~ (13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

~~((15))~~ (14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

~~((16))~~ (15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

~~((17))~~ (16) To perform such other duties as may be required by law.

Sec. 105. RCW 28A.305.011 and 2005 c 497 s 101 are each amended to read as follows:

(1) The membership of the state board of education shall be composed of sixteen members who are residents of the state of Washington:

(a) Seven shall be members representing the educational system, as follows:

(i) Five members elected by school district directors. Three of the members elected by school district directors shall be residents of western Washington and two members shall be residents of eastern Washington;

(ii) One member elected at-large by the members of the boards of directors of all private schools in the state meeting the requirements of RCW 28A.195.010; and

(iii) The superintendent of public instruction;

(b) Seven members appointed by the governor; and

(c) Two students selected in a manner determined by the state board of education.

(2) Initial appointments shall be for terms from one to four years in length, with the terms expiring on the second Monday of January of the applicable year. As the terms of the first appointees expire or vacancies on the board occur, the governor shall appoint or reappoint members of the board to complete the initial terms or to four-year terms, as appropriate.

(a) Appointees of the governor must be individuals who have demonstrated interest in public schools and are supportive of educational improvement, have a positive record of service, and who will devote sufficient time to the responsibilities of the board.

(b) In appointing board members, the governor shall consider the diversity of the population of the state.

(c) All appointments to the board made by the governor are subject to confirmation by the senate.

(d) No person may serve as a member of the board, except the superintendent of public instruction, for more than two consecutive full four-year terms.

(3) The governor may remove an appointed member of the board for neglect of duty, misconduct, malfeasance, or misfeasance in office, or for incompetent or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

(4)(a) The chair of the board shall be elected by a majority vote of the members of the board. The chair of the board shall serve a term of two years, and may be reelected to an additional term. A member of the board may not serve as chair for more than two consecutive terms.

(b) Eight voting members of the board constitute a quorum for the transaction of business.

(c) All members except the student members are voting members.

(5) Members of the board appointed by the governor who are not public employees shall be compensated in accordance with RCW ~~((43.03.240))~~ 43.03.250 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

PART 2

BASIC EDUCATION ACT RESPONSIBILITIES

Sec. 201. RCW 28A.150.230 and 1994 c 245 s 9 are each amended to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors to adopt policies to:

(a) Establish performance criteria and an evaluation process for its certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum;

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs;

(c) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW 28A.150.220, or rules ~~((and regulations))~~ of the state board of education;

(d) Determine the allocation of staff time, whether certificated or classified;

(e) Establish final curriculum standards consistent with law and rules ~~((and regulations of the state board of education))~~ of the superintendent of public instruction, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and

(f) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

Sec. 202. RCW 28A.505.140 and 1990 c 33 s 422 are each amended to read as follows:

(1) Notwithstanding any other provision of law, the superintendent of public instruction ~~((is hereby directed to promulgate))~~ shall adopt such rules ~~((and regulations))~~ as will ~~((insure))~~ ensure proper budgetary procedures and practices, including monthly financial statements consistent with the provisions of RCW 43.09.200, and this chapter.

(2) If the superintendent of public instruction determines upon a review of the budget of any district that said budget does not comply with the budget procedures established by this chapter or by rules ~~((and regulations promulgated))~~ adopted by the superintendent of public instruction, or the provisions of RCW 43.09.200, the superintendent shall give written notice of this determination to the board of directors of the local school district.

(3) The local school district, notwithstanding any other provision of law, shall, within thirty days from the date the superintendent of public instruction issues a notice pursuant to subsection (2) of this section, submit a revised budget which meets the requirements of RCW 43.09.200, this chapter, and the rules ~~((and regulations))~~ of the superintendent of public instruction ~~((PROVIDED, That if the district fails or refuses to submit a revised budget which in the determination of the superintendent of public instruction meets the requirements of RCW 43.09.200, this chapter, and the rules and regulations of the superintendent of public instruction, the matter shall be submitted to the state board of education, which board shall meet and adopt a financial plan which shall be in effect until a budget can be adopted and submitted by the district in compliance with this section))~~.

NEW SECTION. Sec. 203. (1) As the governor's steering committee for the comprehensive education study created under chapter 496, Laws of 2005 continues the study of the state funding of public education in Washington and makes final recommendations, the legislature strongly encourages the steering committee to carefully examine whether the use of inputs, such as the number of instructional hours, the number of instructional days, and student/teacher ratios, is the most efficient and effective funding system that is oriented toward student achievement and whether any changes to the current method of allocating funds can be created to implement the intent of education reform that all children can learn.

(2) This section expires July 1, 2007.

PART 3 SCHOOL FACILITIES AND ORGANIZATION

Sec. 301. RCW 28A.525.020 and 1969 ex.s. c 223 s 28A.47.060 are each amended to read as follows:

The ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall have the power and ~~((it shall be its))~~ duty (1) to prescribe rules ~~((and regulations))~~ governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school plant facilities; (2) to approve allotments to districts that apply for state assistance whenever ~~((the board deems))~~ such action is advisable ~~((and in so doing to give due consideration to the findings, reports,~~

~~and recommendations of the superintendent of public instruction pertaining thereto))~~; (3) to authorize the payment of approved allotments by warrant of the state treasurer; and (4) in the event that the amount of state assistance applied for exceeds the funds available for such assistance during any biennium, to make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance and/or to prorate allotments among such districts in conformity with applicable procedures and ~~((regulations applicable thereto which shall be established by the state board))~~ rules.

Sec. 302. RCW 28A.525.030 and 1995 c 77 s 23 are each amended to read as follows:

Whenever funds are appropriated for modernization of existing school facilities, the ~~((state board of education))~~ superintendent of public instruction is authorized to approve the use of such funds for modernization of existing facilities, modernization being limited to major structural changes in such facilities and, as necessary to bring such facilities into compliance with the barrier free access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act, both major and minor structural changes, and may include as incidental thereto the replacement of fixtures, fittings, furnishings and service systems of a building in order to bring it up to a contemporary state consistent with the needs of changing educational programs. The allocation of such funds shall be made upon the same basis as funds used for the financing of a new school plant project utilized for a similar purpose.

Sec. 303. RCW 28A.525.050 and 1969 ex.s. c 223 s 28A.47.080 are each amended to read as follows:

All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction ~~((in conformity with rules and regulations which shall be prescribed by the state board of education))~~. Studies and surveys shall be conducted by the ~~((aforesaid officer))~~ superintendent for the purpose of securing information relating to (1) the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (2) the ability of such districts to provide capital outlay funds by local effort, (3) the need for improvement of school administrative units and school attendance areas among or within such districts, and (4) any other pertinent matters. Recommendations respecting action on the ~~((aforesaid))~~ applications shall be submitted to the ~~((state board of education by the))~~ superintendent of public instruction ~~((together with such reports of the findings, studies, and surveys made by said officer as may be required by the state board))~~.

Sec. 304. RCW 28A.525.055 and 1994 c 219 s 11 are each amended to read as follows:

The ~~((state board of education))~~ rules adopted by the superintendent of public instruction for ~~((purposes of))~~ determining eligibility for state assistance for new construction ~~((;))~~ shall ~~((adopt rules excluding))~~ exclude from the inventory of available educational space those spaces that have been constructed for educational and community activities from grants received from other public or private entities.

Sec. 305. RCW 28A.525.070 and 1985 c 136 s 1 are each amended to read as follows:

The superintendent of public instruction shall furnish ~~((+))~~ to school districts seeking state assistance consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities for such district ~~((; and (2) to the state board of education such service as may be required by the board in the exercise of the powers and the performance of the duties vested in and required to be performed by the board))~~.

Sec. 306. RCW 28A.525.080 and 1969 ex.s. c 223 s 28A.47.120 are each amended to read as follows:

Insofar as is permissible under acts of congress, funds made available by the federal government for the purpose of assisting school districts in providing school plant facilities shall be made available to such districts in conformity with rules ~~((and regulations~~

which)) that the ((state board of education)) superintendent, considering policy recommendations from the school facilities citizen advisory panel, shall establish.

Sec. 307. RCW 28A.525.090 and 1999 c 313 s 2 are each amended to read as follows:

(1) The ((state board of education)) superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, shall adopt rules for appropriate use of the following construction management techniques: Value engineering, constructibility review, building commissioning, and construction management. Rules adopted under this section shall:

- (a) Define each technique as it applies to school buildings;
- (b) Describe the scope of work for each technique;
- (c) Define the timing for implementing each technique in the construction process;
- (d) Determine the appropriate size of projects for the use of each technique; and
- (e) Determine standards for qualification and performance for each technique.

(2) Except as provided in rules adopted under subsection (1)(d) of this section, in allocating state moneys provided under this chapter, the ((state board of education)) superintendent of public instruction shall include in funding for each project, at the state matching percentage, the cost of each of the construction management techniques listed in subsection (1) of this section.

(3) When assigning priority and allocating state funds for construction of common school facilities, the ((state board of education)) superintendent shall consider the adequacy of the construction management techniques used by a district and the compliance with the rules adopted under subsection (1) of this section.

(4) Except as provided in rules adopted under subsection (1)(d) of this section, the construction management techniques in subsection (1) of this section shall be used on each project submitted for approval by the ((state board of education)) superintendent.

(5)(a) School districts applying for state assistance for school facilities shall:

(i) Cause value engineering, constructibility review, and building commissioning to be performed by contract with a professional firm specializing in those construction management techniques; and

(ii) Contract or employ personnel to perform professional construction management.

(b) All recommendations from the value engineering and constructibility review construction techniques for a school project shall be presented to the school district's board of directors for acceptance or rejection. If the board of directors rejects a recommendation it shall provide a statement explaining the reasons for rejecting the recommendation and include the statement in the application for state assistance to the ((state board of education)) superintendent of public instruction.

(6) The office of the superintendent of public instruction shall provide:

(a) An information and training program for school districts on the use of the construction management techniques; and

(b) Consulting services to districts on the benefits and best uses of these construction management techniques.

NEW SECTION. Sec. 308. A new section is added to chapter 28A.525 RCW to read as follows:

(1) To maintain citizen oversight on issues pertaining to school facilities and funding for school construction, a school facilities citizen advisory panel shall be created by the state board of education. The panel shall advise and make recommendations to the superintendent of public instruction regarding school facilities, funding for school construction, joint planning and financing of educational facilities, facility plans and programs for nonhigh school districts, and determinations of remote and necessary schools.

(2) The membership of the school facilities citizen advisory panel shall be as follows:

- (a) One member of the state board of education;

(b) Two school district directors representing school districts of various sizes and geographic locations, who are appointed by the state board of education and selected from a list of five names submitted to the board by the Washington state school directors' association. The directors shall have some experience or knowledge in school plant facility issues. One of the directors shall represent a nonhigh school district; and

(c) Four additional citizen members appointed by the state board of education.

(3) Members of the panel shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) In addition to the school facilities citizen advisory panel, the superintendent of public instruction may convene a technical advisory group including representatives from school business officers, building and construction contracting and trade organizations, architecture and engineering organizations, and other organizations with expertise in school facilities.

Sec. 309. RCW 28A.525.162 and 1995 c 77 s 24 are each amended to read as follows:

(1) Funds appropriated to the ((state board of education)) superintendent of public instruction from the common school construction fund shall be allotted by the ((state board of education)) superintendent of public instruction in accordance with student enrollment and the provisions of RCW 28A.525.200.

(2) No allotment shall be made to a school district until such district has provided matching funds equal to or greater than the difference between the total approved project cost and the amount of state assistance to the district for financing the project computed pursuant to RCW 28A.525.166, with the following exceptions:

(a) The ((state board)) superintendent of public instruction may waive the matching requirement for districts which have provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015.

(b) No such matching funds shall be required as a condition to the allotment of funds for the purpose of making major or minor structural changes to existing school facilities in order to bring such facilities into compliance with the barrier free access requirements of section 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act.

(3) For the purpose of computing the state matching percentage under RCW 28A.525.166 when a school district is granted authority to enter into contracts, adjusted valuation per pupil shall be calculated using headcount student enrollments from the most recent October enrollment reports submitted by districts to the superintendent of public instruction, adjusted as follows:

(a) In the case of projects for which local bonds were approved after May 11, 1989:

(i) For districts which have been designated as serving high school districts under RCW 28A.540.110, students residing in the nonhigh district so designating shall be excluded from the enrollment count if the student is enrolled in any grade level not offered by the nonhigh district;

(ii) The enrollment of nonhigh school districts shall be increased by the number of students residing within the district who are enrolled in a serving high school district so designated by the nonhigh school district under RCW 28A.540.110, including only students who are enrolled in grade levels not offered by the nonhigh school district; and

(iii) The number of preschool students with disabilities included in the enrollment count shall be multiplied by one-half;

(b) In the case of construction or modernization of high school facilities in districts serving students from nonhigh school districts, the adjusted valuation per pupil shall be computed using the combined adjusted valuations and enrollments of each district, each weighted by the percentage of the district's resident high school students served by the high school district; and

(c) The number of kindergarten students included in the enrollment count shall be multiplied by one-half.

(4) The ((state board of education)) superintendent of public instruction, considering policy recommendations from the school

section as applicable in determining the eligibility of an individual school district for state assistance and in determining the amount of such assistance shall be applicable also to cases where it is necessary in administering chapter 28A.540 RCW to determine eligibility for and the amount of state assistance for a group of school districts considered as a single school administrative unit.

Sec. 313. RCW 28A.525.170 and 1990 c 33 s 459 are each amended to read as follows:

If a school district which has qualified for an allotment of state funds under the provisions of RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 for school building construction is found by the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, to have a school housing emergency requiring an allotment of state funds in excess of the amount allocable under RCW 28A.525.166, an additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total cost of the approved project which may include the cost of the site and equipment. At any time thereafter when the ~~((state board of education))~~ superintendent finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the ~~((state board of education))~~ superintendent determines, shall be deducted, under terms and conditions prescribed by the ~~((board))~~ superintendent, from any state school building construction funds which might otherwise be provided to such district.

Sec. 314. RCW 28A.525.172 and 1969 ex.s. c 244 s 7 are each amended to read as follows:

All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction in conformity with rules ~~((and regulations which shall be prescribed))~~ adopted by the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel. Studies and surveys shall be conducted by the ~~((state board))~~ superintendent for the purpose of securing information relating to (a) the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (b) the ability of such districts to provide capital funds by local effort, (c) the need for improvement of school administrative units and school attendance areas among or within such districts, and (d) any other pertinent matters.

Sec. 315. RCW 28A.525.174 and 1990 c 33 s 460 are each amended to read as follows:

It shall be the duty of the ~~((state board of education))~~ superintendent of public instruction, in consultation with the Washington state department of ~~((social and))~~ health ~~((services)),~~ to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding ~~((and))~~ (1) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW ~~((28A.525.160 through 28A.525.182; (b)))~~ 28A.525.162 through 28A.525.180; (2) procedures in inaugurating and conducting a school plant planning program for a school district; ~~((and))~~ (3) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; ~~((and))~~ (4) the planning of readily expandable and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; ~~((and))~~ (5) an acceptable school building maintenance program and the necessity

therefor; ~~((and))~~ (6) the relationship of an efficient school building operations service to the health and educational progress of pupils; and ~~((and))~~ (7) any other matters regarded by the ~~((state board))~~ superintendent as pertinent or related to the purposes and requirements of RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180.

Sec. 316. RCW 28A.525.176 and 1990 c 33 s 461 are each amended to read as follows:

The ~~((state board of education))~~ superintendent of public instruction shall furnish to school districts seeking state assistance under the provisions of RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 consultatory and advisory service in connection with the development of school building programs and the planning of school plant facilities.

Sec. 317. RCW 28A.525.178 and 1990 c 33 s 462 are each amended to read as follows:

~~((Whenever in the judgment of the state board of education))~~ When economies may be ~~((affected))~~ affected without impairing the usefulness and adequacy of school buildings, ~~((said board))~~ the superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, may prescribe rules ~~((and regulations))~~ and establish procedures governing the preparation and use of modifiable basic or standard plans for school building construction projects for which state assistance funds provided by RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 are allotted.

Sec. 318. RCW 28A.525.180 and 1990 c 33 s 463 are each amended to read as follows:

The total amount of funds appropriated under the provisions of RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 shall be reduced by the amount of federal funds made available during each biennium for school construction purposes under any applicable federal law. The funds appropriated by RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 and available for allotment by the ~~((state board of education))~~ superintendent of public instruction shall be reduced by the amount of such federal funds made available. Notwithstanding the foregoing provisions of this section, the total amount of funds appropriated by RCW ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180 shall not be reduced by reason of any grants to any school district of federal moneys paid under Public Law No. 815 or any other federal act authorizing school building construction assistance to federally affected areas.

Sec. 319. RCW 28A.525.190 and 1975 1st ex.s. c 98 s 2 are each amended to read as follows:

The ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel shall prioritize the construction of common school facilities only from funds appropriated and available in the common school construction fund.

Sec. 320. RCW 28A.525.200 and 1990 c 33 s 465 are each amended to read as follows:

Notwithstanding any other provision of RCW 28A.525.010 through 28A.525.222, the allocation and distribution of funds by the ~~((state board of education which are now or may hereafter be appropriated))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel, for the purposes of providing assistance in the construction of school plant facilities shall be governed by ~~((RCW 28A.525.010 through 28A.525.080 and 28A.525.162 through 28A.525.178))~~ this chapter.

Sec. 321. RCW 28A.525.216 and 1990 c 33 s 467 are each amended to read as follows:

The proceeds from the sale of the bonds deposited under RCW 28A.525.214 in the common school construction fund shall be administered by the ~~((state board of education))~~ superintendent of public instruction.

Sec. 322. RCW 28A.150.260 and 1997 c 13 s 2 are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (a) Certificated instructional staff and their related costs;
- (b) Certificated administrative staff and their related costs;
- (c) Classified staff and their related costs;
- (d) Nonsalary costs;

(e) Extraordinary costs, including school facilities, of remote and necessary schools as judged by the superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under section 308 of this act, and small high schools, including costs of additional certificated and classified staff; and

(f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.

(2)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.150.350, enrolled on the first school day of each month and shall exclude full time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100. The definition of full time equivalent student shall be determined by rules of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

(3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person

exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

Sec. 323. RCW 28A.335.160 and 1995 c 335 s 604 are each amended to read as follows:

Any school district may cooperate with one or more school districts in the joint financing, planning, construction, equipping and operating of any educational facility otherwise authorized by law: PROVIDED, That any cooperative financing plan involving the construction of school plant facilities must be approved by the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel under section 308 of this act, pursuant to such rules ~~((as may now or hereafter be promulgated))~~ adopted relating to state approval of school construction.

Sec. 324. RCW 28A.540.050 and 1990 c 33 s 485 are each amended to read as follows:

Subsequent to the holding of a hearing or hearings as provided in RCW 28A.540.040, the regional committee on school district organization shall determine the nonhigh school districts to be included in the plan and the amount of capital funds to be provided by every school district included therein, and shall submit the proposed plan to the ~~((state board of education))~~ superintendent of public instruction together with such maps and other materials pertaining thereto as the ~~((state board))~~ superintendent may require. The ~~((state board))~~ superintendent, considering policy recommendations from the school facilities citizen advisory panel under section 308 of this act, shall review such plan, shall approve any plan which in ~~((its))~~ his or her judgment makes adequate and satisfactory provision for participation by the nonhigh school districts in providing capital funds to be used for the purpose above stated, and shall notify the regional committee of such action. Upon receipt by the regional committee of such notification, the educational service district superintendent, or his or her designee, shall notify the board of directors of each school district included in the plan, supplying each board with complete details of the plan and shall state the total amount of funds to be provided and the amount to be provided by each district.

If any such plan submitted by a regional committee is not approved by the ~~((state board))~~ superintendent of public instruction, the regional committee shall be so notified, which notification shall contain a statement of reasons therefor and suggestions for revision. Within sixty days thereafter the regional committee shall submit to the ~~((state board))~~ superintendent a revised plan which revision shall be subject to approval or disapproval by the ~~((state board))~~ superintendent, considering policy recommendations from the school facilities citizen advisory panel, and the procedural requirements and provisions of law applicable to an original plan submitted to ~~((said board))~~ the superintendent.

NEW SECTION. Sec. 325. A new section is added to chapter 28A.545 RCW to read as follows:

The superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under section 308 of this act, shall adopt rules governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established, the district must obtain prior approval of the superintendent of public instruction.

Sec. 326. RCW 28A.150.530 and 2005 c 12 s 7 are each amended to read as follows:

(1) In adopting implementation rules, ~~((the state board of education, in consultation with))~~ the superintendent of public instruction ~~((and)), in consultation with~~ the department of general administration, shall review and modify the current requirement for

an energy conservation report review by the department of general administration as provided in WAC 180-27-075.

(2) In adopting implementation rules, ~~((the state board of education, in consultation with))~~ the superintendent of public instruction shall:

(a) Review and modify the current requirements for value engineering, ~~((constructability))~~ constructibility review, and building commissioning as provided in WAC 180-27-080;

(b) Review private and public utility providers' capacity and financial/technical assistance programs for affected public school districts to monitor and report utility consumption for purposes of reporting to the superintendent of public instruction as provided in RCW 39.35D.040;

(c) Coordinate with the department of general administration, the state board of health, the department of ecology, federal agencies, and other affected agencies as appropriate in their consideration of rules to implement this section.

Sec. 327. RCW 28A.335.210 and 2005 c 36 s 1 are each amended to read as follows:

The ~~((state board of education and))~~ superintendent of public instruction shall allocate, as a nondeductible item, out of any moneys appropriated for state assistance to school districts for the original construction of any school plant facility the amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may be placed in accordance with Article IX, sections 2 and 3 of the state Constitution on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. The Washington state arts commission shall, in consultation with the superintendent of public instruction, determine the amount to be made available for the purchase of works of art under this section, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the superintendent of public instruction and representatives of school district boards of directors. The superintendent of public instruction and the school district board of directors of the districts where the sites are selected shall have the right to:

(1) Waive its use of the one-half of one percent of the appropriation for the acquisition of works of art before the selection process by the Washington state arts commission;

(2) Appoint a representative to the body established by the Washington state arts commission to be part of the selection process with full voting rights;

(3) Reject the results of the selection process;

(4) Reject the placement of a completed work or works of art on school district premises if such works are portable.

Rejection at any point before or after the selection process shall not cause the loss of or otherwise endanger state construction funds available to the local school district. Any works of art rejected under this section shall be applied to the provision of works of art under this chapter, at the discretion of the Washington state arts commission, notwithstanding any contract or agreement between the affected school district and the artist involved. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided ~~((herein))~~ in this section shall be used to provide for the administration, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, or other buildings of a temporary nature.

The executive director of the arts commission, the superintendent of public instruction, and the Washington state school directors association shall appoint a study group to review the operations of the one-half of one percent for works of art under this section.

Sec. 328. RCW 28A.335.230 and 1987 c 112 s 1 are each amended to read as follows:

School districts shall be required to lease for a reasonable fee vacant school plant facilities from a contiguous school district wherever possible.

No school district with unhoused students may be eligible for the state matching funds for the construction of school plant facilities if:

(1) The school district contiguous to the school district applying for the state matching percentage has vacant school plant facilities;

(2) The superintendent of public instruction ~~((and the state board of education have))~~ has determined the vacant school plant facilities available in the contiguous district will fulfill the needs of the applicant district in housing unhoused students. In determining whether the contiguous district school plant facilities meet the needs of the applicant district, consideration shall be given, but not limited to the geographic location of the vacant facilities as they relate to the applicant district; and

(3) A lease of the vacant school plant facilities can be negotiated.

Sec. 329. RCW 28A.540.070 and 1990 c 33 s 486 are each amended to read as follows:

In the event that a proposal or proposals for providing capital funds as provided in RCW 28A.540.060 is not approved by the voters of a nonhigh school district a second election thereon shall be held within sixty days thereafter. If the vote of the electors of the nonhigh school district is again in the negative, the high school students residing therein shall not be entitled to admission to the high school under the provisions of RCW 28A.225.210, following the close of the school year during which the second election is held: PROVIDED, That in any such case the regional committee on school district organization shall determine within thirty days after the date of the aforesaid election the advisability of initiating a proposal for annexation of such nonhigh school district to the school district in which the proposed facilities are to be located or to some other district where its students can attend high school without undue inconvenience: PROVIDED FURTHER, That pending such determination by the regional committee and action thereon as required by law the board of directors of the high school district shall continue to admit high school students residing in the nonhigh school district. Any proposal for annexation of a nonhigh school district initiated by a regional committee shall be subject to the procedural requirements of this chapter respecting a public hearing and submission to and approval by the ~~((state board of education))~~ superintendent of public instruction, considering policy recommendations from the school facilities citizen advisory panel under section 308 of this act. Upon approval by the ~~((state board))~~ superintendent of public instruction of any such proposal, the educational service district superintendent shall make an order, establishing the annexation.

Sec. 330. RCW 39.35D.020 and 2005 c 12 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of general administration.

(2) "High-performance public buildings" means high-performance public buildings designed, constructed, and certified to a standard as identified in this chapter.

(3) "Institutions of higher education" means the state universities, the regional universities, The Evergreen State College, the community colleges, and the technical colleges.

(4) "LEED silver standard" means the United States green building council leadership in energy and environmental design green building rating standard, referred to as silver standard.

(5)(a) "Major facility project" means: (i) A construction project larger than five thousand gross square feet of occupied or conditioned space as defined in the Washington state energy code; or (ii) a building renovation project when the cost is greater than fifty percent of the assessed value and the project is larger than five thousand

gross square feet of occupied or conditioned space as defined in the Washington state energy code.

(b) "Major facility project" does not include: (i) Projects for which the department, public school district, or other applicable agency and the design team determine the LEED silver standard or the Washington sustainable school design protocol to be not practicable; or (ii) transmitter buildings, pumping stations, hospitals, research facilities primarily used for sponsored laboratory experimentation, laboratory research, or laboratory training in research methods, or other similar building types as determined by the department. When the LEED silver standard is determined to be not practicable for a project, then it must be determined if any LEED standard is practicable for the project. If LEED standards or the Washington sustainable school design protocol are not followed for the project, the public school district or public agency shall report these reasons to the department.

(6) "Public agency" means every state office, officer, board, commission, committee, bureau, department, and public higher education institution.

(7) "Public school district" means a school district eligible to receive state basic education moneys pursuant to RCW 28A.150.250 and 28A.150.260.

(8) "Washington sustainable school design protocol" means the school design protocol and related information developed by the ~~((state board of education and the))~~ office of the superintendent of public instruction, in conjunction with school districts and the school facilities advisory board.

Sec. 331. RCW 39.35D.040 and 2005 c 12 s 4 are each amended to read as follows:

(1) All major facility projects of public school districts receiving any funding in a state capital budget must be designed and constructed to at least the LEED silver standard or the Washington sustainable school design protocol. To the extent appropriate LEED silver or Washington sustainable school design protocol standards exist for the type of building or facility, this subsection applies to major facility projects that have not received project approval from the superintendent of public instruction prior to: (a) July 1, 2006, for volunteering school districts; (b) July 1, 2007, for class one school districts; and (c) July 1, 2008, for class two school districts.

(2) Public school districts under this section shall: (a) Monitor and document appropriate operating benefits and savings resulting from major facility projects designed and constructed as required under this section for a minimum of five years following local board acceptance of a project receiving state funding; and (b) report annually to the superintendent of public instruction. The form and content of each report must be mutually developed by the office of the superintendent of public instruction in consultation with school districts.

(3) The superintendent of public instruction shall consolidate the reports required in subsection (2) of this section into one report and report to the governor and legislature by September 1st of each even-numbered year beginning in 2006 and ending in 2016. In its report, the superintendent of public instruction shall also report on the implementation of this chapter, including reasons why the LEED standard or Washington sustainable school design protocol was not used as required by RCW 39.35D.020(5)(b). The superintendent of public instruction shall make recommendations regarding the ongoing implementation of this chapter, including a discussion of incentives and disincentives related to implementing this chapter.

(4) The ~~((state board of education, in consultation with the))~~ superintendent of public instruction ~~(;)~~ shall develop and issue guidelines for administering this chapter for public school districts. The purpose of the guidelines is to define a procedure and method for employing and verifying compliance with the LEED silver standard or the Washington sustainable school design protocol.

(5) The superintendent of public instruction shall utilize the school facilities advisory board as a high-performance buildings advisory committee comprised of affected public schools, ~~((the state board of education,))~~ the superintendent of public instruction, the department, and others at the superintendent of public instruction's discretion to provide advice on implementing this chapter. Among other duties, the advisory committee shall make recommendations

regarding an education and training process and an ongoing evaluation or feedback process to help the superintendent of public instruction ~~((and the state board of education))~~ implement this chapter.

Sec. 332. RCW 39.35D.060 and 2005 c 12 s 6 are each amended to read as follows:

(1)(a) The department, in consultation with affected public agencies, shall develop and issue guidelines for administering this chapter for public agencies. The purpose of the guidelines is to define a procedure and method for employing and verifying activities necessary for certification to at least the LEED silver standard for major facility projects.

(b) The department and the office of the superintendent of public instruction shall amend their fee schedules for architectural and engineering services to accommodate the requirements in the design of major facility projects under this chapter.

(c) The department and the office of the superintendent of public instruction shall procure architecture and engineering services consistent with chapter 39.80 RCW.

(d) Major facility projects designed to meet standards identified in this chapter must include building commissioning as a critical cost-saving part of the construction process. This process includes input from the project design and construction teams and the project ownership representatives.

(e) As provided in the request for proposals for construction services, the operating agency shall hold a preproposal conference for prospective bidders to discuss compliance with and achievement of standards identified in this chapter for prospective respondents.

(2) The department shall create a high-performance buildings advisory committee comprised of representatives from the design and construction industry involved in public works contracting, personnel from the affected public agencies responsible for overseeing public works projects, ~~((the state board of education,))~~ the office of the superintendent of public instruction, and others at the department's discretion to provide advice on implementing this chapter. Among other duties, the advisory committee shall make recommendations regarding an education and training process and an ongoing evaluation or feedback process to help the department implement this chapter.

(3) The department and the ~~((state board of education))~~ office of the superintendent of public instruction shall adopt rules to implement this section.

Sec. 333. RCW 79.17.100 and 2003 c 334 s 322 are each amended to read as follows:

Except as otherwise provided in RCW 79.17.110, upon the application of a school district or any institution of higher education for the purchase or lease of lands granted to the state by the United States, the department may offer such land for sale or lease to such school district or institution of higher education in such acreage as it may determine, consideration being given upon application of a school district to school site criteria established by the ~~((state board of education))~~ superintendent of public instruction. However, in the event the department thereafter proposes to offer such land for sale or lease at public auction, such school district or institution of higher education shall have a preference right for six months from notice of such proposal to purchase or lease such land at the appraised value determined by the board.

Sec. 334. RCW 79.17.120 and 2003 c 334 s 438 are each amended to read as follows:

The purchases authorized under RCW 79.17.110 shall be classified as for the construction of common school plant facilities under RCW 28A.525.010 through 28A.525.222 and shall be payable out of the common school construction fund as otherwise provided for in RCW 28A.515.320 if the school district involved was under emergency school construction classification as established by the ~~((state board of education))~~ superintendent of public instruction at any time during the period of its lease of state lands.

NEW SECTION. **Sec. 335.** The following sections are each decodified:

RCW 28A.525.120
 RCW 28A.525.122
 RCW 28A.525.124
 RCW 28A.525.126
 RCW 28A.525.128
 RCW 28A.525.130
 RCW 28A.525.132
 RCW 28A.525.134
 RCW 28A.525.140
 RCW 28A.525.142
 RCW 28A.525.144
 RCW 28A.525.146
 RCW 28A.525.148
 RCW 28A.525.150
 RCW 28A.525.152
 RCW 28A.525.154
 RCW 28A.525.156
 RCW 28A.525.158
 RCW 28A.525.160
 RCW 28A.525.182

PART 4

COURSES OF STUDY AND EDUCATIONAL PROGRAMS

Sec. 401. RCW 28A.305.220 and 2004 c 19 s 108 are each amended to read as follows:

(1) The ~~((state board of education))~~ superintendent of public instruction, in consultation with the higher education coordinating board, the state board for community and technical colleges, and the work force training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The ~~((state board of education))~~ superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include the following information:

(a) The highest scale score and level achieved in each content area on the high school Washington assessment of student learning or other high school measures successfully completed by the student as provided by RCW 28A.655.061 and 28A.155.045;

(b) All scholar designations as provided by RCW 28A.655.061;

(c) A notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement by means of the Washington assessment of student learning or by an alternative assessment.

(3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.

Sec. 402. RCW 28A.230.100 and 1991 c 116 s 8 are each amended to read as follows:

The ~~((state board of education))~~ superintendent of public instruction, in consultation with the higher education coordinating board, the state board for community and technical colleges, and the work force training and education coordinating board, shall adopt rules pursuant to chapter 34.05 RCW, to implement the course requirements set forth in RCW 28A.230.090. The rules shall include, as the ~~((state board))~~ superintendent deems necessary, granting equivalencies for and temporary exemptions from the course requirements in RCW 28A.230.090 and special alterations of the course requirements in RCW 28A.230.090. In developing such rules the ~~((state board))~~ superintendent shall recognize the relevance of vocational and applied courses and allow such courses to fulfill in whole or in part the courses required for graduation in RCW

28A.230.090. The rules may include provisions for competency testing in lieu of such courses required for graduation in RCW 28A.230.090 or demonstration of specific skill proficiency or understanding of concepts through work or experience.

Sec. 403. RCW 28A.230.170 and 1985 c 341 s 1 are each amended to read as follows:

The study of the Constitution of the United States and the Constitution of the state of Washington shall be a condition prerequisite to graduation from the public and private high schools of this state. The ~~((state board of education acting upon the advice of the))~~ superintendent of public instruction shall provide by rule ((or regulation)) for the implementation of this section.

NEW SECTION. Sec. 404. The state board of education, in consultation with the state board for community and technical colleges, shall examine the statutory authority, rules, and jurisdiction between the K-12 and postsecondary education systems regarding the general educational development test and adult education. The board shall make recommendations for change or clarification to the education committees of the legislature by January 15, 2007.

NEW SECTION. Sec. 405. (1) The state board of education shall develop and propose a revised definition of the purpose and expectations for high school diplomas issued by public schools in Washington state. The revised definition shall address whether attainment of a high school diploma is intended to signify that a student is ready for success in college, ready for successful and gainful employment in the workplace, or some combination of these and other objectives. The revised definition shall focus on the knowledge, skills, and abilities that students are expected to demonstrate to receive a high school diploma, as well as the various methods to be used to measure student performance, rather than focusing on courses, credits, seat time, and test scores.

(2) In developing the revised definition of the high school diploma, the state board of education shall consult with educators, parents, institutions of higher education, employers, and community leaders. The board shall also work with the state board for community and technical colleges, the higher education coordinating board, and the work force training and education coordinating board.

(3) The state board of education shall submit the proposed revised definition of the high school diploma, along with any necessary revisions to state statutes and rules, to the education committees of the legislature by December 1, 2007.

Sec. 406. RCW 28A.305.170 and 2002 c 291 s 3 are each amended to read as follows:

(1) In addition to any other powers and duties as provided by law, the ~~((state board of education))~~ superintendent of public instruction, in consultation with the military department, shall adopt rules governing and authorizing the acceptance of national guard high school career training and the national guard youth challenge program in lieu of either required high school credits or elective high school credits.

(2) With the exception of students enrolled in the national guard youth challenge program, students enrolled in such national guard programs shall be considered enrolled in the common school last attended preceding enrollment in such national guard program.

(3) The ~~((board))~~ superintendent shall adopt rules to ensure that students who successfully complete the national guard youth challenge program are granted an appropriate number of high school credits, based on the students' levels of academic proficiency as measured by the program.

Sec. 407. RCW 28A.230.130 and 2003 c 49 s 2 are each amended to read as follows:

(1) All public high schools of the state shall provide a program, directly or in cooperation with a community college or another school district, for students whose educational plans include application for entrance to a baccalaureate-granting institution after being granted a high school diploma. The program shall help these students to meet at least the minimum entrance requirements under RCW 28B.10.050.

(2) All public high schools of the state shall provide a program, directly or in cooperation with a community or technical college, a skills center, an apprenticeship committee, or another school district, for students who plan to pursue career or work opportunities other than entrance to a baccalaureate-granting institution after being granted a high school diploma. These programs may:

(a) Help students demonstrate the application of essential academic learning requirements to the world of work, occupation-specific skills, knowledge of more than one career in a chosen pathway, and employability and leadership skills; and

(b) Help students demonstrate the knowledge and skill needed to prepare for industry certification, and/or have the opportunity to articulate to postsecondary education and training programs.

~~((3) The state board of education, upon request from local school districts, may grant waivers from the requirements to provide the program described in subsections (1) and (2) of this section for reasons relating to school district size and the availability of staff authorized to teach subjects which must be provided. In considering waiver requests related to programs in subsection (2) of this section, the state board of education shall consider the extent to which the school district has offered such programs before the 2003-04 school year.))~~

Sec. 408. RCW 28A.205.010 and 2005 c 497 s 214 are each amended to read as follows:

(1) As used in this chapter, unless the context thereof shall clearly indicate to the contrary:

"Education center" means any private school operated on a profit or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program.

(c) Conducts courses of instruction by professionally trained personnel certificated by the Washington professional educator standards board according to rules adopted for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an education center shall be deemed equal to a year's teaching experience in a common or private school.

(2) For purposes of this chapter, basic academic skills shall include the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting ~~(of the common schools))~~ or the approval of private schools under RCW 28A.305.130.

(3) The ~~((state board of education))~~ superintendent of public instruction shall certify an education center only upon application and (a) determination that such school comes within the definition thereof as set forth in subsection (1) of this section and (b) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the ~~((board))~~ superintendent finds that a center fails to provide adequate instruction in basic academic skills. No education center certified by the ~~((state board of education))~~ superintendent of public instruction pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050.

Sec. 409. RCW 28A.205.070 and 1993 c 211 s 6 are each amended to read as follows:

In allocating funds appropriated for education centers, the superintendent of public instruction shall:

(1) Place priority upon stability and adequacy of funding for education centers that have demonstrated superior performance as defined in RCW 28A.205.040(2).

(2) Initiate and maintain a competitive review process to select new or expanded center programs in unserved or underserved areas. The criteria for review of competitive proposals for new or expanded education center services shall include but not be limited to:

(a) The proposing organization shall have obtained certification from the ~~((state board of education))~~ superintendent of public instruction as provided in RCW 28A.205.010;

(b) The cost-effectiveness of the proposal; and

(c) The availability of committed nonstate funds to support, enrich, or otherwise enhance the basic program.

(3) In selecting areas for new or expanded education center programs, the superintendent of public instruction shall consider factors including but not limited to:

(a) The proportion and total number of dropouts unserved by existing center programs, if any;

(b) The availability within the geographic area of programs other than education centers which address the basic educational needs of dropouts; and

(c) Waiting lists or other evidence of demand for expanded education center programs.

(4) In the event of any curtailment of services resulting from lowered legislative appropriations, the superintendent of public instruction shall issue pro rata reductions to all centers funded at the time of the lowered appropriation. Individual centers may be exempted from such pro rata reductions if the superintendent finds that such reductions would impair the center's ability to operate at minimally acceptable levels of service. In the event of such exceptions, the superintendent shall determine an appropriate rate for reduction to permit the center to continue operation.

(5) In the event that an additional center or centers become certified and apply to the superintendent for funds to be allocated from a legislative appropriation which does not increase from the immediately preceding biennium, or does not increase sufficiently to allow such additional center or centers to operate at minimally acceptable levels of service without reducing the funds available to previously funded centers, the superintendent shall not provide funding for such additional center or centers from such appropriation.

Sec. 410. RCW 28A.215.010 and 1995 c 335 s 104 are each amended to read as follows:

The board of directors of any school district shall have the power to establish and maintain preschools and to provide before-and-after-school and vacation care in connection with the common schools of said district located at such points as the board shall deem most suitable for the convenience of the public, for the care and instruction of infants and children residing in said district. The board shall establish such courses, activities, rules, and regulations governing preschools and before-and-after-school care as it may deem best: PROVIDED, That these courses and activities shall meet the minimum standard for such preschools as established by the United States department of health, education and welfare, or its successor agency, and the ~~((state board of education))~~ superintendent of public instruction. Except as otherwise provided by state or federal law, the board of directors may fix a reasonable charge for the care and instruction of children attending such schools. The board may, if necessary, supplement such funds as are received for the superintendent of public instruction or any agency of the federal government, by an appropriation from the general school fund of the district.

Sec. 411. RCW 28A.215.020 and 1995 c 335 s 308 are each amended to read as follows:

Expenditures under federal funds and/or state appropriations made to carry out the purposes of RCW 28A.215.010 through 28A.215.050 shall be made by warrants issued by the state treasurer upon order of the superintendent of public instruction. The ~~((state board of education))~~ superintendent of public instruction shall make necessary rules ~~((and regulations))~~ to carry out the purpose of RCW 28A.215.010. After being notified by the office of the governor that there is an agency or department responsible for early learning, the superintendent shall consult with that agency when establishing relevant rules.

Sec. 412. RCW 28A.205.040 and 1999 c 348 s 4 are each amended to read as follows:

(1)(a) From funds appropriated for that purpose, the superintendent of public instruction shall pay fees to a certified center on a monthly basis for each student enrolled in compliance with RCW 28A.205.020. The superintendent shall set fees by rule.

(b) Revisions in such fees proposed by an education center shall become effective after thirty days notice unless the superintendent finds such a revision is unreasonable in which case the revision shall not take effect. ~~((An education center may, within fifteen days after such a finding by the superintendent, file notification of appeal with the state board of education which shall, no later than its second regularly scheduled meeting following notification of such appeal, either grant or deny the proposed revision.))~~ The administration of any general education development test shall not be a part of such initial diagnostic procedure.

(c) Reimbursements shall not be made for students who are absent.

(d) No center shall make any charge to any student, or the student's parent, guardian or custodian, for whom a fee is being received under the provisions of this section.

(2) Payments shall be made from available funds first to those centers that have in the judgment of the superintendent demonstrated superior performance based upon consideration of students' educational gains taking into account such students' backgrounds, and upon consideration of cost effectiveness. In considering the cost effectiveness of nonprofit centers the superintendent shall take into account not only payments made under this section but also factors such as tax exemptions, direct and indirect subsidies or any other cost to taxpayers at any level of government which result from such nonprofit status.

(3) To be eligible for such payment, every such center, without prior notice, shall permit a review of its accounting records by personnel of the state auditor during normal business hours.

(4) If total funds for this purpose approach depletion, the superintendent shall notify the centers of the date after which further funds for reimbursement of the centers' services will be exhausted.

Sec. 413. RCW 28A.215.140 and 1988 c 174 s 5 are each amended to read as follows:

The department shall establish an advisory committee composed of interested parents and representatives from ~~((the state board of education.))~~ the office of the superintendent of public instruction, the division of children and family services within the department of social and health services, early childhood education and development staff preparation programs, the head start programs, school districts, and such other community and business organizations as deemed necessary by the department to assist with the establishment of the preschool program and advise the department on matters regarding the on-going promotion and operation of the program.

Sec. 414. RCW 28A.230.020 and 1991 c 116 s 6 are each amended to read as follows:

All common schools shall give instruction in reading, penmanship, orthography, written and mental arithmetic, geography, the history of the United States, English grammar, physiology and hygiene with special reference to the effects of alcohol and drug abuse on the human system, science with special reference to the environment, and such other studies as may be prescribed by rule ~~((or regulation))~~ of the ~~((state board of education))~~ superintendent of public instruction. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise and methods to prevent exposure to and transmission of sexually transmitted diseases, and the worth of kindness to all living creatures and the land. The prevention of child abuse may be offered as part of the curriculum in the common schools.

Sec. 415. RCW 28A.230.040 and 1984 c 52 s 1 are each amended to read as follows:

Every pupil attending grades one through eight of the public schools shall receive instruction in physical education as prescribed by rule ~~((or regulation))~~ of the ~~((state board of education))~~ superintendent of public instruction: PROVIDED, That individual pupils or students may be excused on account of physical disability, religious belief, or participation in directed athletics.

Sec. 416. RCW 28A.230.050 and 1985 c 384 s 3 are each amended to read as follows:

All high schools of the state shall emphasize the work of physical education, and carry into effect all physical education requirements established by rule ~~((or regulation))~~ of the ~~((state board of education))~~ superintendent of public instruction: PROVIDED, That individual students may be excused from participating in physical education otherwise required under this section on account of physical disability, employment, or religious belief, or because of participation in directed athletics or military science and tactics or for other good cause.

Sec. 417. RCW 28A.330.100 and 1995 c 335 s 503 and 1995 c 77 s 22 are each reenacted and amended to read as follows:

Every board of directors of a school district of the first class, in addition to the general powers for directors enumerated in this title, shall have the power:

(1) To employ for a term of not exceeding three years a superintendent of schools of the district, and for cause to dismiss him or her~~(-)~~, and to fix his or her duties and compensation~~(-)~~;

(2) To employ, and for cause dismiss one or more assistant superintendents and to define their duties and fix their compensation~~(-)~~;

(3) To employ a business manager, attorneys, architects, inspectors of construction, superintendents of buildings and a superintendent of supplies, all of whom shall serve at the board's pleasure, and to prescribe their duties and fix their compensation~~(-)~~;

(4) To employ, and for cause dismiss, supervisors of instruction and to define their duties and fix their compensation~~(-)~~;

(5) To prescribe a course of study and a program of exercises which shall be consistent with the course of study prepared by the ~~((state board of education))~~ superintendent of public instruction for the use of the common schools of this state~~(-)~~;

(6) To, in addition to the minimum requirements imposed by this title establish and maintain such grades and departments, including night, high, kindergarten, vocational training and, except as otherwise provided by law, industrial schools, and schools and departments for the education and training of any class or classes of youth with disabilities, as in the judgment of the board, best shall promote the interests of education in the district~~(-)~~;

(7) To determine the length of time over and above one hundred eighty days that school shall be maintained: PROVIDED, That for purposes of apportionment no district shall be credited with more than one hundred and eighty-three days' attendance in any school year; and to fix the time for annual opening and closing of schools and for the daily dismissal of pupils before the regular time for closing schools~~(-)~~;

(8) To maintain a shop and repair department, and to employ, and for cause dismiss, a foreman and the necessary help for the maintenance and conduct thereof~~(-)~~;

(9) To provide free textbooks and supplies for all children attending school~~(-)~~;

(10) To require of the officers or employees of the district to give a bond for the honest performance of their duties in such penal sum as may be fixed by the board with good and sufficient surety, and to cause the premium for all bonds required of all such officers or employees to be paid by the district: PROVIDED, That the board may, by written policy, allow that such bonds may include a deductible proviso not to exceed two percent of the officer's or employee's annual salary~~(-)~~;

(11) To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts~~(-)~~; and

(12) To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of

the public schools of the district who shall serve at the board's pleasure: PROVIDED, That children shall not be required to submit to vaccination against the will of their parents or guardian.

NEW SECTION. Sec. 418. RCW 28A.305.220 is recodified as a new section in chapter 28A.230 RCW.

NEW SECTION. Sec. 419. RCW 28A.305.170 is recodified as a new section in chapter 28A.300 RCW.

PART 5 SCHOOL DISTRICT BOUNDARIES

Sec. 501. RCW 28A.315.175 and 1999 c 315 s 302 are each amended to read as follows:

~~((The powers and duties of the state board with respect to this chapter shall be))~~ The superintendent of public instruction shall:

(1) ~~((To))~~ Aid regional committees in the performance of their duties by furnishing them with plans of procedure, standards, data, maps, forms, and other necessary materials and services essential to a study and understanding of the problems of school district organization in their respective educational service districts((-)); and

(2) ~~((To hear appeals as provided in RCW 28A.315.205))~~ Carry out powers and duties of the superintendent of public instruction relating to the organization and reorganization of school districts.

Sec. 502. RCW 28A.315.195 and 2003 c 413 s 2 are each amended to read as follows:

(1) A proposed change in school district organization by transfer of territory from one school district to another may be initiated by a petition in writing presented to the educational service district superintendent:

(a) Signed by at least fifty percent plus one of the active registered voters residing in the territory proposed to be transferred; or

(b) Signed by a majority of the members of the board of directors of one of the districts affected by a proposed transfer of territory.

(2) The petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory.

(3) The educational service district superintendent shall not complete any transfer of territory under this section that involves ten percent or more of the common school student population of the entire district from which the transfer is proposed, unless the educational service district superintendent has first called and held a special election of the voters of the entire school district from which the transfer of territory is proposed. The purpose of the election is to afford those voters an opportunity to approve or reject the proposed transfer. A simple majority shall determine approval or rejection.

(4) The ~~((state board))~~ superintendent of public instruction may establish rules limiting the frequency of petitions that may be filed pertaining to territory included in whole or in part in a previous petition.

(5) Upon receipt of the petition, the educational service district superintendent shall notify in writing the affected districts that:

(a) Each school district board of directors, whether or not initiating a proposed transfer of territory, is required to enter into negotiations with the affected district or districts;

(b) In the case of a citizen-initiated petition, the affected districts must negotiate on the entire proposed transfer of territory;

(c) The districts have ninety calendar days in which to agree to the proposed transfer of territory;

(d) The districts may request and shall be granted by the educational service district superintendent one thirty-day extension to try to reach agreement; and

(e) Any district involved in the negotiations may at any time during the ninety-day period notify the educational service district superintendent in writing that agreement will not be possible.

(6) If the negotiating school boards cannot come to agreement about the proposed transfer of territory, the educational service district superintendent, if requested by the affected districts, shall

appoint a mediator. The mediator has thirty days to work with the affected school districts to see if an agreement can be reached on the proposed transfer of territory.

(7) If the affected school districts cannot come to agreement about the proposed transfer of territory, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, either district may file with the educational service district superintendent a written request for a hearing by the regional committee.

(8) If the affected school districts cannot come to agreement about the proposed transfer of territory initiated by citizen petition, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, the district in which the citizens who filed the petition reside shall file with the educational service district superintendent a written request for a hearing by the regional committee, unless a majority of the citizen petitioners request otherwise.

(9) Upon receipt of a notice under subsection (7) or (8) of this section, the educational service district superintendent shall notify the chair of the regional committee in writing within ten days.

(10) Costs incurred by school districts under this section shall be reimbursed by the state from such funds as are appropriated for this purpose.

Sec. 503. RCW 28A.315.205 and 2003 c 413 s 1 are each amended to read as follows:

(1) The chair of the regional committee shall schedule a hearing on the proposed transfer of territory at a location in the educational service district within sixty calendar days of being notified under RCW 28A.315.195 (7) or (8).

(2) Within thirty calendar days of the hearing under subsection (1) of this section, or final hearing if more than one is held by the committee, the committee shall issue its written findings and decision to approve or disapprove the proposed transfer of territory. The educational service district superintendent shall transmit a copy of the committee's decision to the superintendents of the affected school districts within ten calendar days.

(3) In carrying out the purposes of RCW 28A.315.015 and in making decisions as authorized under RCW 28A.315.095(1), the regional committee shall base its judgment upon whether and to the extent the proposed change in school district organization complies with RCW 28A.315.015(2) and rules adopted by the ~~((state board))~~ superintendent of public instruction under chapter 34.05 RCW.

(4) ~~((State board))~~ The rules under subsection (3) of this section shall provide for giving consideration to all of the following:

(a) Student educational opportunities as measured by the percentage of students performing at each level of the statewide mandated assessments and data regarding student attendance, graduation, and dropout rates;

(b) The safety and welfare of pupils. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well-being;

(c) The history and relationship of the property affected to the students and communities affected, including, for example, inclusion within a single school district, for school attendance and corresponding tax support purposes, of entire master planned communities that were or are to be developed pursuant to an integrated commercial and residential development plan with over one thousand dwelling units;

(d) Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school; and

(e) All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.

(5)(a)(i) A petitioner or school district may appeal a decision by the regional committee to the ~~((state board))~~ superintendent of public instruction based on the claim that the regional committee failed to follow the applicable statutory and regulatory procedures or acted in an arbitrary and capricious manner. Any such appeal shall be based on the record and the appeal must be filed within thirty days of the final decision of the regional committee. The appeal shall be heard and determined by an administrative law judge in the office of administrative hearings, based on the standards in (a)(ii) of this subsection.

(ii) If the ~~((state board))~~ administrative law judge finds that all applicable procedures were not followed or that the regional committee acted in an arbitrary and capricious manner, ~~((t))~~ the administrative law judge shall refer the matter back to the regional committee with an explanation of ~~((the board's))~~ his or her findings. The regional committee shall rehear the proposal.

(iii) If the ~~((state board))~~ administrative law judge finds that all applicable procedures were followed or that the regional committee did not act in an arbitrary and capricious manner, depending on the appeal, the educational service district shall be notified and directed to implement the changes.

(b) Any school district or citizen petitioner affected by a final decision of the regional committee may seek judicial review of the committee's decision in accordance with RCW 34.05.570.

Sec. 504. RCW 28A.315.015 and 1999 c 315 s 101 are each amended to read as follows:

(1) It is the purpose of this chapter to:

(a) Incorporate into a single, comprehensive, school district organization law all essential provisions governing:

(i) The formation and establishment of new school districts;

(ii) The alteration of the boundaries of existing districts; and

(iii) The adjustment of the assets and liabilities of school districts when changes are made under this chapter; and

(b) Establish methods and procedures whereby changes in the school district system may be brought about by the people concerned and affected.

(2) It is the state's policy that decisions on proposed changes in school district organization should be made, whenever possible, by negotiated agreement between the affected school districts. If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under RCW 28A.315.205:

(a) A balance of local petition requests and the needs of the statewide community at large in a manner that advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;

(b) Responsibly serving all of the affected citizens and students by contributing to logical service boundaries and recognizing a changing economic pattern within the educational service districts of the state;

(c) Enhancing the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;

(d) Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state; and

(e) Other criteria or considerations as may be established in rule by the ~~((state board of education))~~ superintendent of public instruction.

(3) It is neither the intent nor purpose of this chapter to apply to organizational changes and the procedure therefor relating to capital fund aid by nonhigh school districts as provided for in chapter 28A.540 RCW.

Sec. 505. RCW 28A.315.025 and 1990 c 33 s 293 are each amended to read as follows:

As used in this chapter:

(1) "Change in the organization and extent of school districts" means the formation and establishment of new school districts, the

dissolution of existing school districts, the alteration of the boundaries of existing school districts, or all of them.

(2) "Regional committee" means the regional committee on school district organization created by this chapter.

(3) ~~((State board))~~ means the state board of education.

~~((4))~~ "School district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors.

~~((5))~~ (4) "Educational service district superintendent" means the educational service district superintendent as provided for in RCW 28A.310.170 or his or her designee.

Sec. 506. RCW 28A.315.055 and 1999 c 315 s 203 are each amended to read as follows:

In case the boundaries of any of the school districts are conflicting or incorrectly described, the educational service district board of directors, after due notice and a public hearing, shall change, harmonize, and describe them and shall so certify, with a complete transcript of boundaries of all districts affected, such action to the ~~((state board))~~ superintendent of public instruction for ~~((its))~~ approval or revision. Upon receipt of notification of ~~((state board))~~ action by the superintendent of public instruction, the educational service district superintendent shall transmit to the county legislative authority of the county or counties in which the affected districts are located a complete transcript of the boundaries of all districts affected.

Sec. 507. RCW 28A.315.085 and 2005 c 497 s 405 are each amended to read as follows:

(1) The superintendent of public instruction shall furnish ~~((to the state board and))~~ to regional committees the services of employed personnel and the materials and supplies necessary to enable them to perform the duties imposed upon them by this chapter ~~((and))~~, Members shall be reimbursed ((the members thereof)) for expenses necessarily incurred by them in the performance of their duties ~~((; such reimbursement for regional committee members to be))~~ in accordance with RCW 28A.315.155 ~~((; and such reimbursement for state board members to be in accordance with RCW 28A.305.011)).~~

(2) Costs that may be incurred by an educational service district in association with school district negotiations under RCW 28A.315.195 and supporting the regional committee under RCW 28A.315.205 shall be reimbursed by the state from such funds as are appropriated for these purposes.

Sec. 508. RCW 28A.315.125 and 1993 c 416 s 2 are each amended to read as follows:

The members of each regional committee shall be elected in the following manner:

(1) On or before the 25th day of September, 1994, and not later than the 25th day of September of every subsequent even-numbered year, each superintendent of an educational service district shall call an election to be held in each educational service district within which resides a member of a regional committee whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in the educational service district. Such notice shall include instructions, and the rules ~~((and regulations))~~ established by the ~~((state board of education))~~ superintendent of public instruction for the conduct of the election. The ~~((state board of education))~~ superintendent of public instruction is ~~((hereby))~~ empowered to adopt rules pursuant to chapter 34.05 RCW which establish standards and procedures which the ~~((state board))~~ superintendent deems necessary to conduct elections pursuant to this section; to conduct run-off elections in the event an election for a position is indecisive; and to decide run-off elections which result in tie votes, in a fair and orderly manner.

(2) Candidates for membership on a regional committee shall file a declaration of candidacy with the superintendent of the educational service district wherein they reside. Declarations of candidacy may be filed by person or by mail not earlier than the 1st day of October, and not later than the 15th day of October of each even-numbered year. The superintendent may not accept any declaration of candidacy that is not on file in his or her office or not

postmarked before the 16th day of October, or if not postmarked or the postmark is not legible, if received by mail after the 20th day of October of each even-numbered year.

(3) Each member of the regional committee shall be elected by a majority of the votes cast for all candidates for the position by the members of the boards of directors of school districts in the educational service district. All votes shall be cast by mail ballot addressed to the superintendent of the educational service district wherein the school director resides. No votes shall be accepted for counting if postmarked after the 16th day of November or if not postmarked or the postmark is not legible, if received by mail after the 21st day of November of each even-numbered year. An election board comprised of three persons appointed by the board of the educational service district shall count and tally the votes not later than the 25th day of November or the next business day if the 25th falls on a Saturday, Sunday, or legal holiday of each even-numbered year. Each vote cast by a school director shall be recorded as one vote. Within ten days following the count of votes, the educational service district superintendent shall certify to the superintendent of public instruction the name or names of the person(s) elected to be members of the regional committee.

(4) In the event of a change in the number of educational service districts or in the number of educational service district board members pursuant to chapter 28A.310 RCW a new regional committee shall be elected for each affected educational service district at the next election conducted pursuant to this section. Those persons who were serving on a regional committee within an educational service district affected by a change in the number of districts or board members shall continue to constitute the regional committee for the educational service district within which they are registered to vote until the majority of a new board has been elected and certified.

(5) No member of a regional committee shall continue to serve thereon if he or she ceases to be a registered voter of the educational service district board member district or if he or she is absent from three consecutive meetings of the committee without an excuse acceptable to the committee.

Sec. 509. RCW 28A.315.185 and 1999 c 315 s 303 are each amended to read as follows:

To the extent funds are appropriated, the superintendent of public instruction, in cooperation with the educational service districts and the Washington state school directors' association, shall conduct an annual training meeting for the regional committees, ~~((state board members;))~~ educational service district superintendents, and local school district superintendents and boards of directors. Training may also be provided upon request.

PART 6 EDUCATIONAL SERVICE DISTRICTS

Sec. 601. RCW 28A.305.210 and 2005 c 518 s 913 are each amended to read as follows:

(1) ~~((The state board of education, by rule or regulation, may require the assistance of educational service district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the state board of education by law, upon such terms and conditions as the state board of education shall establish. Such authority to assist the state board of education shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.~~

~~—((2))~~ During the 2005-2007 biennium until the effective date of this act, educational service districts may, at the request of the state board of education, receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education postsite visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(2) This section expires July 1, 2007.

Sec. 602. RCW 28A.310.080 and 1977 ex.s. c 283 s 15 are each amended to read as follows:

~~((On or before the twenty-fifth day of August, 1978, and))~~ Not later than the twenty-fifth day of August of every ~~((subsequent))~~ even-numbered year, the ~~((secretary to the state board of education))~~ superintendent of public instruction shall call an election to be held in each educational service district within which resides a member of the board of the educational service district whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in such educational service district. Such notice shall include instructions~~((;))~~ and rules~~((and regulations))~~ established by the ~~((state board of education))~~ superintendent of public instruction for the conduct of the election.

Sec. 603. RCW 28A.310.030 and 1990 c 33 s 271 are each amended to read as follows:

Except as otherwise provided in this chapter, in each educational service district there shall be an educational service district board consisting of seven members elected by the school directors of the educational service district, one from each of seven educational service district board-member districts. Board-member districts in districts reorganized under RCW 28A.310.020, or as provided for in RCW 28A.310.120 and under this section, shall be initially determined by the state board of education. If a reorganization pursuant to RCW 28A.310.020 places the residence of a board member into another or newly created educational service district, such member shall serve on the board of the educational service district of residence and at the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction pursuant to RCW 28A.310.080 a new seven member board shall be elected. If the redrawing of board-member district boundaries pursuant to this chapter shall cause the resident board-member district of two or more board members to coincide, such board members shall continue to serve on the board and at the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction a new board shall be elected. The board-member districts shall be arranged so far as practicable on a basis of equal population, with consideration being given existing board members of existing educational service district boards. Each educational service district board member shall be elected by the school directors of each school district within the educational service district. Beginning in 1971 and every ten years thereafter, educational service district boards shall review and, if necessary, shall change the boundaries of board-member districts so as to provide so far as practicable equal representation according to population of such board-member districts and to conform to school district boundary changes: PROVIDED, That all board-member district boundaries, to the extent necessary to conform with this chapter, shall be immediately redrawn for the purposes of the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction following any reorganization pursuant to this chapter. Such district board, if failing to make the necessary changes prior to June 1st of the appropriate year, shall refer for settlement questions on board-member district boundaries to the ~~((state board of education))~~ office of the superintendent of public instruction, which, after a public hearing, shall decide such questions.

Sec. 604. RCW 28A.310.050 and 1977 ex.s. c 283 s 19 are each amended to read as follows:

Any educational service district board may elect by resolution of the board to increase the board member size to nine board members. In such case positions number eight and nine shall be filled at the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction, position numbered eight to be for a term of two years, position numbered nine to be for a term of four years. Thereafter the terms for such positions shall be for four years.

Sec. 605. RCW 28A.310.060 and 1977 ex.s. c 283 s 20 are each amended to read as follows:

The term of every educational service district board member shall begin on the second Monday in January next following the

election at which he or she was elected: PROVIDED, That a person elected to less than a full term pursuant to this section shall take office as soon as the election returns have been certified and he or she has qualified. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board-member district by the educational service district board. In the event that there are more than three vacancies in a seven-member board or four vacancies in a nine-member board, the ~~((state board of education))~~ superintendent of public instruction shall fill by appointment sufficient vacancies so that there shall be a quorum of the board serving. Each appointed board member shall serve until his or her successor has been elected at the next election called by the ~~((secretary to the state board of education))~~ superintendent of public instruction and has qualified.

Sec. 606. RCW 28A.310.090 and 1977 ex.s. c 283 s 16 are each amended to read as follows:

Candidates for membership on an educational service district board shall file declarations of candidacy with the ~~((secretary to the state board of education))~~ superintendent of public instruction on forms prepared by the ~~((secretary))~~ superintendent. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, nor later than the sixteenth day of September. The ~~((secretary to the state board of education))~~ superintendent may not accept any declaration of candidacy that is not on file in his or her office or is not postmarked before the seventeenth day of September.

Sec. 607. RCW 28A.310.100 and 1980 c 179 s 7 are each amended to read as follows:

Each member of an educational service district board shall be elected by a majority of the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the ~~((secretary to the state board of education))~~ superintendent of public instruction and no votes shall be accepted for counting if postmarked after the sixteenth day of October or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of October following the call of the election. The ~~((secretary to the state board of education))~~ superintendent of public instruction and an election board comprised of three persons appointed by the ~~((state board of education))~~ superintendent shall count and tally the votes not later than the twenty-fifth day of October in the following manner: Each vote cast by a school director shall be accorded as one vote. If no candidate receives a majority of the votes cast, then, not later than the first day of November, the ~~((secretary to the state board of education))~~ superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of votes at any such second election shall be declared elected. In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the ~~((secretary to the state board of education))~~ superintendent of public instruction. Within ten days following the count of votes in an election at which a member of an educational service district board is elected, the ~~((secretary to the state board of education))~~ superintendent of public instruction shall certify to the county auditor of the headquarters county of the educational service district the name or names of the persons elected to be members of the educational service district board.

Sec. 608. RCW 28A.310.140 and 1990 c 33 s 274 are each amended to read as follows:

Every school district must be included entirely within a single educational service district. If the boundaries of any school district within an educational service district are changed in any manner so as to extend the school district beyond the boundaries of that educational service district, the ~~((state board))~~ superintendent of public instruction shall change the boundaries of the educational

service districts so affected in a manner consistent with the purposes of RCW 28A.310.010 and this section.

Sec. 609. RCW 28A.310.150 and 1990 c 33 s 275 are each amended to read as follows:

Every candidate for membership on a educational service district board shall be a registered voter and a resident of the board-member district for which such candidate files. On or before the date for taking office, every member shall make an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of the office according to the best of such member's ability. The members of the board shall not be required to give bond unless so directed by the ~~((state board of education))~~ superintendent of public instruction. At the first meeting of newly elected members and after the qualification for office of the newly elected members, each educational service district board shall reorganize by electing a chair and a vice chair. A majority of all of the members of the board shall constitute a quorum.

Sec. 610. RCW 28A.310.200 and 2001 c 143 s 1 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

- (1) Approve the budgets of the educational service district in accordance with the procedures provided for in this chapter~~((:));~~
- (2) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chair or a majority of the board~~((:));~~
- (3) Approve the selection of educational service district personnel and clerical staff as provided in RCW 28A.310.230~~((:));~~
- (4) Fix the amount of and approve the bonds for those educational service district employees designated by the board as being in need of bonding~~((:));~~
- (5) Keep in the educational service district office a full and correct transcript of the boundaries of each school district within the educational service district~~((:));~~
- (6) Acquire by borrowing funds or by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes. No real property shall be acquired or alienated without the prior approval of the ~~((state board of education))~~ superintendent of public instruction and the acquisition or alienation of all such property shall be subject to such provisions as the ~~((board))~~ superintendent may establish. When borrowing funds for the purpose of acquiring property, the educational service district board shall pledge as collateral the property to be acquired. Borrowing shall be evidenced by a note or other instrument between the district and the lender~~((:));~~
- (7) Under RCW 28A.310.010, upon the written request of the board of directors of a local school district or districts served by the educational service district, the educational service district board of directors may provide cooperative and informational services not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that support the education of preschool through twelfth grade students in the public schools or that support the effective, efficient, or safe management and operation of the school district or districts served by the educational service district~~((:));~~
- (8) Adopt such bylaws and rules ~~((and regulations))~~ for its own operation as it deems necessary or appropriate~~((:));~~ and
- (9) Enter into contracts, including contracts with common and educational service districts and the school for the deaf and the school for the blind for the joint financing of cooperative service programs conducted pursuant to RCW 28A.310.180(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the educational service districts.

Sec. 611. RCW 28A.310.310 and 1990 c 33 s 284 are each amended to read as follows:

The educational service district board shall designate the headquarters office of the educational service district. Educational

service districts shall provide for their own office space, heating, contents insurance, electricity, and custodial services, which may be obtained through contracting with any board of county commissioners. Official records of the educational service district board and superintendent, including each of the county superintendents abolished by chapter 176, Laws of 1969 ex. sess., shall be kept by the educational service district superintendent. Whenever the boundaries of any of the educational service districts are reorganized pursuant to RCW 28A.310.020, the ~~((state board of education))~~ superintendent of public instruction shall supervise the transferral of such records so that each educational service district superintendent shall receive those records relating to school districts within the appropriate educational service district.

Sec. 612. RCW 28A.323.020 and 1985 c 385 s 25 are each amended to read as follows:

The duties in this chapter imposed upon and required to be performed by a regional committee and by an educational service district superintendent in connection with a change in the organization and extent of school districts and/or with the adjustment of the assets and liabilities of school districts and with all matters related to such change or adjustment whenever territory lying in a single educational service district is involved shall be performed jointly by the regional committees and by the superintendents of the several educational service districts as required whenever territory lying in more than one educational service district is involved in a proposed change in the organization and extent of school districts: PROVIDED, That a regional committee may designate three of its members, or two of its members and the educational service district superintendent, as a subcommittee to serve in lieu of the whole committee, but action by a subcommittee shall not be binding unless approved by a majority of the regional committee. Proposals for changes in the organization and extent of school districts and proposed terms of adjustment of assets and liabilities thus prepared and approved shall be submitted to the ~~((state board))~~ superintendent of public instruction by the regional committee of the educational service district in which is located the part of the proposed or enlarged district having the largest number of common school pupils residing therein.

Sec. 613. RCW 28A.323.040 and 1973 c 47 s 3 are each amended to read as follows:

For all purposes essential to the maintenance, operation, and administration of the schools of a district, including the apportionment of current state and county school funds, the county in which a joint school district shall be considered as belonging shall be as designated by the ~~((state board of education))~~ superintendent of public instruction. Prior to making such designation, the ~~((state board of education))~~ superintendent of public instruction shall hold at least one public hearing on the matter, at which time the recommendation of the joint school district shall be presented and, in addition to such recommendation, the ~~((state board))~~ superintendent shall consider the following prior to its designation:

- (1) Service needs of such district;
- (2) Availability of services;
- (3) Geographic location of district and servicing agencies; and
- (4) Relationship to contiguous school districts.

Sec. 614. RCW 29A.24.070 and 2005 c 221 s 1 are each amended to read as follows:

Declarations of candidacy shall be filed with the following filing officers:

- (1) The secretary of state for declarations of candidacy for statewide offices, United States senate, and United States house of representatives;
- (2) The secretary of state for declarations of candidacy for the state legislature, the court of appeals, and the superior court when the candidate is seeking office in a district comprised of voters from two or more counties. The secretary of state and the county auditor may accept declarations of candidacy for candidates for the state legislature, the court of appeals, and the superior court when the candidate is seeking office in a district comprised of voters from one county;

(3) The county auditor for all other offices. For any nonpartisan office, other than judicial offices and school director in joint districts, where voters from a district comprising more than one county vote upon the candidates, a declaration of candidacy shall be filed with the county auditor of the county in which a majority of the registered voters of the district reside. For school directors in joint school districts, the declaration of candidacy shall be filed with the county auditor of the county designated by the ~~((state board of education))~~ superintendent of public instruction as the county to which the joint school district is considered as belonging under RCW 28A.323.040;

(4) For all other purposes of this title, a declaration of candidacy for the state legislature, the court of appeals, and the superior court filed with the secretary of state shall be deemed to have been filed with the county auditor when the candidate is seeking office in a district composed of voters from one county.

Each official with whom declarations of candidacy are filed under this section, within one business day following the closing of the applicable filing period, shall transmit to the public disclosure commission the information required in RCW 29A.24.031 (1) through (4) for each declaration of candidacy filed in his or her office during such filing period or a list containing the name of each candidate who files such a declaration in his or her office during such filing period together with a precise identification of the position sought by each such candidate and the date on which each such declaration was filed. Such official, within three days following his or her receipt of any letter withdrawing a person's name as a candidate, shall also forward a copy of such withdrawal letter to the public disclosure commission.

Sec. 615. RCW 84.09.037 and 1990 c 33 s 597 are each amended to read as follows:

Each school district affected by a transfer of territory from one school district to another school district under chapter 28A.315 RCW shall retain its preexisting boundaries for the purpose of the collection of excess tax levies authorized under RCW 84.52.053 before the effective date of the transfer, for such tax collection years and for such excess tax levies as the ~~((state board of education))~~ superintendent of public instruction may approve and order that the transferred territory shall either be subject to or relieved of such excess levies, as the case may be. For the purpose of all other excess tax levies previously authorized under chapter 84.52 RCW and all excess tax levies authorized under RCW 84.52.053 subsequent to the effective date of a transfer of territory, the boundaries of the affected school districts shall be modified to recognize the transfer of territory subject to RCW 84.09.030.

PART 7 STUDENTS

Sec. 701. RCW 28A.305.160 and 1996 c 321 s 2 are each amended to read as follows:

(1) The ~~((state board of education))~~ superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible: PROVIDED, That the ~~((state board))~~ superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion.

(2) Short-term suspension procedures may be used for suspensions of students up to and including, ten consecutive school days.

Sec. 702. RCW 28A.150.300 and 1993 c 68 s 1 are each amended to read as follows:

The use of corporal punishment in the common schools is prohibited. The ~~((state board of education, in consultation with the))~~ superintendent of public instruction ~~(s)~~ shall develop and adopt a policy prohibiting the use of corporal punishment in the common schools. The policy shall be adopted ~~((by the state board of education no later than February 1, 1994,))~~ and ~~((shall take effect))~~ implemented in all school districts ~~((September 1, 1994)).~~

Sec. 703. RCW 28A.225.160 and 1999 c 348 s 5 are each amended to read as follows:

Except as otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than twenty-one years residing in that school district. Except as otherwise provided by law or rules adopted by the ~~((state board of education))~~ superintendent of public instruction, districts may establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student. For the purpose of complying with any rule adopted by the ~~((state board of education which))~~ superintendent of public instruction that authorizes a preadmission screening process as a prerequisite to granting exceptions to the uniform entry qualifications, a school district may collect fees to cover expenses incurred in the administration of any preadmission screening process: PROVIDED, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

NEW SECTION. Sec. 704. A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall adopt rules relating to pupil tests and records.

Sec. 705. RCW 28A.300.150 and 1994 c 245 s 8 are each amended to read as follows:

The superintendent of public instruction shall collect and disseminate to school districts information on child abuse and neglect prevention curriculum and shall adopt rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools. The superintendent of public instruction and the departments of social and health services and community, trade, and economic development shall share relevant information.

Sec. 706. RCW 28A.600.020 and 1997 c 266 s 11 are each amended to read as follows:

(1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ~~((insure))~~ ensure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the

board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the ~~((state board of education))~~ superintendent of public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

(4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.

(5) A principal shall consider imposing long-term suspension or expulsion as a sanction when deciding the appropriate disciplinary action for a student who, after July 27, 1997:

(a) Engages in two or more violations within a three-year period of RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

(b) Engages in one or more of the offenses listed in RCW 13.04.155.

The principal shall communicate the disciplinary action taken by the principal to the school personnel who referred the student to the principal for disciplinary action.

Sec. 707. RCW 28A.600.030 and 1990 c 33 s 498 are each amended to read as follows:

Each school district board of directors may establish student grading policies which permit teachers to consider a student's attendance in determining the student's overall grade or deciding whether the student should be granted or denied credit. Such policies shall take into consideration the circumstances pertaining to the student's inability to attend school. However, no policy shall be adopted whereby a grade shall be reduced or credit shall be denied for disciplinary reasons only, rather than for academic reasons, unless due process of law is provided as set forth by the ~~((state board of education))~~ superintendent of public instruction under RCW 28A.305.160 (as recodified by this act).

NEW SECTION. Sec. 708. RCW 28A.305.160 is recodified as a new section in chapter 28A.600 RCW.

PART 8 TRANSFER OF PROFESSIONAL EDUCATOR STANDARDS BOARD DUTIES

Sec. 801. RCW 18.35.020 and 2005 c 45 s 2 are each amended to read as follows:

(1) No person shall engage in the fitting and dispensing of hearing instruments or imply or represent that he or she is engaged in the fitting and dispensing of hearing instruments unless he or she is a licensed hearing instrument fitter/dispenser or a licensed audiologist or holds an interim permit issued by the department as provided in this chapter and is an owner or employee of an establishment that is bonded as provided by RCW 18.35.240. The owner or manager of an establishment that dispenses hearing instruments is responsible under this chapter for all transactions made in the establishment name or conducted on its premises by agents or persons employed by the establishment engaged in fitting and dispensing of hearing instruments. Every establishment that fits and dispenses shall have in its employ at least one licensed hearing instrument fitter/dispenser or licensed audiologist at all times, and shall annually submit proof that all testing equipment at that establishment that is required by the board to be calibrated has been properly calibrated.

(2) Effective January 1, 2003, no person shall engage in the practice of audiology or imply or represent that he or she is engaged in the practice of audiology unless he or she is a licensed audiologist or holds an audiology interim permit issued by the department as provided in this chapter. Audiologists who are certified as educational staff associates by the ~~((state board of education))~~ Washington professional educator standards board are excluded

unless they elect to become licensed under this chapter. However, a person certified by the state board of education as an educational staff associate who practices outside the school setting must be a licensed audiologist.

(3) Effective January 1, 2003, no person shall engage in the practice of speech-language pathology or imply or represent that he or she is engaged in the practice of speech-language pathology unless he or she is a licensed speech-language pathologist or holds a speech-language pathology interim permit issued by the department as provided in this chapter. Speech-language pathologists who are certified as educational staff associates by the state board of education are excluded unless they elect to become licensed under this chapter. However, a person certified by the state board of education as an educational staff associate who practices outside the school setting must be a licensed speech-language pathologist.

Sec. 802. RCW 18.35.195 and 2005 c 45 s 4 are each amended to read as follows:

(1) This chapter shall not apply to military or federal government employees.

(2) This chapter does not prohibit or regulate:

(a) Fitting or dispensing by students enrolled in a board-approved program who are directly supervised by a licensed hearing instrument fitter/dispenser, a licensed audiologist under the provisions of this chapter, or an instructor at a two-year hearing instrument fitter/dispenser degree program that is approved by the board;

(b) Hearing instrument fitter/dispensers, speech-language pathologists, or audiologists of other states, territories, or countries, or the District of Columbia while appearing as clinicians of bona fide educational seminars sponsored by speech-language pathology, audiology, hearing instrument fitter/dispenser, medical, or other healing art professional associations so long as such activities do not go beyond the scope of practice defined by this chapter; and

(c) The practice of audiology or speech-language pathology by persons certified by the ~~((state board of education))~~ Washington professional educator standards board as educational staff associates, except for those persons electing to be licensed under this chapter. However, a person certified by the ~~((state))~~ board ~~((of education))~~ as an educational staff associate who practices outside the school setting must be a licensed audiologist or licensed speech-language pathologist.

Sec. 803. RCW 18.83.200 and 1986 c 27 s 10 are each amended to read as follows:

This chapter shall not apply to:

(1) Any person teaching, lecturing, consulting, or engaging in research in psychology but only insofar as such activities are performed as a part of or are dependent upon a position in a college or university in the state of Washington.

(2) Any person who holds a valid school psychologist credential from the Washington ~~((state board of education))~~ professional educator standards board but only when such a person is practicing psychology in the course of his or her employment.

(3) Any person employed by a local, state, or federal government agency whose psychologists must qualify for employment under federal or state certification or civil service regulations; but only at those times when that person is carrying out the functions of his or her employment.

(4) Any person who must qualify under the employment requirements of a business or industry and who is employed by a business or industry which is not engaged in offering psychological services to the public, but only when such person is carrying out the functions of his or her employment: PROVIDED, That no person exempt from licensing under this subsection shall engage in the clinical practice of psychology.

(5) Any person who is a student of psychology, psychological intern, or resident in psychology preparing for the profession of psychology under supervision in a training institution or facilities and who is designated by the title such as "psychological trainee," "psychology student," which thereby indicates his or her training status.

(6) Any person who has received a doctoral degree from an accredited institution of higher learning with an adequate major in sociology or social psychology as determined by the board and who has passed comprehensive examinations in the field of social psychology as part of the requirements for the doctoral degree. Such persons may use the title "social psychologist" provided that they file a statement of their education with the board.

Sec. 804. RCW 28A.625.360 and 1990 1st ex.s. c 10 s 2 are each amended to read as follows:

(1) The ~~((state board of education))~~ professional educator standards board shall establish an annual award program for excellence in teacher preparation to recognize higher education teacher educators for their leadership, contributions, and commitment to education.

(2) The program shall recognize annually one teacher preparation faculty member from one of the teacher preparation programs approved by the ~~((state board of education))~~ professional educator standards board.

Sec. 805. RCW 28A.225.330 and 1999 c 198 s 3 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

- (a) Any history of placement in special educational programs;
- (b) Any past, current, or pending disciplinary action;
- (c) Any history of violent behavior, or behavior listed in RCW 13.04.155;
- (d) Any unpaid fines or fees imposed by other schools; and
- (e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The ~~((state board of education))~~ professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

(4) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

(5) When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers and security personnel.

Sec. 806. RCW 28A.405.110 and 1985 c 420 s 1 are each amended to read as follows:

The legislature recognizes the importance of teachers in the educational system. Teachers are the fundamental element in assuring a quality education for the state's and the nation's children. Teachers, through their direct contact with children, have a great impact on the development of the child. The legislature finds that this important role of the teacher requires an assurance that teachers are as successful as possible in attaining the goal of a well-educated society. The legislature finds, therefore, that the evaluation of those persons seeking to enter the teaching profession is no less important than the evaluation of those persons currently teaching. The evaluation of persons seeking teaching credentials should be strenuous while making accommodations uniquely appropriate to the applicants. Strenuous teacher training and preparation should be complemented by examinations of prospective teachers prior to candidates being granted official certification by the ~~((state board of education))~~ professional educator standards board. Teacher preparation program entrance evaluations, teacher training, teacher preparation program exit examinations, official certification, in-service training, and ongoing evaluations of individual progress and professional growth are all part of developing and maintaining a strong precertification and postcertification professional education system.

The legislature further finds that an evaluation system for teachers has the following elements, goals, and objectives: (1) An evaluation system must be meaningful, helpful, and objective; (2) an evaluation system must encourage improvements in teaching skills, techniques, and abilities by identifying areas needing improvement; (3) an evaluation system must provide a mechanism to make meaningful distinctions among teachers and to acknowledge, recognize, and encourage superior teaching performance; and (4) an evaluation system must encourage respect in the evaluation process by the persons conducting the evaluations and the persons subject to the evaluations through recognizing the importance of objective standards and minimizing subjectivity.

Sec. 807. RCW 28A.415.010 and 1991 c 285 s 1 are each amended to read as follows:

It shall be the responsibility of each educational service district board to establish a center for the improvement of teaching. The center shall administer, coordinate, and act as fiscal agent for such programs related to the recruitment and training of certificated and classified K-12 education personnel as may be delegated to the center by the superintendent of public instruction under RCW 28A.310.470 ~~(, or the state board of education under RCW 28A.310.480)~~. To assist in these activities, each educational service district board shall establish an improvement of teaching coordinating council to include, at a minimum, representatives as specified in RCW 28A.415.040. An existing in-service training task force, established pursuant to RCW 28A.415.040, may serve as the improvement of teaching coordinating council. The educational service district board shall ensure coordination of programs established pursuant to RCW 28A.415.030, 28A.410.060, and 28A.415.250.

The educational service district board may arrange each year for the holding of one or more teachers' institutes and/or workshops for professional staff preparation and in-service training in such manner and at such time as the board believes will be of benefit to the teachers and other professional staff of school districts within the educational service district and shall comply with rules ~~((and regulations of the state board of education))~~ of the professional educator standards board pursuant to RCW 28A.410.060 or the superintendent of public instruction ~~((or state board of education))~~ pursuant to RCW 28A.415.250. The board may provide such additional means of teacher and other professional staff preparation and in-service training as it may deem necessary or appropriate and there shall be a proper charge against the educational service district general expense fund when approved by the educational service district board.

Educational service district boards of contiguous educational service districts, by mutual arrangements, may hold joint institutes and/or workshops, the expenses to be shared in proportion to the

numbers of certificated personnel as shown by the last annual reports of the educational service districts holding such joint institutes or workshops.

In local school districts employing more than one hundred teachers and other professional staff, the school district superintendent may hold a teachers' institute of one or more days in such district, said institute when so held by the school district superintendent to be in all respects governed by the provisions of this title and ~~((state board of education))~~ rules ~~((and regulations))~~ relating to teachers' institutes held by educational service district superintendents.

Sec. 808. RCW 28A.415.020 and 1995 c 284 s 2 are each amended to read as follows:

(1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(2) Certificated personnel shall receive for each ten clock hours of approved continuing education earned, as continuing education is defined by rule adopted by the ~~((state board of education))~~ professional educator standards board, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(3) Certificated personnel shall receive for each forty clock hours of participation in an approved internship with a business, an industry, or government, as an internship is defined by rule of the ~~((state board of education))~~ professional educator standards board in accordance with RCW 28A.415.025, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(4) An approved in-service training program shall be a program approved by a school district board of directors, which meet standards adopted by the ~~((state board of education))~~ professional educator standards board, and the development of said program has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040, or a program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the ~~((state board of education))~~ professional educator standards board, or both.

(5) Clock hours eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee as described in subsections (1) and (2) of this section, shall be those hours acquired after August 31, 1987. Clock hours eligible for application to the salary schedule as described in subsection (3) of this section shall be those hours acquired after December 31, 1995.

Sec. 809. RCW 28A.415.024 and 2005 c 461 s 1 are each amended to read as follows:

(1) All credits earned in furtherance of degrees earned by certificated staff, that are used to increase earnings on the salary schedule consistent with RCW 28A.415.023, must be obtained from an educational institution accredited by an accrediting association recognized by rule of the ~~((state board of education))~~ professional educator standards board.

(2) The office of the superintendent of public instruction shall verify for school districts the accreditation status of educational institutions granting degrees that are used by certificated staff to increase earnings on the salary schedule consistent with RCW 28A.415.023.

(3) The office of the superintendent of public instruction shall provide school districts with training and additional resources to ensure they can verify that degrees earned by certificated staff, that are used to increase earnings on the salary schedule consistent with RCW 28A.415.023, are obtained from an educational institution accredited by an accrediting association recognized by rule of the ~~((state board of education))~~ professional educator standards board.

(4)(a) No school district may submit degree information before there has been verification of accreditation under subsection (3) of this section.

(b) Certificated staff who submit degrees received from an unaccredited educational institution for the purposes of receiving a salary increase shall be fined three hundred dollars. The fine shall be paid to the office of the superintendent of public instruction and used for costs of administering this section.

(c) In addition to the fine in (b) of this subsection, certificated staff who receive salary increases based upon degrees earned from educational institutions that have been verified to be unaccredited must reimburse the district for any compensation received based on these degrees.

Sec. 810. RCW 28A.415.025 and 1995 c 284 s 3 are each amended to read as follows:

The (~~state board of education~~) professional educator standards board shall establish rules for awarding clock hours for participation of certificated personnel in internships with business, industry, or government. To receive clock hours for an internship, the individual must demonstrate that the internship will provide beneficial skills and knowledge in an area directly related to his or her current assignment, or to his or her assignment for the following school year. An individual may not receive more than the equivalent of two college quarter credits for internships during a calendar-year period. The total number of credits for internships that an individual may earn to advance on the salary schedule developed by the legislative evaluation and accountability program committee or its successor agency is limited to the equivalent of fifteen college quarter credits.

Sec. 811. RCW 28A.415.105 and 1995 c 335 s 403 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.415.125 through 28A.415.140.

(1) "Cooperating organizations" means that at least one school district, one college or university, and one educational service district are involved jointly with the development of a student teaching center.

(2) "Cooperating teacher" means a teacher who holds a continuing certificate and supervises and coaches a student teacher.

(3) "Field experience" means opportunities for observation, tutoring, microteaching, extended practicums, and clinical and laboratory experiences which do not fall within the meaning of student teaching.

(4) "School setting" means a classroom in a public, common school in the state of Washington.

(5) "Student teacher" means a candidate for initial teacher certification who is in a (~~state board of education-approved~~) professional educator standards board-approved, or regionally or nationally accredited teacher preparation program in a school setting as part of the field-based component of their preparation program.

(6) "Student teaching" means the full quarter or semester in a school setting during which the student teacher observes the cooperating teacher, participates in instructional activities, and assumes both part-time and full-time teaching responsibilities under the supervision of the cooperating teacher.

(7) "Student teaching center" means the program established to provide student teachers in a geographic region of the state with special support and training as part of their teacher preparation program.

(8) "Supervisor or university supervisor" means the regular or adjunct faculty member, or college or university-approved designee, who assists and supervises the work of cooperating teachers and student teachers.

Sec. 812. RCW 28A.415.125 and 1991 c 258 s 6 are each amended to read as follows:

The (~~state board of education~~) professional educator standards board, from appropriated funds, shall establish a network of student teaching centers to support the continuing development of the field-based component of teacher preparation programs. The purpose of the training centers is to:

(1) Expand opportunities for student teacher placements in school districts statewide, with an emphasis on those populations and locations that are unserved or underserved;

(2) Provide cooperating teachers for all student teachers during their student internship for up to two academic quarters;

(3) Enhance the student teaching component of teacher preparation programs, including a placement of student teachers in special education and multi-ethnic school settings; and

(4) Expand access to each other and opportunities for collaboration in teacher education between colleges and universities and school districts.

Sec. 813. RCW 28A.415.130 and 1991 c 258 s 7 are each amended to read as follows:

Funds for the student teaching centers shall be allocated by the superintendent of public instruction among the educational service district regions on the basis of student teaching placements. The fiscal agent for each center shall be either an educational service district or a state institution of higher education. Prospective fiscal agents shall document to the (~~state board of education~~) professional educator standards board the following information:

(1) The existing or proposed center was developed jointly through a process including participation by at least one school district, one college or university, and one educational service district;

(2) Primary administration for each center shall be the responsibility of one or more of the cooperating organizations;

(3) Assurance that the training center program provides appropriate and necessary training in observation, supervision, and assistance skills and techniques for:

- (a) Cooperating teachers;
- (b) Other school building personnel; and
- (c) School district employees.

Sec. 814. RCW 28A.415.145 and 1991 c 258 s 10 are each amended to read as follows:

The (~~state board of education~~) professional educator standards board and the superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to carry out the purposes of RCW 28A.415.100 through 28A.415.140.

Sec. 815. RCW 28A.630.400 and 1995 c 335 s 202 and 1995 c 77 s 27 are each reenacted and amended to read as follows:

(1) The (~~state board of education~~) professional educator standards board and the state board for community and technical colleges, in consultation with the superintendent of public instruction, the higher education coordinating board, the state apprenticeship training council, and community colleges, shall adopt rules as necessary under chapter 34.05 RCW to implement the paraeducator associate of arts degree.

(2) As used in this section, a "paraeducator" is an individual who has completed an associate of arts degree for a paraeducator. The paraeducator may be hired by a school district to assist certificated instructional staff in the direct instruction of children in small and large groups, individualized instruction, testing of children, recordkeeping, and preparation of materials. The paraeducator shall work under the direction of instructional certificated staff.

(3) The training program for a paraeducator associate of arts degree shall include, but is not limited to, the general requirements for receipt of an associate of arts degree and training in the areas of introduction to childhood education, orientation to children with disabilities, fundamentals of childhood education, creative activities for children, instructional materials for children, fine art experiences for children, the psychology of learning, introduction to education, child health and safety, child development and guidance, first aid, and a practicum in a school setting.

(4) Consideration shall be given to transferability of credit earned in this program to teacher preparation programs at colleges and universities.

Sec. 816. RCW 28A.660.020 and 2004 c 23 s 2 are each amended to read as follows:

(1) Each district or consortia of school districts applying for the alternative route certification program shall submit a proposal to the Washington professional educator standards board specifying:

(a) The route or routes the partnership program intends to offer and a detailed description of how the routes will be structured and operated by the partnership;

(b) The number of candidates that will be enrolled per route;

(c) An identification, indication of commitment, and description of the role of approved teacher preparation programs that are partnering with the district or consortia of districts;

(d) An assurance of district provision of adequate training for mentor teachers either through participation in a state mentor training academy or district-provided training that meets state-established mentor-training standards specific to the mentoring of alternative route candidates;

(e) An assurance that significant time will be provided for mentor teachers to spend with the alternative route teacher candidates throughout the internship. Partnerships must provide each candidate with intensive classroom mentoring until such time as the candidate demonstrates the competency necessary to manage the classroom with less intensive supervision and guidance from a mentor;

(f) A description of the rigorous screening process for applicants to alternative route programs, including entry requirements specific to each route, as provided in RCW 28A.660.040; and

(g) The design and use of a teacher development plan for each candidate. The plan shall specify the alternative route coursework and training required of each candidate and shall be developed by comparing the candidate's prior experience and coursework with the state's new performance-based standards for residency certification and adjusting any requirements accordingly. The plan may include the following components:

(i) A minimum of one-half of a school year, and an additional significant amount of time if necessary, of intensive mentorship, starting with full-time mentoring and progressing to increasingly less intensive monitoring and assistance as the intern demonstrates the skills necessary to take over the classroom with less intensive support. For route one and two candidates, before the supervision is diminished, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher preparation program must both agree that the teacher candidate is ready to manage the classroom with less intensive supervision. For route three and four candidates, the mentor of the teacher candidate shall make the decision;

(ii) Identification of performance indicators based on the knowledge and skills standards required for residency certification by the ~~((state board of education))~~ Washington professional educator standards board;

(iii) Identification of benchmarks that will indicate when the standard is met for all performance indicators;

(iv) A description of strategies for assessing candidate performance on the benchmarks;

(v) Identification of one or more tools to be used to assess a candidate's performance once the candidate has been in the classroom for about one-half of a school year; and

(vi) A description of the criteria that would result in residency certification after about one-half of a school year but before the end of the program.

(2) To the extent funds are appropriated for this purpose, districts may apply for program funds to pay stipends to trained mentor teachers of interns during the mentored internship. The per intern amount of mentor stipend shall not exceed five hundred dollars.

Sec. 817. RCW 28A.660.040 and 2004 c 23 s 4 are each amended to read as follows:

Partnership grants funded under this chapter shall operate one to four specific route programs. Successful completion of the program shall make a candidate eligible for residency teacher certification. For route one and two candidates, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher preparation program must both agree that the teacher candidate has successfully completed the program. For route three and four candidates, the mentor of the teacher candidate shall make the determination that the candidate has successfully completed the program.

(1) Partnership grant programs seeking funds to operate route one programs shall enroll currently employed classified instructional employees with transferable associate degrees seeking residency teacher certification with endorsements in special education, bilingual education, or English as a second language. It is anticipated that candidates enrolled in this route will complete both their baccalaureate degree and requirements for residency certification in two years or less, including a mentored internship to be completed in the final year. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including three years of successful student interaction and leadership as a classified instructional employee;

(b) Successful passage of the statewide basic skills exam, when available; and

(c) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers.

(2) Partnership grant programs seeking funds to operate route two programs shall enroll currently employed classified staff with baccalaureate degrees seeking residency teacher certification in subject matter shortage areas and areas with shortages due to geographic location. Candidates enrolled in this route must complete a mentored internship complemented by flexibly scheduled training and coursework offered at a local site, such as a school or educational service district, or online or via video-conference over the K-20 network, in collaboration with the partnership program's higher education partner. In addition, partnership grant programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including three years of successful student interaction and leadership as classified staff;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's college or university grade point average may be considered as a selection factor;

(c) Successful completion of the content test, once the state content test is available;

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of the statewide basic skills exam, when available.

(3) Partnership grant programs seeking funds to operate route three programs shall enroll individuals with baccalaureate degrees, who are not employed in the district at the time of application. When selecting candidates for certification through route three, districts shall give priority to individuals who are seeking residency teacher certification in subject matter shortage areas or shortages due to geographic locations. For route three only, the districts may include additional candidates in nonshortage subject areas if the candidates are seeking endorsements with a secondary grade level designation as defined by rule by the ~~((state board of education))~~ professional educator standards board. The districts shall disclose to candidates in nonshortage subject areas available information on the demand in those subject areas. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship, followed, if necessary, by a second summer teaching academy. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) Five years' experience in the work force;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;

(c) Successful completion of the content test, once the state content test is available;

(d) External validation of qualifications, including demonstrated successful experience with students or children, such as ~~((references reference))~~ reference letters and letters of support from previous employers;

(e) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(f) Successful passage of statewide basic skills exams, when available.

(4) Partnership grant programs seeking funds to operate route four programs shall enroll individuals with baccalaureate degrees, who are employed in the district at the time of application, or who hold conditional teaching certificates or emergency substitute certificates. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship. In addition, partnership programs shall uphold entry requirements for candidates that include:

- (a) Five years' experience in the work force;
- (b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;
- (c) Successful completion of the content test, once the state content test is available;
- (d) External validation of qualifications, including demonstrated successful experience with students or children, such as reference letters and letters of support from previous employers;
- (e) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and
- (f) Successful passage of statewide basic skills exams, when available.

Sec. 818. RCW 28A.690.020 and 1990 c 33 s 546 are each amended to read as follows:

The "designated state official" for this state under Article II of RCW 28A.690.010 shall be the superintendent of public instruction, who shall be the compact administrator and who shall have power to ~~((promulgate))~~ adopt rules to carry out the terms of this compact. The superintendent of public instruction shall enter into contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the ~~((state board of education))~~ professional educator standards board.

Sec. 819. RCW 28A.300.050 and 1990 c 33 s 252 are each amended to read as follows:

The superintendent of public instruction shall provide technical assistance to the ~~((state board of education))~~ professional educator standards board in the conduct of the activities described in ~~((sections 202 through 232 of this act))~~ RCW 28A.410.040 and 28A.410.050.

Sec. 820. RCW 28A.625.370 and 1990 1st ex.s. c 10 s 3 are each amended to read as follows:

The award for the teacher educator shall include:

- (1) A certificate presented to the teacher educator by the governor, the ~~((president of the state board of education))~~ chair of the professional educator standards board, and the superintendent of public instruction at a public ceremony; and
- (2) A grant to the professional education advisory board of the institution from which the teacher educator is selected, which grant shall not exceed two thousand five hundred dollars and which grant shall be awarded under RCW 28A.625.390.

Sec. 821. RCW 28A.625.380 and 1990 1st ex.s. c 10 s 4 are each amended to read as follows:

The ~~((state board of education))~~ professional educator standards board shall adopt rules under chapter 34.05 RCW to carry out the purposes of RCW 28A.625.360 through 28A.625.390. These rules shall include establishing the selection criteria for the Washington award for excellence in teacher preparation. The ~~((state))~~ board ~~((of education))~~ is encouraged to consult with teacher educators, deans, and professional education advisory board members in developing the selection criteria. The criteria shall include any role performed by nominees relative to implementing innovative developments by the nominee's teacher preparation program and efforts the nominee has made to assist in communicating with legislators, common school teachers and administrators, and others about the nominee's teacher preparation program.

Sec. 822. RCW 28A.625.390 and 1990 1st ex.s. c 10 s 5 are each amended to read as follows:

The professional education advisory board for the institution from which the teacher educator has been selected to receive an

award shall be eligible to apply for an educational grant as provided under RCW 28A.625.370. The ~~((state board of education))~~ professional educator standards board shall award the grant after the ~~((state))~~ board has approved the grant application as long as the written grant application is submitted to the ~~((state))~~ board within one year after the award is received by the teacher educator. The grant application shall identify the educational purpose toward which the grant shall be used.

Sec. 823. RCW 28B.10.710 and 1993 c 77 s 1 are each amended to read as follows:

There shall be a one quarter or semester course in either Washington state history and government, or Pacific Northwest history and government in the curriculum of all teachers' colleges and teachers' courses in all institutions of higher education. No person shall be graduated from any of said schools without completing said course of study, unless otherwise determined by the ~~((state board of education))~~ Washington professional educator standards board. Any course in Washington state or Pacific Northwest history and government used to fulfill this requirement shall include information on the culture, history, and government of the American Indian peoples who were the first human inhabitants of the state and the region.

Sec. 824. RCW 28B.35.120 and 2004 c 275 s 54 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, each board of trustees of the respective regional universities:

- (1) Shall have full control of the regional university and its property of various kinds, except as otherwise provided by law.
- (2) Shall employ the president of the regional university, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.
- (3) With the assistance of the faculty of the regional university, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the ~~((state))~~ Washington professional educator standards board ~~((of education))~~ shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.
- (4) Establish such divisions, schools or departments necessary to carry out the purposes of the regional university and not otherwise proscribed by law.
- (5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the regional university.
- (6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.
- (7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the regional university.
- (8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.
- (9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to regional university purposes.
- (10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the regional university programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.
- (11) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.76.230, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the regional university.

Sec. 825. RCW 28B.40.120 and 2004 c 275 s 56 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, the board of trustees of The Evergreen State College:

(1) Shall have full control of the state college and its property of various kinds, except as otherwise provided by law.

(2) Shall employ the president of the state college, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the state college, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the ~~((state board of education))~~ Washington professional educator standards board shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the college and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the college.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the college.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to college purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the college programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.76.230, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the college.

Sec. 826. RCW 43.43.832 and 2005 c 421 s 2 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. The legislature further finds that many developmentally disabled individuals and vulnerable adults desire to hire their own employees directly and also need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol identification and criminal history section shall disclose, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian, an applicant's record for convictions as defined in chapter 10.97 RCW.

(2) The legislature also finds that the ~~((state board of education))~~ Washington professional educator standards board may request of the

Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the secretary of the department of social and health services must establish rules and set standards to require specific action when considering the information listed in subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(g) For the purposes of this subsection, "health care facility" means a nursing home licensed under chapter 18.51 RCW, a boarding home licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

(7) If a federal bureau of investigation check is required in addition to the state background check by the department of social and health services, an applicant who is not disqualified based on the results of the state background check shall be eligible for a one hundred twenty day provisional approval to hire, pending the outcome of the federal bureau of investigation check. The department may extend the provisional approval until receipt of the federal bureau of investigation check. If the federal bureau of investigation check disqualifies an applicant, the department shall notify the requestor that the provisional approval to hire is withdrawn and the applicant may be terminated.

Sec. 827. RCW 43.43.840 and 2005 c 421 s 6 are each amended to read as follows:

When a business or an organization terminates, fires, dismisses, fails to renew the contract, or permits the resignation of an employee because of crimes against children or other persons or because of crimes relating to the financial exploitation of a vulnerable adult, and if that employee is employed in a position requiring a certificate or license issued by a licensing agency such as the ~~((state board of education))~~ Washington professional educator standards board, the business or organization shall notify the licensing agency of such termination of employment.

Sec. 828. RCW 43.43.845 and 2005 c 421 s 7 and 2005 c 237 s 1 are each reenacted and amended to read as follows:

(1) Upon a guilty plea or conviction of a person of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW, promoting prostitution of a minor under chapter 9A.88 RCW, or the sale or purchase of a minor child under RCW 9A.64.030, the prosecuting attorney shall notify the state patrol of such guilty pleas or convictions.

(2) When the state patrol receives information that a person has pled guilty to or been convicted of one of the felony crimes under subsection (1) of this section, the state patrol shall transmit that information to the superintendent of public instruction. It shall be the duty of the superintendent of public instruction to identify whether the person holds a certificate or permit issued under chapters 28A.405 and 28A.410 RCW or is employed by a school district, and provide this information to the ~~((state board of education))~~ Washington professional educator standards board and the school district employing the individual who pled guilty or was convicted of the crimes identified in subsection (1) of this section.

Sec. 829. RCW 72.40.028 and 1985 c 378 s 18 are each amended to read as follows:

All teachers at the state school for the deaf and the state school for the blind shall meet all certification requirements and the programs shall meet all accreditation requirements and conform to the standards defined by law or by rule of the ~~((state board of education))~~ Washington professional educator standards board or the

office of the state superintendent of public instruction. The superintendents, by rule, may adopt additional educational standards for their respective schools. Salaries of all certificated employees shall be set so as to conform to and be contemporary with salaries paid to other certificated employees of similar background and experience in the school district in which the program or facility is located. The superintendents may provide for provisional certification for teachers in their respective schools including certification for emergency, temporary, substitute, or provisional duty.

PART 9 OTHER DUTIES

Sec. 901. RCW 28A.600.010 and 1997 c 265 s 4 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Enforce the rules prescribed by the superintendent of public instruction ~~((and the state board of education))~~ for the government of schools, pupils, and certificated employees.

(2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules regarding pupil conduct, discipline, and rights, including but not limited to short-term suspensions as referred to in RCW 28A.305.160 (as recodified by this act) and suspensions in excess of ten consecutive days. Such rules shall not be inconsistent with any of the following: Federal statutes and regulations, state statutes, common law, and the rules of the superintendent of public instruction ~~((and the state board of education))~~. The board's rules shall include such substantive and procedural due process guarantees as prescribed by the ~~((state board of education))~~ superintendent of public instruction under RCW 28A.305.160 (as recodified by this act). ~~((Commencing with the 1976-77 school year;))~~ When such rules are made available to each pupil, teacher, and parent, they shall be accompanied by a detailed description of rights, responsibilities, and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, the superintendent of public instruction, ~~((and state board of education rules))~~ and the rules ~~((and regulations))~~ of the school district.

For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.

(3) Suspend, expel, or discipline pupils in accordance with RCW 28A.305.160 (as recodified by this act).

NEW SECTION. Sec. 902. A new section is added to chapter 28A.405 RCW to read as follows:

Each school district board of directors shall adopt a policy regarding the presence at their respective schools of teachers and other certificated personnel before the opening of school in the morning and after the closing of school in the afternoon or evening. The board of directors shall make the policy available to parents and the public through the school district report card and other means of communication.

Sec. 903. RCW 28A.225.280 and 1990 1st ex.s. c 9 s 206 are each amended to read as follows:

Eligibility of transfer students under RCW 28A.225.220 and 28A.225.225 for participation in extracurricular activities shall be subject to rules adopted by the Washington interscholastic activities association ~~((as authorized by the state board of education))~~.

Sec. 904. RCW 28A.600.200 and 1990 c 33 s 502 are each amended to read as follows:

Each school district board of directors is hereby granted and shall exercise the authority to control, supervise and regulate the conduct of interschool athletic activities and other interschool extracurricular activities of an athletic, cultural, social or recreational nature for students of the district. A board of directors may delegate control, supervision and regulation of any such activity to the Washington interscholastic activities association or any other

voluntary nonprofit entity and compensate such entity for services provided, subject to the following conditions:

~~(1) ((The voluntary nonprofit entity shall submit an annual report to the state board of education of student appeal determinations, assets, and financial receipts and disbursements at such time and in such detail as the state board shall establish by rule;~~

~~(2))~~ The voluntary nonprofit entity shall not discriminate in connection with employment or membership upon its governing board, or otherwise in connection with any function it performs, on the basis of race, creed, national origin, sex or marital status;

~~((3))~~ (2) Any rules and policies applied by the voluntary nonprofit entity which govern student participation in any interschool activity shall be written ~~((and subject to the annual review and approval of the state board of education at such time as it shall establish;~~

~~(4) All amendments and repeals of such rules and policies shall be subject to the review and approval of the state board);~~ ~~((and~~

~~(5))~~ (3) Such rules and policies shall provide for notice of the reasons and a fair opportunity to contest such reasons prior to a final determination to reject a student's request to participate in or to continue in an interschool activity. Any such decision shall be considered a decision of the school district conducting the activity in which the student seeks to participate or was participating and may be appealed pursuant to RCW 28A.645.010 through 28A.645.030; and

(4) Beginning the effective date of this section and until July 1, 2007, that any decision by the Washington interscholastic activities association may be appealed to the office of the superintendent of public instruction. After July 1, 2007, decisions by the Washington interscholastic activities association addressing only academic issues may be appealed to the office of the superintendent of public instruction. The office of the superintendent shall adopt rules to implement this subsection.

NEW SECTION. Sec. 905. A new section is added to chapter 28A.600 RCW to read as follows:

By July 1, 2007, the Washington interscholastic activities association shall establish a nine-person appeals board to address nonacademic appeals. The board shall be comprised of active members of school district boards of directors, and retired or inactive coaches. The retired or inactive coaches shall be representative of the multilevels of competition, the various school classifications, and the activity districts of the Washington interscholastic activities association. The board shall begin hearing nonacademic appeals by July 1, 2007. No board member may participate in the appeal process if the member was involved in the activity that was the basis of the appeal or involved in the decision of the association, either directly or indirectly.

Sec. 906. RCW 28A.160.210 and 1989 c 178 s 20 are each amended to read as follows:

In addition to other powers and duties, the ~~((state board of education))~~ superintendent of public instruction shall adopt rules ~~((and regulations))~~ governing the training and qualifications of school bus drivers. Such rules ~~((and regulations))~~ shall be designed to insure that persons will not be employed to operate school buses unless they possess such physical health and driving skills as are necessary to safely operate school buses: PROVIDED, That such rules ~~((and regulations))~~ shall insure that school bus drivers are provided a due process hearing before any certification required by such rules ~~((and regulations))~~ is cancelled: PROVIDED FURTHER, That such rules ~~((and regulations))~~ shall not conflict with the authority of the department of licensing to license school bus drivers in accordance with chapter 46.25 RCW. The ~~((state board of education))~~ superintendent of public instruction may obtain a copy of the driving record, as maintained by the department of licensing, for consideration when evaluating a school bus driver's driving skills.

Sec. 907. RCW 28A.160.100 and 1990 c 33 s 138 are each amended to read as follows:

In addition to the authority otherwise provided in RCW 28A.160.010 through 28A.160.120 to school districts for the transportation of persons, whether school children, school personnel,

or otherwise, any school district authorized to use school buses and drivers hired by the district for the transportation of school children to and from a school activity, along with such school employees as necessary for their supervision, shall, if such school activity be an interscholastic activity, be authorized to transport members of the general public to such event and utilize the school district's buses, transportation equipment and facilities, and employees therefor: PROVIDED, That provision shall be made for the reimbursement and payment to the school district by such members of the general public of not less than the district's actual costs and the reasonable value of the use of the district's buses and facilities provided in connection with such transportation: PROVIDED FURTHER, That wherever private transportation certified or licensed by the utilities and transportation commission or public transportation is reasonably available ~~((as determined by rule and regulation of the state board of education)),~~ this section shall not apply.

Sec. 908. RCW 28A.210.070 and 1990 c 33 s 191 are each amended to read as follows:

As used in RCW 28A.210.060 through 28A.210.170:

(1) "Chief administrator" shall mean the person with the authority and responsibility for the immediate supervision of the operation of a school or day care center as defined in this section or, in the alternative, such other person as may hereafter be designated in writing for the purposes of RCW 28A.210.060 through 28A.210.170 by the statutory or corporate board of directors of the school district, school, or day care center or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the school district, school or day care center.

(2) "Full immunization" shall mean immunization against certain vaccine-preventable diseases in accordance with schedules and with immunizing agents approved by the state board of health.

(3) "Local health department" shall mean the city, town, county, district or combined city-county health department, board of health, or health officer which provides public health services.

(4) "School" shall mean and include each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.305.130~~((6))~~, 28A.195.010 through 28A.195.050, and 28A.410.120.

(5) "Day care center" shall mean an agency which regularly provides care for a group of thirteen or more children for periods of less than twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

(6) "Child" shall mean any person, regardless of age, in attendance at a public or private school or a licensed day care center.

Sec. 909. RCW 28A.210.120 and 1990 c 33 s 196 are each amended to read as follows:

It shall be the duty of the chief administrator of every public and private school and day care center to prohibit the further presence at the school or day care center for any and all purposes of each child for whom proof of immunization, certification of exemption, or proof of compliance with an approved schedule of immunization has not been provided in accordance with RCW 28A.210.080 and to continue to prohibit the child's presence until such proof of immunization, certification of exemption, or approved schedule has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the office of the superintendent, in consultation with the state board of ((education)) health. The exclusion of a child from a day care center shall be accomplished in accordance with rules of the department of social and health services. Prior to the exclusion of a child, each school or day care center shall provide written notice to the parent(s) or legal guardian(s) of each child or to the adult(s) in loco parentis to each child, who is not in compliance with the requirements of RCW 28A.210.080. The notice shall fully inform such person(s) of the following: (1) The requirements established by and pursuant to RCW 28A.210.060 through 28A.210.170; (2) the fact that the child will be prohibited

from further attendance at the school unless RCW 28A.210.080 is complied with; (3) such procedural due process rights as are hereafter established pursuant to RCW 28A.210.160 and/or 28A.210.170, as appropriate; and (4) the immunization services that are available from or through the local health department and other public agencies.

Sec. 910. RCW 28A.210.160 and 1990 c 33 s 199 are each amended to read as follows:

The superintendent of public instruction with regard to public schools and the state board of education with regard to private schools, in consultation with the state board of (education) health, shall ~~((and is hereby empowered to))~~ each adopt rules pursuant to chapter 34.05 RCW ~~((which))~~ that establish the procedural and substantive due process requirements governing the exclusion of children from ~~((public and private))~~ schools pursuant to RCW 28A.210.120.

Sec. 911. RCW 28A.210.320 and 2002 c 101 s 1 are each amended to read as follows:

(1) The attendance of every child at every public school in the state shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school of a medication or treatment order addressing any life-threatening health condition that the child has that may require medical services to be performed at the school. Once such an order has been presented, the child shall be allowed to attend school.

(2) The chief administrator of every public school shall prohibit the further presence at the school for any and all purposes of each child for whom a medication or treatment order has not been provided in accordance with this section if the child has a life-threatening health condition that may require medical services to be performed at the school and shall continue to prohibit the child's presence until such order has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the state board of education. Before excluding a child, each school shall provide written notice to the parents or legal guardians of each child or to the adults in loco parentis to each child, who is not in compliance with the requirements of this section. The notice shall include, but not be limited to, the following: (a) The requirements established by this section; (b) the fact that the child will be prohibited from further attendance at the school unless this section is complied with; and (c) such procedural due process rights as are established pursuant to this section.

(3) The ~~((state board of education))~~ superintendent of public instruction in consultation with the state board of health shall adopt rules under chapter 34.05 RCW that establish the procedural and substantive due process requirements governing the exclusion of children from public schools under this section. The rules shall include any requirements under applicable federal laws.

(4) As used in this section, "life-threatening condition" means a health condition that will put the child in danger of death during the school day if a medication or treatment order and a nursing plan are not in place.

(5) As used in this section, "medication or treatment order" means the authority a registered nurse obtains under RCW 18.79.260(2).

Sec. 912. RCW 28A.335.100 and 1975-'76 2nd ex.s. c 23 s 1 are each amended to read as follows:

Any association established by school districts pursuant to the interlocal cooperation act, chapter 39.34 RCW for the purpose of jointly and cooperatively purchasing school supplies, materials and equipment, if otherwise authorized for school district purposes to purchase personal or real property, is ~~((hereby))~~ authorized ~~((subject to rules and regulations of the state board of education,))~~ to mortgage, or convey a purchase money security interest in real or personal property of such association of every kind, character or description whatsoever, or any interest in such personal or real property: PROVIDED, That any such association shall be prohibited from causing any creditor of the association to acquire any rights against the property, properties or assets of any of its constituent school districts and any creditor of such association shall be entitled to look

for payment of any obligation incurred by such association solely to the assets and properties of such association.

Sec. 913. RCW 28A.335.120 and 2001 c 183 s 2 are each amended to read as follows:

(1) The board of directors of any school district of this state may:

(a) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes; and

(b) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property.

(2) When the board of directors of any school district proposes a sale of school district real property pursuant to this section and the value of the property exceeds seventy thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least once each week during two consecutive weeks in a legal newspaper with a general circulation in the area in which the school district is located. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the school district property at the place and the day and hour fixed in the notice and admit evidence offered for and against the propriety and advisability of the proposed sale.

(3) The board of directors of any school district desiring to sell surplus real property shall publish a notice in a newspaper of general circulation in the school district. School districts shall not sell the property for at least forty-five days following the publication of the newspaper notice.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the purchase of surplus real property and to have such bids considered along with all other bids.

(5) Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by a professionally designated real estate appraiser as defined in RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board of directors and no sale shall take place if the sale price would be less than ninety percent of the appraisal made by the real estate appraiser: PROVIDED, That if the property has been on the market for one year or more the property may be reappraised and sold for not less than seventy-five percent of the reappraised value with the unanimous consent of the board.

(6) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the use of a licensed real estate broker will not eliminate the obligation of the board of directors to provide the notice described in this section: PROVIDED FURTHER, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any professionally designated real estate appraiser as defined in RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the school district to sell such parcel of property for a period of three years after the appraisal.

(7) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through sale on contract terms, a real estate sales contract may be executed between the district and buyer ~~((PROVIDED, That the terms and conditions of any such sales contract must comply with rules and regulations of the state board of education, herein authorized, governing school district real property contract sales))~~.

Sec. 914. RCW 28A.320.240 and 1969 ex.s. c 223 s 28A.58.104 are each amended to read as follows:

(1) The purpose of this section is to identify quality criteria for school library media programs that support the student learning goals under RCW 28A.150.210, the essential academic learning requirements under RCW 28A.655.070, and high school graduation requirements adopted under RCW 28A.230.090.

(2) Every board of directors shall provide for the operation and stocking of such libraries as the board deems necessary for the proper education of the district's students or as otherwise required by law or rule ((or regulation)) of the superintendent of public instruction ((or the state board of education)).

(3) "Teacher-librarian" means a certified teacher with a library media endorsement under rules adopted by the professional educator standards board.

(4) "School-library media program" means a school-based program that is staffed by a certificated teacher-librarian and provides a variety of resources that support student mastery of the essential academic learning requirements in all subject areas and the implementation of the district's school improvement plan.

(5) The teacher-librarian, through the school-library media program, shall collaborate as an instructional partner to help all students meet the content goals in all subject areas, and assist high school students completing the culminating project and high school and beyond plans required for graduation.

Sec. 915. RCW 28A.155.060 and 1995 c 77 s 12 are each amended to read as follows:

For the purpose of carrying out the provisions of RCW 28A.155.020 through 28A.155.050, the board of directors of every school district shall be authorized to contract with agencies approved by the ((state board of education)) superintendent of public instruction for operating special education programs for students with disabilities. Approval standards for such agencies shall conform substantially with those promulgated for approval of special education aid programs in the common schools.

Sec. 916. RCW 28A.600.130 and 1995 1st sp.s. c 5 s 1 are each amended to read as follows:

The higher education coordinating board shall establish a planning committee to develop criteria for screening and selection of the Washington scholars each year in accordance with RCW 28A.600.110(1). It is the intent that these criteria shall emphasize scholastic achievement but not exclude such criteria as leadership ability and community contribution in final selection procedures. The Washington scholars planning committee shall have members from selected state agencies and private organizations having an interest and responsibility in education, including but not limited to, the ((state board of education, the)) office of superintendent of public instruction, the council of presidents, the state board for community and technical colleges, and the Washington friends of higher education.

Sec. 917. RCW 28A.650.015 and 1995 c 335 s 507 are each amended to read as follows:

(1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan shall be updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of on-line information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The ((state board of education, the

~~commission on student learning, the~~) department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the work force training and education coordinating board, and the state library.

PART 10 MISCELLANEOUS

NEW SECTION. Sec. 1001. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 1002. Section 407 of this act takes effect September 1, 2009."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.305.130, 28A.305.035, 28A.300.040, 28A.305.011, 28A.150.230, 28A.505.140, 28A.525.020, 28A.525.030, 28A.525.050, 28A.525.055, 28A.525.070, 28A.525.080, 28A.525.090, 28A.525.162, 28A.525.164, 28A.525.166, 28A.525.168, 28A.525.170, 28A.525.172, 28A.525.174, 28A.525.176, 28A.525.178, 28A.525.180, 28A.525.190, 28A.525.200, 28A.525.216, 28A.150.260, 28A.335.160, 28A.540.050, 28A.150.530, 28A.335.210, 28A.335.230, 28A.540.070, 39.35D.020, 39.35D.040, 39.35D.060, 79.17.100, 79.17.120, 28A.305.220, 28A.230.100, 28A.230.170, 28A.305.170, 28A.230.130, 28A.205.010, 28A.205.070, 28A.215.010, 28A.215.020, 28A.205.040, 28A.215.140, 28A.230.020, 28A.230.040, 28A.230.050, 28A.315.175, 28A.315.195, 28A.315.205, 28A.315.015, 28A.315.025, 28A.315.055, 28A.315.085, 28A.315.125, 28A.315.185, 28A.305.210, 28A.310.080, 28A.310.030, 28A.310.050, 28A.310.060, 28A.310.090, 28A.310.100, 28A.310.140, 28A.310.150, 28A.310.200, 28A.310.310, 28A.323.020, 28A.323.040, 29A.24.070, 84.09.037, 28A.305.160, 28A.150.300, 28A.225.160, 28A.300.150, 28A.600.020, 28A.600.030, 18.35.020, 18.35.195, 18.83.200, 28A.625.360, 28A.225.330, 28A.405.110, 28A.415.010, 28A.415.020, 28A.415.024, 28A.415.025, 28A.415.105, 28A.415.125, 28A.415.130, 28A.415.145, 28A.660.020, 28A.660.040, 28A.690.020, 28A.300.050, 28A.625.370, 28A.625.380, 28A.625.390, 28B.10.710, 28B.35.120, 28B.40.120, 43.43.832, 43.43.840, 72.40.028, 28A.600.010, 28A.225.280, 28A.600.200, 28A.160.210, 28A.160.100, 28A.210.070, 28A.210.120, 28A.210.160, 28A.210.320, 28A.335.100, 28A.335.120, 28A.320.240, 28A.155.060, 28A.600.130, and 28A.650.015; reenacting and amending RCW 28A.330.100, 28A.630.400, and 43.43.845; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 28A.545 RCW; adding a new section to chapter 28A.230 RCW; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28A.405 RCW; creating new sections; recodifying RCW 28A.305.220, 28A.305.170, and 28A.305.160; decodifying RCW 28A.525.120, 28A.525.122, 28A.525.124, 28A.525.126, 28A.525.128, 28A.525.130, 28A.525.132, 28A.525.134, 28A.525.140, 28A.525.142, 28A.525.144, 28A.525.146, 28A.525.148, 28A.525.150, 28A.525.152, 28A.525.154, 28A.525.156, 28A.525.158, 28A.525.160, and 28A.525.182; providing an effective date; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3098 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Dunshee and Talcott spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 3098, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 3098, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3098, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2695, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.60.165 and 2005 c 243 s 8 are each amended to read as follows:

(1) If the voter neglects to sign the outside envelope of an absentee or provisional ballot, the auditor shall notify the voter by ~~((telephone))~~ first class mail and advise the voter of the correct procedures for completing the unsigned affidavit. ~~((If the auditor is not able to provide the information personally to the voter by telephone, then the voter must be contacted by first class mail and advised of the correct procedures for completing the unsigned affidavit. Leaving a voice mail message for the voter is not to be considered as personally contacting the voter.))~~ If the absentee ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information. In order for the ballot to be counted, the voter must either:

(a) Appear in person and sign the envelope no later than the day before the certification of the primary or election; or

(b) Sign a copy of the envelope provided by the auditor, and return it to the auditor no later than the day before the certification of the primary or election.

(2)(a) If the handwriting of the signature on an absentee or provisional ballot envelope is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by ~~((telephone))~~ first class mail, enclosing a copy of the envelope affidavit, and advise the voter of the correct procedures for updating his or her signature on the voter registration file. ~~((If the auditor is not able to provide the information personally to the voter by telephone, then the voter must be contacted by first class mail and advised of the correct procedures for completing the unsigned affidavit. Leaving a voice mail message for the voter is not to be considered as personally contacting the voter.))~~ If the absentee or provisional ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information. In order for the ballot to be counted, the voter must either:

(i) Appear in person and sign a new registration form no later than the day before the certification of the primary or election; or

(ii) Sign a copy of the affidavit provided by the auditor and return it to the auditor no later than the day before the certification of the primary or election. The voter may enclose with the affidavit a photocopy of a valid government or tribal issued identification document that includes their current signature. If the signature on the copy of the affidavit does not match the signature on file or the signature on the copy of the identification document, the voter must appear in person and sign a new registration form no later than the day before the certification of the primary or election in order for the ballot to be counted.

(b) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the name is different, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.

(c) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.

(3) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

(4) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter signed the envelope, a copy of the envelope, a new registration form, or a change-of-name form. That record is a public record under chapter 42.17 RCW and may be disclosed to interested parties on written request."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

Representative Haigh moved the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2695 and advanced the bill as amended by the Senate to final passage.

Representative Haigh spoke in favor of the motion to concur.

Representative Nixon spoke against the motion to concur.

Division was demanded and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 55 - YEAS; 43 -NAYS.

The motion was adopted.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Haigh spoke in favor the passage of the bill.

Representative Nixon spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2695, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2695, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 55, Nays - 43, Excused - 0.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 43.

SUBSTITUTE HOUSE BILL NO. 2695, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6325 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the rules were suspended and SUBSTITUTE SENATE BILL NO. 6325 was returned to second reading for purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6325, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Kline, Fairley, Stevens, Rasmussen and McAuliffe)

Establishing residence restrictions for sex offenders.

Representative Clements moved the adoption of amendment (1168):

On page 1, line 5, after "Sec. 1." insert "(1)"

On page 1, line 8, after "subject matter." insert "The state preemption created in this section applies to all rules, regulations, codes, statutes, and ordinances pertaining to residency restrictions for persons convicted of any sex offense at any time."

On page 1, after line 8, insert:

"(2) This section does not apply to rules, regulations, codes, statutes, or ordinances adopted by cities, counties, municipalities, or local agencies prior to March 1, 2006, except as required by an order issued by a court of competent jurisdiction pursuant to litigation regarding the rules, regulations, codes, statutes, or ordinances."

On page 1, after line 12, insert:

"NEW SECTION. Sec. 3. (1) The association of Washington cities, working with the cities and towns of Washington state, shall develop statewide standards for cities and towns to use when determining whether to impose residency restrictions on sex offenders within their jurisdiction.

(2) The association of Washington cities shall work in consultation with a representative from each of the following agencies and organizations:

- (a) The attorney general of Washington;
- (b) The Washington state association of counties;
- (c) The department of corrections;
- (d) The Washington state coalition of sexual assault programs;
- (e) The Washington association of sheriffs and police chiefs; and
- (f) Any other agencies and organizations as deemed appropriate

by the association of Washington cities, such as the Washington association of prosecuting attorneys, the juvenile rehabilitation administration of the department of social and health services, the indeterminate sentence review board, the Washington association for the treatment of sexual abusers, and the department of community, trade, and economic development.

(3) The statewide standards for whether to impose residency restrictions on sex offenders should consider the following elements:

- (a) An identification of areas in which sex offenders should not reside due to concerns regarding public safety and welfare;
- (b) An identification of areas in which sex offenders may reside, taking into consideration factors such as:
 - (i) How many housing units must reasonably be available in order to accommodate registered sex offenders in a city or town;
 - (ii) The average response time of emergency services to the areas;
 - (iii) The proximity of risk potential activities to the areas; and
 - (iv) The proximity of medical care, mental health care providers, and sex offender treatment providers to the areas;
- (c) A prohibition against completely precluding sex offender residences within a city or town, implicating a sex offender's right to travel, or enacting a criminal regulatory measure;
- (d) Appropriate civil remedies for violations of a local ordinance; and
- (e) Unique local conditions that should be given due deference, such as proximity to state facilities that house or treat sex offenders.

(4) The association of Washington cities, on behalf of the cities and towns in Washington, shall present consensus statewide standards, along with any consensus recommendations and proposed legislation, to the governor and the legislature no later than December 31, 2007. The standards and any recommendations or proposed legislation must reflect a consensus among the association of Washington cities and the entities in subsections (2)(a) through (e) of this section. These entities must participate in good faith in activities carried out under this section with a goal of achieving consensus standards.

NEW SECTION. Sec. 4. (1) If the association of Washington cities submits consensus statewide standards to the governor and the

legislature on or before December 31, 2007, section 1 of this act expires July 1, 2008, and may only be revived by an affirmative act of the legislature through duly enacted legislation.

(2) If the association of Washington cities does not submit consensus statewide standards to the governor and legislature on or before December 31, 2007, section 1 of this act does not expire."

Correct the title.

Representative Clements spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6325, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6325, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6325, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6519 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the rules were suspended and SUBSTITUTE SENATE BILL NO. 6519 was returned to second reading for purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6519, By Senate Committee on Human Services & Corrections (originally sponsored by Senators Benton, Benson, Schoesler, Carrell, Esser, Jacobsen, Pflug, Mulliken, Johnson, Honeyford, Sheldon, Roach, Kline, Oke, Rasmussen and Keiser)

Requiring level III sex offenders to report to law enforcement every three months.

Representative Strow moved the adoption of amendment (1179):

On page 9, line 9, after "level" insert "II or"

On page 9, line 10, after "registered" strike ", for a period of five years"

On page 9, line 14, after "period of" insert "at least"

On page 9, line 14, after "community" strike "is no longer subject to" and insert "may petition the superior court to be relieved of"

On page 9, line 15, after "days." insert "The petition shall be made to the superior court in the county where the offender resides or reports under this section. The prosecuting attorney of the county shall be named and served as respondent in any such petition. The court shall relieve the petitioner of the duty to report if the petitioner shows, by a preponderance of the evidence, that the petitioner has complied with the reporting requirement for a period of at least five years and that the offender has not been convicted of a criminal violation of this section for a period of at least five years, and the court determines that the reporting no longer serves a public safety purpose."

On page 20, line 3, after "level" insert "II or"

On page 20, line 4, after "registered" strike ", for a period of five years"

On page 20, line 8, after "period of" insert "at least"

On page 20, line 8, after "community" strike "is no longer subject to" and insert "may petition the superior court to be relieved of"

On page 20, line 9, after "days." insert "The petition shall be made to the superior court in the county where the offender resides or reports under this section. The prosecuting attorney of the county shall be named and served as respondent in any such petition. The court shall relieve the petitioner of the duty to report if the petitioner shows, by a preponderance of the evidence, that the petitioner has complied with the reporting requirement for a period of at least five years and that the offender has not been convicted of a criminal violation of this section for a period of at least five years, and the court determines that the reporting no longer serves a public safety purpose."

Representatives Strow and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives O'Brien and Strow spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6519, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6519, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkla, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloschia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 6519, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 2716, By Representatives Fromhold, Kessler, Skinner, Haigh, Strow, Moeller, Armstrong, Conway, Curtis, Murray, Buri, Green, Ericksen, Serben, McDermott, Morrell, McIntire, Appleton, Kenney, P. Sullivan, Ormsby and Linville

Modifying provisions relating to nursing facility medicaid payment systems.

The bill was read the second time.

Representative Cody moved the adoption of amendment (1166):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.46.020 and 2001 1st sp.s. c 8 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(3) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not

related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(4) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(5) "Audit" or "department audit" means an examination of the records of a nursing facility participating in the medicaid payment system, including but not limited to: The contractor's financial and statistical records, cost reports and all supporting documentation and schedules, receivables, and resident trust funds, to be performed as deemed necessary by the department and according to department rule.

(6) "Bad debts" means amounts considered to be uncollectible from accounts and notes receivable.

(7) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in (c)(i), (ii), or (iii) of this subsection with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledge agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in (b) of this subsection; and

(ii) The pledge agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(8) "Capitalization" means the recording of an expenditure as an asset.

(9) "Case mix" means a measure of the intensity of care and services needed by the residents of a nursing facility or a group of residents in the facility.

(10) "Case mix index" means a number representing the average case mix of a nursing facility.

(11) "Case mix weight" means a numeric score that identifies the relative resources used by a particular group of a nursing facility's residents.

(12) "Certificate of capital authorization" means a certification from the department for an allocation from the biennial capital financing authorization for all new or replacement building construction, or for major renovation projects, receiving a certificate of need or a certificate of need exemption under chapter 70.38 RCW after July 1, 2001.

(13) "Contractor" means a person or entity licensed under chapter 18.51 RCW to operate a medicare and medicaid certified nursing facility, responsible for operational decisions, and contracting with the department to provide services to medicaid recipients residing in the facility.

(14) "Default case" means no initial assessment has been completed for a resident and transmitted to the department by the cut-off date, or an assessment is otherwise past due for the resident, under state and federal requirements.

(15) "Department" means the department of social and health services (DSHS) and its employees.

(16) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(17) "Direct care" means nursing care and related care provided to nursing facility residents. Therapy care shall not be considered part of direct care.

(18) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct care of a nursing facility's residents.

(19) "Entity" means an individual, partnership, corporation, limited liability company, or any other association of individuals capable of entering enforceable contracts.

(20) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(21) "Essential community provider" means a facility which is the only nursing facility within a commuting distance radius of at least forty minutes duration, traveling by automobile.

(22) "Facility" or "nursing facility" means a nursing home licensed in accordance with chapter 18.51 RCW, excepting nursing homes certified as institutions for mental diseases, or that portion of a multiservice facility licensed as a nursing home, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(23) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

(24) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(25) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

(26) "Goodwill" means the excess of the price paid for a nursing facility business over the fair market value of all net identifiable tangible and intangible assets acquired, as measured in accordance with generally accepted accounting principles.

(27) "Groupware" means a computer software product that groups individual nursing facility residents into case mix classification groups based on specific resident assessment data and computer logic.

(28) "High labor-cost county" means an urban county in which the median allowable facility cost per case mix unit is more than ten percent higher than the median allowable facility cost per case mix unit among all other urban counties, excluding that county.

(29) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

(30) "Home and central office costs" means costs that are incurred in the support and operation of a home and central office. Home and central office costs include centralized services that are performed in support of a nursing facility. The department may exclude from this definition costs that are nonduplicative, documented, ordinary, necessary, and related to the provision of care services to authorized patients.

(31) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

(32) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

(33) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

(34) "Medical care program" or "medicaid program" means medical assistance, including nursing care, provided under RCW 74.09.500 or authorized state medical care services.

(35) "Medical care recipient," "medicaid recipient," or "recipient" means an individual determined eligible by the department for the services provided under chapter 74.09 RCW.

(36) "Minimum data set" means the overall data component of the resident assessment instrument, indicating the strengths, needs, and preferences of an individual nursing facility resident.

(37) "Net book value" means the historical cost of an asset less accumulated depreciation.

(38) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles.

(39) "Nonurban county" means a county which is not located in a metropolitan statistical area as determined and defined by the United States office of management and budget or other appropriate agency or office of the federal government.

(40) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(41) "Owner" means a sole proprietor, general or limited partners, members of a limited liability company, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

(42) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

(43) "Patient day" or "resident day" means a calendar day of care provided to a nursing facility resident, regardless of payment source, which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist. A "medicaid day" or "recipient day" means a calendar day of care provided to a medicaid recipient determined eligible by the department for services provided under chapter 74.09 RCW, subject to the same conditions regarding admission and discharge applicable to a patient day or resident day of care.

(44) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization

on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

(45) "Qualified therapist" means:

(a) A mental health professional as defined by chapter 71.05 RCW;

(b) A mental retardation professional who is a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(c) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(d) A physical therapist as defined by chapter 18.74 RCW;

(e) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training; and

(f) A respiratory care practitioner certified under chapter 18.89 RCW.

(46) "Rate" or "rate allocation" means the medicaid per-patient-day payment amount for medicaid patients calculated in accordance with the allocation methodology set forth in part E of this chapter.

(47) "Real property," whether leased or owned by the contractor, means the building, allowable land, land improvements, and building improvements associated with a nursing facility.

(48) "Rebased rate" or "cost-rebased rate" means a facility-specific component rate assigned to a nursing facility for a particular rate period established on desk-reviewed, adjusted costs reported for that facility covering at least six months of a prior calendar year designated as a year to be used for cost-rebasing payment rate allocations under the provisions of this chapter.

(49) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

(50) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

(51) "Related care" means only those services that are directly related to providing direct care to nursing facility residents. These services include, but are not limited to, nursing direction and supervision, medical direction, medical records, pharmacy services, activities, and social services.

(52) "Resident assessment instrument," including federally approved modifications for use in this state, means a federally mandated, comprehensive nursing facility resident care planning and assessment tool, consisting of the minimum data set and resident assessment protocols.

(53) "Resident assessment protocols" means those components of the resident assessment instrument that use the minimum data set to trigger or flag a resident's potential problems and risk areas.

(54) "Resource utilization groups" means a case mix classification system that identifies relative resources needed to care for an individual nursing facility resident.

(55) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

(56) "Secretary" means the secretary of the department of social and health services.

(57) "Support services" means food, food preparation, dietary, housekeeping, and laundry services provided to nursing facility residents.

(58) "Therapy care" means those services required by a nursing facility resident's comprehensive assessment and plan of care, that are provided by qualified therapists, or support personnel under their supervision, including related costs as designated by the department.

(59) "Title XIX" or "medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended and the medicaid program administered by the department.

(60) "Urban county" means a county which is located in a metropolitan statistical area as determined and defined by the United States office of management and budget or other appropriate agency or office of the federal government.

(61) "Vital local provider" means a facility reporting a home office that meets the following qualifications:

(a) The home office address is located in Washington state; and

(b) The sum of medicaid days for all Washington facilities reporting the home office as their home office was greater than two hundred fifteen thousand in 2003.

Sec. 2. RCW 74.46.431 and 2005 c 518 s 944 are each amended to read as follows:

(1) Effective July 1, 1999, nursing facility medicaid payment rate allocations shall be facility-specific and shall have seven components: Direct care, therapy care, support services, operations, property, financing allowance, and variable return. The department shall establish and adjust each of these components, as provided in this section and elsewhere in this chapter, for each medicaid nursing facility in this state.

(2) ~~((AH))~~ Component rate allocations in therapy care, support services, variable return, operations, property, and financing allowance for essential community providers as defined in this chapter shall be based upon a minimum facility occupancy of eighty-five percent of licensed beds, regardless of how many beds are set up or in use. For all facilities other than essential community providers, effective July 1, 2001, component rate allocations in direct care, therapy care, support services, variable return, operations, property, and financing allowance shall continue to be based upon a minimum facility occupancy of eighty-five percent of licensed beds. For all facilities other than essential community providers, effective July 1, 2002, the component rate allocations in operations, property, and financing allowance shall be based upon a minimum facility occupancy of ninety percent of licensed beds, regardless of how many beds are set up or in use. For all facilities, effective July 1, 2006, the component rate allocation in direct care shall be based upon actual facility occupancy.

(3) Information and data sources used in determining medicaid payment rate allocations, including formulas, procedures, cost report periods, resident assessment instrument formats, resident assessment methodologies, and resident classification and case mix weighting methodologies, may be substituted or altered from time to time as determined by the department.

(4)(a) Direct care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, direct care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, ~~((2005))~~ 2006, direct care component rate allocations. Adjusted cost report data from ~~((+1999))~~ 2003 will ~~((continue to))~~ be used for July 1, ~~((2005))~~ 2006, and later direct care component rate allocations.

(b) Direct care component rate allocations based on 1996 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(i).

(c) Direct care component rate allocations based on 1999 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is

set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(i).

(d) Direct care component rate allocations based on 2003 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 2006, rate, as provided in RCW 74.46.506(5)(i).

(5)(a) Therapy care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, therapy care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2005, therapy care component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, and later therapy care component rate allocations.

(b) Therapy care component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(6)(a) Support services component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, support services component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2005, support services component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, and later support services component rate allocations.

(b) Support services component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(7)(a) Operations component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, operations component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, ~~((2005))~~ 2006, operations component rate allocations. Adjusted cost report data from ~~((1999))~~ 2003 will ~~((continue to))~~ be used for July 1, ~~((2005))~~ 2006, and later operations component rate allocations.

(b) Operations component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose operations component rate is set equal to their adjusted June 30, 2006, rate, as provided in RCW 74.46.521(4).

(8) For July 1, 1998, through September 30, 1998, a facility's property and return on investment component rates shall be the facility's June 30, 1998, property and return on investment component rates, without increase. For October 1, 1998, through June 30, 1999, a facility's property and return on investment component rates shall be rebased utilizing 1997 adjusted cost report data covering at least six months of data.

(9) Total payment rates under the nursing facility medicaid payment system shall not exceed facility rates charged to the general public for comparable services.

(10) Medicaid contractors shall pay to all facility staff a minimum wage of the greater of the state minimum wage or the federal minimum wage.

(11) The department shall establish in rule procedures, principles, and conditions for determining component rate allocations for facilities in circumstances not directly addressed by this chapter, including but not limited to: The need to prorate inflation for partial-period cost report data, newly constructed facilities, existing facilities entering the medicaid program for the first time or after a period of absence from the program, existing facilities with expanded new bed capacity, existing medicaid facilities following a change of ownership of the nursing facility business, facilities banking beds or converting beds back into service, facilities temporarily reducing the number of set-up beds during a remodel, facilities having less than six months

of either resident assessment, cost report data, or both, under the current contractor prior to rate setting, and other circumstances.

(12) The department shall establish in rule procedures, principles, and conditions, including necessary threshold costs, for adjusting rates to reflect capital improvements or new requirements imposed by the department or the federal government. Any such rate adjustments are subject to the provisions of RCW 74.46.421.

(13) Effective July 1, 2001, medicaid rates shall continue to be revised downward in all components, in accordance with department rules, for facilities converting banked beds to active service under chapter 70.38 RCW, by using the facility's increased licensed bed capacity to recalculate minimum occupancy for rate setting. However, for facilities other than essential community providers which bank beds under chapter 70.38 RCW, after May 25, 2001, medicaid rates shall be revised upward, in accordance with department rules, in direct care, therapy care, support services, and variable return components only, by using the facility's decreased licensed bed capacity to recalculate minimum occupancy for rate setting, but no upward revision shall be made to operations, property, or financing allowance component rates. The direct care component rate allocation shall be adjusted, without using the minimum occupancy assumption, for facilities that convert banked beds to active service, under chapter 70.38 RCW, beginning on July 1, 2006.

(14) Facilities obtaining a certificate of need or a certificate of need exemption under chapter 70.38 RCW after June 30, 2001, must have a certificate of capital authorization in order for (a) the depreciation resulting from the capitalized addition to be included in calculation of the facility's property component rate allocation; and (b) the net invested funds associated with the capitalized addition to be included in calculation of the facility's financing allowance rate allocation.

Sec. 3. RCW 74.46.433 and 2001 1st sp.s. c 8 s 6 are each amended to read as follows:

(1) The department shall establish for each medicaid nursing facility a variable return component rate allocation. In determining the variable return allowance:

(a) Except as provided in (e) of this subsection, the variable return array and percentage shall be assigned whenever rebasing of noncapital rate allocations is scheduled under RCW ~~((46.46.431))~~ ~~74.46.431~~ 74.46.431 (4), (5), (6), and (7).

(b) To calculate the array of facilities for the July 1, 2001, rate setting, the department, without using peer groups, shall first rank all facilities in numerical order from highest to lowest according to each facility's examined and documented, but unlidged, combined direct care, therapy care, support services, and operations per resident day cost from the 1999 cost report period. However, before being combined with other per resident day costs and ranked, a facility's direct care cost per resident day shall be adjusted to reflect its facility average case mix index, to be averaged from the four calendar quarters of 1999, weighted by the facility's resident days from each quarter, under RCW 74.46.501(7)(b)(ii). The array shall then be divided into four quartiles, each containing, as nearly as possible, an equal number of facilities, and four percent shall be assigned to facilities in the lowest quartile, three percent to facilities in the next lowest quartile, two percent to facilities in the next highest quartile, and one percent to facilities in the highest quartile.

(c) The department shall, subject to (d) of this subsection, compute the variable return allowance by multiplying a facility's assigned percentage by the sum of the facility's direct care, therapy care, support services, and operations component rates determined in accordance with this chapter and rules adopted by the department.

(d) Effective July 1, 2001, if a facility's examined and documented direct care cost per resident day for the preceding report year is lower than its average direct care component rate weighted by medicaid resident days for the same year, the facility's direct care cost shall be substituted for its July 1, 2001, direct care component rate, and its variable return component rate shall be determined or adjusted each July 1st by multiplying the facility's assigned percentage by the sum of the facility's July 1, 2001, therapy care, support services, and operations component rates, and its direct care cost per resident day for the preceding year.

(e) Effective July 1, 2006, the variable return component rate allocation for each facility shall be the facility's June 30, 2006, variable return component rate allocation.

(2) The variable return rate allocation calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

Sec. 4. RCW 74.46.496 and 1998 c 322 s 23 are each amended to read as follows:

(1) Each case mix classification group shall be assigned a case mix weight. The case mix weight for each resident of a nursing facility for each calendar quarter shall be based on data from resident assessment instruments completed for the resident and weighted by the number of days the resident was in each case mix classification group. Days shall be counted as provided in this section.

(2) The case mix weights shall be based on the average minutes per registered nurse, licensed practical nurse, and certified nurse aide, for each case mix group, and using the health care financing administration of the United States department of health and human services 1995 nursing facility staff time measurement study stemming from its multistate nursing home case mix and quality demonstration project. Those minutes shall be weighted by statewide ratios of registered nurse to certified nurse aide, and licensed practical nurse to certified nurse aide, wages, including salaries and benefits, which shall be based on 1995 cost report data for this state.

(3) The case mix weights shall be determined as follows:

(a) Set the certified nurse aide wage weight at 1.000 and calculate wage weights for registered nurse and licensed practical nurse average wages by dividing the certified nurse aide average wage into the registered nurse average wage and licensed practical nurse average wage;

(b) Calculate the total weighted minutes for each case mix group in the resource utilization group III classification system by multiplying the wage weight for each worker classification by the average number of minutes that classification of worker spends caring for a resident in that resource utilization group III classification group, and summing the products;

(c) Assign a case mix weight of 1.000 to the resource utilization group III classification group with the lowest total weighted minutes and calculate case mix weights by dividing the lowest group's total weighted minutes into each group's total weighted minutes and rounding weight calculations to the third decimal place.

(4) The case mix weights in this state may be revised if the health care financing administration updates its nursing facility staff time measurement studies. The case mix weights shall be revised, but only when direct care component rates are cost-rebased as provided in subsection (5) of this section, to be effective on the July 1st effective date of each cost-rebased direct care component rate. However, the department may revise case mix weights more frequently if, and only if, significant variances in wage ratios occur among direct care staff in the different caregiver classifications identified in this section.

(5) Case mix weights shall be revised when direct care component rates are cost-rebased (~~every three years~~) as provided in RCW 74.46.431(4)(~~(a)~~).

Sec. 5. RCW 74.46.501 and 2001 1st sp.s. c 8 s 9 are each amended to read as follows:

(1) From individual case mix weights for the applicable quarter, the department shall determine two average case mix indexes for each medicaid nursing facility, one for all residents in the facility, known as the facility average case mix index, and one for medicaid residents, known as the medicaid average case mix index.

(2)(a) In calculating a facility's two average case mix indexes for each quarter, the department shall include all residents or medicaid residents, as applicable, who were physically in the facility during the quarter in question based on the resident assessment instrument completed by the facility and the requirements and limitations for the instrument's completion and transmission (January 1st through March 31st, April 1st through June 30th, July 1st through September 30th, or October 1st through December 31st).

(b) The facility average case mix index shall exclude all default cases as defined in this chapter. However, the medicaid average case mix index shall include all default cases.

(3) Both the facility average and the medicaid average case mix indexes shall be determined by multiplying the case mix weight of each resident, or each medicaid resident, as applicable, by the number of days, as defined in this section and as applicable, the resident was at each particular case mix classification or group, and then averaging.

(4)(a) In determining the number of days a resident is classified into a particular case mix group, the department shall determine a start date for calculating case mix grouping periods as follows:

(i) If a resident's initial assessment for a first stay or a return stay in the nursing facility is timely completed and transmitted to the department by the cutoff date under state and federal requirements and as described in subsection (5) of this section, the start date shall be the later of either the first day of the quarter or the resident's facility admission or readmission date;

(ii) If a resident's significant change, quarterly, or annual assessment is timely completed and transmitted to the department by the cutoff date under state and federal requirements and as described in subsection (5) of this section, the start date shall be the date the assessment is completed;

(iii) If a resident's significant change, quarterly, or annual assessment is not timely completed and transmitted to the department by the cutoff date under state and federal requirements and as described in subsection (5) of this section, the start date shall be the due date for the assessment.

(b) If state or federal rules require more frequent assessment, the same principles for determining the start date of a resident's classification in a particular case mix group set forth in subsection (4)(a) of this section shall apply.

(c) In calculating the number of days a resident is classified into a particular case mix group, the department shall determine an end date for calculating case mix grouping periods as follows:

(i) If a resident is discharged before the end of the applicable quarter, the end date shall be the day before discharge;

(ii) If a resident is not discharged before the end of the applicable quarter, the end date shall be the last day of the quarter;

(iii) If a new assessment is due for a resident or a new assessment is completed and transmitted to the department, the end date of the previous assessment shall be the earlier of either the day before the assessment is due or the day before the assessment is completed by the nursing facility.

(5) The cutoff date for the department to use resident assessment data, for the purposes of calculating both the facility average and the medicaid average case mix indexes, and for establishing and updating a facility's direct care component rate, shall be one month and one day after the end of the quarter for which the resident assessment data applies.

(6) A threshold of ninety percent, as described and calculated in this subsection, shall be used to determine the case mix index each quarter. The threshold shall also be used to determine which facilities' costs per case mix unit are included in determining the ceiling, floor, and price. For direct care component rate allocations established on and after July 1, 2006, the threshold of ninety percent shall be used to determine the case mix index each quarter and to determine which facilities' costs per case mix unit are included in determining the ceiling and price. If the facility does not meet the ninety percent threshold, the department may use an alternate case mix index to determine the facility average and medicaid average case mix indexes for the quarter. The threshold is a count of unique minimum data set assessments, and it shall include resident assessment instrument tracking forms for residents discharged prior to completing an initial assessment. The threshold is calculated by dividing a facility's count of residents being assessed by the average census for the facility. A daily census shall be reported by each nursing facility as it transmits assessment data to the department. The department shall compute a quarterly average census based on the daily census. If no census has been reported by a facility during a specified quarter, then the department shall use the facility's licensed beds as the denominator in computing the threshold.

(7)(a) Although the facility average and the medicaid average case mix indexes shall both be calculated quarterly, the facility average case mix index will be used (~~only every three years~~) throughout the applicable cost-rebasing period in combination with cost report data as specified by RCW 74.46.431 and 74.46.506, to establish a facility's allowable cost per case mix unit. A facility's medicaid average case mix index shall be used to update a nursing facility's direct care component rate quarterly.

(b) The facility average case mix index used to establish each nursing facility's direct care component rate shall be based on an average of calendar quarters of the facility's average case mix indexes.

(i) For October 1, 1998, direct care component rates, the department shall use an average of facility average case mix indexes from the four calendar quarters of 1997.

(ii) For July 1, 2001, direct care component rates, the department shall use an average of facility average case mix indexes from the four calendar quarters of 1999.

(iii) Beginning on July 1, 2006, when establishing the direct care component rates, the department shall use an average of facility case mix indexes from the four calendar quarters occurring during the cost report period used to rebase the direct care component rate allocations as specified in RCW 74.46.431.

(c) The medicaid average case mix index used to update or recalibrate a nursing facility's direct care component rate quarterly shall be from the calendar quarter commencing six months prior to the effective date of the quarterly rate. For example, October 1, 1998, through December 31, 1998, direct care component rates shall utilize case mix averages from the April 1, 1998, through June 30, 1998, calendar quarter, and so forth.

Sec. 6. RCW 74.46.506 and 2001 1st sp.s. c 8 s 10 are each amended to read as follows:

(1) The direct care component rate allocation corresponds to the provision of nursing care for one resident of a nursing facility for one day, including direct care supplies. Therapy services and supplies, which correspond to the therapy care component rate, shall be excluded. The direct care component rate includes elements of case mix determined consistent with the principles of this section and other applicable provisions of this chapter.

(2) Beginning October 1, 1998, the department shall determine and update quarterly for each nursing facility serving medicaid residents a facility-specific per-resident day direct care component rate allocation, to be effective on the first day of each calendar quarter. In determining direct care component rates the department shall utilize, as specified in this section, minimum data set resident assessment data for each resident of the facility, as transmitted to, and if necessary corrected by, the department in the resident assessment instrument format approved by federal authorities for use in this state.

(3) The department may question the accuracy of assessment data for any resident and utilize corrected or substitute information, however derived, in determining direct care component rates. The department is authorized to impose civil fines and to take adverse rate actions against a contractor, as specified by the department in rule, in order to obtain compliance with resident assessment and data transmission requirements and to ensure accuracy.

(4) Cost report data used in setting direct care component rate allocations shall be 1996 (~~and~~), 1999, and 2003 for rate periods as specified in RCW 74.46.431(4)(a).

(5) Beginning October 1, 1998, the department shall rebase each nursing facility's direct care component rate allocation as described in RCW 74.46.431, adjust its direct care component rate allocation for economic trends and conditions as described in RCW 74.46.431, and update its medicaid average case mix index, consistent with the following:

(a) Reduce total direct care costs reported by each nursing facility for the applicable cost report period specified in RCW 74.46.431(4)(a) to reflect any department adjustments, and to eliminate reported resident therapy costs and adjustments, in order to derive the facility's total allowable direct care cost;

(b) Divide each facility's total allowable direct care cost by its adjusted resident days for the same report period, increased if necessary to a minimum occupancy of eighty-five percent; that is, the

greater of actual or imputed occupancy at eighty-five percent of licensed beds, to derive the facility's allowable direct care cost per resident day. However, effective July 1, 2006, each facility's allowable direct care costs shall be divided by its adjusted resident days without application of a minimum occupancy assumption;

(c) Adjust the facility's per resident day direct care cost by the applicable factor specified in RCW 74.46.431(4) (~~and~~), (c), and (d) to derive its adjusted allowable direct care cost per resident day;

(d) Divide each facility's adjusted allowable direct care cost per resident day by the facility average case mix index for the applicable quarters specified by RCW 74.46.501(7)(b) to derive the facility's allowable direct care cost per case mix unit;

(e) Effective for July 1, 2001, rate setting, divide nursing facilities into at least two and, if applicable, three peer groups: Those located in nonurban counties; those located in high labor-cost counties, if any; and those located in other urban counties;

(f) Array separately the allowable direct care cost per case mix unit for all facilities in nonurban counties; for all facilities in high labor-cost counties, if applicable; and for all facilities in other urban counties, and determine the median allowable direct care cost per case mix unit for each peer group;

(g) Except as provided in (i) of this subsection, from October 1, 1998, through June 30, 2000, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is less than eighty-five percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to eighty-five percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is greater than one hundred fifteen percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred fifteen percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(iii) Any facility whose allowable cost per case mix unit is between eighty-five and one hundred fifteen percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(h) Except as provided in (i) of this subsection, from July 1, 2000, (~~forward, and for all future rate setting~~) through June 30, 2006, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is less than ninety percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to ninety percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is greater than one hundred ten percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred ten percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(iii) Any facility whose allowable cost per case mix unit is between ninety and one hundred ten percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(i)(i) Between October 1, 1998, and June 30, 2000, the department shall compare each facility's direct care component rate allocation calculated under (g) of this subsection with the facility's nursing services component rate in effect on September 30, 1998, less therapy costs, plus any exceptional care offsets as reported on the cost report, adjusted for economic trends and conditions as provided in RCW 74.46.431. A facility shall receive the higher of the two rates.

(ii) Between July 1, 2000, and June 30, 2002, the department shall compare each facility's direct care component rate allocation calculated under (h) of this subsection with the facility's direct care component rate in effect on June 30, 2000. A facility shall receive the higher of the two rates. Between July 1, 2001, and June 30, 2002, if during any quarter a facility whose rate paid under (h) of this subsection is greater than either the direct care rate in effect on June 30, 2000, or than that facility's allowable direct care cost per case mix unit calculated in (d) of this subsection multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c), the facility shall be paid in that and each subsequent quarter pursuant to (h) of this subsection and shall not be entitled to the greater of the two rates.

(iii) ~~(Effective)~~ Between July 1, 2002, and June 30, 2006, all direct care component rate allocations shall be as determined under (h) of this subsection.

(iv) Effective July 1, 2006, for all providers, except vital local providers as defined in this chapter, all direct care component rate allocations shall be as determined under (j) of this subsection.

(v) Effective July 1, 2006, for vital local providers, as defined in this chapter, direct care component rate allocations shall be determined as follows:

(A) The department shall calculate:

(I) The sum of each facility's July 1, 2006, direct care component rate allocation calculated under (j) of this subsection and July 1, 2006, operations component rate calculated under RCW 74.46.521; and

(II) The sum of each facility's June 30, 2006, direct care and operations component rates.

(B) If the sum calculated under (i)(v)(A)(I) of this subsection is less than the sum calculated under (i)(v)(A)(II) of this subsection, the facility shall have a direct care component rate allocation equal to the facility's June 30, 2006, direct care component rate allocation.

(C) If the sum calculated under (i)(v)(A)(I) of this subsection is greater than or equal to the sum calculated under (i)(v)(A)(II) of this subsection, the facility's direct care component rate shall be calculated under (j) of this subsection.

(j) Except as provided in (i) of this subsection, from July 1, 2006, forward, and for all future rate setting, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is greater than one hundred twelve percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred twelve percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is less than or equal to one hundred twelve percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c).

(6) The direct care component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

(7) Costs related to payments resulting from increases in direct care component rates, granted under authority of RCW 74.46.508(1) for a facility's exceptional care residents, shall be offset against the facility's examined, allowable direct care costs, for each report year or partial period such increases are paid. Such reductions in allowable direct care costs shall be for rate setting, settlement, and other purposes deemed appropriate by the department.

Sec. 7. RCW 74.46.521 and 2001 1st sp.s. c 8 s 13 are each amended to read as follows:

(1) The operations component rate allocation corresponds to the general operation of a nursing facility for one resident for one day, including but not limited to management, administration, utilities, office supplies, accounting and bookkeeping, minor building maintenance, minor equipment repairs and replacements, and other supplies and services, exclusive of direct care, therapy care, support services, property, financing allowance, and variable return.

(2) Except as provided in subsection (4) of this section, beginning October 1, 1998, the department shall determine each medicaid nursing facility's operations component rate allocation using cost report data specified by RCW 74.46.431(7)(a). Effective July 1, 2002, operations component rates for all facilities except essential community providers shall be based upon a minimum occupancy of ninety percent of licensed beds, and no operations component rate shall be revised in response to beds banked on or after May 25, 2001, under chapter 70.38 RCW.

(3) Except as provided in subsection (4) of this section, to determine each facility's operations component rate the department shall:

(a) Array facilities' adjusted general operations costs per adjusted resident day, as determined by dividing each facility's total allowable operations cost by its adjusted resident days for the same report period, increased if necessary to a minimum occupancy of eighty-five percent; that is, the greater of actual or imputed occupancy at eighty-five percent of licensed beds, for each facility from facilities' cost reports from the applicable report year, for facilities located within urban counties and for those located within nonurban counties and determine the median adjusted cost for each peer group;

(b) Set each facility's operations component rate at the lower of:

(i) The facility's per resident day adjusted operations costs from the applicable cost report period adjusted if necessary to a minimum occupancy of eighty-five percent of licensed beds before July 1, 2002, and ninety percent effective July 1, 2002; or

(ii) The adjusted median per resident day general operations cost for that facility's peer group, urban counties or nonurban counties; and

(c) Adjust each facility's operations component rate for economic trends and conditions as provided in RCW 74.46.431(7)(b).

(4)(a) Effective July 1, 2006, for any facility whose direct care component rate allocation is set equal to its June 30, 2006, direct care component rate allocation, as provided in RCW 74.46.506(5)(i), the facility's operations component rate allocation shall also be set equal to the facility's June 30, 2006, operations component rate allocation.

(b) The operations component rate allocation for facilities whose operations component rate is set equal to their June 30, 2006, operations component rate, shall be adjusted for economic trends and conditions as provided in RCW 74.46.431(7)(b).

(5) The operations component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

NEW SECTION. Sec. 8. This act takes effect July 1, 2006."

Correct the title.

Representative Cody moved the adoption of amendment (1180) to amendment (1166):

On page 25, beginning on line 7, after "occupancy of" strike "eighty-five" and insert "ninety"

On page 25, at the beginning of line 9, strike "eighty-five" and insert "ninety"

Representative Cody spoke in favor of the adoption of the amendment to amendment (1166).

The amendment to amendment (1166) was adopted.

Amendment (1166) as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Hinkle, Alexander and Bailey spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2716.

MOTION

On motion of Representative Santos, Representative Williams was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2716 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Williams - 1.

ENGROSSED HOUSE BILL NO. 2716, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

MESSAGES FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SENATE BILL NO. 6194.

Brad Hendrickson, Deputy Secretary

March 7, 2006

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5654,
SUBSTITUTE SENATE BILL NO. 6196,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6239,
SUBSTITUTE SENATE BILL NO. 6323,
SUBSTITUTE SENATE BILL NO. 6365,
SECOND SUBSTITUTE SENATE BILL NO. 6558,
SUBSTITUTE SENATE BILL NO. 6618,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6625,

SENATE BILL NO. 6826,
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTION & FIRST READING

HB 3320 by Representative Hinkle

AN ACT Relating to a controlled substances prescription monitoring program; amending RCW 42.56.360; adding a new chapter to Title 69 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care.

HB 3321 by Representative Linville

AN ACT Relating to the small business development center; creating a new section; and making an appropriation.

Referred to Committee on Appropriations.

HJM 4044 by Representatives Woods, Cox, Hankins, Clements, Pearson, McDonald, Haler, Skinner, Armstrong, McCune, Curtis, Bailey, Alexander, Sump, Hinkle, Priest, Kretz, Orcutt, Condotta, Schindler, Ahern, DeBolt, Shabro, Newhouse, Serben, Strow, Nixon and Buck

Renaming the Tacoma Narrows Bridge the Fisher/Oke Bridge.

Referred to Committee on Transportation.

HJR 4227 by Representatives Holmquist, Pearson, Condotta, Curtis, Cox, Ericksen, Roach, McCune, Campbell, Serben, Dunn, Talcott, McDonald, Hinkle, Buri, Schindler and Bailey

Protecting the name of marriage, protecting the legal incidents of marriage and limiting court jurisdiction over marriage.

Referred to Committee on Juvenile Justice & Family Law.

HJR 4228 by Representatives Holmquist, Anderson, Condotta, Curtis, Cox, Ericksen, Roach, McCune, Campbell, Serben, Dunn, Rodne, Talcott, McDonald, Hinkle, Buri, Schindler and Bailey

Limiting judicial jurisdiction over what constitutes marriage in this state.

Referred to Committee on Juvenile Justice & Family Law.

HCR 4419 by Representatives Armstrong, Anderson, Pearson, Condotta, Curtis, Cox, Ericksen, Roach, McCune, Serben, Dunn, Talcott, McDonald, Holmquist, Hinkle, Buri, Schindler and Bailey

Exempting all bills and joint resolutions dealing with marriage from the cutoff dates established in SCR 8414.

Referred to Committee on Rules.

ESSB 6896 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Doumit, Brown, Regala, Rockefeller and Kohl-Welles)

AN ACT Relating to funding state budgetary reserves including an adjustment to the state expenditure limit; amending RCW 43.135.025 and 43.135.035; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 41.45 RCW; making appropriations; providing an effective date; providing expiration dates; and declaring an emergency.

Representative Armstrong moved that the rules be suspended and HOUSE CONCURRENT RESOLUTION NO. 4419 be placed on the Second Reading calendar.

Representative Armstrong spoke in favor of the motion.

Representative Kessler spoke against the motion.

The Speaker stated the question before the House to be the motion to suspend the rules and place House Concurrent Resolution No. 4419 on the Second Reading calendar.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and place House Concurrent Resolution No. 4419 on the Second Reading calendar, and the motion failed the House by the following vote: Yeas - 42, Nays - 56, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Walsh and Woods - 42.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 56.

There being no objection, the rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 6896 was placed on the Second Reading calendar.

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

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6896, By Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Doumit, Brown, Regala, Rockefeller and Kohl-Welles)

Providing for state funding stabilization. (REVISED FOR ENGROSSED: Funding state budgetary reserves including an adjustment to the state expenditure limit.)

The bill was read the second time.

Representative Bailey moved the adoption of amendment (1184):

Beginning on page 1, line 7, strike all of section 1.

On page 2, beginning on line 6, strike all of section 2.

On page 2, line 34, after "September 1, 2006, a" strike "1.29" and insert "2.07"

On page 3, line 4, after "September 1, 2006, a" strike "0.87" and insert "2.25"

On page 3, line 9, after "January 1, 2007, a" strike "1.77" and insert "2.25"

On page 3, beginning on line 20, strike all of subsection (6) and insert the following:

"(6) Upon completion of the 2005 actuarial valuation, the pension funding council and the state actuary shall review the contribution rates for the plan 1 unfunded accrued liability for fiscal year 2008 and fiscal year 2009 and the pension funding council shall adopt contribution rates to complete a three-year phase-in schedule for the unfunded liability in the teachers' retirement system plan 1, and a four-year phase-in schedule for the unfunded liability in the public employees' retirement system plan 1, adjusted for any material changes in benefits or actuarial assumptions, methods, and experience. The expected present value of the projected contributions during the three and four-year phase-in periods shall be the same as the expected present value of the projected contributions that would have been collected for the unfunded liabilities using the rates originally recommended by the pension funding council for payment during the 2003-05, and 2005-07 fiscal biennia, as well as the projected contributions for the unfunded liabilities for the 2007-09 biennium."

On page 3, beginning on line 32, strike all of section 4 and insert the following:

"**NEW SECTION. Sec. 4.** (1) The sum of \$102,800,000 is appropriated for the fiscal year ending June 30, 2007, from the general fund and the sum of \$59,800,000 is appropriated from the special retirement contribution increase revolving account for the purposes of paying increased employer contribution rate costs for payment of the additional rates created in section 1 of this act.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer shall transfer sufficient moneys from each dedicated fund or account, including local funds of state agencies and institutions of higher education, to the special retirement contribution increase revolving account in accordance with schedules provided by the office of financial management."

Renumber the remaining sections consecutively, and correct any internal references accordingly.

Representatives Bailey, Ericksen, Clements, Chandler, Alexander, Roach, Armstrong and Newhouse spoke in favor of the adoption of the amendment.

Representative Fromhold spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be adoption of amendment (1184) to Engrossed Substitute Senate Bill No. 6896.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1184) to Engrossed Substitute Senate Bill No. 6896, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Green, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kilmer, Kretz, Kristiansen, McCune, McDonald, Morrell, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Wallace, Walsh and Woods - 47.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Williams, Wood and Mr. Speaker - 51.

Representative Walsh moved the adoption of amendment (1177):

On page 3, beginning on line 32, strike all of sections 4, 5, and 6

Renumber remaining sections consecutively and correct title and internal references accordingly.

Representatives Walsh, Orcutt, Anderson and Ericksen spoke in favor of the adoption of the amendment.

Representative Sommers spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted..

The Speaker stated the question before the House to be adoption of amendment (1177) to Engrossed Substitute Senate Bill No. 6896.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1177) to Engrossed Substitute Senate Bill No. 6896, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Green, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kilmer, Kretz, Kristiansen, McCune, McDonald, Morrell,

Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Wallace, Walsh and Woods - 47.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Williams, Wood, and Mr. Speaker - 51.

Representative Anderson moved the adoption of amendment (1173):

On page 4, line 5, after "**Sec. 6.**" strike all material through "fund for" on line 7 and insert "The legislature finds that the voter-approved means for funding the student achievement fund have been amended in each of the last two biennia for the purposes of increasing resources to the state general fund, and that it is in the interest of the education of the children of Washington to be true to the intent of the voters when they approved Initiative No. 728. The legislature therefore resolves to restore the originally intended revenue distribution from the state property tax levy for"

On page 14, after line 12, insert the following:

"**Sec. 11.** RCW 84.52.068 and 2005 c 514 s 1104 are each amended to read as follows:

(1) A portion of the proceeds of the state property tax levy shall be deposited into the student achievement fund as provided in this section.

(2)(a) The amount of the deposit shall be based upon the average number of full-time equivalent students in the school districts during the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(b) ~~(For the 2004-2005 through 2007-2008 school years, an annual amount equal to two hundred fifty-four dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.~~

~~— (c) For the 2008-2009 school year, an annual amount equal to two hundred sixty-five dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.~~

~~— (d) For the 2009-2010 school year, an annual amount equal to two hundred seventy-seven dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.~~

~~— (e) For the 2010-2011 school year and each year thereafter, an annual amount equal to two hundred seventy-eight dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.) For the 2005-06 school year, an amount equal to three hundred dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.~~

~~— (c) For the 2006-07 school year, an amount equal to three hundred seventy-five dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.~~

~~— (d) For the 2007-08 school year, an amount equal to four hundred fifty dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.~~

~~— (e) For each subsequent school year, the amount deposited per full-time equivalent student shall be adjusted for inflation.~~

(f) The school district annual amounts shall be deposited based on the monthly apportionment schedule as defined in RCW 28A.510.250. The office of the superintendent of public instruction shall notify the department of the monthly amounts to be deposited into the student achievement fund to meet the apportionment schedule.

(3) For the purposes of this section, "inflation" means the percentage change in the implicit price deflator for the United States

for each fiscal year as published by the federal bureau of labor statistics."

Renumber remaining sections consecutively and correct title and internal references accordingly.

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted..

The Speaker stated the question before the House to be adoption of amendment (1173) to Engrossed Substitute Senate Bill No. 6896.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1173) to Engrossed Substitute Senate Bill No. 6896, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Green, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kilmer, Kretz, Kristiansen, McCune, McDonald, Morrell, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Wallace, Walsh, and Woods - 47.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Williams, Wood and Mr. Speaker - 51.

Representative Anderson moved the adoption of amendment (1173):

On page 3, beginning on line 32, strike all of sections 4, 5, and 6

Renumber remaining sections consecutively and correct title and internal references accordingly.

Representative Anderson spoke in favor of adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted..

The Speaker stated the question before the House to be adoption of amendment (1173) to Engrossed Substitute Senate Bill No. 6896.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1173) to Engrossed Substitute Senate Bill No. 6896, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Green, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kilmer, Kretz, Kristiansen, McCune, McDonald, Morrell, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Wallace, Walsh and Woods - 47.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Williams, Wood and Mr. Speaker - 51.

Representative Buri moved the adoption of amendment (1174):

Beginning on page 4, line 9, strike all of sections 7 and 8

Renumber remaining sections consecutively and correct title and internal references accordingly.

Beginning on page 14, line 14, strike all of section 12

Renumber remaining sections consecutively and correct title and internal references accordingly.

Representatives Buri, Alexander, Orcutt, Ericksen, Armstrong and Kristiansen spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted..

The Speaker stated the question before the House to be adoption of amendment (1174) to Engrossed Substitute Senate Bill No. 6896.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1174) to Engrossed Substitute Senate Bill No. 6896, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 52, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Ericksen, Green, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kilmer, Kretz, Kristiansen, McCune, McDonald, Morrell, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Wallace, Walsh and Woods - 46.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney,

Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Williams, Wood and Mr. Speaker - 52.

Representative McDonald moved the adoption of amendment (1176):

Beginning on page 4, line 9, strike all of sections 7 and 8 and insert the following:

"Sec. 7. RCW 43.135.035 and 2005 c 72 s 2 are each amended to read as follows:

(1) After July 1, 1995, any action or combination of actions by the legislature that ~~((raises state revenue or requires revenue-neutral tax shifts))~~ constitutes a tax increase may be taken only if approved by a ~~((two-thirds))~~ three-fifths vote of each house, and then only if state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter. ~~((However, for legislation enacted between the effective date of this 2005 act and June 30, 2007, any action or combination of actions by the legislature that raises state revenue or requires revenue-neutral tax shifts may be taken with the approval of a majority of members elected to each house, so long as state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter.))~~ This section does not apply to a tax that will be used exclusively for highway purposes under Article II, section 40 of the state Constitution.

(2)(a) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until approved by a vote of the people at a November general election. The state expenditure limit committee shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.

(b) The ballot title for any vote of the people required under this section shall be substantially as follows:

"Shall taxes be imposed on in order to allow a spending increase above last year's authorized spending adjusted for inflation and population increases?"

(3)(a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a ~~((two-thirds))~~ three-fifths vote of each house of the legislature and signed by the governor. The law shall set forth the nature of the emergency ~~((which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance))~~. The state expenditure limit may be exceeded for no more than twenty-four months following the declaration of the emergency and only for the purposes contained in the emergency declaration.

(b) ~~((Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.))~~ Taxes enacted pursuant to an emergency previously declared under this section may be imposed with a favorable vote of a majority of members elected to each house of the legislature, and shall expire not later than twelve months after the effective date of the emergency declaration.

(c) The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund on or after January 1, 1993, to another source of funding, or if moneys are transferred from the state general fund to another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall lower the state expenditure limit to reflect the shift. For the purposes of this section, a transfer of money from the state general fund to another fund or account includes any state legislative action taken that has the effect of reducing revenues from a particular source, where such revenues would otherwise be deposited into the state general fund, while increasing the revenues from that particular source to another state or local government account. This subsection does not apply to the dedication or use of lottery revenues under RCW 67.70.240(3) or property taxes under RCW 84.52.068, in support of education or education expenditures.

(5) If the cost of any state program or function is shifted to the state general fund on or after January 1, 2000, from another source of funding, or if moneys are transferred to the state general fund from another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall increase the state expenditure limit to reflect the shift.

Sec. 8. RCW 43.135.035 and 2005 c 72 s 5 are each amended to read as follows:

(1) After July 1, 1995, any action or combination of actions by the legislature that ~~((raises state revenue or requires revenue-neutral tax shifts))~~ constitutes a tax increase may be taken only if approved by a ~~((two-thirds))~~ three-fifths vote of each house, and then only if state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter. This section does not apply to a tax that will be used exclusively for highway purposes under Article II, section 40 of the state Constitution.

(2)(a) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until approved by a vote of the people at a November general election. The state expenditure limit committee shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.

(b) The ballot title for any vote of the people required under this section shall be substantially as follows:

"Shall taxes be imposed on in order to allow a spending increase above last year's authorized spending adjusted for personal income growth?"

(3)(a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a ~~((two-thirds))~~ three-fifths vote of each house of the legislature and signed by the governor. The law shall set forth the nature of the emergency ~~((which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance))~~. The state expenditure limit may be exceeded for no more than twenty-four months following the declaration of the emergency and only for the purposes contained in the emergency declaration.

(b) ~~((Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.))~~ Taxes enacted pursuant to an emergency previously declared under this section may be imposed with a favorable vote of a majority of members elected to each house of the legislature, and shall expire not later than twelve months after the effective date of the emergency declaration.

(c) The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund or a related fund to another source of funding, or if moneys are transferred from the state general fund or a related fund to another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall lower the state expenditure limit to reflect the shift. For the purposes of this section, a transfer of money from the state general fund or a related fund to another fund or account includes any state legislative action taken that has the effect of reducing revenues from a particular source, where such revenues would otherwise be deposited into the state general fund or a related fund, while increasing the revenues from that particular source to another state or local government account. This subsection does not apply to the dedication or use of lottery revenues under RCW 67.70.240(3) or property taxes under RCW 84.52.068, in support of education or education expenditures.

(5) If the cost of any state program or function and the ongoing revenue necessary to fund the program or function are shifted to the state general fund or a related fund on or after January 1, 2007, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall increase the state expenditure limit to reflect the shift."

Renumber remaining sections consecutively and correct title and internal references accordingly.

On page 14, line 14, strike "Sections 7 and 8 of this act expire" and insert "Section 7 of this act expires"

On page 14, after line 15, insert the following:

"NEW SECTION. **Sec. 13.** Section 8 of this act takes effect July 1, 2007.

NEW SECTION. **Sec. 14.** Sections 7 and 8 of this act take effect if the proposed amendment to Article VII, section . . . of the state Constitution (HJR 4218) is validly submitted to and is approved and ratified by the voters at a general election held in November 2006. If the proposed amendment is not approved and ratified, sections 6 and 7 of this act are void in their entirety."

Renumber remaining sections consecutively and correct title and internal references accordingly.

On page 14, line 16, strike "This act is" and insert "Sections 1 through 7, 9, and 10 of this act are"

On page 14, line 18, after "institutions, and" strike "takes" and insert "take"

Representatives McDonald, Anderson, Orcutt, Erickson and Serben spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted..

The Speaker stated the question before the House to be adoption of amendment (1176) to Engrossed Substitute Senate Bill No. 6896.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1176) to Engrossed Substitute Senate Bill No. 6896, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Erickson, Green, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kilmer, Kretz, Kristiansen, McCune, McDonald, Morrell, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Wallace, Walsh and Woods - 47.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Williams, Wood and Mr. Speaker - 51.

Representative Anderson moved the adoption of amendment (1172):

Beginning on page 4, line 9, strike all of sections 7 and 8 and insert the following:

"**Sec. 7.** RCW 43.135.035 and 2005 c 72 s 2 are each amended to read as follows:

(1) After July 1, 1995, any action or combination of actions by the legislature that (~~raises state revenue or requires revenue-neutral tax shifts~~) constitutes a tax increase may be taken only if approved by a (~~two-thirds~~) three-fifths vote of each house, and then only if state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter. (~~However, for legislation enacted between the effective date of this 2005 act and June 30, 2007, any action or combination of actions by the legislature that raises state revenue or requires revenue-neutral tax shifts may be taken with the approval of a majority of members elected to each house, so long as state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter.~~) This section does not apply to a tax that will be used exclusively for highway purposes under Article II, section 40 of the state Constitution.

(2)(a) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until approved by a vote of the people at a November general election. The state expenditure limit committee shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.

(b) The ballot title for any vote of the people required under this section shall be substantially as follows:

"Shall taxes be imposed on in order to allow a spending increase above last year's authorized spending adjusted for inflation and population increases?"

(3)(a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a (~~two-thirds~~) three-fifths vote of each house of the legislature and signed by the governor. The law shall set forth the nature of the emergency (~~which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance~~). The state expenditure limit may be exceeded for no more than twenty-four months following the declaration of the emergency and only for the purposes contained in the emergency declaration.

(b) (~~Additional taxes required for an emergency under this section may be imposed only until thirty days following the next~~

~~general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.)) Taxes enacted pursuant to an emergency previously declared under this section may be imposed with a favorable vote of a majority of members elected to each house of the legislature, and shall expire not later than twelve months after the effective date of the emergency declaration.~~

(c) The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund on or after January 1, 1993, to another source of funding, or if moneys are transferred from the state general fund to another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall lower the state expenditure limit to reflect the shift. For the purposes of this section, a transfer of money from the state general fund to another fund or account includes any state legislative action taken that has the effect of reducing revenues from a particular source, where such revenues would otherwise be deposited into the state general fund, while increasing the revenues from that particular source to another state or local government account. This subsection does not apply to the dedication or use of lottery revenues under RCW 67.70.240(3) or property taxes under RCW 84.52.068, in support of education or education expenditures.

(5) If the cost of any state program or function is shifted to the state general fund on or after January 1, 2000, from another source of funding, or if moneys are transferred to the state general fund from another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall increase the state expenditure limit to reflect the shift.

Sec. 8. RCW 43.135.035 and 2005 c 72 s 5 are each amended to read as follows:

(1) After July 1, 1995, any action or combination of actions by the legislature that ~~((raises state revenue or requires revenue-neutral tax shifts))~~ constitutes a tax increase may be taken only if approved by a ~~((two-thirds))~~ three-fifths vote of each house, and then only if state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter. This section does not apply to a tax that will be used exclusively for highway purposes under Article II, section 40 of the state Constitution.

(2)(a) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until approved by a vote of the people at a November general election. The state expenditure limit committee shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.

(b) The ballot title for any vote of the people required under this section shall be substantially as follows:

"Shall taxes be imposed on in order to allow a spending increase above last year's authorized spending adjusted for personal income growth?"

(3)(a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a ~~((two-thirds))~~ three-fifths vote of each house of the legislature and signed by the governor. The law shall set forth the nature of the emergency ~~((which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance))~~. The state expenditure limit may be exceeded for no more than twenty-four

months following the declaration of the emergency and only for the purposes contained in the emergency declaration.

~~(b) ((Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.)) Taxes enacted pursuant to an emergency previously declared under this section may be imposed with a favorable vote of a majority of members elected to each house of the legislature, and shall expire not later than twelve months after the effective date of the emergency declaration.~~

(c) The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund or a related fund to another source of funding, or if moneys are transferred from the state general fund or a related fund to another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall lower the state expenditure limit to reflect the shift. For the purposes of this section, a transfer of money from the state general fund or a related fund to another fund or account includes any state legislative action taken that has the effect of reducing revenues from a particular source, where such revenues would otherwise be deposited into the state general fund or a related fund, while increasing the revenues from that particular source to another state or local government account. This subsection does not apply to the dedication or use of lottery revenues under RCW 67.70.240(3) or property taxes under RCW 84.52.068, in support of education or education expenditures.

(5) If the cost of any state program or function and the ongoing revenue necessary to fund the program or function are shifted to the state general fund or a related fund on or after January 1, 2007, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall increase the state expenditure limit to reflect the shift."

Renumber remaining sections consecutively and correct title and internal references accordingly.

On page 14, line 14, strike "Sections 7 and 8 of this act expire" and insert "Section 7 of this act expires"

On page 14, after line 15, insert the following:

"NEW SECTION. Sec. 13. Section 8 of this act takes effect July 1, 2007.

NEW SECTION. Sec. 14. Sections 7 and 8 of this act take effect if the proposed amendment to Article VII, section . . . of the state Constitution (HJR 4218) is validly submitted to and is approved and ratified by the voters at a general election held in November 2006. If the proposed amendment is not approved and ratified, sections 6 and 7 of this act are void in their entirety."

Renumber remaining sections consecutively and correct title and internal references accordingly.

On page 14, line 16, strike "This act is" and insert "Sections 1 through 7, 9, and 10 of this act are"

On page 14, line 18, after "institutions, and" strike "takes" and insert "take"

Representatives Anderson and Alexander spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted..

The Speaker stated the question before the House to be adoption of amendment (1172) to Engrossed Substitute Senate Bill No. 6896.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1172) to Engrossed Substitute Senate Bill No. 6896, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Green, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kilmer, Kretz, Kristiansen, McCune, McDonald, Morrell, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Springer, Straw, Sump, Talcott, Tom, Wallace, Walsh and Woods - 48.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Sullivan, B., Sullivan, P., Takko, Upthegrove, Williams, Wood and Mr. Speaker - 50.

The Speaker called upon Representative Lovick to preside.

Representative Alexander moved the adoption of amendment (1186):

Beginning on page 4, line 9, strike all of sections 7 and 8 and insert the following:

"Sec. 7. RCW 43.41.260 and 1995 c 265 s 21 are each amended to read as follows:

The health care authority, the office of financial management, and the department of social and health services shall together monitor the enrollee level in the basic health plan and the medicaid caseload of children (~~funded from the health services account~~). The office of financial management shall adjust the funding levels by interagency reimbursement of funds between the basic health plan and medicaid and adjust the funding levels between the health care authority and the medical assistance administration of the department of social and health services to maximize combined enrollment.

Sec. 8. RCW 48.14.0201 and 2005 c 405 s 1 are each amended to read as follows:

(1) As used in this section, "taxpayer" means a health maintenance organization as defined in RCW 48.46.020, a health care service contractor as defined in RCW 48.44.010, or a self-funded multiple employer welfare arrangement as defined in RCW 48.125.010.

(2) Each taxpayer shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax shall be equal to the total amount of all premiums and prepayments for health care services received by the taxpayer during the preceding calendar year multiplied by the rate of two percent.

(3) Taxpayers shall prepay their tax obligations under this section. The minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation for the preceding calendar

year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

- (a) On or before June 15, forty-five percent;
- (b) On or before September 15, twenty-five percent;
- (c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's, health care service contractor's, self-funded multiple employer welfare arrangement's, or certified health plan's prepayment obligations for the current tax year.

(5) Moneys collected under this section shall be deposited in the general fund (~~through March 31, 1996, and in the health services account under RCW 43.72.900 after March 31, 1996~~).

(6) The taxes imposed in this section do not apply to:

(a) Amounts received by any taxpayer from the United States or any instrumentality thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act.

(b) Amounts received by any taxpayer from the state of Washington as prepayments for health care services provided under:

(i) The medical care services program as provided in RCW 74.09.035;

(ii) The Washington basic health plan on behalf of subsidized enrollees as provided in chapter 70.47 RCW; or

(iii) The medicaid program on behalf of elderly or disabled clients as provided in chapter 74.09 RCW when these prepayments are received prior to July 1, 2009, and are associated with a managed care contract program that has been implemented on a voluntary demonstration or pilot project basis.

(c) Amounts received by any health care service contractor, as defined in RCW 48.44.010, as prepayments for health care services included within the definition of practice of dentistry under RCW 18.32.020.

(d) Participant contributions to self-funded multiple employer welfare arrangements that are not taxable in this state.

(7) Beginning January 1, 2000, the state does hereby preempt the field of imposing excise or privilege taxes upon taxpayers and no county, city, town, or other municipal subdivision shall have the right to impose any such taxes upon such taxpayers. This subsection shall be limited to premiums and payments for health benefit plans offered by health care service contractors under chapter 48.44 RCW, health maintenance organizations under chapter 48.46 RCW, and self-funded multiple employer welfare arrangements as defined in RCW 48.125.010. The preemption authorized by this subsection shall not impair the ability of a county, city, town, or other municipal subdivision to impose excise or privilege taxes upon the health care services directly delivered by the employees of a health maintenance organization under chapter 48.46 RCW.

(8)(a) The taxes imposed by this section apply to a self-funded multiple employer welfare arrangement only in the event that they are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq. The arrangements and the commissioner shall initially request an advisory opinion from the United States department of labor or obtain a declaratory ruling from a federal court on the legality of imposing state premium taxes on these arrangements. Once the legality of the taxes has been determined, the multiple employer welfare arrangement certified by the insurance commissioner must begin payment of these taxes.

(b) If there has not been a final determination of the legality of these taxes, then beginning on the earlier of (i) the date the fourth multiple employer welfare arrangement has been certified by the insurance commissioner, or (ii) April 1, 2006, the arrangement shall deposit the taxes imposed by this section into an interest bearing escrow account maintained by the arrangement. Upon a final determination that the taxes are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec.

1001 et seq., all funds in the interest bearing escrow account shall be transferred to the state treasurer.

(9) The effect of transferring contracts for health care services from one taxpayer to another taxpayer is to transfer the tax prepayment obligation with respect to the contracts.

(10) On or before June 1st of each year, the commissioner shall notify each taxpayer required to make prepayments in that year of the amount of each prepayment and shall provide remittance forms to be used by the taxpayer. However, a taxpayer's responsibility to make prepayments is not affected by failure of the commissioner to send, or the taxpayer to receive, the notice or forms.

Sec. 9. RCW 66.24.210 and 2001 c 124 s 1 are each amended to read as follows:

(1) There is hereby imposed upon all wines except cider sold to wine distributors and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter. There is hereby imposed on all cider sold to wine distributors and the Washington state liquor control board within the state a tax at the rate of three and fifty-nine one-hundredths cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section shall be collected by direct payments based on wine purchased by wine distributors. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. The board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. After June 30, 1996, such additional tax does not apply to cider. An additional tax of five one-hundredths of one cent per liter is imposed on cider sold after June 30, 1996. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) An additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on fortified wine as defined in RCW 66.04.010(~~((38))~~) (39) when bottled or packaged by the manufacturer, one cent per liter on all other wine except cider, and eighteen one-hundredths of one cent per liter on cider. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(5)(a) An additional tax is imposed on all cider subject to tax under subsection (1) of this section. The additional tax is equal to two and four one-hundredths cents per liter of cider sold after June 30, 1996, and before July 1, 1997, and is equal to four and seven one-hundredths cents per liter of cider sold after June 30, 1997.

(b) All revenues collected from the additional tax imposed under this subsection (5) shall be deposited in the (~~health services account under RCW 43.72.900~~) general fund.

(6) For the purposes of this section, "cider" means table wine that contains not less than one-half of one percent of alcohol by volume and not more than seven percent of alcohol by volume and is made from the normal alcoholic fermentation of the juice of sound,

ripe apples or pears. "Cider" includes, but is not limited to, flavored, sparkling, or carbonated cider and cider made from condensed apple or pear must.

Sec. 10. RCW 66.24.290 and 2003 c 167 s 5 are each amended to read as follows:

(1) Any microbrewer or domestic brewery or beer distributor licensed under this title may sell and deliver beer and strong beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewery or beer distributor shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer and strong beer within the state a tax of one dollar and thirty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer, including strong beer, shall pay a tax computed in gallons at the rate of one dollar and thirty cents per barrel of thirty-one gallons. Any brewery or beer distributor whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Beer and strong beer shall be sold by breweries and distributors in sealed barrels or packages. The moneys collected under this subsection shall be distributed as follows: (a) Three-tenths of a percent shall be distributed to border areas under RCW 66.08.195; and (b) of the remaining moneys: (i) Twenty percent shall be distributed to counties in the same manner as under RCW 66.08.200; and (ii) eighty percent shall be distributed to incorporated cities and towns in the same manner as under RCW 66.08.210.

(2) An additional tax is imposed on all beer and strong beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3)(a) An additional tax is imposed on all beer and strong beer subject to tax under subsection (1) of this section. The additional tax is equal to ninety-six cents per barrel of thirty-one gallons through June 30, 1995, two dollars and thirty-nine cents per barrel of thirty-one gallons for the period July 1, 1995, through June 30, 1997, and four dollars and seventy-eight cents per barrel of thirty-one gallons thereafter.

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection (3) shall be deposited in the (~~health services account under RCW 43.72.900~~) general fund.

(4) An additional tax is imposed on all beer and strong beer that is subject to tax under subsection (1) of this section that is in the first sixty thousand barrels of beer and strong beer by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of the exemption under subsection (3)(b) of this section. The additional tax is equal to one dollar and forty-eight and two-tenths cents per barrel of thirty-one gallons. By the twenty-fifth day of the following month, three percent of the revenues collected from this additional tax shall be distributed to border areas under RCW 66.08.195 and the remaining moneys shall be transferred to the state general fund.

(5) The board may make refunds for all taxes paid on beer and strong beer exported from the state for use outside the state.

(6) The board may require filing with the board of a bond to be approved by it, in such amount as the board may fix, securing the payment of the tax. If any licensee fails to pay the tax when due, the board may forthwith suspend or cancel his or her license until all taxes are paid.

Sec. 11. RCW 70.05.125 and 1998 c 266 s 1 are each amended to read as follows:

(1) The county public health account is created in the state treasury. Funds deposited in the county public health account shall be distributed by the state treasurer to each local public health jurisdiction based upon amounts certified to it by the department of community, trade, and economic development in consultation with the Washington state association of counties. The account shall include funds distributed under RCW ~~((82.44.110 and))~~ 82.14.200(8) and such funds as are appropriated to the account from the ~~(health services account under RCW 43.72.900)~~ general fund, the public health services account under RCW 43.72.902, and such other funds as the legislature may appropriate to it.

(2)(a) The director of the department of community, trade, and economic development shall certify the amounts to be distributed to each local public health jurisdiction using 1995 as the base year of actual city contributions to local public health.

(b) Only if funds are available and in an amount no greater than available funds under RCW 82.14.200(8), the department of community, trade, and economic development shall adjust the amount certified under (a) of this subsection to compensate for any annexation of an area with fifty thousand residents or more to any city as a result of a petition during calendar year 1996 or 1997, or for any city that became newly incorporated as a result of an election during calendar year 1994 or 1995. The amount to be adjusted shall be equal to the amount which otherwise would have been lost to the health jurisdiction due to the annexation or incorporation as calculated using the jurisdiction's 1995 funding formula.

(c) The county treasurer shall certify the actual 1995 city contribution to the department. Funds in excess of the base shall be distributed proportionately among the health jurisdictions based on incorporated population figures as last determined by the office of financial management.

(3) Moneys distributed under this section shall be expended exclusively for local public health purposes.

Sec. 12. RCW 70.47.015 and 1997 c 337 s 1 are each amended to read as follows:

(1) The legislature finds that the basic health plan has been an effective program in providing health coverage for uninsured residents. Further, since 1993, substantial amounts of public funds have been allocated for subsidized basic health plan enrollment.

(2) It is the intent of the legislature that the basic health plan enrollment be expanded expeditiously, ~~((consistent with funds available in the health services account))~~ with the goal of two hundred thousand adult subsidized basic health plan enrollees and one hundred thirty thousand children covered through expanded medical assistance services by June 30, 1997, with the priority of providing needed health services to children in conjunction with other public programs.

(3) Effective January 1, 1996, basic health plan enrollees whose income is less than one hundred twenty-five percent of the federal poverty level shall pay at least a ten-dollar premium share.

(4) No later than July 1, 1996, the administrator shall implement procedures whereby hospitals licensed under chapters 70.41 and 71.12 RCW, health carrier, rural health care facilities regulated under chapter 70.175 RCW, and community and migrant health centers funded under RCW 41.05.220, may expeditiously assist patients and their families in applying for basic health plan or medical assistance coverage, and in submitting such applications directly to the health care authority or the department of social and health services. The health care authority and the department of social and health services shall make every effort to simplify and expedite the application and enrollment process.

(5) No later than July 1, 1996, the administrator shall implement procedures whereby health insurance agents and brokers, licensed under chapter 48.17 RCW, may expeditiously assist patients and their families in applying for basic health plan or medical assistance coverage, and in submitting such applications directly to the health care authority or the department of social and health services. Brokers and agents may receive a commission for each individual sale of the basic health plan to anyone not signed up within the previous five years and a commission for each group sale of the basic

health plan, if funding for this purpose is provided in a specific appropriation to the health care authority. No commission shall be provided upon a renewal. Commissions shall be determined based on the estimated annual cost of the basic health plan, however, commissions shall not result in a reduction in the premium amount paid to health carriers. For purposes of this section "health carrier" is as defined in RCW 48.43.005. The administrator may establish: (a) Minimum educational requirements that must be completed by the agents or brokers; (b) an appointment process for agents or brokers marketing the basic health plan; or (c) standards for revocation of the appointment of an agent or broker to submit applications for cause, including untrustworthy or incompetent conduct or harm to the public. The health care authority and the department of social and health services shall make every effort to simplify and expedite the application and enrollment process.

Sec. 13. RCW 82.04.260 and 2005 c 513 s 2 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent;

(c) Dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record;

(d) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(e) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker,

international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the ~~((health services account created under RCW 43.72.900))~~ general fund.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(b) Beginning October 1, 2005, upon every person engaging within this state in the business of making sales, at retail or wholesale, of commercial airplanes, or components of such airplanes, manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the airplanes or components multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(c) For the purposes of this subsection (11), "commercial airplane," "component," and "final assembly of a superefficient airplane" have the meanings given in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person eligible for the tax rate under this subsection (11) must report as required under RCW 82.32.545.

(e) This subsection (11) does not apply after the earlier of: July 1, 2024; or December 31, 2007, if assembly of a superefficient airplane does not begin by December 31, 2007, as determined under RCW 82.32.550.

Sec. 14. RCW 82.08.150 and 2003 c 167 s 11 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to spirits, beer, and wine restaurant licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to spirits, beer, and wine restaurant licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to spirits, beer, and wine restaurant licensees.

(4) An additional tax is imposed equal to fourteen percent multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to spirits, beer, and wine restaurant licensees. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(6)(a) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and seven-tenths percent of the selling price through June 30, 1995, two and six-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and three and four-tenths of the selling price thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, but excluding sales to spirits, beer, and wine restaurant licensees.

(b) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and one-tenth percent of the selling price through June 30, 1995, one and seven-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and two and three-tenths of the selling price thereafter. This additional tax applies to all such sales to spirits, beer, and wine restaurant licensees.

(c) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of twenty cents per liter through June 30, 1995, thirty cents per liter for the period July 1, 1995, through June 30, 1997, and forty-one cents per liter thereafter. This

additional tax applies to all such sales including sales by Washington state liquor stores and agencies, and including sales to spirits, beer, and wine restaurant licensees.

(d) All revenues collected during any month from additional taxes under this subsection shall be deposited in the ~~(health services account created under RCW 43.72.900)~~ general fund by the twenty-fifth day of the following month.

(7) The tax imposed in RCW 82.08.020 shall not apply to sales of spirits in the original package.

(8) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

(9) As used in this section, the terms, "spirits" and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 15. RCW 82.24.020 and 2003 c 114 s 1 are each amended to read as follows:

(1) There is levied and there shall be collected as provided in this chapter, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of five and one-fourth mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of ten mills per cigarette through June 30, 1994, eleven and one-fourth mills per cigarette for the period July 1, 1994, through June 30, 1995, twenty mills per cigarette for the period July 1, 1995, through June 30, 1996, and twenty and one-half mills per cigarette thereafter. All revenues collected during any month from this additional tax shall be deposited in the ~~(health services account created under RCW 43.72.900)~~ general fund by the twenty-fifth day of the following month.

(4) Wholesalers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

(5) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his or her designee by a person other than the purchaser, constructive possession by the purchaser or his or her designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

Sec. 16. RCW 82.24.028 and 2002 c 2 s 3 are each amended to read as follows:

In addition to the tax imposed upon the sale, use, consumption, handling, possession, or distribution of cigarettes set forth in RCW 82.24.020, there is imposed a tax in an amount equal to the rate of thirty mills per cigarette effective January 1, 2002. All revenues collected during any month from this additional tax shall be deposited in the ~~(health services account created under RCW 43.72.900)~~ general fund by the twenty-fifth day of the following month.

Sec. 17. RCW 82.26.020 and 2005 c 180 s 3 are each amended to read as follows:

(1) There is levied and there shall be collected a tax upon the sale, handling, or distribution of all tobacco products in this state at the following rate:

(a) Seventy-five percent of the taxable sales price of cigars, not to exceed fifty cents per cigar; or

(b) Seventy-five percent of the taxable sales price of all tobacco products that are not cigars.

(2) Taxes under this section shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, fabricates, or stores tobacco products in this state for sale in this state, (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers, or (d) handles for sale any tobacco products that are within this state but upon which tax has not been imposed.

(3) The moneys collected under this section shall be deposited as follows:

(a) ~~(Thirty-seven)~~ Eighty-seven percent in the general fund; and

~~(b) (Fifty percent in the health services account created under RCW 43.72.900; and~~

~~(c))~~ Thirteen percent in the water quality account under RCW 70.146.030 for the period beginning July 1, 2005, through June 30, 2021, and in the general fund for the period beginning July 1, 2021.

NEW SECTION. Sec. 18. A new section is added to chapter 43.79 RCW to read as follows:

(1) For the fiscal biennium beginning July 1, 2007, and for each fiscal biennium thereafter, the treasurer shall transfer the following amounts from revenues deposited in the general fund pursuant to RCW 82.24.028 and 82.26.028:

(a) To the violence reduction and drug enforcement account under RCW 69.50.520, six million nine hundred thirty-two thousand dollars, as required by RCW 82.24.020(2); and

(b) To the water quality account under RCW 70.146.030, seven million eight hundred eighty-five thousand dollars, as required by RCW 82.24.027(2)(a).

(2) Ten percent of the amounts deposited into the general fund under RCW 82.24.028 and 82.26.028 shall be transferred no less frequently than annually by the treasurer to the tobacco prevention and control account established by RCW 43.79.480. The amounts transferred shall be used exclusively for implementation of the Washington state tobacco prevention and control plan. For the fiscal year beginning on July 1, 2007, and for each fiscal year thereafter, the legislature shall appropriate no less than twenty-six million two hundred forty thousand dollars from the tobacco prevention and control account for implementation of the Washington state tobacco prevention and control plan.

NEW SECTION. Sec. 19. RCW 43.72.900 (Health services account) and 2003 c 259 s 1, 2002 c 371 s 909, 2002 c 2 s 2, & 1993 c 492 s 469 are each repealed."

Renumber remaining sections consecutively and correct title and internal references accordingly.

On page 9, beginning on line 3, strike "the health services account," and insert "~~(the health services account,))~~"

On page 12, beginning on line 14, strike "the health services account," and insert "~~(the health services account,))~~"

On page 14, line 12, strike all of section 12

Renumber remaining sections consecutively and correct title and internal references accordingly.

Representative Alexander spoke in favor of the adoption of the amendment.

Representative Sommers spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted..

The Speaker (Representative Lovick presiding) stated the question before the House to be adoption of amendment (1186) to Engrossed Substitute Senate Bill No. 6896.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1186) to Engrossed Substitute Senate Bill No. 6896, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Green, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kilmer, Kretz, Kristiansen, McCune, McDonald, Morrell, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Wallace, Walsh and Woods - 47.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Williams, Wood and Mr. Speaker - 51.

Representative Alexander moved the adoption of amendment (1187):

Beginning on page 4, line 9, strike all of sections 7 and 8 and insert the following:

"**Sec. 7.** RCW 43.135.025 and 2000 2nd sp.s. c 2 s 1 are each amended to read as follows:

(1) The state shall not expend from the general fund during any fiscal year state moneys in excess of the state expenditure limit established under this chapter.

(2) Except pursuant to a declaration of emergency under RCW 43.135.035 or pursuant to an appropriation under RCW 43.135.045(4)(b), the state treasurer shall not issue or redeem any check, warrant, or voucher that will result in a state general fund expenditure for any fiscal year in excess of the state expenditure limit established under this chapter. A violation of this subsection constitutes a violation of RCW 43.88.290 and shall subject the state treasurer to the penalties provided in RCW 43.88.300.

(3) The state expenditure limit for any fiscal year shall be the previous fiscal year's state expenditure limit increased by a percentage rate that equals the fiscal growth factor.

(4) For purposes of computing the state expenditure limit for the fiscal year beginning July 1, 1995, the phrase "the previous fiscal year's state expenditure limit" means the total state expenditures from the state general fund, not including federal funds, for the fiscal year beginning July 1, 1989, plus the fiscal growth factor. This calculation is then computed for the state expenditure limit for fiscal years 1992, 1993, 1994, and 1995, and as required under RCW 43.135.035(4).

(5) A state expenditure limit committee is established for the purpose of determining and adjusting the state expenditure limit as provided in this chapter. The members of the state expenditure limit committee are the director of financial management, the attorney general or the attorney general's designee, and the chairs and ranking minority members of the senate committee on ways and means and the house of representatives committee on appropriations. All actions of the state expenditure limit committee taken pursuant to this chapter require an affirmative vote of at least ~~((three))~~ four members.

(6)(a) Prior to final passage of the omnibus operating budget by the legislature, the expenditure limit committee shall meet to adjust the expenditure limit for transfers and cost shifts under RCW

43.135.035 (4) and (5) and 43.135.060(2). If necessary, the committee shall make further adjustments after the governor signs the omnibus operating budget.

(b) Each November, the state expenditure limit committee shall adjust the expenditure limit for the preceding fiscal year based on actual expenditures and known changes in the fiscal growth factor and then project an expenditure limit for the next two fiscal years. If, by November 30th, the state expenditure limit committee has not adopted the expenditure limit adjustment and projected expenditure limit as provided in subsection (5) of this section, the attorney general or his or her designee shall adjust or project the expenditure limit, as necessary.

(7) "Fiscal growth factor" means the average of the sum of inflation and population change for each of the prior three fiscal years.

(8) "Inflation" means the percentage change in the implicit price deflator for the United States for each fiscal year as published by the federal bureau of labor statistics.

(9) "Population change" means the percentage change in state population for each fiscal year as reported by the office of financial management.

Sec. 8. RCW 43.135.025 and 2005 c 72 s 4 are each amended to read as follows:

(1) The state shall not expend from the general fund and related funds during any fiscal year state moneys in excess of the state expenditure limit established under this chapter.

(2) Except pursuant to a declaration of emergency under RCW 43.135.035 or pursuant to an appropriation under RCW 43.135.045(4)(b), the state treasurer shall not issue or redeem any check, warrant, or voucher that will result in a state general fund or related fund expenditure for any fiscal year in excess of the state expenditure limit established under this chapter. A violation of this subsection constitutes a violation of RCW 43.88.290 and shall subject the state treasurer to the penalties provided in RCW 43.88.300.

(3) The state expenditure limit for any fiscal year shall be the previous fiscal year's state expenditure limit increased by a percentage rate that equals the fiscal growth factor.

(4) For purposes of computing the state expenditure limit for the fiscal year beginning July 1, 2007, the phrase "the previous fiscal year's state expenditure limit" means the total state expenditures from the state general fund and related funds, not including federal funds, for the fiscal year beginning July 1, 2006, plus the fiscal growth factor.

(5) A state expenditure limit committee is established for the purpose of determining and adjusting the state expenditure limit as provided in this chapter. The members of the state expenditure limit committee are the director of financial management, the attorney general or the attorney general's designee, and the chairs and ranking minority members of the senate committee on ways and means and the house of representatives committee on appropriations. All actions of the state expenditure limit committee taken pursuant to this chapter require an affirmative vote of at least four members.

(6)(a) Prior to final passage of the omnibus operating budget by the legislature, the expenditure limit committee shall meet to adjust the expenditure limit for transfers and cost shifts under RCW 43.135.035 (4) and (5) and 43.135.060(2). If necessary, the committee shall make further adjustments after the governor signs the omnibus operating budget.

(b) Each November, the state expenditure limit committee shall adjust the expenditure limit for the preceding fiscal year based on actual expenditures and known changes in the fiscal growth factor and then project an expenditure limit for the next two fiscal years. If, by November 30th, the state expenditure limit committee has not adopted the expenditure limit adjustment and projected expenditure limit as provided in subsection (5) of this section, the attorney general or his or her designee shall adjust or project the expenditure limit, as necessary.

(7) "Fiscal growth factor" means the average ~~((growth in state personal income for the prior ten fiscal years))~~ of the sum of inflation and population change for each of the prior three fiscal years.

(8) "General fund" means the state general fund.

(9) "Related fund" means the health services account, violence reduction and drug enforcement account, public safety and education account, water quality account, education legacy trust account, or student achievement fund.

Sec. 9. RCW 43.135.035 and 2005 c 72 s 2 are each amended to read as follows:

(1) After July 1, 1995, any action or combination of actions by the legislature that raises state revenue or requires revenue-neutral tax shifts may be taken only if approved by a two-thirds vote of each house, and then only if state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter. However, for legislation enacted between the effective date of this 2005 act and June 30, ~~((2007))~~ 2006, any action or combination of actions by the legislature that raises state revenue or requires revenue-neutral tax shifts may be taken with the approval of a majority of members elected to each house, so long as state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter.

~~(2)(a) ((If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until)) Except as provided in subsection (3) of this section, total expenditures from the state general fund and related funds may exceed the expenditure limit only after the expenditures are approved by a vote of the people at a November general election. ((The state expenditure limit committee shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.))~~

(b) The ballot title for any vote of the people required under this section shall be substantially as follows:

"Shall ~~((taxes be imposed on in order to allow a))~~ state spending ((increase)) be increased above last year's authorized spending adjusted for inflation and population increases?"

(3)(a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a ~~((two-thirds))~~ three-fifths vote of each house of the legislature and signed by the governor. The law shall set forth the nature of the emergency ~~((, which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance))~~. The state expenditure limit may be exceeded for no more than twenty-four months following the declaration of the emergency and only for the purposes contained in the emergency declaration.

~~(b) ((Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.~~

~~—(c))~~ The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund on or after January 1, 1993, to another source of funding, or if moneys are transferred from the state general fund to another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall lower the state expenditure limit to reflect the shift. For the purposes of this section, a transfer of money from the state general fund to another fund or account includes any state legislative action taken that has the effect of reducing revenues from a particular source, where such revenues would otherwise be deposited into the state general fund, while increasing the revenues from that particular source to another state or local government account. This subsection does not apply to the dedication or use of lottery revenues under RCW 67.70.240(3) or

property taxes under RCW 84.52.068, in support of education or education expenditures.

(5) If the cost of any state program or function is shifted to the state general fund on or after January 1, 2000, from another source of funding, or if moneys are transferred to the state general fund from another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall increase the state expenditure limit to reflect the shift.

Sec. 10. RCW 43.135.035 and 2005 c 72 s 5 are each amended to read as follows:

(1) After July 1, 1995, any action or combination of actions by the legislature that raises state revenue or requires revenue-neutral tax shifts may be taken only if approved by a two-thirds vote of each house, and then only if state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter.

~~(2)(a) ((If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until)) Except as provided in subsection (3) of this section, total expenditures from the state general fund and related funds may exceed the expenditure limit only after the expenditures are approved by a vote of the people at a November general election. ((The state expenditure limit committee shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.))~~

(b) The ballot title for any vote of the people required under this section shall be substantially as follows:

"Shall ~~((taxes be imposed on in order to allow a))~~ state spending ((increase)) be increased above last year's authorized spending adjusted for ~~((personal income growth))~~ inflation and population increases?"

(3)(a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a ~~((two-thirds))~~ three-fifths vote of each house of the legislature and signed by the governor. The law shall set forth the nature of the emergency ~~((, which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance))~~. The state expenditure limit may be exceeded for no more than twenty-four months following the declaration of the emergency and only for the purposes contained in the emergency declaration.

~~(b) ((Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.~~

~~—(c))~~ The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund or a related fund to another source of funding, or if moneys are transferred from the state general fund or a related fund to another fund or account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall lower the state expenditure limit to reflect the shift. For the purposes of this section, a transfer of money from the state general fund or a related fund to another fund or account includes any state legislative action taken that has the effect of reducing revenues from a particular source, where such revenues would otherwise be deposited into the state general fund or a related fund, while increasing the revenues from that particular source to another state or local government account. This subsection does not apply to the dedication or use of lottery revenues under RCW 67.70.240(3) or property taxes under RCW 84.52.068, in support of education or education expenditures.

(5) If the cost of any state program or function and the ongoing revenue necessary to fund the program or function are shifted to the state general fund or a related fund on or after January 1, 2007, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), shall increase the state expenditure limit to reflect the shift.

NEW SECTION. **Sec. 11.** 2005 c 72 s 3 is repealed.

NEW SECTION. **Sec. 12.** Sections 7 and 9 of this act expire July 1, 2007.

NEW SECTION. **Sec. 13.** Sections 8 and 10 of this act take effect July 1, 2007.

NEW SECTION. **Sec. 14.** Sections 9 and 10 of this take effect if the proposed amendment to Article VIII, section . . . of the state Constitution (HJR 4219) is validly submitted to and is approved and ratified by the voters at a general election held in November 2006. If the proposed amendment is not approved and ratified, sections 9 and 10 of this act are void in their entirety."

Renumber remaining sections consecutively and correct the title and internal references accordingly.

On page 14, beginning on line 14, strike all of section 12

Renumber remaining sections consecutively and correct the title and internal references accordingly.

POINT OF ORDER

Representative Sommers requested a scope and object ruling on the amendment (1187) to Engrossed Substitute Senate Bill No. 6896.

SPEAKER'S RULING

The Speaker (Representative Lovick presiding): "ENGROSSED SUBSTITUTE SENATE BILL NO. 6896 is entitled an act relating to "funding state budgetary reserves including an adjustment to the state expenditure limit." The bill makes appropriations to the Student Achievement Fund, the Health Services Account, and the newly-created Pension Funding Stabilization Account and adjusts the expenditure limit to reflect the budgetary reserve appropriations made in the bill.

Amendment 1187 makes comprehensive changes to the state's expenditure limit law, including changes to the composition and duties of the state expenditure limit committee, changes to the definition of the fiscal growth factor, adding the Education Legacy Trust Account to the funds covered by the expenditure limit, and, subject to passage of a constitutional amendment, changes to the procedures and votes required to exceed the expenditure limit.

The amendment goes far beyond making an "adjustment to the state expenditure limit: as specified in the title, and instead, proposes comprehensive changes to the state's expenditure limit law.

The Speaker therefore finds the amendment is beyond the scope and object of the bill.

Representative Sommers, your point of order is well taken."

The Speaker assumed the chair.

Representative Serben moved the adoption of amendment (1175):

On page 14, line 16, after "**Sec. 13**" strike the remainder of the section and insert "Section 10 of this act takes effect July 1, 2006."

Correct the title.

Representatives Serben, Alexander, Armstrong, Ericksen and Clements spoke in favor of the adoption of the amendment.

Representative Fromhold spoke against the adoption of the amendment.

An electronic roll call vote was requested and the request was granted.

The Speaker stated the question before the House to be adoption of amendment (1175) to Engrossed Substitute Senate Bill No. 6896.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1175) to Engrossed Substitute Senate Bill No. 6896, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Green, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kilmer, Kretz, Kristiansen, McCune, McDonald, Morrell, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Straw, Sump, Talcott, Tom, Wallace, Walsh and Woods - 47.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Williams, Wood and Mr. Speaker - 51.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Fromhold spoke in favor of passage of the bill.

Representative Alexander, Anderson, Curtis, Orcutt, Shabro, Ahern, Ericksen, Rodne, Armstrong, Chandler, Newhouse and Bailey spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6896.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6896 and the bill passed the House by the following vote: Yeas - 51, Nays - 47, Excused - 0.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire,

Miloscia, Moeller, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Williams, Wood and Mr. Speaker - 51.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Green, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kilmer, Kretz, Kristiansen, McCune, McDonald, Morrell, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Wallace, Walsh and Woods - 47.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6896, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6874, By Senate Committee on Ways & Means (originally sponsored by Senators Doumit, Zarelli, Hargrove, Morton, Sheldon and Rasmussen)

Providing tax incentives for the timber and timber products industries.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was not adopted. (For Committee amendment, see Journal, 50th Day, February 27, 2006.)

Representative McIntire moved the adoption of amendment (1190):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.260 and 2005 c 513 s 2 and 2005 c 443 s 4 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent;

(c) Dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record;

(d) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(e) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax

with respect to the business shall be equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(b) Beginning October 1, 2005, upon every person engaging within this state in the business of making sales, at retail or wholesale, of commercial airplanes, or components of such airplanes, manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the airplanes or components multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(c) For the purposes of this subsection (11), "commercial airplane," "component," and "final assembly of a superefficient airplane" have the meanings given in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person eligible for the tax rate under this subsection (11) must report as required under RCW 82.32.545.

(e) This subsection (11) does not apply after the earlier of: July 1, 2024; or December 31, 2007, if assembly of a superefficient airplane does not begin by December 31, 2007, as determined under RCW 82.32.550.

(12)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business shall, in the case of extractors, be equal to the value of products, including byproducts, extracted, or in the case of extractors for hire, be equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such persons the amount of the tax with respect to the business shall, in the case of manufacturers, be equal to the value of products, including byproducts, manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that person from timber or timber products; as to such persons the amount of the tax with respect to the business shall be equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006,

through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) For purposes of this subsection, the following definitions apply:

(i) "Timber products" means logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber; pulp; and recycled paper products.

(ii) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; and wood windows.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to be codified between RCW 82.04.260 and 82.04.263 to read as follows:

(1) In addition to the taxes imposed under RCW 82.04.260(12), a surcharge is imposed on those persons who are subject to any of the taxes imposed under RCW 82.04.260(12). Except as otherwise provided in this section, the surcharge is equal to 0.052 percent added to the rates provided in RCW 82.04.260(12) (a), (b), and (c).

(2) All receipts from the surcharge imposed under this section shall be deposited into the forest and fish support account created in section 3 of this act.

(3)(a) The surcharge imposed under this section shall be suspended if:

(i) Receipts from the surcharge total at least eight million dollars during any fiscal biennium; or

(ii) The office of financial management certifies to the department that the federal government has appropriated at least two million dollars for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington for any federal fiscal year.

(b)(i) The suspension of the surcharge under (a)(i) of this subsection (3) shall take effect on the first day of the calendar month that is at least thirty days after the end of the month during which the department determines that receipts from the surcharge total at least eight million dollars during the fiscal biennium. The surcharge shall be imposed again at the beginning of the following fiscal biennium.

(ii) The suspension of the surcharge under (a)(ii) of this subsection (3) shall take effect on the later of the first day of October of any federal fiscal year for which the federal government appropriates at least two million dollars for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington, or the first day of a calendar month that is at least thirty days following the date that the office of financial management makes a certification to the department under subsection (5) of this section. The surcharge shall be imposed again on the first day of the following July.

(4)(a) If, by October 1st of any federal fiscal year, the office of financial management certifies to the department that the federal government has appropriated funds for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington but the amount of the appropriation is less than two million dollars, the department shall adjust the surcharge in accordance with this subsection.

(b) The department shall adjust the surcharge by an amount that the department estimates will cause the amount of funds deposited into the forest and fish support account for the state fiscal year that begins July 1st and that includes the beginning of the federal fiscal year for which the federal appropriation is made, to be reduced by twice the amount of the federal appropriation for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington.

(c) Any adjustment in the surcharge shall take effect at the beginning of a calendar month that is at least thirty days after the date that the office of financial management makes the certification under subsection (5) of this section.

(d) The surcharge shall be imposed again at the rate provided in subsection (1) of this section on the first day of the following state

fiscal year unless the surcharge is suspended under subsection (3) of this section or adjusted for that fiscal year under this subsection.

(e) Adjustments of the amount of the surcharge by the department are final and shall not be used to challenge the validity of the surcharge imposed under this section.

(f) The department shall provide timely notice to affected taxpayers of the suspension of the surcharge or an adjustment of the surcharge.

(5) The office of financial management shall make the certification to the department as to the status of federal appropriations for tribal participation in forest and fish report-related activities.

NEW SECTION. Sec. 3. A new section is added to chapter 76.09 RCW to read as follows:

The forest and fish support account is hereby created in the state treasury. Receipts from appropriations, the surcharge imposed under RCW 82.04.260(12), and other sources must be deposited into the account. Expenditures from the account shall be used for activities pursuant to the state's implementation of the forests and fish report as defined in chapter 76.09 RCW and related activities, including, but not limited to, adaptive management, monitoring, and participation grants to tribes, state and local agencies, and not-for-profit public interest organizations. Expenditures from the account may be made only after appropriation by the legislature.

Sec. 4. RCW 34.05.030 and 2002 c 354 s 225 are each amended to read as follows:

(1) This chapter shall not apply to:

(a) The state militia, or

(b) The board of clemency and pardons, or

(c) The department of corrections or the indeterminate sentencing review board with respect to persons who are in their custody or are subject to the jurisdiction of those agencies.

(2) The provisions of RCW 34.05.410 through 34.05.598 shall not apply:

(a) To adjudicative proceedings of the board of industrial insurance appeals except as provided in RCW 7.68.110 and 51.48.131;

(b) Except for actions pursuant to chapter 46.29 RCW, to the denial, suspension, or revocation of a driver's license by the department of licensing;

(c) To the department of labor and industries where another statute expressly provides for review of adjudicative proceedings of a department action, order, decision, or award before the board of industrial insurance appeals;

(d) To actions of the Washington personnel resources board or the director of personnel; ~~(or)~~

(e) To adjustments by the department of revenue of the amount of the surcharge imposed under section 2 of this act; or

(f) To the extent they are inconsistent with any provisions of chapter 43.43 RCW.

(3) Unless a party makes an election for a formal hearing pursuant to RCW 82.03.140 or 82.03.190, RCW 34.05.410 through 34.05.598 do not apply to a review hearing conducted by the board of tax appeals.

(4) The rule-making provisions of this chapter do not apply to:

(a) Reimbursement unit values, fee schedules, arithmetic conversion factors, and similar arithmetic factors used to determine payment rates that apply to goods and services purchased under contract for clients eligible under chapter 74.09 RCW; and

(b) Adjustments by the department of revenue of the amount of the surcharge imposed under section 2 of this act.

(5) All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the Administrative Procedure Act, shall be subject to the entire act.

Sec. 5. RCW 82.04.230 and 1993 sp.s. c 25 s 101 are each amended to read as follows:

Upon every person engaging within this state in business as an extractor, except persons taxable as an extractor under any other provision in this chapter; as to such persons the amount of the tax with respect to such business shall be equal to the value of the

products, including byproducts, extracted for sale or for commercial or industrial use, multiplied by the rate of 0.484 percent.

The measure of the tax is the value of the products, including byproducts, so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 6. RCW 82.04.280 and 2004 c 24 s 6 are each amended to read as follows:

Upon every person engaging within this state in the business of:

(1) Printing, and of publishing newspapers, periodicals, or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire, except persons taxable as extractors for hire or processors for hire under another section of this chapter; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of 0.484 percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

As used in this section, "periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

Sec. 7. RCW 82.04.280 and 2003 c 149 s 4 are each amended to read as follows:

Upon every person engaging within this state in the business of:

(1) Printing, and of publishing newspapers, periodicals, or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind

and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire, except persons taxable as extractors for hire or processors for hire under another section of this chapter; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of 0.484 percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

As used in this section, "periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

Sec. 8. RCW 82.04.440 and 2005 c 301 s 3 are each amended to read as follows:

(1) Every person engaged in activities which are within the purview of the provisions of two or more of sections RCW 82.04.230 to 82.04.298, inclusive, shall be taxable under each paragraph applicable to the activities engaged in.

(2) Persons taxable under RCW 82.04.2909(2), 82.04.250, 82.04.270, 82.04.294(2), or 82.04.260 (4) ~~((or (13)))~~, (11), or (12) with respect to selling products in this state, including those persons who are also taxable under section 2 of this act, shall be allowed a credit against those taxes for any (a) manufacturing taxes paid with respect to the manufacturing of products so sold in this state, and/or (b) extracting taxes paid with respect to the extracting of products so sold in this state or ingredients of products so sold in this state. Extracting taxes taken as credit under subsection (3) of this section may also be taken under this subsection, if otherwise allowable under this subsection. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the sale of those products.

(3) Persons taxable as manufacturers under RCW 82.04.240 or 82.04.260 (1)(b) or (12), including those persons who are also taxable under section 2 of this act, shall be allowed a credit against those taxes for any extracting taxes paid with respect to extracting the ingredients of the products so manufactured in this state. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the manufacturing of those products.

(4) Persons taxable under RCW 82.04.230, 82.04.240, 82.04.2909(1), 82.04.294(1), or 82.04.260 (1), (2), (4), ~~((6), or (13)))~~ (11), or (12), including those persons who are also taxable under section 2 of this act, with respect to extracting or manufacturing products in this state shall be allowed a credit against those taxes for any (i) gross receipts taxes paid to another state with respect to the sales of the products so extracted or manufactured in this state, (ii) manufacturing taxes paid with respect to the manufacturing of products using ingredients so extracted in this state, or (iii) manufacturing taxes paid with respect to manufacturing activities completed in another state for products so manufactured in this state. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the extraction or manufacturing of those products.

(5) For the purpose of this section:

(a) "Gross receipts tax" means a tax:

(i) Which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax; and

(ii) Which is also not, pursuant to law or custom, separately stated from the sales price.

(b) "State" means (i) the state of Washington, (ii) a state of the United States other than Washington, or any political subdivision of such other state, (iii) the District of Columbia, and (iv) any foreign country or political subdivision thereof.

(c) "Manufacturing tax" means a gross receipts tax imposed on the act or privilege of engaging in business as a manufacturer, and includes (i) the taxes imposed in RCW 82.04.240, 82.04.2909(1), 82.04.260 (1), (2), (4), ~~((and (13)))~~ (11), and (12), and 82.04.294(1); ~~((and))~~ (ii) the tax imposed under section 2 of this act on persons who are engaged in business as a manufacturer; and (iii) similar gross receipts taxes paid to other states.

(d) "Extracting tax" means a gross receipts tax imposed on the act or privilege of engaging in business as an extractor, and includes (i) the tax imposed on extractors in RCW 82.04.230 and 82.04.260(12); (ii) the tax imposed under section 2 of this act on persons who are engaged in business as an extractor; and (iii) similar gross receipts taxes paid to other states.

(e) "Business", "manufacturer", "extractor", and other terms used in this section have the meanings given in RCW 82.04.020 through 82.04.212, notwithstanding the use of those terms in the context of describing taxes imposed by other states.

NEW SECTION. Sec. 9. A new section is added to chapter 82.32 RCW to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources, the legislature needs information on how a tax incentive is used.

(2)(a) A person who reports taxes under RCW 82.04.260(12) shall file a complete annual survey with the department. The survey is due by March 31st following any year in which a person reports taxes under RCW 82.04.260(12). The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall include the amount of tax reduced under the preferential rate in RCW 82.04.260(12). The survey shall also include the following information for employment positions in Washington:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(b) The first survey filed under this subsection shall include employment, wage, and benefit information for the twelve-month

period immediately before first use of a preferential tax rate under RCW 82.04.260(12).

(c) As part of the annual survey, the department may request additional information, including the amount of investment in equipment used in the activities taxable under the preferential rate in RCW 82.04.260(12), necessary to measure the results of, or determine eligibility for, the preferential tax rate in RCW 82.04.260(12).

(d) All information collected under this section, except the amount of the tax reduced under the preferential rate in RCW 82.04.260(12), is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax reduced is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, except as provided in (e) of this subsection. If the amount of the tax reduced as reported on the survey is different than the amount actually reduced based on the taxpayer's excise tax returns or otherwise allowed by the department, the amount actually reduced may be disclosed.

(e) Persons for whom the actual amount of the tax reduction is less than ten thousand dollars during the period covered by the survey may request the department to treat the amount of the tax reduction as confidential under RCW 82.32.330.

(3) If a person fails to submit a complete annual survey under subsection (2) of this section by the due date or any extension under RCW 82.32.590, the department shall declare the amount of taxes reduced under the preferential rate in RCW 82.04.260(12) for the period covered by the survey to be immediately due and payable. The department shall assess interest, but not penalties, on the taxes. Interest shall be assessed at the rate provided for delinquent excise taxes under this chapter, retroactively to the date the reduced taxes were due, and shall accrue until the amount of the reduced taxes is repaid.

(4) The department shall use the information from the annual survey required under subsection (2) of this section to prepare summary descriptive statistics by category. The department shall report these statistics to the legislature each year by September 1st. The requirement to prepare and report summary descriptive statistics shall cease after September 1, 2025.

(5) By November 1, 2011, and November 1, 2023, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the preferential tax rate provided in RCW 82.04.260(12). The report shall measure the effect of the preferential tax rate provided in RCW 82.04.260(12) on job retention, net jobs created for Washington residents, company growth, and other factors as the committees select. The report shall include a discussion of principles to apply in evaluating whether the legislature should continue the preferential tax rate provided in RCW 82.04.260(12).

Sec. 10. RCW 82.32.590 and 2005 c 514 s 1001 are each amended to read as follows:

(1) If the department finds that the failure of a taxpayer to file an annual survey under RCW 82.04.4452 or section 9 of this act by the due date was the result of circumstances beyond the control of the taxpayer, the department shall extend the time for filing the survey. Such extension shall be for a period of thirty days from the date the department issues its written notification to the taxpayer that it qualifies for an extension under this section. The department may grant additional extensions as it deems proper.

(2) In making a determination whether the failure of a taxpayer to file an annual survey by the due date was the result of circumstances beyond the control of the taxpayer, the department shall be guided by rules adopted by the department for the waiver or cancellation of penalties when the underpayment or untimely payment of any tax was due to circumstances beyond the control of the taxpayer.

Sec. 11. RCW 82.32.600 and 2005 c 514 s 1002 are each amended to read as follows:

(1) Persons required to file surveys under RCW 82.04.4452 or section 9 of this act must electronically file with the department all surveys, returns, and any other forms or information the department requires in an electronic format as provided or approved by the

department ~~((unless the department grants relief under subsection (2) of this section))~~. As used in this section, "returns" has the same meaning as "return" in RCW 82.32.050.

~~(2) (Upon request, the department may relieve a person of the obligations in subsection (1) of this section if the person's taxes have been reduced a cumulative total of less than one thousand dollars from all of the credits, exemptions, or preferential business and occupation tax rates, for which a person is required to file an annual survey under RCW 82.04.4452, 82.32.535, 82.32.545, 82.32.570, 82.32.560, 82.60.070, or 82.63.020.~~

~~(3) Persons who no longer qualify for relief under subsection (2) of this section will be notified in writing by the department and must comply with subsection (1) of this section by the date provided in the notice.~~

~~(4)) Any survey, return, or any other form or information required to be filed in an electronic format under subsection (1) of this section is not filed until received by the department in an electronic format.~~

Sec. 12. 2003 c 149 s 12 (uncodified) is amended to read as follows:

(1)(a) This act ~~((is))~~ and section 7, chapter . . . , Laws of 2006 (section 7 of this act) are contingent upon the siting and commercial operation of a significant semiconductor microchip fabrication facility in the state of Washington.

(b) For the purposes of this section:

(i) "Commercial operation" means the same as "commencement of commercial production" as used in RCW 82.08.965.

(ii) "Semiconductor microchip fabrication" means "manufacturing semiconductor microchips" as defined in RCW 82.04.426.

(iii) "Significant" means the combined investment of new buildings and new machinery and equipment in the buildings, at the commencement of commercial production, will be at least one billion dollars.

(2) This act takes effect the first day of the month in which a contract for the construction of a significant semiconductor fabrication facility is signed, as determined by the director of the department of revenue.

(3)(a) The department of revenue shall provide notice of the effective date of this act to affected taxpayers, the legislature, and others as deemed appropriate by the department.

(b) If, after making a determination that a contract has been signed and this act is effective, the department discovers that commencement of commercial production did not take place within three years of the date the contract was signed, the department shall make a determination that this act is no longer effective, and all taxes that would have been otherwise due shall be deemed deferred taxes and are immediately assessed and payable from any person reporting tax under RCW 82.04.240(2) or claiming an exemption or credit under section 2 or 5 through 10 of this act. The department is not authorized to make a second determination regarding the effective date of this act.

NEW SECTION. Sec. 13. (1) Sections 1, 3, 4 through 6, and 8 through 12 of this act take effect July 1, 2006.

(2) Section 2 of this act takes effect July 1, 2007.

(3) Section 7 of this act takes effect if the contingency in section 12 of this act occurs.

NEW SECTION. Sec. 14. Section 6 of this act expires on the date that section 7 of this act takes effect."

Correct the title.

Representatives McIntire, Orcutt and Takko spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives McIntire, Orcutt, Kessler, Buck and Kretz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6874, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6874, as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, DeBolt, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Darneille, Dickerson, Hasegawa, Hudgins and Sommers - 5.

SUBSTITUTE SENATE BILL NO. 6874, as amended by the House, having received the necessary constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

- SUBSTITUTE HOUSE BILL NO. 1841,
- SUBSTITUTE HOUSE BILL NO. 2155,
- HOUSE BILL NO. 2466,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475,
- SECOND SUBSTITUTE HOUSE BILL NO. 2754,
- ENGROSSED SENATE BILL NO. 5179,
- SUBSTITUTE SENATE BILL NO. 5236,
- SUBSTITUTE SENATE BILL NO. 5654,
- SECOND ENGROSSED SENATE BILL NO. 5714,
- SENATE BILL NO. 6059,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6106,
- SUBSTITUTE SENATE BILL NO. 6141,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6151,
- SECOND SUBSTITUTE SENATE BILL NO. 6172,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6175,
- SUBSTITUTE SENATE BILL NO. 6188,
- SECOND SUBSTITUTE SENATE BILL NO. 6193,
- SUBSTITUTE SENATE BILL NO. 6196,
- SECOND SUBSTITUTE SENATE BILL NO. 6197,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6230,
- SUBSTITUTE SENATE BILL NO. 6234,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6239,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6244,
- SUBSTITUTE SENATE BILL NO. 6246,
- SUBSTITUTE SENATE BILL NO. 6247,
- SENATE BILL NO. 6248,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6255,
- SENATE BILL NO. 6264,
- SENATE BILL NO. 6280,
- SUBSTITUTE SENATE BILL NO. 6287,

- SUBSTITUTE SENATE BILL NO. 6308,
- SECOND SUBSTITUTE SENATE BILL NO. 6319,
- SUBSTITUTE SENATE BILL NO. 6320,
- SUBSTITUTE SENATE BILL NO. 6369,
- SENATE BILL NO. 6373,
- SUBSTITUTE SENATE BILL NO. 6377,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6396,
- SENATE BILL NO. 6412,
- SENATE BILL NO. 6418,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6427,
- SENATE BILL NO. 6429,
- SENATE BILL NO. 6453,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6459,
- SECOND SUBSTITUTE SENATE BILL NO. 6460,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6508,
- SUBSTITUTE SENATE BILL NO. 6527,
- SUBSTITUTE SENATE BILL NO. 6555,
- SENATE BILL NO. 6568,
- SUBSTITUTE SENATE BILL NO. 6613,
- SUBSTITUTE SENATE BILL NO. 6617,
- SENATE BILL NO. 6637,
- ENGROSSED SENATE BILL NO. 6661,
- SUBSTITUTE SENATE BILL NO. 6717,
- SUBSTITUTE SENATE BILL NO. 6781,
- SECOND SUBSTITUTE SENATE BILL NO. 6823,
- SUBSTITUTE SENATE BILL NO. 6840,

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

There being no objection, the House adjourned until 10:00 a.m., March 8, 2006, the 59th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

FIFTY NINTH LEGISLATURE - REGULAR SESSION

FIFTY NINTH DAY

House Chamber, Olympia, Wednesday, March 8, 2006

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

The flags was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sarah Quick and Erin Shimek. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Dennis Flannigan.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2006-4719, By Representative Chase

WHEREAS, Rachel Carson was born in 1907 and grew up on a small Pennsylvania farm where she spent hours exploring the outdoors; and

WHEREAS, Her enthusiasm for the natural world was matched by an early love of writing, leading to her first publication in a children's magazine at age 10; and

WHEREAS, Rachel Carson entered the Pennsylvania College for Women and went on to graduate magna cum laude with a degree in zoology and then earned a master's degree in genetics at Johns Hopkins University; and

WHEREAS, Rachel Carson continued her writing, and her 1951 book, *The Sea Around Us*, became an instant success, receiving the National Book Award for nonfiction and the John Burroughs medal; and

WHEREAS, In 1962, Rachel Carson alerted America to the hazards of pesticides in her landmark and courageous book, *Silent Spring*, which documented how DDT enters the food chain and causes cancer and genetic damage; and

WHEREAS, *Silent Spring*, a best-seller for a year and translated into many languages, raised public awareness about pesticide dangers and the effects of human action on our natural world; and

WHEREAS, Rachel Carson researched and wrote *Silent Spring* while she was fighting breast cancer and bone cancer and died two years after its publication; and

WHEREAS, It is fitting to recognize on March 8th, proclaimed by the United Nations as International Women's Day, this woman who played such a critical role in raising public awareness that nature is vulnerable to human intervention;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Rachel Carson for her contributions to scientific understanding and respect for our environment.

HOUSE RESOLUTION NO. 4719 was adopted.

HOUSE RESOLUTION NO. 2006-4720, By Representative Linville

WHEREAS, It is the tradition of the Washington state Legislature to recognize individuals who perform heroic acts and who help protect and ensure the well-being of the citizens of Washington state; and

WHEREAS, Deputy Stuart Smith of the Whatcom County Sheriff's Office performed such an act on January 24, 2006, by playing a critical role in stopping two fugitives who were attempting to flee to Canada; and

WHEREAS, These suspects were known to be armed and dangerous and were endangering the lives of others during the course of the pursuit; and

WHEREAS, These suspects were wanted in the state of California for murder and are to be expedited to face these charges; and

WHEREAS, The law enforcers of Washington state go to work everyday with the knowledge that their line of work can be dangerous; and

WHEREAS, Deputy Smith knowingly risked his life by ramming the suspects' vehicle to stop it before it crossed the border, then subsequently assisted in the arrest of the suspects; and

WHEREAS, It is the fundamental duty of the police officers of this state to safeguard lives and property, to protect the weak and innocent, and to uphold the peace; and

WHEREAS, Deputy Smith upheld these principles while in the line of duty by helping to ensure these dangerous suspects could not escape the law;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the bravery of Deputy Stuart Smith and his dedication to maintaining the rule of law; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Deputy Stuart Smith and his family and to the Whatcom County Sheriff's Office.

HOUSE RESOLUTION NO. 4720 was adopted.

HOUSE RESOLUTION NO. 2006-4721, By Representative Nixon and Springer

WHEREAS, Twenty school districts in the state have established policies that allow a student representative from a high school in the district to serve as a nonvoting member of the district's school board; and

WHEREAS, The student representative serves as a liaison between the students and the school board and attends school board meetings, at which he or she reports student activities, concerns, and opinions, and contributes to board discussions, but does not vote or attend executive meetings; and

WHEREAS, The student representative communicates board issues and decisions to students through participation in Associated Student Body meetings or other means; and

WHEREAS, Morgan Wilhelm from Cedarcrest High School of Duvall is one of those student representatives, and her efforts, like the efforts of other students so honored, have helped to present a valuable perspective to school board

deliberations, as well as a professional and direct avenue for student concerns to be voiced; and

WHEREAS, The student representative position offers students an opportunity to develop and refine leadership and public speaking skills, to interact with community leaders, and to gain knowledge of school board issues and procedures, as well as respect for public service;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the contributions of Morgan Wilhelm, and all other students who serve as student representatives to school district boards; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Morgan Wilhelm, the Riverview School District, and the Washington State School Directors' Association.

HOUSE RESOLUTION NO. 4721 was adopted.

MESSAGES FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SENATE BILL NO. 5179,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6151,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6175,
SECOND SUBSTITUTE SENATE BILL NO. 6193,
SECOND SUBSTITUTE SENATE BILL NO. 6197,
SECOND SUBSTITUTE SENATE BILL NO. 6326,
SUBSTITUTE SENATE BILL NO. 6528,
SUBSTITUTE SENATE BILL NO. 6540,
SENATE BILL NO. 6541,
SUBSTITUTE SENATE BILL NO. 6552,
SUBSTITUTE SENATE BILL NO. 6597,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6630,
SENATE BILL NO. 6731,
ENGROSSED SENATE BILL NO. 6741,
SUBSTITUTE SENATE BILL NO. 6775,
SUBSTITUTE SENATE BILL NO. 6806,
SUBSTITUTE SENATE BILL NO. 6851,

as the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 8, 2006

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672,
SECOND SUBSTITUTE HOUSE BILL NO. 2583,
SUBSTITUTE HOUSE BILL NO. 2596,
HOUSE BILL NO. 2612,
SUBSTITUTE HOUSE BILL NO. 2640,
SECOND SUBSTITUTE HOUSE BILL NO. 2799,
SUBSTITUTE HOUSE BILL NO. 2880,

and the same are herewith transmitted.

Thomas Hoemann, Secretary
RESOLUTION

HOUSE RESOLUTION NO. 2006-4718, By
Representatives Serben, Orcutt and Hunt

WHEREAS, The House of Representatives of the state of Washington recognize extraordinary merit and achievement in all forms of endeavors; and

WHEREAS, The Seattle Seahawks organization, and its legion of loyal fans across this great state and country, deserve

such recognition for the outstanding accomplishment they made in becoming champions to the people of Washington and supporters nationwide; and

WHEREAS, With an experienced coaching staff, MVP running back, Pro Bowl quarterback, dominant offensive line, young, but stifling defense, and electric special teams, the Seahawks posted a franchise-best 13-3 regular season record, including a first-ever 11-game winning streak; and

WHEREAS, During this incredible run, the Seahawks dominated by scoring 57 touchdowns to their opponents' 24, 5,915 total yards to their opponents' 5,069, 361 first downs to their opponents' 295, and 50 sacks to their opponents' 27; and

WHEREAS, The Seahawks played in their first Super Bowl in franchise history on February 5, 2006 - Super Bowl XL - where they lost to the Pittsburgh Steelers 21-10 due partly to questionable referee calls, including 70 penalty yards compared to just 20 for Pittsburgh; and

WHEREAS, Super Bowl XL was distributed internationally to more than 230 countries and nationally to more than 200 television stations throughout the United States, where hundreds of millions of people got to experience Seahawks football and a taste of Seattle; and

WHEREAS, The Seahawks play in one of the most state-of-the-art facilities in all of professional sports, providing a raucous and loud environment that intimidates opposing teams; and

WHEREAS, The spirit of the "12th Man" reached every part of this great state and each Seahawks fan across the country, and played a central role in the team's success, much to the chagrin of Texas A&M University; and

WHEREAS, Seahawks Head Coach, Mike Holmgren, began his coaching career in 1971 at his alma mater Lincoln High School in San Francisco, California, where he also taught history; and

WHEREAS, Seahawks Head Coach, Mike Holmgren, has been with the team since January 9, 1999, guiding the Seahawks to a 22-13 record over their last 35 regular-season games, and once again leading a team to the Super Bowl; and

WHEREAS, In the same year that the Seahawks went to the Super Bowl for the first time in franchise history, a former player and current broadcaster, Warren Moon, became the first African-American quarterback named to the Pro Football Hall of Fame; and

WHEREAS, The Seahawks make as big of an impact off the field as they do on the field through their Charitable Foundation, which promotes the healthy social, emotional, intellectual, and physical development of youth by enhancing opportunities for participation in sports and fitness activities, including the Blue Ribbon Partner Program, a collaboration among Seattle youth service organizations, the Seahawks, the Paul G. Allen Family Foundation, and the Seahawks Leadership Academy for at-risk youth;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its recognition and pride for all that the Seahawks accomplished over the 2005-2006 season, both as a team and as individuals, and acknowledge that a new and exciting era of Seahawks football has been ushered in to the delight of appreciative fans everywhere; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Seattle Seahawks front office personnel, Paul G. Allen, Jody Patton, and Mike Flood, as well as Coach Mike Holmgren and Governor Gregoire.

Representative Serben moved the adoption of the resolution.

Representatives Serben and Hunt spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4718 was adopted.

The Speaker (Representative Lovick presiding) introduced Seahawk player Seneca Wallace and former Seahawk player Jim Zorn.

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

SECOND READING

SENATE BILL NO. 6368, By Senators Haugen, Benson, Kline, Kohl-Welles, Keiser, Carrell and Fairley

Discontinuing the nursing facility bed tax.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire, Hinkle, Alexander and Kagi spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6368.

With the consent of the House, Representative Campbell was excused.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6368 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Kretz - 1.

Excused: Representative Campbell - 1.

SENATE BILL NO. 6368, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SUBSTITUTE SENATE BILL NO. 6533, By Senate Committee on Ways & Means (originally sponsored by

Senators Prentice, Zarelli, Schoesler, Benton and McCaslin)

Providing a business and occupation tax credit for syrup taxes paid by a business.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was not adopted. (For Committee amendment, see Journal, 52nd Day, March 1, 2006.)

With the consent of the House, amendments (1135), (1132), (1144), (1145), (1146), (1147), (1148), (1149), (1150), (1151), (1152), (1153), (1155), (1156), (1138), (1140), (1182), (1183), (1141) and (1160) were withdrawn.

Representative Ericks the adoption of amendment (1169):

On page 1, line 10, strike "fifty percent" and insert "twenty-five percent from July 1, 2006 through June 30, 2007, fifty percent from July 1, 2007 through June 30, 2008, seventy-five percent from July 1, 2008 through June 30, 2009 and one-hundred percent after June 30, 2009"

Representatives Ericks and Orcutt spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Dickerson moved the adoption of amendment (1164):

On page 2, line 1, after "earned." insert: "No more than one thousand dollars may be taken in credit by a person in a twelve month period."

Representative Dickerson spoke in favor of the adoption of the amendment.

Representatives Orcutt and Simpson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Dickerson moved the adoption of amendment (1131):

On page 2, line 3, after "(3)" insert "No credit is available under this section for a buyer of syrup that provides free refills of carbonated beverages.
(4)"

Representative Dickerson spoke in favor of the adoption of the amendment.

Representatives Kessler and Orcutt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Kagi moved the adoption of amendment (1134):

On page 2, line 3, after "(3)" insert "No credit is available under this section for carbonated beverages that contain more than one calorie per twelve ounces of beverage.
(4)"

Renumber the subsections consecutively and correct any internal references accordingly.

Representative Kagi spoke in favor of the adoption of the amendment.

Representatives Clibborn and Orcutt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Schual-Berke moved the adoption of amendment (1139):

On page 2, after line 7, insert
 "(5) The department of health shall estimate the increase in health care costs due to the increase in carbonate beverage consumption resulting from the tax credit provided in this section. Health care costs to be estimated include costs incurred by individuals, health insurers, employers, and governments. The department shall report to the legislature by December 1, 2007."

Representative Schual-Berke spoke in favor of the adoption of the amendment.

Representatives Orcutt and Linville spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Ericks, Orcutt, Kessler, Bailey, Schindler, Morris, McIntire, Clements, Miloscia, Nixon and Armstrong spoke in favor of passage of the bill.

Representatives Sommers and Flannigan spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6533, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6533, as amended by the House, and the bill passed the House by the following vote: Yeas - 84, Nays - 13, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Condotta, Conway, Cox, Crouse, Curtis, DeBolt, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hunt, Hunter, Jarrett, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, Miloscia, Moeller, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 84.

Voting nay: Representatives Appleton, Cody, Darneille, Dickerson, Flannigan, Hasegawa, Hudgins, Kagi, McIntire, Morrell, Roberts, Schual-Berke and Sommers - 13.

Excused: Representative Campbell - 1.

SUBSTITUTE SENATE BILL NO. 6533, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6793, By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Brown, Brandland, McAuliffe, Thibaudeau, Rockefeller and Rasmussen)

Specifying roles and responsibilities with respect to the treatment of persons with mental disorders.

The bill was read the second time.

With the consent of the House, amendment (1178) was withdrawn.

Representative Cody moved the adoption of amendment (1188):

Strike everything after the enacting clause and insert the following:

"PART I REGIONAL SUPPORT NETWORKS

NEW SECTION. Sec. 101. (1) The legislature finds that ambiguities have been identified regarding the appropriation and allocation of federal and state funds, and the responsibilities of the department of social and health services and the regional support networks with regard to the provision of inpatient mental health services under the community mental health services act, chapter 71.24 RCW, and the involuntary treatment act, chapter 71.05 RCW. The purpose of this 2006 act is to make retroactive, remedial, curative, and technical amendments in order to resolve such ambiguities.

(2) In enacting the community mental health services act, the legislature intended the relationship between the state and the regional support networks to be governed solely by the terms of the regional support network contracts and did not intend these relationships to create statutory causes of action not expressly provided for in the contracts. Therefore, the legislature's intent is that, except to the extent expressly provided in contracts entered after the effective date of this section, the department of social and health services and regional support networks shall resolve existing and future disagreements regarding the subject matter identified in sections 103 and 301 of this act through nonjudicial means.

Sec. 102. RCW 71.24.016 and 2001 c 323 s 4 are each amended to read as follows:

(1) The legislature intends that eastern and western state hospitals shall operate as clinical centers for handling the most complicated long-term care needs of patients with a primary diagnosis of mental disorder. It is further the intent of the legislature that the community mental health service delivery system focus on maintaining mentally ill individuals in the community. The program shall be evaluated and managed through a limited number of performance measures designed to hold each regional support network accountable for program success.

(2) The legislature intends to address the needs of people with mental disorders with a targeted, coordinated, and comprehensive set of evidence-based practices that are effective in serving individuals in their community and will reduce the need for placements in state mental hospitals. The legislature further intends to explicitly hold regional support networks accountable for serving people with mental disorders within their geographic boundaries and for not exceeding

their allocation of state hospital beds. Within funds appropriated by the legislature for this purpose, regional support networks shall develop the means to serve the needs of people with mental disorders within their geographic boundaries. Elements of the program may include:

- (a) Crisis triage;
 - (b) Evaluation and treatment and community hospital beds;
 - (c) Residential beds;
 - (d) Programs for community treatment teams; and
 - (e) Outpatient services.
- (3) The regional support network shall have the flexibility, within the funds appropriated by the legislature for this purpose, to design the mix of services that will be most effective within their service area of meeting the needs of people with mental disorders and avoiding placement of such individuals at the state mental hospital. Regional support networks are encouraged to maximize the use of evidence-based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.

NEW SECTION. Sec. 103. A new section is added to chapter 71.24 RCW to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after the effective date of this section.

(2) Except as expressly provided in contracts entered into between the department and the regional support networks after the effective date of this section, the entities identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability against the state or state agencies for actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient mental health care.

(3) This section applies to counties, regional support networks, and entities which contract to provide regional support network services and their subcontractors, agents, or employees.

Sec. 104. RCW 71.24.025 and 2005 c 504 s 105 and 2005 c 503 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals (~~except as negotiated according to RCW 71.24.300(1)(d)~~).

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous

period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Community mental health program" means all mental health services, activities, or programs using available resources.

(6) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(7) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by regional support networks.

(8) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(9) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(10) "Department" means the department of social and health services.

(11) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(12) "Emerging best practice" or "promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

(13) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(14) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(15) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(16) "Mental health services" means all services provided by regional support networks and other services provided by the state for the mentally ill.

~~((+6))~~ (17) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (4), ~~((25))~~ (26), and ~~((26))~~ (27) of this section.

~~((+7))~~ (18) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

~~((18))~~ (19) "Regional support network" means a county authority or group of county authorities or other nonprofit entity recognized by the secretary in contract in a defined region.

~~((19))~~ (20) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

~~((20))~~ (21) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill adults, severely emotionally disturbed children, or seriously disturbed adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes, boarding homes, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((21))~~ (22) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

~~((22))~~ (23) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

~~((23))~~ (24) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Acutely mentally ill adults and children; (b) chronically mentally ill adults; (c) severely emotionally disturbed children; or (d) seriously disturbed adults determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((24))~~ (25) "Secretary" means the secretary of social and health services.

~~((25))~~ (26) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((26))~~ (27) "Severely emotionally disturbed child" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((27))~~ (28) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

~~((28))~~ (29) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

~~((29))~~ (30) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

Sec. 105. RCW 71.24.045 and 2005 c 503 s 8 are each amended to read as follows:

The regional support network shall:

(1) Contract as needed with licensed service providers. The regional support network may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the regional support network shall comply with rules promulgated by the secretary that shall provide measurements to determine when a regional support network provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the regional support network to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts;

(4) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(5) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

~~(6) ((Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155; PROVIDED, That county authorities serving a county or combination of counties whose population is one hundred twenty-five thousand or more may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time~~

employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

~~((7))~~ Collaborate to ensure that policies do not result in an adverse shift of mentally ill persons into state and local correctional facilities;

~~((8))~~ (7) Work with the department to expedite the enrollment or re-enrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases;

~~((9))~~ (8) If a regional support network is not operated by the county, work closely with the county designated mental health professional or county designated crisis responder to maximize appropriate placement of persons into community services; and

~~((10))~~ (9) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital to ensure they are transitioned into the community in accordance with mutually agreed upon discharge plans and upon determination by the medical director of the state mental hospital that they no longer need intensive inpatient care.

Sec. 106. RCW 71.24.300 and 2005 c 503 s 11 are each amended to read as follows:

(1) Upon the request of a tribal authority or authorities within a regional support network the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network.

(2) The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served.

(3) The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that counties and the regional support network do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary.

(4) If a regional support network is a private nonprofit entity, the department shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network.

(5) The roles and responsibilities of the private nonprofit entity and the tribal authorities shall be determined by the department, through negotiation with the tribal authority.

~~((4))~~ (6) Regional support networks shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(c) Provide within the boundaries of each regional support network evaluation and treatment services for at least ~~((eighty-five))~~ ninety percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks ~~((with populations of less than one hundred fifty thousand))~~ may contract to purchase evaluation and treatment services from other networks if they are unable to provide for appropriate resources within their boundaries. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each regional support network. Such exceptions are limited to:

(i) Contracts with neighboring or contiguous regions; or

(ii) Individuals detained or committed for periods up to seventeen days at the state hospitals at the discretion of the secretary.

~~(d) ((Administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network, with the exception of persons currently confined at, or under the supervision of, a state mental hospital pursuant to chapter 10.77 RCW, and provide for the care of all persons needing evaluation and treatment services for periods up to seventeen days according to chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The secretary shall submit a report to the appropriate committees of the senate and house of representatives on the efforts to implement this section by October 1, 2002. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section.~~

~~((e))~~ Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as defined in RCW 71.24.035, and mental health services to children.

~~((f))~~ (c) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

~~((2))~~ (7) A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

~~((3))~~ (8) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter, provide local oversight regarding the activities of the regional support network, and work with the regional support network to resolve significant concerns regarding service delivery and outcomes. The department shall establish statewide procedures for the operation of regional advisory committees including mechanisms for advisory board feedback to the department regarding regional support network performance. The composition of the board shall be broadly representative of the demographic character of the region and shall include, but not be limited to, representatives of consumers and families, law enforcement, and where the county is not the regional support network, county elected officials. Composition and length of terms of board members may differ between regional support networks but shall be included in each regional support network's contract and approved by the secretary.

~~((4))~~ (9) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

~~((5))~~ (10) Regional support networks may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the regional support network six-year operating and capital plan, timeline, and budget required by subsection ~~((4))~~ (6) of this section.

Sec. 107. RCW 71.24.310 and 1989 c 205 s 6 are each amended to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the regional support network defined in RCW 71.24.025. For this reason, the legislature intends that ~~((any enhanced program funding for implementation of))~~ the department and the regional support networks shall work together to implement chapter 71.05 RCW ~~((or this chapter, except for funds allocated for implementation of mandatory statewide programs as required by federal statute, be made available primarily to those counties participating in regional support networks))~~ as follows:

(1) By June 1, 2006, regional support networks shall recommend to the department the number of state hospital beds that should be allocated for use by each regional support network. The statewide total allocation shall not exceed the number of state hospital beds offering long-term inpatient care, as defined in this chapter, for which funding is provided in the biennial appropriations act.

(2) If there is consensus among the regional support networks regarding the number of state hospital beds that should be allocated for use by each regional support network, the department shall contract with each regional support network accordingly.

(3) If there is not consensus among the regional support networks regarding the number of beds that should be allocated for use by each regional support network, the department shall establish by emergency rule the number of state hospital beds that are available for use by each regional support network. The emergency rule shall be effective September 1, 2006. The primary factor used in the allocation shall be the estimated number of acutely and chronically mentally ill adults in each regional support network area, based upon population-adjusted incidence and utilization.

(4) The allocation formula shall be updated at least every three years to reflect demographic changes, and new evidence regarding the incidence of acute and chronic mental illness and the need for long-term inpatient care. In the updates, the statewide total allocation shall include (a) all state hospital beds offering long-term inpatient care for which funding is provided in the biennial appropriations act; plus (b) the estimated equivalent number of beds or comparable diversion services contracted in accordance with subsection (5) of this section.

(5) The department is encouraged to enter performance-based contracts with regional support networks to provide some or all of the regional support network's allocated long-term inpatient treatment capacity in the community, rather than in the state hospital. The performance contracts shall specify the number of patient days of care available for use by the regional support network in the state hospital.

(6) If a regional support network uses more state hospital patient days of care than it has been allocated under subsection (3) or (4) of this section, or than it has contracted to use under subsection (5) of this section, whichever is less, it shall reimburse the department for that care. The reimbursement rate per day shall be the hospital's total annual budget for long-term inpatient care, divided by the total patient days of care assumed in development of that budget.

(7) One-half of any reimbursements received pursuant to subsection (6) of this section shall be used to support the cost of operating the state hospital. The department shall distribute the remaining half of such reimbursements among regional support networks that have used less than their allocated or contracted patient days of care at that hospital, proportional to the number of patient days of care not used.

PART II MENTAL HEALTH AUTHORITY

Sec. 201. RCW 71.24.035 and 2005 c 504 s 715 and 2005 c 503 s 7 are each reenacted and amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for mentally ill adults and

children. The secretary shall also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the region's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards and RCW 71.24.320 ~~((and))~~, 71.24.330, and 71.24.3201, which shall be used in contracting with regional support networks. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of regional support networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional

support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit regional support networks and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter; and

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services.

(6) The secretary shall use available resources only for regional support networks, except to the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

~~(13) ((a) The department, in consultation with affected parties, shall establish a distribution formula that reflects regional needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed. The formula shall take into consideration the impact on regions of demographic factors which result in concentrations of priority populations as set forth in subsection (5)(b) of this section. These factors shall include the population concentrations resulting from commitments under chapters 71.05 and 71.34 RCW to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.~~

~~(b) The formula shall also include a projection of the funding allocations that will result for each region, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.~~

~~(c) After July 1, 2003, the department may allocate up to two percent of total funds to be distributed to the regional support networks for incentive payments to reward the achievement of superior outcomes, or significantly improved outcomes, as measured~~

~~by a statewide performance measurement system consistent with the framework recommended in the joint legislative audit and review committee's performance audit of the mental health system. The department shall annually report to the legislature on its criteria and allocation of the incentives provided under this subsection.)~~ The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(14) The secretary shall assume all duties assigned to the nonparticipating regional support networks under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. ((Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.)) Regional support networks disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the regional support networks.

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

Sec. 202. RCW 71.24.320 and 2005 c 503 s 4 are each amended to read as follows:

(1) The secretary shall initiate a procurement process for regional support networks in 2005. In the first step of the procurement process, existing regional support networks may respond to a request for qualifications developed by the department. The secretary shall issue the request for qualifications not later than October 1, 2005. The request for qualifications shall be based on cost-effectiveness, adequate residential and service capabilities, effective collaboration with criminal justice agencies and the chemical dependency treatment system, and the ability to provide the full array of services as stated in the mental health state plan, and shall meet all applicable federal and state regulations and standards. An existing regional support network shall be awarded the contract with the department if it substantially meets the requirements of the request for qualifications developed by the department.

(2)(a) If an existing regional support network chooses not to respond to the request for qualifications, or is unable to substantially meet the requirements of the request for qualifications, the department shall utilize a procurement process in which other entities recognized by the secretary may bid to serve as the regional support

network in that region. The procurement process shall begin with a request for proposals issued March 1, 2006.

(i) The request for proposal shall include a scoring factor for proposals that include additional financial resources beyond that provided by state appropriation or allocation.

(ii) Regional support networks that substantially met the requirements of the request for qualifications may bid to serve as the regional support network for other regions of the state that are subject to the request for proposal process. The proposal shall be evaluated on whether the bid meets the threshold requirement for the new region and shall not subject the regional support networks' original region to the request for proposal.

(b) Prior to final evaluation and scoring of the proposals all respondents will be provided with an opportunity for a detailed briefing by the department regarding the deficiencies in the proposal and shall be provided an opportunity to clarify information previously submitted.

Sec. 203. RCW 71.24.330 and 2005 c 503 s 6 are each amended to read as follows:

(1) Contracts between a regional support network and the department shall include mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the requirements of the contract including, but not limited to, financial penalties, termination of the contract, and reprourement of the contract.

(2) The procurement process shall encourage the preservation of infrastructure previously purchased by the community mental health service delivery system, the maintenance of linkages between other services and delivery systems, and maximization of the use of available funds for services versus profits. The procurement process shall provide that public funds appropriated by the legislature shall not be used to promote or deter, encourage, or discourage employees from exercising their rights under Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

(3) In addition to the requirements of RCW 71.24.035, contracts shall:

(a) Define administrative costs and ensure that the regional support network does not exceed an administrative cost of ten percent of available funds;

(b) Require effective collaboration with law enforcement, criminal justice agencies, and the chemical dependency treatment system;

(c) Require substantial implementation of department adopted integrated screening and assessment process and matrix of best practices; ~~(and)~~

(d) Maintain the decision-making independence of designated mental health professionals;

(e) Except at the discretion of the secretary or as specified in the biennial budget, require regional support networks to pay the state for the costs associated with individuals who are being served on the grounds of the state hospitals and who are not receiving long-term inpatient care as defined in RCW 71.24.025; and

(f) Include a negotiated alternative dispute resolution clause.

Sec. 204. RCW 72.23.025 and 1998 c 245 s 141 are each amended to read as follows:

(1) It is the intent of the legislature to improve the quality of service at state hospitals, eliminate overcrowding, and more specifically define the role of the state hospitals. The legislature intends that eastern and western state hospitals shall become clinical centers for handling the most complicated long-term care needs of patients with a primary diagnosis of mental disorder. ~~((Over the next six years, their involvement in providing short-term, acute care, and less complicated long-term care shall be diminished in accordance with the revised responsibilities for mental health care under chapter 71.24 RCW.))~~ To this end, the legislature intends that funds appropriated for mental health programs, including funds for regional support networks and the state hospitals be used for persons with primary diagnosis of mental disorder. The legislature finds that establishment of the eastern state hospital board, the western state hospital board, and institutes for the study and treatment of mental

disorders at both eastern state hospital and western state hospital will be instrumental in implementing the legislative intent.

(2)(a) The eastern state hospital board and the western state hospital board are each established. Members of the boards shall be appointed by the governor with the consent of the senate. Each board shall include:

(i) The director of the institute for the study and treatment of mental disorders established at the hospital;

(ii) One family member of a current or recent hospital resident;

(iii) One consumer of services;

(iv) One community mental health service provider;

(v) Two citizens with no financial or professional interest in mental health services;

(vi) One representative of the regional support network in which the hospital is located;

(vii) One representative from the staff who is a physician;

(viii) One representative from the nursing staff;

(ix) One representative from the other professional staff;

(x) One representative from the nonprofessional staff; and

(xi) One representative of a minority community.

(b) At least one representative listed in (a)(viii), (ix), or (x) of this subsection shall be a union member.

(c) Members shall serve four-year terms. Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 and shall receive compensation as provided in RCW 43.03.240.

(3) The boards established under this section shall:

(a) Monitor the operation and activities of the hospital;

(b) Review and advise on the hospital budget;

(c) Make recommendations to the governor and the legislature for improving the quality of service provided by the hospital;

(d) Monitor and review the activities of the hospital in implementing the intent of the legislature set forth in this section; and

(e) Consult with the secretary regarding persons the secretary may select as the superintendent of the hospital whenever a vacancy occurs.

(4)(a) There is established at eastern state hospital and western state hospital, institutes for the study and treatment of mental disorders. The institutes shall be operated by joint operating agreements between state colleges and universities and the department of social and health services. The institutes are intended to conduct training, research, and clinical program development activities that will directly benefit mentally ill persons receiving treatment in Washington state by performing the following activities:

(i) Promote recruitment and retention of highly qualified professionals at the state hospitals and community mental health programs;

(ii) Improve clinical care by exploring new, innovative, and scientifically based treatment models for persons presenting particularly difficult and complicated clinical syndromes;

(iii) Provide expanded training opportunities for existing staff at the state hospitals and community mental health programs;

(iv) Promote bilateral understanding of treatment orientation, possibilities, and challenges between state hospital professionals and community mental health professionals.

(b) To accomplish these purposes the institutes may, within funds appropriated for this purpose:

(i) Enter joint operating agreements with state universities or other institutions of higher education to accomplish the placement and training of students and faculty in psychiatry, psychology, social work, occupational therapy, nursing, and other relevant professions at the state hospitals and community mental health programs;

(ii) Design and implement clinical research projects to improve the quality and effectiveness of state hospital services and operations;

(iii) Enter into agreements with community mental health service providers to accomplish the exchange of professional staff between the state hospitals and community mental health service providers;

(iv) Establish a student loan forgiveness and conditional scholarship program to retain qualified professionals at the state hospitals and community mental health providers when the secretary has determined a shortage of such professionals exists.

(c) Notwithstanding any other provisions of law to the contrary, the institutes may enter into agreements with the department or the state hospitals which may involve changes in staffing necessary to implement improved patient care programs contemplated by this section.

(d) The institutes are authorized to seek and accept public or private gifts, grants, contracts, or donations to accomplish their purposes under this section.

PART III INVOLUNTARY TREATMENT

NEW SECTION. Sec. 301. A new section is added to chapter 71.05 RCW to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after the effective date of this section.

(2) Except as expressly provided in contracts entered into between the department and the regional support networks after the effective date of this section, the entities identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability against the state or state agencies for actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient mental health care.

(3) This section applies to counties, regional support networks, and entities which contract to provide regional support network services and their subcontractors, agents, or employees.

Sec. 302. RCW 71.05.230 and 1998 c 297 s 13 are each amended to read as follows:

A person detained for seventy-two hour evaluation and treatment may be detained for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative to involuntary intensive treatment. There shall be no fee for filing petitions for fourteen days of involuntary intensive treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder and either results in a likelihood of serious harm, or results in the detained person being gravely disabled and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department; and

(4) The professional staff of the agency or facility or the ((county)) designated mental health professional has filed a petition for fourteen day involuntary detention or a ninety day less restrictive alternative with the court. The petition must be signed either by two physicians or by one physician and a mental health professional who have examined the person. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, or is gravely disabled and shall set forth the less restrictive alternative proposed by the facility; and

(5) A copy of the petition has been served on the detained person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The court has ordered a fourteen day involuntary intensive treatment or a ninety day less restrictive alternative treatment after a probable cause hearing has been held pursuant to RCW 71.05.240; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the ((county)) designated mental health professional may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated has agreed to assume such responsibility.

Sec. 303. RCW 71.05.300 and 1998 c 297 s 17 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the ((county)) designated mental health professional. The ((county)) designated mental health professional shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, ((and)) the prosecuting attorney, and the regional support network administrator, and provide a copy of the petition to such persons as soon as possible. The regional support network administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney and of his or her right to a jury trial. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a developmentally disabled person who has been determined to be incompetent pursuant to RCW 10.77.090(4), then the appointed professional person under this section shall be a developmental disabilities professional.

(4) The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 304. RCW 71.05.320 and 1999 c 13 s 7 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment: PROVIDED, That

(a) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

(b) If the committed person is developmentally disabled and has been determined incompetent pursuant to RCW 10.77.090(4), and the best interests of the person or others will not be served by a less-restrictive treatment which is an alternative to detention, the court shall remand

him or her to the custody of the department or to a facility certified for one hundred eighty-day treatment by the department. When appropriate and subject to available funds, treatment and training of such persons must be provided in a program specifically reserved for the treatment and training of developmentally disabled persons. A person so committed shall receive habilitation services pursuant to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of developmentally disabled persons. The department may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department. An order for treatment less restrictive than involuntary detention may include conditions, and if such conditions are not adhered to, the designated mental health professional or developmental disabilities professional may order the person apprehended under the terms and conditions of RCW 71.05.340.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment: PROVIDED, That if the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment.

((2)) (3) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated mental health professional or developmental disabilities professional, files a new petition for involuntary treatment on the grounds that the committed person;

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of mental disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder or developmental disability a likelihood of serious harm; or

(c) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability presents a substantial likelihood of repeating similar acts considering the charged criminal behavior, life history, progress in treatment, and the public safety; or

(d) Continues to be gravely disabled.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to reprove that element. Such new petition for involuntary treatment shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this subsection are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this subsection. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment.

((3)) (4) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length.

PART IV MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 401. RCW 71.05.550 (Recognition of county financial necessities) and 2005 c 504 s 218 & 1973 1st ex.s. c 142 s 60 are each repealed.

NEW SECTION. Sec. 402. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 103. Part headings used in this act are not part of the law.

NEW SECTION. Sec. 404. This act takes effect July 1, 2006, except that sections 101 through 103, 107, 202, and 301 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.

Representatives Cody and Hinkle spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody, Hinkle and Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6793, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6793, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Campbell - 1.

SECOND SUBSTITUTE SENATE BILL NO. 6793, as amended by the House, having received the necessary constitutional majority, was declared passed.

TOTAL APPROPRIATION ~~(\$4,484,000)~~
\$5,224,000

REPORT OF CONFERENCE COMMITTEE

March 7, 2006

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6386, Making 2006 supplemental operating appropriations, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

**"PART I
GENERAL GOVERNMENT**

Sec. 101. 2005 c 518 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES
General Fund--State Appropriation (FY 2006) . . . ~~(\$30,411,000)~~
\$30,244,000
General Fund--State Appropriation (FY 2007) . . . ~~(\$30,900,000)~~
\$30,951,000
Pension Funding Stabilization Account Appropriation . \$167,000
TOTAL APPROPRIATION ~~(\$61,311,000)~~
\$61,362,000

The appropriations in this section are subject to the following conditions and limitations: ~~(((2) \$25,000))~~ \$8,000 of the general fund--state appropriation for fiscal year 2006 ~~((is))~~ and \$17,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the children's and family services task force established in Engrossed Substitute Senate Bill No. 5872 (family/children's department). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 102. 2005 c 518 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE
General Fund--State Appropriation (FY 2006) . . . ~~(\$23,253,000)~~
\$23,236,000
General Fund--State Appropriation (FY 2007) . . . ~~(\$25,368,000)~~
\$25,412,000
Pension Funding Stabilization Account Appropriation . \$125,000
TOTAL APPROPRIATION ~~(\$48,621,000)~~
\$48,773,000

The appropriations in this section are subject to the following conditions and limitations: ~~(((25,000))~~ \$8,000 of the general fund--state appropriation for fiscal year 2006 ~~((is))~~ and \$17,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the children's and family services task force established in Engrossed Substitute Senate Bill No. 5872 (family/children's department). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 103. 2005 c 518 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE
General Fund--State Appropriation (FY 2006) . . . ~~(\$2,531,000)~~
\$2,294,000
General Fund--State Appropriation (FY 2007) . . . ~~(\$1,953,000)~~
\$2,921,000
Pension Funding Stabilization Account Appropriation . . . \$9,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions in this section, the committee may adjust the due dates for projects included on the committee's 2005-07 work plan as necessary to efficiently manage workload.

(2)(a) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for a study of the basic health plan. Part 1 of the study shall examine the extent to which basic health plan policies and procedures promote or discourage the provision of appropriate, high-quality, cost-effective care to basic health plan enrollees. Issues to be addressed include, but are not limited to, whether (i) enrollees are encouraged to engage in wellness activities and receive preventative services; (ii) evidence-based treatment strategies are identified and promoted; (iii) enrollees are encouraged to use high-quality providers; (iv) enrollees with chronic or other high-cost conditions are identified and provided with appropriate interventions; and (v) innovative health care service delivery methods are encouraged. Part 1 of the study report shall be completed by December 2005.

(b) Part 2 of the study shall examine the characteristics of individuals enrolled in the basic health plan, and their use of health care services, including, but not limited to, (i) enrollee longevity on the basic health plan; (ii) circumstances that led to basic health plan enrollment; (iii) how enrollees obtained health care prior to basic health plan enrollment; (iv) health care coverage of other household members; (v) service utilization patterns; and (vi) employment status and by whom basic health plan enrollees are employed. Part 2 of the study must be completed by July, 2006.

(3) ~~(\$188,000)~~ \$37,000 of the general fund--state appropriation for fiscal year 2006 ~~((is))~~ and \$151,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the public infrastructure study and the cost of evaluating the effectiveness of the job development fund grant program required by House Bill No. 1903 (creating a job development fund). If House Bill No. 1903 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an evaluation of the budget process used for information technology projects. The evaluation will include: Itemizing total costs for current information technology funding across state agencies; analyzing current processes by which information funding is requested and evaluated; analyzing processes used in the private sector and other states; and assessing the applicability of other practices for improving the state's funding process. A report is due in January 2006.

(5) \$125,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for a study of the current state pupil transportation funding formula. The study will evaluate the extent to which the formula captures the costs of providing pupil transportation for basic education programs. Based on the results of this evaluation, the study shall develop alternative formulas for allocating state funding to school districts for the transportation of students for basic education programs. The alternative formulas shall take into account the legislative definition of basic education programs, promote the efficient use of state and local resources, and allow local district control over the management of pupil transportation systems. In addition, the study shall include a review of the funding mechanisms used by other states and identify best practices.

(6) Within amounts provided in this section, the committee shall conduct a review of the special education excess cost accounting methodology and expenditure reporting requirements. The committee shall work with the state auditor's office and develop a mutually acceptable work plan in conducting this review. This review may include, but is not limited to: (a) An analysis of the current special education excess cost accounting methodology and related special education expenditure reporting requirements; (b) an examination of whether opportunities exist for modifying the current excess cost accounting methodology and expenditure reporting requirements; (c) an assessment of the potential impact on school districts if the current excess cost accounting methodology and

expenditure reporting requirements are modified; and (d) any findings and recommendations from the state auditor's office examination of whether school districts are appropriately and consistently applying the current excess cost methodology. The committee shall provide a report to the appropriate policy and fiscal committees of the legislature in January 2006.

(7) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the consultant costs related to the study identified in section 505 of Engrossed Second Substitute Senate Bill No. 5763 (mental disorders treatment). If this section is not enacted by June 30, 2005, these amounts shall lapse.

(8) \$86,000 of the general fund--state appropriation for fiscal year ~~(2006)~~ 2007 is provided solely to implement the provisions of Engrossed Substitute House Bill No. 1064 (government performance). If Engrossed Substitute House Bill No. 1064 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$190,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for purposes of legislative hearings and reporting requirements under Initiative Measure No. 900 (chapter 1, Laws of 2006; performance audits).

(10) \$375,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the review of tax preferences and to staff the citizen commission for performance measurement of tax preferences required in Engrossed House Bill No. 1069 (audits of tax preferences). If Engrossed House Bill No. 1069 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(11) \$14,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the cost of conducting a review of the staffing levels for department of health investigators and attorneys involved in the health professions disciplinary process required by Substitute House Bill No. 2974 (health profession discipline). If Substitute House Bill No. 2974 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2007 is for a review of the state's policy on state funding and tax preferences for business incubators. The review shall examine types, costs, and performance outcomes of business incubators, inventory the business incubators in this state, and describe their purposes, state financial and tax support, number of businesses and jobs created, survival rate, criteria for state support, and the policies for reducing or terminating state support. The committee shall consult with the department of revenue and other state, federal, and local agencies involved with business incubators. The committee shall make recommendations on whether the proposals create a public or private benefit and the impact of state-supported business incubators on existing businesses in the state. The review shall be completed and submitted to the appropriate committees of the legislature by June 30, 2007.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to conduct a review of how the department of social and health services division of developmental disabilities prioritizes and allocates services.

Sec. 104. 2005 c 518 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2006)	\$1,737,000
General Fund--State Appropriation (FY 2007)	(\$1,921,000)
	<u>\$1,924,000</u>
Pension Funding Stabilization Account Appropriation . . .	\$10,000
TOTAL APPROPRIATION	(\$3,658,000)
	<u>\$3,671,000</u>

Sec. 105. 2005 c 518 s 106 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2006)	\$7,288,000
General Fund--State Appropriation (FY 2007)	(\$7,248,000)
	<u>\$7,252,000</u>
Pension Funding Stabilization Account Appropriation . . .	\$25,000
TOTAL APPROPRIATION	(\$14,536,000)

\$14,565,000

Sec. 106. 2005 c 518 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2006)	\$4,112,000
General Fund--State Appropriation (FY 2007)	(\$4,398,000)
	<u>\$4,401,000</u>
Pension Funding Stabilization Account Appropriation . . .	\$20,000
TOTAL APPROPRIATION	(\$8,510,000)
	<u>\$8,533,000</u>

Sec. 107. 2005 c 518 s 105 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account--State Appropriation	(\$3,013,000)
	<u>\$3,022,000</u>

The appropriation in this section is subject to the following conditions and limitations: By December 1, 2005, the state actuary shall conduct an actuarial analysis that quantifies, to the greatest extent permissible from available experience data, the fiscal impact of the retire-rehire program for plan 1 of the public employees' retirement system and the teachers' retirement system enacted by chapter 10, Laws of 2001 and chapter 412, Laws of 2003. In addition to the actuarial analysis, the state actuary shall present a range of legislative alternatives to the plan 1 retire-rehire program, including an actuarial analysis of the fiscal impact of proposals to increase the maximum retirement allowance beyond sixty percent of average final compensation. The analysis shall be submitted to the select committee on pension policy, the senate committee on ways and means, and the house of representatives committee on appropriations.

Sec. 108. 2005 c 518 s 109 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2006)	(\$6,085,000)
	<u>\$6,095,000</u>
General Fund--State Appropriation (FY 2007)	(\$6,346,000)
	<u>\$6,397,000</u>
Pension Funding Stabilization Account Appropriation . . .	\$37,000
TOTAL APPROPRIATION	(\$12,431,000)
	<u>\$12,529,000</u>

Sec. 109. 2005 c 518 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2006)	\$1,055,000
General Fund--State Appropriation (FY 2007)	(\$1,107,000)
	<u>\$1,109,000</u>
Pension Funding Stabilization Account Appropriation . . .	\$5,000
TOTAL APPROPRIATION	(\$2,162,000)
	<u>\$2,169,000</u>

Sec. 110. 2005 c 518 s 110 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2006)	(\$2,011,000)
	<u>\$2,013,000</u>
General Fund--State Appropriation (FY 2007)	(\$2,020,000)
	<u>\$2,024,000</u>
Pension Funding Stabilization Account Appropriation . . .	\$5,000
TOTAL APPROPRIATION	(\$4,031,000)
	<u>\$4,042,000</u>

Sec. 111. 2005 c 518 s 111 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2006)	(\$13,866,000)
	<u>\$13,916,000</u>
General Fund--State Appropriation (FY 2007)	(\$14,358,000)
	<u>\$14,393,000</u>

Pension Funding Stabilization Account Appropriation . . \$80,000
TOTAL APPROPRIATION ((~~\$28,224,000~~)
\$28,389,000

Sec. 112. 2005 c 518 s 113 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS
 General Fund--State Appropriation (FY 2006) . . ((~~\$19,657,000~~)
\$19,834,000
 General Fund--State Appropriation (FY 2007) . . ((~~\$20,081,000~~)
\$21,298,000
 Public Safety and Education Account--State Approp(~~\$30,106,000~~)
\$50,277,000
 Judicial Information Systems Account--State Approp(~~\$5,641,000~~)
\$26,051,000
Pension Funding Stabilization Account Appropriation . . \$96,000
TOTAL APPROPRIATION ((~~\$115,485,000~~)
\$117,556,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$900,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(2) \$3,000,000 of the public safety and education account appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(3) \$13,224,000 of the public safety and education account appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(4) The distributions made under subsection (3) of this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) Each fiscal year during the 2005-07 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(6) \$82,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House

Bill No. 1112 (creating an additional superior court position). If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of Substitute House Bill No. 1854 (driving privilege) and Engrossed Second Substitute Senate Bill No. 5454 (court operations). If neither bill is enacted by June 30, 2005, the amount in this subsection shall lapse.

(8) \$569,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the juror pay pilot and research project.

Sec. 113. 2005 c 518 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE
 General Fund--State Appropriation (FY 2006) . . . ((~~\$1,490,000~~)
\$1,565,000
 General Fund--State Appropriation (FY 2007) . . . ((~~\$2,078,000~~)
\$9,928,000
 Public Safety and Education Account--State
 Appropriation ((~~\$13,175,000~~)
\$13,181,000
 TOTAL APPROPRIATION ((~~\$16,743,000~~)
\$24,674,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$800,000 of the general fund--state appropriation for fiscal year 2006 and ((~~\$1,000,000~~) \$4,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to expand the parent representation project in dependency and termination cases.

(2) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(3) Within amounts appropriated in this section and in Engrossed Second Substitute Senate Bill No. 5454, the office may, at its discretion, implement Second Substitute House Bill No. 1542 (indigent defense services).

Sec. 114. 2005 c 518 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID
 General Fund--State Appropriation (FY 2006) . . . ((~~\$2,883,000~~)
\$3,083,000
 General Fund--State Appropriation (FY 2007) . . . ((~~\$2,832,000~~)
\$3,232,000
 Public Safety and Education Account--State
 Appropriation \$4,705,000
 Violence Reduction and Drug Enforcement Account--
 State Appropriation \$2,987,000
 TOTAL APPROPRIATION ((~~\$13,407,000~~)
\$14,007,000

((The appropriations in this section are subject to the following conditions and limitations:

— (1) ~~\$2,783,000 of the general fund--state appropriation for fiscal year 2006, \$2,732,000 of the general fund--state appropriation for fiscal year 2007, \$4,705,000 of the public safety and education account--state appropriation, and \$2,987,000 of the violence reduction and drug enforcement account--state appropriation are contingent upon enactment of Substitute House Bill No. 1747 (civil legal services). If the bill is not enacted by June 30, 2005, these appropriations shall be made to the department of community, trade, and economic development and are provided solely for the purpose of civil legal services.~~

— (2) ~~\$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are contingent upon enactment of Substitute House Bill No. 1747 (civil legal services). If the bill is not enacted by June 30, 2005, the appropriation shall be made to the department of community, trade, and economic development and is provided solely for a general farm organization with members in every county of the state to develop and administer an alternative dispute resolution system for disputes between farmers and farm workers.)~~

Sec. 115. 2005 c 518 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2006)	.....	\$5,600,000
General Fund--State Appropriation (FY 2007)	...	(\$5,279,000)
		\$5,583,000
General Fund--Federal Appropriation	.....	(\$1,364,000)
		\$1,366,000
Oil Spill Prevention Account Appropriation	.....	\$508,000
Water Quality Account--State Appropriation	.....	(\$4,184,000)
		\$4,193,000
Salmon Recovery Account Appropriation	.....	\$160,000
Economic Development Strategic Reserve Account Appropriation	.....	\$4,000,000
Pension Funding Stabilization Account Appropriation	..	\$24,000
TOTAL APPROPRIATION	.....	(\$16,935,000)
		\$21,434,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,112,000 of the water quality account appropriation and \$1,150,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound conservation and recovery plan action items PSAT-01 through PSAT-06.

(2) \$200,000 of the general fund--state appropriation for fiscal year 2006, \$200,000 of the general fund--state appropriation for fiscal year 2007, and \$200,000 of the general fund--federal appropriation are provided solely for one-time corrective actions to address Hood canal's dissolved oxygen problems, the Puget Sound conservation and recovery plan action item PSAT-07.

(3) As described in section 129(7) of this act, the Puget Sound water quality action team shall make recommendations and report on monitoring activities related to salmon recovery.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1152 (early learning council). If House Bill No. 1152 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) For the governor's funding request pursuant to RCW 74.39A.300 to be submitted to the legislature by December 20, 2006, it is the intent of the legislature to consider a fringe benefits funding request that provides health care benefits substantially equivalent in cost to those available to individual providers pursuant to chapter 25, Laws of 2003 1st sp. sess.

(6) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely as a grant to the Hood Canal Coordinating Council to implement Engrossed Substitute House Bill No. 2097 (management program for Hood Canal). ~~(If Engrossed Substitute House Bill No. 2097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.)~~

(7) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a review of ocean policy issues in cooperation with individuals with appropriate expertise and the departments of ecology, fish and wildlife, and natural resources. By December 31, 2005, the governor's office shall identify the recommendations of the U.S. commission on ocean policy appropriate for immediate implementation. By December 31, 2006, the governor's office shall provide a report: (a) Summarizing the condition of the state's ocean resources and their contribution to the state's character, quality of life, and economic viability; (b) recommending improvements in coordination among state agencies and other jurisdictions; (c) recommending measures to protect and manage ocean resources; (d) recommending measures to finance ocean protection, management, and development programs; and (e) recommending legislation regarding ocean resources or policy.

(8) \$508,000 of the oil spill prevention account appropriation is provided solely for the oil spill advisory council established in Engrossed Substitute Senate Bill No. 5432 (oil spill oversight council). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) The economic development strategic reserve account appropriation is provided solely for the purpose of implementing chapter 427, Laws of 2005 (2SSB 5370).

(10)(a) \$297,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Puget Sound action team in coordination with the Hood Canal coordinating council to contract for the initial phase of a two-part study in the Hood Canal to: (i) improve data and knowledge of the loading of nitrogen from on-site sewage systems to ground water; (ii) determine the local scale efficiency of nitrogen removal from on-site sewage systems; and (iii) improve data and knowledge of the loading of nitrogen from all ground water sources to Hood Canal.

(b) The study shall: (i) Locate representative on-site sewage systems distributed within the Hood Canal drainage basin for use in the study; (ii) collect water levels and samples from the areas around a number of on-site sewage systems under a variety of water table, soil, and geologic conditions; (iii) test samples for nitrogen, phosphorous, carbon, and other pertinent chemistry; (iv) consider water levels and samples from monitoring wells both up gradient and down gradient from on-site sewage systems; (v) collect data from drain fields to test on-site sewage system efficiency; and (vi) collect water level, nutrient, and other chemical data from a number of existing wells in the watershed to test how much nitrogen is reaching Hood Canal. The study shall be coordinated with other studies being conducted in Hood Canal through the Hood Canal dissolved oxygen program. The Puget Sound action team and the Hood Canal coordinating council shall report their finding and recommendations to the appropriate committees of the legislature by December 1, 2007.

Sec. 116. 2005 c 518 s 117 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2006)	.....	\$752,000
General Fund--State Appropriation (FY 2007)	.....	(\$766,000)
		\$768,000
(General Fund--Local Appropriation	.....	\$1,000)
Pension Funding Stabilization Account Appropriation	...	\$3,000
TOTAL APPROPRIATION	.....	(\$1,519,000)
		\$1,523,000

Sec. 117. 2005 c 518 s 118 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2006)	...	(\$1,989,000)
		\$1,999,000
General Fund--State Appropriation (FY 2007)	...	(\$2,009,000)
		\$2,069,000
Pension Funding Stabilization Account Appropriation	..	\$10,000
TOTAL APPROPRIATION	.....	(\$3,998,000)
		\$4,078,000

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$56,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Third Substitute House Bill No. 1226 (campaign contribution limits). If Third Substitute House Bill No. 1226 is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 118. 2005 c 518 s 119 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2006)	..	(\$19,102,000)
		\$21,593,000
General Fund--State Appropriation (FY 2007)	..	(\$17,323,000)
		\$18,473,000
General Fund--Federal Appropriation	.....	(\$7,092,000)
		\$7,099,000
General Fund--Private/Local Appropriation	.....	(\$125,000)
		\$207,000
Archives and Records Management Account--State	.....	(\$8,107,000)

	\$8,210,000
Department of Personnel Services Account--State Appropriation	(\$7,100,000)
	\$721,000
Local Government Archives Account--State Appropriation	(\$1,138,000)
	\$12,398,000
Election Account--Federal Appropriation	(\$47,009,000)
	\$53,010,000
Pension Funding Stabilization Account Appropriation	\$66,000
TOTAL APPROPRIATION	(\$111,635,000)
	\$121,777,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$2,296,000)~~ \$3,472,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) ~~(\$1,999,000)~~ \$2,441,000 of the general fund--state appropriation for fiscal year 2006 and \$2,403,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$118,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$2,028,004 of the general fund--state appropriation for fiscal year 2006 and ~~(\$2,063,772)~~ \$2,382,772 of the general fund--state appropriation for fiscal year 2007 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2005-07 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$196,000 of the general fund--state appropriation for fiscal year 2006 and \$173,000 of the general fund--state appropriation for fiscal year 2007 are provided for the implementation of House Bill No. 1749 (county election procedures). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$110,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all claims in *Washington State Democratic Party, et al. v. Sam S. Reed, et al., United States District Court Western District of Washington at Tacoma Cause No. C00-5419FDB* and related appeal. The

expenditure of this appropriation is contingent on the release of all claims in the case and related appeal, and total settlement costs shall not exceed the appropriation in this subsection.

(7) \$131,000 of the general fund--state appropriation for fiscal year 2006 and \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

Sec. 119. 2005 c 518 s 120 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2006)	\$277,000
General Fund--State Appropriation (FY 2007)	(\$289,000)
	\$292,000
Pension Funding Stabilization Account--State Appropriation	\$1,000
TOTAL APPROPRIATION	(\$566,000)
	\$570,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 120. 2005 c 518 s 121 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN-PACIFIC-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2006)	\$235,000
General Fund--State Appropriation (FY 2007)	(\$238,000)
	\$264,000
Pension Funding Stabilization Account Appropriation	\$1,000
TOTAL APPROPRIATION	(\$473,000)
	\$500,000

Sec. 121. 2005 c 518 s 122 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State Appropriation	(\$14,124,000)
	\$14,174,000

Sec. 122. 2005 c 518 s 123 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2006)	(\$1,884,000)
	\$1,258,000
General Fund--State Appropriation (FY 2007)	(\$2,441,000)
	\$351,000
State Auditing Services Revolving Account--State Appropriation	(\$12,952,000)
	\$14,011,000
Pension Funding Stabilization Account Appropriation	\$4,000
TOTAL APPROPRIATION	(\$18,277,000)
	\$15,624,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$731,000 of the general fund--state appropriation for fiscal year 2006 and \$727,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount

is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) The office shall report to the office of financial management and the appropriate fiscal committees of the legislature detailed information on risk-based auditing, its theory, and its application for the audits performed on Washington state government. The report shall include an explanation of how the office identifies, measures, and prioritizes risk, the manner in which the office uses these factors in the planning and execution of the audits of Washington state government, and the methods and procedures used in the conduct of the risk-based audits themselves. The report is due no later than December 1, 2005.

(4) ~~(\$1,130,000)~~ \$100,000 of the general fund--state appropriation for fiscal year 2006 ~~(-\$1,695,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000 of the state auditing services revolving account--state appropriation for fiscal year 2006 are)~~ is provided solely for the implementation of Engrossed Substitute House Bill No. 1064 (government performance). ~~(If Engrossed Substitute House Bill No. 1064 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.)~~

(5) \$16,000 of the general fund--state appropriation for fiscal year 2006 is provided for a review of special education excess cost accounting and reporting requirements. The state auditor's office shall coordinate this work with the joint legislative audit and review committee's review of the special education excess cost accounting methodology and expenditure reporting requirements. The state auditor's review shall include an examination of whether school districts are (a) appropriately implementing the excess cost accounting methodology; (b) consistently charging special education expenses to the special education and basic education programs; (c) appropriately determining the percentage of expenditures that should be charged to the special education and basic education programs; and (d) appropriately and consistently reporting special education expenditures. The results of this review will be included in the joint legislative audit and review committee's report issued in January 2006.

Sec. 123. 2005 c 518 s 124 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2006)	\$137,000
General Fund--State Appropriation (FY 2007)	(\$206,000)
	<u>\$207,000</u>
TOTAL APPROPRIATION	(\$343,000)
	<u>\$344,000</u>

Sec. 124. 2005 c 518 s 125 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2006)	(\$5,223,000)
	<u>\$5,724,000</u>
General Fund--State Appropriation (FY 2007)	(\$5,156,000)
	<u>\$5,844,000</u>
General Fund--Federal Appropriation	(\$2,973,000)
	<u>\$3,428,000</u>
Public Safety and Education Account--State Appropriation	(\$2,203,000)
	<u>\$2,307,000</u>
New Motor Vehicle Arbitration Account--State Appropriation	(\$1,313,000)
	<u>\$1,315,000</u>
Legal Services Revolving Account--State Appropriation	(\$1,970,000)
	<u>\$1,916,270,000</u>
Tobacco Prevention and Control Account--State Appropriation	<u>\$270,000</u>
Pension Funding Stabilization Account Appropriation	<u>\$21,000</u>
TOTAL APPROPRIATION	(\$203,208,000)
	<u>\$210,536,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each

agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

Sec. 125. 2005 c 518 s 126 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2006)	\$719,000
General Fund--State Appropriation (FY 2007)	(\$714,000)
	<u>\$716,000</u>
Pension Funding Stabilization Account Appropriation	<u>\$4,000</u>
TOTAL APPROPRIATION	(\$1,433,000)
	<u>\$1,439,000</u>

Sec. 126. 2005 c 518 s 127 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2006)	(\$66,123,000)
	<u>\$67,758,000</u>
General Fund--State Appropriation (FY 2007)	(\$67,151,000)
	<u>\$60,229,000</u>
General Fund--Federal Appropriation	(\$246,886,000)
	<u>\$258,085,000</u>
General Fund--Private/Local Appropriation	(\$12,229,000)
	<u>\$12,422,000</u>
Public Safety and Education Account--State Appropriation	(\$5,439,000)
	<u>\$5,443,000</u>
Public Works Assistance Account--State Appropriation	(\$3,395,000)
	<u>\$3,430,000</u>
Tourism Development and Promotion Account Appropriation	<u>\$300,000</u>
Drinking Water Assistance Administrative Account--State Appropriation	(\$213,000)
	<u>\$345,000</u>
Lead Paint Account--State Appropriation	<u>\$6,000</u>
Building Code Council Account--State Appropriation	(\$1,130,000)
	<u>\$1,133,000</u>
Administrative Contingency Account--State Appropriation	(\$1,108,000)
	<u>\$1,809,000</u>
Low-Income Weatherization Assistance Account--State Appropriation	<u>\$8,362,000</u>
Violence Reduction and Drug Enforcement Account--State Appropriation	(\$7,231,000)
	<u>\$7,234,000</u>
Manufactured Home Installation Training Account--State Appropriation	<u>\$240,000</u>
Community and Economic Development Fee Account--State Appropriation	<u>\$1,570,000</u>
Washington Housing Trust Account--State Appropriation	(\$10,009,000)
	<u>\$33,536,000</u>
Homeless Families Services Account--State Appropriation	<u>\$300,000</u>
Public Facility Construction Loan Revolving Account--State Appropriation	(\$614,000)
	<u>\$616,000</u>
Pension Funding Stabilization Account Appropriation	<u>\$87,000</u>
TOTAL APPROPRIATION	(\$442,006,000)
	<u>\$462,905,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2006 and \$2,838,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor

increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$5,902,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2006 as follows:

(a) \$2,064,000 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$20,000 to the department for tribal law enforcement;

(e) \$345,000 to the department to continue domestic violence legal advocacy;

(f) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(g) \$351,000 to the department of social and health services, division of alcohol and substance abuse, for juvenile drug courts in eastern and western Washington;

(h) \$626,000 to the department of social and health services to continue youth violence prevention and intervention projects;

(i) \$97,000 to the department to continue evaluation of this grant program;

(j) \$290,000 to the office of financial management for criminal history records improvement;

(k) \$580,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and

(l) \$464,000 to the department for distribution to small municipalities.

These amounts represent the maximum justice assistance grant expenditure authority for each program. No program may expend justice assistance grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any justice assistance grant funds.

(3) \$3,600,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2007 as follows:

(a) \$2,013,000 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces;

(d) \$110,000 to the department to support the governor's council on substance abuse;

(e) \$97,000 to the department to continue evaluation of the justice assistance grant program;

(f) \$360,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and

(g) \$15,000 to the department for a tribal and local law enforcement statewide summit.

(4) \$1,658,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for multijurisdictional drug task forces. The funding for this amount, and the amounts provided in subsection (3)(a) and (b) of this section, will be distributed in a manner so that all drug task forces funded in fiscal year 2004 will receive funding in fiscal year 2007 at amounts similar to the amounts received in fiscal year 2004.

(5) \$170,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$170,000)~~ \$700,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to fund domestic violence legal advocacy, in recognition of reduced federal grant funding.

~~((4))~~ (6) \$28,848,000 of the general fund--state appropriation for fiscal year 2006 ~~(and \$29,941,000 of the general fund--state appropriation for fiscal year 2007 are)~~ is provided solely for providing early childhood education assistance. Of ~~((these))~~ this amount~~((s))~~, \$1,497,000 ~~((in each fiscal year))~~ is provided solely to increase the number of children receiving education, and \$1,052,000 ~~((in fiscal year 2006 and \$2,146,000 in fiscal year 2007 are))~~ is provided solely for a targeted vendor rate increase.

~~((5))~~ (7) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

~~((6))~~ (8) \$1,288,000 of the Washington housing trust account--state appropriation is provided solely to implement Engrossed House Bill No. 1074. If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

~~((7))~~ (9) \$725,000 of the general fund--state appropriation for fiscal year 2006 and \$725,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for food banks to obtain and distribute additional nutritious food; and purchase equipment to transport and store perishable products.

~~((8) \$500,000)~~ (10) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$500,000)~~ \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the community services block grant program to help meet current service demands that exceed available community action resources.

~~((9))~~ (11) \$215,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for matching funds for a federal economic development administration grant awarded to the city of Kent to conduct a feasibility study and economic analysis for the establishment of a center for advanced manufacturing.

~~((10))~~ (12) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the department to compile a report on housing stock in Washington state to identify areas of potentially high risk for child lead exposure. This report shall include an analysis of existing data regarding the ages of housing stock in specific regions and an analysis of data regarding actual lead poisoning cases, which shall be provided by the department of health's childhood lead poisoning surveillance program.

~~((11))~~ (13) \$150,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Cascade land conservancy to develop and implement a plan for regional conservation within King, Kittitas, Pierce, and Snohomish counties.

~~((12))~~ (14) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the support, including safety and security costs, of the America's freedom salute to be held in the Vancouver, Washington area.

~~((13))~~ (15) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to Snohomish county for a law enforcement and treatment methamphetamine pilot program. \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the Pierce county alliance's methamphetamine family services treatment program and safe streets of Tacoma's methamphetamine prevention service.

~~((14))~~ (16) \$50,000 of the general fund--state appropriation is provided solely for one pilot project to promote the study and implementation of safe neighborhoods through community planning.

~~((15))~~ (17) \$287,000 of the general fund--state appropriation for fiscal year 2006 and \$288,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Walla Walla community college to establish the water and environmental studies center to provide workforce education and training, encourage innovative approaches and practices that address environmental and cultural issues, and facilitate the Walla Walla watershed alliance role in promoting communication leading to cooperative conservation efforts that effectively address urban and rural water and environmental issues.

~~((16))~~ (18) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for work with the northwest food processors association on the food processing cluster development project.

~~((17))~~ \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northwest agriculture incubator project, which will support small farms in economic development)) (19) \$140,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northwest agriculture incubator project, which will support small farms in economic development.

~~((18))~~ (20) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the department of community, trade, and economic development as the final appropriation for the youth assessment center in Pierce county for activities dedicated to reducing the rate of incarceration of juvenile offenders.

~~((19))~~ (21) \$235,000 of the general fund--state appropriation for fiscal year 2006 and \$235,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the small business incubator program. \$250,000 must be distributed as grants and must be matched by an equal amount of private funds.

~~((20))~~ (22) The department shall coordinate any efforts geared towards the 2010 Olympics with the regional effort being conducted by the Pacific northwest economic region, a statutory committee.

~~((21))~~ (23) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for HistoryLink to expand its free, noncommercial online encyclopedia service on state and local history.

~~((22))~~ (24) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Women's Hearth, a nonprofit program serving the Spokane area's homeless and low-income women.

(25) \$250,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the Pacific Science Center to host the dead sea scrolls exhibition in September 2006.

(26) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for providing statewide sexual assault services.

(27) \$96,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Olympic loop of the great Washington state birding trail.

(28) \$529,000 of the general fund--federal appropriation is provided solely for the department to provide to the department of archeology and historic preservation through an interagency agreement. The full amount of federal funding shall be transferred. The department of community, trade, and economic development shall not retain any portion for administrative purposes.

(29) \$150,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to assist the suburban cities association, King county, and the cities of Seattle and Bellevue to comply with the most acute buildable lands needs countywide. Of this amount, \$50,000 is provided solely to the suburban cities association to fully fund a buildable lands program manager position.

(30) \$116,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an increase to the statewide coordination of the volunteer programs for court-appointed special advocates.

(31) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the energy facilities siting and evaluation council to make rules related to RCW 80.70.070, the carbon dioxide mitigation statute.

(32) \$712,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to provide each county with an additional 0.5 FTE for prosecutors' victim/witness units.

(33) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to implement two demonstration pilot projects related to transfer of development rights in cooperation with Snohomish and Pierce county legislative authorities. Projects may receive no more than \$100,000.

(34) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Seattle police department, and is to be divided evenly between the weed and seed programs in southeast Seattle and South Delridge/White Center to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in these areas.

(35) \$125,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the Thurston county prosecutor's office, for the Rochester weed and seed program to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in Rochester.

(36) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the city of Poulsbo for the reopening of the Poulsbo marine science center as an educational facility on the Puget Sound marine environment.

(37) \$544,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an upgrade to discovery park's daybreak star cultural center electrical system.

(38) \$670,000 of the housing trust account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2418 (affordable housing program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(39) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Second Substitute House Bill No. 2498 (cluster-based economic development). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(40) \$186,000 of the general fund--local appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2402 (energy facilities). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(41) \$118,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 3156 (low income persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(42) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Third Substitute House Bill No. 1815 (small business incubators). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(43) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time backfill of the federal reductions to the safe and drug free schools and communities grant program.

(44) \$300,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the developmental disabilities council to contract for legal services for individuals with developmental disabilities who are served or are entering the community protection program in the department of social and health services division of developmental disabilities. Funding shall be prioritized for those individuals who do not have paid legal guardians, but is available to all community protection clients, subject to available funds.

(45) \$100,000 of the fiscal year 2006 general fund--state appropriation is provided solely for tourism branding and marketing associated with the January 2007 United States figure skating championships in Spokane. It is the intent of the legislature to provide an additional \$500,000 during the 2007-09 fiscal biennium for the payment of one-half of the hosting fee if Spokane is designated as the host city of the 2009 world figure skating championships. The funds provided under this section are contingent on an equal amount of matching funds from nonstate sources.

(46) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the Pacific northwest economic region as matching funds for use in the development and operation of a regional tourism initiative in coordination with the department and consistent with the governor's initiatives on marketing, tourism, and trade. The department and the Pacific northwest economic region will jointly establish appropriate deliverables. The first \$25,000 of this amount will be released when the Pacific northwest economic region has secured at least \$75,000 in funding from other public and private sources. The final \$25,000 of this amount will be released when the Pacific northwest economic region has secured an additional \$75,000 in funding from other public and private sources. A minimum of 25 percent of the matching funds raised by the Pacific northwest economic region for the initiative shall be from private sources.

(47) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the international trade alliance of Spokane to partnership with other regional governments to strengthen and diversify the regional economy.

(48) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to contract for a study that will provide recommendations on a small harbor dredging cooperative among the port districts of Pacific County and Wahkiakum County. The recommendations shall include options for an organizational framework, as well as the long-term financing of the cooperative.

(49) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the Pacific-Algona senior center, a nonprofit food program serving low-income seniors.

(50) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the northwest Korean sports and cultural festival.

(51) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to allow Washington state tribes to continue participation in the *Forest and Fish Report* currently out for public comment as a habitat conservation plan under the endangered species act. In the event federal funding is reinstated, the amount provided in this subsection shall lapse.

(52) \$5,000 of the general fund--state appropriation for fiscal year 2006 is provided for Tacoma's international music festival.

(53) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Mimms Academy in Tacoma to facilitate a pilot project concerning expelled and suspended students.

(54) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the King county sexual assault resource center to provide for a Spanish-speaking therapist position, parent/child victim education, and prevention education.

(55) \$67,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a study of methamphetamine action teams and drug task forces as provided by Engrossed Substitute Senate Bill No. 6239, sections 110 and 204 (controlled substances). The department shall report findings and recommendations to the legislature by November 1, 2006. If the bill is not enacted by June 30, 2006, the amount provided in this section shall lapse.

(56) \$84,000 of the general fund--state appropriation for fiscal year 2006 and \$84,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for distribution to Benton and Franklin counties to continue the Benton-Franklin juvenile drug court program. The counties shall provide an equivalent amount of matching funds.

(57) \$7,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the owners of the following minor league baseball facilities for major and minor restoration and repair of facilities projects: Tacoma Rainiers (\$2,500,000); Spokane

Indians (\$2,000,000); Tri-Cities Dust Devils (\$1,000,000); Yakima Bears (\$750,000); and Everett AquaSox (\$750,000). The department shall not retain any portion for administrative purposes.

(58) \$40,000 of the fiscal year 2006 general fund--state appropriation and \$1,510,000 of the fiscal year 2007 general fund--state appropriation are provided solely for the department to enter into funding agreements with the mountains to sound greenway trust to accomplish the following projects: Squak mountain trail upgrades; Tiger mountain trailhead and trails upgrades; Rattlesnake mountain trail and trailhead construction; greenway legacy planning; Snoqualmie point view park construction; and state route 18/interstate 90 interchange protection.

(59) \$149,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to implement a human trafficking task force as described in section 1 of Substitute Senate Bill No. 6652 (human trafficking), authorizing a task force through June 30, 2011, to provide guidance in responding to the crime of human trafficking, and in providing services to human trafficking victims.

(60) \$140,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Senate Bill No. 5330 (economic development grants). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(61) \$200,000 of the general fund--state appropriation for fiscal year 2007 and \$197,000 of the general fund--federal appropriation for fiscal year 2007 are provided solely for the long-term care ombudsman program within the department of community, trade, and economic development to recruit and train volunteers to serve in the adult family home setting.

(62) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Enumclaw loggers monument.

(63) \$265,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute Senate Bill No. 6330 (the Washington trade corps fellowship program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 127. 2005 c 518 s 128 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2006)	.....	(\$573,000)
		\$579,000
General Fund--State Appropriation (FY 2007)	.....	(\$517,000)
		\$523,000
Pension Funding Stabilization Account Appropriation	...	\$3,000
TOTAL APPROPRIATION	.....	(\$1,090,000)
		\$1,105,000

Sec. 128. 2005 c 518 s 129 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2006)	..	(\$16,993,000)
		\$17,775,000
General Fund--State Appropriation (FY 2007)	..	(\$16,050,000)
		\$20,080,000
General Fund--Federal Appropriation	.....	(\$23,550,000)
		\$23,555,000
General Fund--Private/Local Appropriation	.....	\$1,216,000
Public Works Assistance Account--State Appropriation		\$200,000
Violence Reduction and Drug Enforcement Account--State Appropriation	.....	\$246,000
State Auditing Services Revolving Account--State Appropriation	.....	\$250,000
Pension Funding Stabilization Account Appropriation	..	\$100,000
TOTAL APPROPRIATION	.....	(\$57,064,000)
		\$63,197,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the public works assistance account appropriation is provided solely for an inventory and evaluation of the most effective way to organize the state public infrastructure programs and funds. The inventory and evaluation shall be delivered

to the governor and the appropriate committees of the legislature by September 1, 2005.

(2)(a) (~~(\$182,000)~~) \$62,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an advisory council to study residential services for persons with developmental disabilities. The study shall identify a preferred system of services and a plan to implement the system within four years. Recommendations shall be provided on the services that best address client needs in different regions of the state and on the preferred system by January 1, 2006. The office of financial management may contract for specialized services to complete the study.

(b) The advisory council shall consist of thirteen members. Members appointed by the governor, include one representative from each of the governor's office or the office of financial management, the department of social and health services, the Washington state disabilities council, two labor organizations, the community residential care providers, residents of residential habilitation centers, individuals served by community residential programs, and individuals with developmental disabilities who reside or resided in residential habilitation centers. The advisory council shall also include two members of the house of representatives appointed by the speaker of the house of representatives representing the majority and minority caucuses and two members of the senate appointed by the president of the senate representing the majority and minority caucuses. Legislative members of the advisory group shall be reimbursed in accordance with RCW 44.04.120, and nonlegislative members in accordance with RCW 43.03.050 and 44.04.120. Staff support shall be provided by the department of social and health services, the developmental disabilities council, the office of financial management, the house of representatives office of program research, and senate committee services.

(3) \$1,041,000 of the general fund--state appropriation for fiscal year 2006 and \$706,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5441 (studying early learning, K-12, and higher education). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse. The legislature directs that the funding review by the Washington Learns steering committee authorized in Engrossed Second Substitute Senate Bill No. 5441 include a thorough review of funding for classified school employees and that the Washington Learns steering committee report findings and recommendations that include recommendations on how classified school employees can enhance students' abilities to meet state learning standards.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided to the office of regulatory assistance and is subject to the following conditions and limitations:

(a) This amount is provided solely for the enhanced planning and permit pilot program; and

(b) Regulatory assistance is to select two local government planning and permitting offices to participate in an enhanced permit assistance pilot program. Such enhancement may include, but is not limited to:

(i) Creation of local and state interagency planning and permit review teams;

(ii) Use of advanced online planning and permit applications;

(iii) Using loaned executives; and

(iv) Additional technical assistance and guidance for permit applicants.

(5) \$303,000 of the general fund--state appropriation for fiscal year 2006 and \$255,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Second Substitute House Bill No. 1970 (government management). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Substitute Engrossed House Bill No. 1242 (budgeting outcomes and priorities). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) The department of ecology, the department of fish and wildlife, the department of natural resources, the conservation

commission, and the interagency committee for outdoor recreation shall make recommendations to improve or eliminate monitoring activities related to salmon recovery and watershed health. The agencies shall coordinate with the governor's forum on monitoring and watershed health and consult with the office of financial management in determining the scope and contents of the report.

The agencies shall prepare a report detailing all new activity and updating all previously identified activity within the comprehensive monitoring strategy. The report shall identify the monitoring activity being performed and include: The purpose of the monitoring activity, when the activity started, who uses the information, how often it is accessed, what costs are incurred by fund, what frequency is used to collect data, what geographic location is used to collect data, where the information is stored, and what is the current status and cost by fund source of the data storage systems.

The agencies shall provide a status report summarizing progress to the governor's forum on monitoring and watershed health and the office of financial management by March 1, 2006. A final report to the governor's monitoring forum, the office of financial management, and the appropriate legislative fiscal committees shall be submitted no later than September 1, 2006.

(8) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided to the office of financial management for the purpose of contracting with the Washington State University and University of Washington policy consensus center to provide project coordination for the office of financial management, the department of agriculture, the conservation commission, and the department of community, trade, and economic development to work with farmers, ranchers, and other interested parties to identify potential agricultural pilot projects that both enhance farm income and improve protection of natural resources.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the office of regulatory assistance to implement activities supporting the governor's regulatory improvement program including deployment of interagency permit teams, a business portal, programmatic permits, and an alternative mitigation program.

(10) The office of financial management shall prepare a report on state-purchased health care costs and expenditures. The report shall analyze the growth in state-purchased health care costs over the last five biennia and compare growth to other state expenditures and state revenues. The report shall propose options for funding the increases in state-funded health care, along with options for adjusting or containing state-funded health care expenditures within a constant portion of total estimated revenues.

(11) \$46,000 of the general fund--state appropriation for fiscal year 2006 and \$131,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2353 (family child care providers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state quality award program to assist state agencies in obtaining the goals of the Washington state quality award.

(13) \$66,000 of the general fund--state appropriation for fiscal year 2006 and \$134,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish and provide staff support and technical assistance to the blue ribbon commission on health care costs and access. The commission shall consist of the governor or a designee, who shall serve as chair; two members from each of the four caucuses of the legislature; the insurance commissioner or a designee; the secretary of health; the administrator of the health care authority; the assistant secretary for health and recovery services in the department of social and health services; and the assistant director for insurance services in the department of labor and industries. By December 1, 2006, the commission shall recommend to the governor and legislature a sustainable five-year plan for substantially improving access to affordable health care for all Washington residents.

Sec. 129. 2005 c 518 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS
Administrative Hearings Revolving Account--State Appropriation ~~(\$29,400,000)~~
\$29,595,000

The appropriation in this section is subject to the following conditions and limitations: \$103,000 of the administrative hearing revolving account--state appropriation is provided solely to determine, in collaboration with other state agencies, the best mechanism of digital recording for the office of administrative hearings, the manner of conversion from tape recording to digital recording, and the purchase of digital recording devices.

Sec. 130. 2005 c 518 s 131 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL
Department of Personnel Service Account--State Appropriation ~~(\$20,128,000)~~
\$26,888,000
Higher Education Personnel Services Account--State Appropriation ~~(\$1,634,000)~~
\$1,656,000
TOTAL APPROPRIATION ~~(\$21,957,000)~~
\$28,544,000

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 131. 2005 c 518 s 132 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY
Lottery Administrative Account--State Appropriation ~~(\$24,087,000)~~
\$24,160,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section may not be expended by the Washington state lottery for any purpose associated with a lottery game offered through any interactive electronic device, including the internet.
- (2) The appropriation in this section may be used for research to support the efforts of the select committee on gambling policy as provided in Senate Concurrent Resolution No. 8417. If the resolution is not enacted by June 30, 2006, this subsection shall lapse.

Sec. 132. 2005 c 518 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS
General Fund--State Appropriation (FY 2006) \$238,000
General Fund--State Appropriation (FY 2007) ~~(\$247,000)~~
\$248,000
Pension Funding Stabilization Account Appropriation . . . \$1,000
TOTAL APPROPRIATION ~~(\$485,000)~~
\$487,000

Sec. 133. 2005 c 518 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS
General Fund--State Appropriation (FY 2006) \$237,000
General Fund--State Appropriation (FY 2007) ~~(\$240,000)~~
\$241,000
Pension Funding Stabilization Account Appropriation . . . \$1,000

TOTAL APPROPRIATION ~~(\$477,000)~~
\$479,000

Sec. 134. 2005 c 518 s 135 (uncodified) is amended to read as follows:

FOR THE PERSONNEL APPEALS BOARD
Department of Personnel Service Account--State Appropriation ~~(\$1,048,000)~~
\$1,119,000

Sec. 135. 2005 c 518 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS
Dependent Care Administrative Account--State Appropriation ~~(\$416,000)~~
\$413,000
Department of Retirement Systems Expense Account--State Appropriation ~~(\$45,056,000)~~
\$46,176,000
TOTAL APPROPRIATION ~~(\$45,472,000)~~
\$46,589,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$13,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1327, chapter 65, Laws of 2005 (purchasing service credit).
- (2) \$10,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1269, chapter 21, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 2 service credit purchase).
- (3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1270 (law enforcement officers' and fire fighters' retirement system plan 2 postretirement employment). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (4) \$26,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1319, chapter 62, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 ex-spouse benefits).
- (5) \$46,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1325, chapter 64, Laws of 2005 (military service credit purchase).
- (6) \$79,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1329, chapter 67, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 reduced survivor benefit).
- (7) \$56,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1936 (emergency medical technician membership in law enforcement officers' and fire fighters' retirement system plan 2 service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (8) \$16,000 of the department of retirement systems expense account is provided solely to implement Senate Bill No. 5522 (purchasing service credit lost due to injury). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.
- (9) \$80,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 6453 (minimum monthly retirement). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (10) \$230,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2932 (catastrophic disability benefit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (11) \$78,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2684 (plan 3 five-year vesting). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.
- (12) \$117,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House

Bill No. 2690 (service credit purchase). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(13) \$111,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2680 (TRS out-of-state service credit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(14) \$375,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2691 (retirement for justices). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 136. 2005 c 518 s 137 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

General Fund--State Appropriation (FY 2007)	\$300,000
State Investment Board Expense Account--State Appropriation	(\$300,000)
	\$16,123,000
TOTAL APPROPRIATION	\$16,423,000

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to perform an evaluation of the department of natural resources' commercial lands program and review and recommend changes to the investment strategy of state permanent funds. The review of the commercial lands program shall examine:

- (1) Acquisition underwriting procedures;
- (2) Property management post-acquisition;
- (3) Portfolio construction and management strategy;
- (4) Cost structure of the program;
- (5) Performance and appropriateness of the program's investments to date; and
- (6) Examination of alternatives to the current program.

Sec. 137. 2005 c 518 s 138 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2006)	(\$90,065,000)	\$90,302,000
General Fund--State Appropriation (FY 2007)	(\$91,207,000)	\$92,647,000
Timber Tax Distribution Account--State Appropriation	(\$5,609,000)	\$5,627,000
Real Estate Excise Tax Grant Account--State Appropriation	(\$1,900,000)	\$1,900,000
Waste Reduction/Recycling/Litter Control--State Appropriation	(\$108,000)	\$108,000
State Toxics Control Account--State Appropriation		\$73,000
Oil Spill Prevention Account--State Appropriation		\$14,000
Pension Funding Stabilization Account Appropriation		\$447,000
TOTAL APPROPRIATION	(\$187,076,000)	\$193,118,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$113,000 of the general fund--state appropriation for fiscal year 2006, and \$93,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1315 (modifying disclosure requirements for the purposes of the real estate excise tax). If House Bill No. 1315 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$7,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute Senate Bill No. 5101 (renewable energy). If Substitute Senate Bill No. 5101 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 ~~(is)~~ and \$114,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (modifying vehicle licensing and registration penalties). ~~(If Engrossed House Bill No. 1241 is not~~

~~enacted by June 30, 2005, the amount provided in this subsection shall lapse.)~~

(4) \$1,390,000 of the general fund--state appropriation for fiscal year 2006, and \$1,240,000 of the general fund--state appropriation for fiscal year 2007 are ~~(provided solely)~~ for the department to employ strategies to enhance current revenue enforcement activities. (5) \$5,121 of the general fund--state appropriation for fiscal year 2006 is provided solely to satisfy two claims to estate property, pursuant to RCW 11.76.245.

(6) \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$89,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2673 (local infrastructure). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(7) \$147,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2457 (tax relief/farm machinery). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(8) \$29,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2466 (tax relief for aerospace) or for Second Substitute Senate Bill No. 6604 (tax relief for aerospace). If neither of these bills are enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(9) \$193,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2671 (excise tax relief) or Substitute Senate Bill No. 6385 (excise tax relief). If neither of these bills are enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) \$33,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 2640 (biotechnology product). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(11) \$176,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2670 (hospital benefit zones). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$176,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6594 (streamlined sales tax). If Substitute Senate Bill No. 6594 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 138. 2005 c 518 s 139 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2006)	\$1,362,000
General Fund--State Appropriation (FY 2007)	(\$1,211,000)
	\$1,213,000
Pension Funding Stabilization Account Appropriation	\$6,000
TOTAL APPROPRIATION	(\$2,573,000)
	\$2,581,000

Sec. 139. 2005 c 518 s 140 (uncodified) is amended to read as follows:

FOR THE MUNICIPAL RESEARCH COUNCIL

County Research Services Account--State Appropriation	\$787,000
City and Town Research Services Account--State Appropriation	(\$1,150,000)
Special Purpose District Research Services Account--State Appropriation	\$300,000
TOTAL APPROPRIATION	(\$4,921,000)
	\$5,221,000

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the special purpose district research services account appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6555 (special purpose districts). If Substitute Senate Bill No. 6555

is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 140. 2005 c 518 s 141 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES
 OMWBE Enterprises Account--State Appropriation (~~(\$3,186,000)~~)
 \$3,196,000

The appropriation in this section is subject to the following conditions and limitations: \$180,000 of the OMWBE enterprises account appropriation is provided solely for management of private sector grants and coordination of support services to small businesses in the state. It is the intent of the legislature that this amount be funded from new grant revenues and business fees.

Sec. 141. 2005 c 518 s 142 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 General Fund--State Appropriation (FY 2006) \$321,000
 General Fund--State Appropriation (FY 2007) (~~(\$233,000)~~)
 \$359,000
 General Fund--Federal Appropriation (~~(\$3,640,000)~~)
 \$3,641,000
 General Administration Service Account--State App(~~(\$2,145,000)~~)
 \$2,163,000
 Pension Funding Stabilization Account Appropriation . . . \$1,000
 TOTAL APPROPRIATION (~~(\$36,239,000)~~)
 \$36,485,000

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund--state appropriation for fiscal year 2006 (~~(*)~~) and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1830 (alternative public works). If Engrossed Substitute House Bill No. 1830 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 142. 2005 c 518 s 143 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES
 General Fund--State Appropriation (FY 2007) \$1,500,000
 General Fund--Federal Appropriation \$350,000
 Data Processing Revolving Account--State Appri(~~(\$3,612,000)~~)
 \$3,621,000
 Public Safety and Education Account--State Appropriation
 \$684,000
 TOTAL APPROPRIATION (~~(\$4,296,000)~~)
 \$6,155,000

The appropriations in this section are subject to the following conditions and limitations: \$1,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support the operations of the digital learning commons. By September 1, 2006, the digital learning commons shall develop and implement a plan to become a self-supporting operation. The plan implemented shall allow for the digital learning commons to be entirely supported by user fees and private contributions by September 1, 2008.

Sec. 143. 2005 c 518 s 144 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER
 General Fund--Federal Appropriation (~~(\$673,000)~~)
 \$1,513,000
 Insurance Commissioners Regulatory Account--State Appropriation
 (~~(\$40,253,000)~~)
 \$41,587,000
 TOTAL APPROPRIATION (~~(\$40,926,000)~~)
 \$43,100,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$42,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute House Bill No. 2553 (service contracts). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) \$685,000 of the insurance commissioners regulatory account appropriation is provided solely to implement Substitute Senate Bill No. 6234 (antifraud unit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 144. 2005 c 518 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY
 Certified Public Accountants' Account--State Approp(~~(\$1,106,000)~~)
 \$2,236,000

Sec. 145. 2005 c 518 s 146 (uncodified) is amended to read as follows:

FOR THE FORENSIC INVESTIGATION COUNCIL
 Death Investigations Account--State Appropriation . . (~~(\$282,000)~~)
 \$283,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

Sec. 146. 2005 c 518 s 147 (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION
 Horse Racing Commission Operating Account--State Appropriation
 (~~(\$5,009,000)~~)
 \$5,027,000

Sec. 147. 2005 c 518 s 148 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD
 General Fund--State Appropriation (FY 2006) \$1,739,000
 General Fund--State Appropriation (FY 2007) . . . (~~(\$1,706,000)~~)
 \$1,720,000
 Liquor Control Board Construction and Maintenance Account--State
 Appropriation \$12,832,000
 Liquor Revolving Account--State Appropriation (~~(\$154,080,000)~~)
 \$159,863,000
 Pension Funding Stabilization Account Appropriation . . . \$7,000
 TOTAL APPROPRIATION (~~(\$170,357,000)~~)
 \$176,161,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As authorized under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than July 1, 2005. The intent of this surcharge is to generate additional revenues for the state general fund in the 2005-07 biennium.

(2) \$154,000 of the liquor revolving account--state appropriation is provided solely for the lease of state vehicles from the department of general administration's motor pool.

(3) \$2,228,000 of the liquor revolving account--state appropriation is provided solely for costs associated with the installation of a wide area network that connects all of the state liquor stores and the liquor control board headquarters.

(4) \$186,000 of the liquor revolving account--state appropriation is provided solely for an alcohol education staff coordinator and associated alcohol educational resources targeted toward middle school and high school students.

(5) \$2,261,000 of the liquor revolving account--state appropriation is provided solely for replacement of essential

computer equipment, improvement of security measures, and improvement to the core information technology infrastructure.

(6) \$2,800,000 of the liquor control board construction and maintenance account--state appropriation is provided solely for the certificate of participation to fund the expansion of the liquor distribution center.

(7) \$3,233,000 of the liquor revolving account--state appropriation is provided solely for upgrades to material handling system and warehouse management system software and equipment, and associated staff to increase the liquor distribution center's shipping capacity.

(8) \$2,746,000 of the liquor revolving account--state appropriation is provided solely for additional state liquor store and retail business analysis staff. The additional liquor store staff will be deployed to those stores with the greatest potential for increased customer satisfaction and revenue growth. The liquor control board, using the new retail business analysis staff and, if needed, an independent consultant, will analyze the impact of additional staff on customer satisfaction and revenue growth and make recommendations that will increase the effectiveness and efficiency of all the liquor control board's retail-related activities. Using best practices and benchmarks from comparable retail organizations, the analysis will evaluate and make recommendations, at a minimum, on the following issues: Optimal staffing levels and store locations and numbers of stores (both state liquor stores and contract liquor stores); options for an improved retail organizational structure; strategies to increase the retail decision-making capacity; and resources required for enhanced internal organizational support of the retail activities. In support of this evaluation, a survey shall be employed to gauge customer satisfaction with state and contract liquor store services. A written evaluation with recommendations shall be submitted to the governor and the legislative fiscal committees by October 1, 2006.

(9) \$187,000 of the general fund--state appropriation for fiscal year 2006 and \$122,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Senate Bill No. 6097 (tobacco products enforcement). If Senate Bill No. 6097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) \$1,435,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1379 (liquor retail plan). If Substitute House Bill No. 1379 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) \$1,864,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 6823 (distribution of beer and wine). If Second Substitute Senate Bill No. 6823 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$575,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6537 (direct wine sales). If Engrossed Senate Bill No. 6537 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 148. 2005 c 518 s 149 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account--State Appropriation	(\$28,436,000)
	\$28,707,000
Pipeline Safety Account--State Appropriation . . .	(\$2,877,000)
	\$2,894,000
Pipeline Safety Account--Federal Appropriation . .	(\$1,535,000)
	\$1,539,000
TOTAL APPROPRIATION	(\$32,848,000)
	\$33,140,000

Sec. 149. 2005 c 518 s 150 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers' Administrative Account--State Appropriation	(\$768,000)
	\$980,000

Sec. 150. 2005 c 518 s 151 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2006) . .	(\$10,084,000)
	\$10,137,000
General Fund--State Appropriation (FY 2007) . . .	(\$9,362,000)
	\$15,037,000
General Fund--Federal Appropriation	(\$165,970,000)
	\$214,322,000
General Fund--Private/Local Appropriation	\$2,000
Enhanced 911 Account--State Appropriation . . .	(\$34,766,000)
	\$34,812,000
Disaster Response Account--State Appropriation .	(\$2,277,000)
	\$1,664,000
Disaster Response Account--Federal Appropriation	(\$11,008,000)
	\$6,297,000
Worker and Community Right-to-Know Account--State Appropriation	(\$314,000)
	\$315,000
Nisqually Earthquake Account--State Appropriation	(\$6,713,000)
	\$6,531,000
Nisqually Earthquake Account--Federal Appropriation	(\$29,127,000)
	\$27,075,000
Military Department Rental and Lease Account--State Appropriation	\$378,000
<u>Pension Funding Stabilization Account Appropriation . .</u>	<u>\$44,000</u>
TOTAL APPROPRIATION	(\$270,001,000)
	\$316,614,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$2,277,000)~~ \$1,664,000 of the disaster response account--state appropriation and ~~(\$11,008,000)~~ \$6,297,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(2) ~~(\$6,713,000)~~ \$6,531,000 of the Nisqually earthquake account--state appropriation and ~~(\$29,127,000)~~ \$27,075,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(3) ~~(\$127,586,000)~~ \$173,613,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees

detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) \$867,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Cowlitz county 911 communications center for the purpose of purchasing or reimbursing the purchase of interoperable radio communication technology to improve disaster response in the Mount St. Helens area.

(5) No funds from sources other than fees from voice over internet protocol (VOIP) providers may be used to implement technologies specific to the integration of VOIP 911 with E-911. The military department, in conjunction with the department of revenue, shall propose methods for assuring the collection of an appropriate enhanced 911 excise tax from VOIP 911 providers and shall report their recommendations to the legislature by November 1, 2005.

(6) \$41,000 of the enhanced 911 account appropriation is provided solely to implement Substitute House Bill No. 2543 (911 advisory committee). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7)(a) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department for administration of competitive grants detailed in (b) of this subsection and for implementation of one or more of the following activities regarding emergency management: Development and coordination of comprehensive emergency management plans; training of elected and appointed officials on state laws, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; and administering periodic joint emergency management training exercises involving the military department and other state agencies. In addition, the military department will study the feasibility of having regional disaster medical assistance teams and urban search and rescue teams available within the state to be deployed by the governor. The military department will report the findings and recommendations to the legislature by December 1, 2006.

(b) \$1,600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department to allocate grants to regional agencies, local governments, tribal governments, regional incident management teams, and private organizations. The grants shall be for one or more of the following purposes and distributed on a competitive basis: Development and coordination of comprehensive emergency management plans; training of elected and appointed officials on state laws, ordinances, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; administration of periodic joint emergency management training exercises; and implementation of projects that will strengthen emergency response, mitigation, preparation, and coordination.

(8)(a) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department to: (i) Initiate a health registry for veterans and military personnel returning from Afghanistan, Iraq, or other countries in which depleted uranium or other hazardous materials may be found; (ii) develop a plan for outreach to and follow-up of military personnel; (iii) prepare a report for service members concerning potential exposure to depleted uranium and other toxic chemical substances and the precautions recommended under combat and noncombat conditions while in a combat zone; (iv) submit a report by October 1, 2006, to the joint veterans and military affairs committee on the scope and adequacy of training received by members of the Washington national guard on detecting whether their service as eligible members is likely to entail, or to have entailed, exposure to depleted uranium, including an assessment of the feasibility and cost of adding predeployment training concerning potential exposure to depleted uranium and other

toxic chemical substances; and (v) study the health effects of hazardous materials exposure including, but not limited to, depleted uranium, as they relate to military service and submit a report and recommendations to the joint veterans and military affairs committee.

(b) By January 31, 2007, the joint veterans and military affairs committee shall submit its recommendations, if any, to the appropriate committees of the legislature.

Sec. 151. 2005 c 518 s 152 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2006) . . .	(\$2,776,000)
	\$2,808,000
General Fund--State Appropriation (FY 2007) . . .	(\$2,824,000)
	\$2,890,000
Department of Personnel Service Account--State App.	(\$2,946,000)
	\$2,953,000
Pension Funding Stabilization Account Appropriation . . .	\$16,000
TOTAL APPROPRIATION	(\$8,545,000)
	\$8,667,000

The appropriations in this section are subject to the following conditions and limitations: \$32,000 of the general fund--state appropriation in fiscal year 2006 and \$60,000 of the general fund--state appropriation in fiscal year 2007 are provided solely for costs pursuant to Engrossed Second Substitute House Bill No. 2353 (family child care providers). If the bill is not enacted by June 30, 2006, the amount provided for this purpose shall lapse.

Sec. 152. 2005 c 518 s 153 (uncodified) is amended to read as follows:

FOR THE GROWTH (PLANNING)) MANAGEMENT HEARINGS BOARD

General Fund--State Appropriation (FY 2006)	\$1,571,000
General Fund--State Appropriation (FY 2007) . . .	(\$1,587,000)
	\$1,590,000
Pension Funding Stabilization Account Appropriation . . .	\$8,000
TOTAL APPROPRIATION	(\$3,158,000)
	\$3,169,000

The appropriations in this section are subject to the following conditions and limitations: (~~\$9,000 of the general fund--state appropriation for fiscal year 2006 and \$9,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Western Board to relocate. If the Western Board does not relocate by June 30, 2006, the amounts provided in this subsection shall lapse.~~)

Sec. 153. 2005 c 518 s 154 (uncodified) is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Account--State App.	(\$3,012,000)
State Convention and Trade Center Operating Account--State Appropriation	(\$46,470,000)
	\$46,491,000
TOTAL APPROPRIATION	(\$76,982,000)
	\$77,003,000

Sec. 154. 2005 c 518 s 155 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund--State Appropriation (FY 2006)	(\$550,000)
	\$745,000
General Fund--State Appropriation (FY 2007)	(\$549,000)
	\$728,000
General Fund--Federal Appropriation	(\$1,446,000)
	\$1,037,000
General Fund--Private/Local Appropriation	\$14,000
Pension Funding Stabilization Account Appropriation . . .	\$3,000
TOTAL APPROPRIATION	(\$2,559,000)
	\$2,527,000

**PART II
HUMAN SERVICES**

Sec. 201. 2005 c 518 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2006, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2006 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2006 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose, other than family support appropriations for the developmental disabilities program in section 205(1)(e) of this act and family reconciliation services appropriations for the children and family services program in section 202(20) of this act, after approval by the director of financial management.

(c) The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(4) The department is authorized to expend up to \$4,700,000 of its general fund--state appropriation for fiscal year 2007 for any reductions in federal funding in fiscal year 2006 for targeted case management services for children who are in the care of the state. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications under this subsection.

(5) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration

partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2005-2007 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

~~((+))~~ (6) In accordance with RCW 74.39A.300, the appropriations to the department of social and health services in this act are sufficient to implement the compensation and fringe benefits of the collective bargaining agreement reached between the governor and the exclusive bargaining representative of individual providers of home care services.

Sec. 202. 2005 c 518 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	. ((\$251,005,000))	\$257,266,000
General Fund--State Appropriation (FY 2007)	. ((\$266,350,000))	\$287,602,000
General Fund--Federal Appropriation	. . . . . ((\$421,401,000))	\$433,829,000
General Fund--Private/Local Appropriation	. . . . .	\$400,000
Domestic Violence Prevention Account--State Appropriation	. . . . .	\$1,045,000
Public Safety and Education Account--State Appropriation	. . . . . ((\$40,754,000))	\$6,405,000
Violence Reduction and Drug Enforcement Account--State Appropriation	. . . . . ((\$1,510,000))	\$5,860,000
Pension Funding Stabilization Account--State Appropriation	. . . . .	\$699,000
TOTAL APPROPRIATION	. . . . . ((\$951,420,000))	\$993,406,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,271,000 of the general fund--state appropriation for fiscal year 2006, \$2,271,000 of the general fund--state appropriation for fiscal year 2007, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund--state appropriation for fiscal year 2006 and \$701,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2006, \$375,000 of the general fund--state appropriation for fiscal year 2007, and \$322,000 of the general fund--federal

appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year ~~((2004))~~ 2006 and \$125,000 of the general fund--state appropriation for fiscal year ~~((2005))~~ 2007 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children. The department shall report annually by October 1st to the appropriate committees of the legislature on the specific efforts taken to contain costs.

(7) ~~(\$3,837,000)~~ \$4,661,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$6,352,000)~~ \$12,666,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$4,370,000)~~ \$7,443,000 of the general fund--federal appropriation are provided solely for reforms to the child protective services and child welfare services programs, including ~~((30-day))~~ improvement in achieving face-to-face contact for children (in out-of-home care) every 30 days, improved timeliness of child protective services investigations, (an enhanced in-home child welfare services program;) and education specialist services. The department shall report by December 1st of each year on the implementation status of the enhancements, including the hiring of new staff, and the outcomes of the reform efforts. The information provided shall include a progress report on items in the child and family services review program improvement plan and areas identified for improvement in the Braam lawsuit settlement.

(8) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(9) \$177,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$178,000)~~ \$228,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state association of children's advocacy centers. Funds may be used for (a) children's advocacy centers that meet the national children's alliance accreditation standards for full membership, and are members in good standing; (b) communities in the process of establishing a center; and (c) the state association of children's advocacy centers. A 50 percent match will be required of each center receiving state funding.

(10) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a street youth program in Spokane.

(11) \$4,672,000 of the general fund--state appropriation for fiscal year 2006 and \$4,672,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for secure crisis residential centers.

(12) \$572,000 of the general fund--state appropriation for fiscal year 2006 ~~(\$572,000)~~ and \$1,144,000 of the general fund--state appropriation for fiscal year 2007 ~~(and \$1,144,000 of the general fund--federal appropriation)~~ are provided solely for section 305 of Senate Bill No. 5763 (mental disorders treatment) for chemical dependency specialist services.

(13) \$3,500,000 of the general fund--state appropriation for fiscal year 2007 and \$1,500,000 of the general fund--federal appropriation are provided solely for Engrossed Senate Bill No. 5922 (child neglect). If the bill is not enacted by June 30, 2005, these amounts shall lapse.

(14) \$1,345,000 of the domestic violence prevention account appropriation is provided solely for the implementation of chapter 374, Laws of 2005.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the supervised visitation and safe exchange center in Kent. The department shall not retain any portion for administrative purposes.

(16) \$450,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$521,000 of the general fund--state appropriation for fiscal year 2007 and \$223,000 of the general fund--federal appropriation are provided solely for a statewide foster parent recruitment and retention program pursuant to Second Substitute House Bill No. 3115 (foster care critical support). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) The department shall evaluate integrating a family assessment component into its practice model for working with lower risk families involved with child protective services. The department shall report its findings to the joint task force on child safety for children in child protective services or child welfare services by July 1, 2007.

(19) \$3,700,000 of the general fund--state appropriation for fiscal year 2006, \$3,700,000 of the general fund--state appropriation for fiscal year 2007, and \$6,200,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall contract for MTCC services. In addition to referrals made by children's administration case workers, the department shall authorize children referred to the MTCC program by local public health nurses and case workers from the temporary assistance for needy families (TANF) program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program. Starting in June 2006, the department shall report quarterly to the appropriate policy committees of the legislature on the MTCC program and include monthly statewide and regional information on: (a) The number of referrals; (b) the number of authorized referrals and child enrollments; and (c) program expenditure levels.

(20) \$540,000 of the general fund--state appropriation for fiscal year 2006, \$540,000 of the general fund--state appropriation for fiscal year 2007, and \$2,476,000 of the general fund--federal appropriation are provided solely for the category of services titled "family reconciliation services."

(21) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for continuum of care in Region 1.

Sec. 203. 2005 c 518 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2006) ..	(\$78,552,000)
	\$79,031,000
General Fund--State Appropriation (FY 2007) ..	(\$81,760,000)
	\$80,615,000
General Fund--Federal Appropriation	(\$5,998,000)
	\$5,668,000
General Fund--Private/Local Appropriation	\$1,098,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$38,385,000
Juvenile Accountability Incentive Account--Federal Appropriation	(\$5,600,000)
	\$5,516,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$49,000</u>
TOTAL APPROPRIATION	(\$211,414,000)
	\$210,762,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$706,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,156,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,020,000 of the general fund--state appropriation for fiscal year 2006, \$1,030,000 of the general fund--state appropriation for fiscal year 2007, and \$5,345,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,997,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) For the purposes of a pilot project, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate comparison group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2006, and a concluding report by June 30, 2007. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

(6) \$319,000 of the general fund--state appropriation for fiscal year 2006 and \$678,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a reinvesting in youth pilot program. Participation shall be limited to three counties or groups of counties, including one charter county with a population of over eight hundred thousand residents and at least one county or group of counties with a combined population of three hundred thousand residents or less.

(a) Only the following intervention service models shall be funded under the pilot program: (i) Functional family therapy; (ii) multi-systemic therapy; and (iii) aggression replacement training.

(b) Subject to (c) of this subsection, payments to counties in the pilot program shall be sixty-nine percent of the average service model cost per youth times the number of youth engaged by the selected

service model. For the purposes of calculating the average service model cost per engaged youth for a county, the following costs will be included: Staff salaries, staff benefits, training, fees, quality assurance, and local expenditures on administration.

(c) Distribution of moneys to the charter county with a population of over eight hundred thousand residents shall be based upon the number of youth that are engaged by the intervention service models, up to six hundred thousand dollars for the biennium. The department may distribute the remaining grant moneys to the other counties selected to participate in the pilot program.

(d) The department shall provide recommendations to the legislature by June 30, 2006, regarding a cost savings calculation methodology, a funds distribution formula, and criteria for service model eligibility for use if the reinvesting in youth program is continued in future biennia.

~~((c)) \$248,000 of the general fund--state appropriation for fiscal year 2006 and \$496,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to reimburse counties for local juvenile disposition alternatives implemented pursuant to House Bill No. 2073 (juvenile sentencing) and Senate Bill No. 5719 (community commitment). The juvenile rehabilitation administration, in consultation with the juvenile court administrators, shall develop an equitable distribution formula for the funding provided in this subsection, and negotiate contracts that would avoid the cost of a youth kept in the community costing more than serving the youth in a juvenile rehabilitation institution and parole program on an average daily population basis. The juvenile rehabilitation administration may adjust the funding level provided in this subsection in the event that utilization rates of the disposition alternatives are lower than the level anticipated by the total appropriation to the juvenile rehabilitation administration in this section. The juvenile rehabilitation administration shall report to the appropriate policy and fiscal committees of the legislature on the use of the disposition alternatives and revocations by December 1, 2006. If either bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.))~~

Sec. 204. 2005 c 518 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2006)	. ((\$261,430,000))
	\$260,292,000
General Fund--State Appropriation (FY 2007)	. ((\$269,285,000))
	\$283,039,000
General Fund--Federal Appropriation	. . . . . ((\$336,771,000))
	\$344,331,000
General Fund--Private/Local Appropriation	. . . . . \$1,970,000
TOTAL APPROPRIATION	. . . . . ((\$869,456,000))
	\$889,632,000

The appropriations in this subsection are subject to the following conditions and limitations:

~~((b))~~ (a) \$103,400,000 of the general fund--state appropriation for fiscal year 2006 ~~((and \$103,400,000 of the general fund--state appropriation for fiscal year 2007 are))~~ is provided solely for persons and services not covered by the medicaid program. The department shall distribute ~~((these amounts))~~ this amount among the regional support networks according to a formula that, consistent with RCW 71.24.035(13), assures continuation of fiscal year 2003 levels of nonmedicaid service in each regional support network area for the following service categories in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance. The formula shall also ensure that each regional support network's combined state and federal allocation is no less than the amount it was due under the fiscal year 2005 allocation methodology. The remaining amounts shall be distributed based upon a formula that incorporates each regional support network's percentage of the state's population. ~~((In consultation with regional~~

support networks and other interested groups, the department shall report to the joint legislative and executive task force by September 2006 on options for modifying the allocation formula to assure equitable statewide access to essential nonmedicaid services.

~~(e))~~ (b) \$100,959,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for persons and services not covered by the medicaid program. Consistent with RCW 71.24.035(13), these funds shall be distributed proportional to each regional support network's percentage of the total state population.

(c) \$10,882,000 of the general fund--state appropriation for fiscal year 2007 and \$10,922,000 of the general fund--federal appropriation are provided solely to increase medicaid capitation rates (i) by three and one-half percent, for regional support networks whose fiscal year 2006 capitation rates are above the statewide population-weighted average; and (ii) to the statewide population-weighted average, for regional support networks whose fiscal year 2006 capitation rates are below that level. Regional support networks may elect to receive all or a portion of the general fund--state share of the funding for which they qualify under this subsection (1)(c) as an increase in nonmedicaid rather than medicaid funding. Regional support networks choosing to obtain funding in this way must notify the department of their decision no later than June 1, 2006.

(d) \$359,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to ensure that no regional support network's combined state and federal allocation is less than the amount it was due under the fiscal year 2006 allocation methodology.

(e) \$750,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for grants to hospitals that are unable to receive disproportionate share hospital funding due to the federal funding restrictions on "institutions for mental disease." These funds shall be allocated among eligible hospitals proportional to the amount the hospital would have received from the disproportionate share hospital grants funded under section 209 of this 2006 act if the federal funding restriction were not in effect.

(f) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a contract with the national alliance for the mentally ill of greater Seattle to assist people who are recovering from a major mental illness to participate in development of a group residence for women.

(g) \$2,825,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to refund to regional support networks fifty percent of the "liquidated damages" amount that was withheld from payments to the regional support network during fiscal years 2002 through 2005 because the regional support network used more than its allocated number of state hospital days of care. The payments directed in this subsection (1)(g) are contingent upon agreement by the regional support network that the funds shall be used only for mental health services. The payments directed in this subsection do not apply to regional support networks to which such refunds have been directed by court order prior to the effective date of this 2006 act.

(h) The department shall refund to the regional support networks 100 percent of the "liquidated damages" that have been withheld from payments to the regional support network during fiscal year 2006 for periods prior to the effective date of this act. The payments directed in this subsection (1)(h) do not apply to regional support networks to which such refunds have been directed by court order prior to the effective date of this act.

(i) \$3,238,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches which the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the regional support network would otherwise need to use at the state hospitals.

(j) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall average 222 per day throughout fiscal year 2007. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall average 727 during the first quarter of fiscal year 2007, 757 during the second quarter of fiscal year 2007, and 777 during the

third and fourth quarters of fiscal year 2007. During fiscal year 2007, the department shall not separately charge regional support networks for use of state hospital beds for short-term commitments, or for persons served in the program for adaptive living skills (PALS), but the days of care provided for such commitments and in the PALS program shall count against the regional support network's state hospital allocation. The legislature intends to authorize separate charges for the PALS program beginning in January 2008.

(k) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

~~((f))~~ (l) Within amounts appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services shall be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the required nonfederal share of the increased medicaid payment provided for operation of this project.

~~((e))~~ (m) \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,375,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a base community psychiatric hospitalization payment rate. The base payment rate shall be \$400 per indigent patient day at hospitals that accept commitments under the involuntary treatment act, and \$550 per medicaid patient day at free-standing psychiatric hospitals that accept commitments under the involuntary treatment act. The department shall allocate these funds among the regional support networks to reflect projected expenditures at the enhanced payment level by hospital and region.

~~((f))~~ (n) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

~~((g))~~ \$2,146,000 of the general fund--state appropriation for fiscal year 2006, \$4,408,000 of the general fund--state appropriation for fiscal year 2007, and \$4,559,000 of the general fund--federal appropriation are provided solely for a vendor rate increase to regional support networks for medicaid and nonmedicaid services, to the extent that: Amounts provided in this subsection (1) to serve medicaid clients through regional support networks are sufficient to ensure compliance with federally approved actuarially sound medicaid rate ranges in every rate category. If such amounts are not sufficient to ensure compliance, funds provided in this subsection (1)(g) shall first be applied to address any noncompliant rate category; remaining amounts shall be allocated among the regional support networks by applying a uniform percentage of increase across regional support networks.

~~((h))~~ (o) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$5,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon mentally ill offenders' release from confinement. These amounts shall supplement, and not supplant, local or other funding or in-kind resources currently being used for these purposes. The department is authorized to transfer such amounts as are necessary, which are not to exceed \$418,000 of the general fund--state appropriation for fiscal year 2006 and \$418,000 of the general fund--state appropriation for fiscal year 2007, to the economic services program for the purposes of implementing section 12 of Engrossed Second Substitute House Bill No. 1290 (community

mental health) related to reinstating and facilitating access to mental health services upon mentally ill offenders' release from confinement.

((+)) (p) \$1,500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

((+)) (q) The department is authorized to continue to expend federal block grant funds, and special purpose federal grants, through direct contracts, rather than through contracts with regional support networks; and to distribute such funds through a formula other than the one established pursuant to RCW 71.24.035(13).

((+)) (r) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

((+)) (s) \$2,250,000 of the general fund--state appropriation for fiscal year 2006, \$2,250,000 of the general fund--state appropriation for fiscal year 2007, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration. The funds are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

((+)) (t) \$750,000 of the general fund--state appropriation for fiscal year 2006 and \$750,000 of the general fund--state appropriation for fiscal year 2007 are provided to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who have been discharged from the state hospitals. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

((+)) (u) \$539,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist with the one-time start-up costs of two evaluation and treatment facilities. Funding for ongoing program operations shall be from existing funds that would otherwise be expended upon short-term treatment in state or community hospitals.

((+)) (v) \$550,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for ~~((a pilot project that provides integrated care through a facility specializing in long-term rehabilitation services for people with chronic mental illness who are chronically medically-compromised. This project is to be implemented in coordination with and under the auspices of a regional support network))~~ enhancing rates to a facility that (i) is a licensed nursing home; (ii) is considered to be an "Institution for Mental Diseases" under centers for medicare and medicaid services criteria; (iii) specializes in long-term rehabilitation services for people with chronic mental illness who are chronically medically-compromised; and (iv) provides services to a minimum of 48 consumers funded by a regional support network. These amounts shall be provided in coordination with and under the auspices of a regional support network and shall enhance, and not supplant, other funding or in-kind resources currently being used for these purposes. These funds shall be used to cover costs incurred throughout fiscal year 2006 and fiscal year 2007 and ensure adequate compensation for extra medical care services, personal care services, and other incidental costs that are not fully covered in the current rate paid to the facility.

(w) \$450,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the mental health division, in collaboration with the children's administration and the juvenile rehabilitation services administration, to establish a pilot program to provide evidence-based mental health services to children. The mental health service or services to be provided under the pilot program must be selected from a list of evidence-based service options developed by the department, in consultation with a broadly representative group of individuals with expertise in children's mental health.

(i) The program site shall be selected through a request for proposal (RFP) process, open to counties or groups of counties, and shall be operational by December 2006.

(ii) Pilot site proposals shall be required to include: A designated lead agency and a commitment to work with community partners, including consumer/family representatives and representatives of the local mental health, juvenile justice, and child welfare systems and, at the applicant's discretion, may also include representatives of other child-serving systems such as health care and education; identification of areas of potential need based upon input from community partners; identification of the service or services that the pilot site would implement based upon community needs and resources; and demonstration of a commitment to participate in efforts that will ensure adherence to the chosen evidence-based practices and evaluate outcomes of implementation of the evidence-based practices.

(iii) The department shall contract with the University of Washington school of medicine's department of psychiatry and behavioral sciences division of public behavioral health and justice to provide support and assistance in all phases of the pilot program, including initiating, implementing, training providers, providing quality assurance, and monitoring implementation and outcomes.

(x) Amounts provided in this subsection are sufficient to implement Second Substitute House Bill No. 2912 (mental health professionals).

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	. ((\$104,749,000))
	\$115,706,000
General Fund--State Appropriation (FY 2007)	. ((\$110,534,000))
	\$137,445,000
General Fund--Federal Appropriation	. . . . . ((\$150,115,000))
	\$143,693,000
General Fund--Private/Local Appropriation	. . . . . ((\$29,632,000))
	\$30,994,000
Pension Funding Stabilization Account--State Appropriation	\$965,000
TOTAL APPROPRIATION	. . . . . ((\$395,030,000))
	\$428,803,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$3,725,000 of the general fund--state appropriation for fiscal year 2006 and \$3,675,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to operate at least one more forensic ward at western state hospital than was operational in December 2004, and to employ professional staff in addition to those assigned in December 2004 to conduct outpatient evaluations of competency to stand trial.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2006 and \$45,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for payment to the city of Lakewood on September 1 of each year for police services provided by the city at western state hospital and adjacent areas.

(d) \$6,770,000 of the general fund--state appropriation for fiscal year 2006 and \$19,850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to open on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise

need care in the hospitals. To the extent that the department and regional support networks are able to develop and implement cost-effective approaches during fiscal year 2007 that would avert the need to open one or more of the additional wards, the department is authorized to use funds appropriated in this subsection for implementation of those approaches. The department shall seek review and comment from the legislative fiscal committees at least thirty days prior to proceeding with implementation of any such alternative approach.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2006)	(\$43,322,000)
	\$40,499,000
General Fund--State Appropriation (FY 2007)	(\$46,551,000)
	\$45,276,000
Pension Funding Stabilization Account--State Appropriation	\$29,000
TOTAL APPROPRIATION	(\$89,873,000)
	\$85,904,000

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	\$643,000
General Fund--State Appropriation (FY 2007)	(\$994,000)
	\$1,726,000
General Fund--Federal Appropriation	(\$3,209,000)
	\$3,395,000
Pension Funding Stabilization Account--State Appropriation	\$1,000
TOTAL APPROPRIATION	(\$4,846,000)
	\$5,765,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$75,000 of the general fund--state appropriation for fiscal year 2006, \$75,000 of the general fund--state appropriation for fiscal year 2007, and \$40,000 of the general fund--federal appropriation are provided solely to implement the request for proposal process required by House Bill No. 1290 (community mental health). If House Bill No. 1290 is not enacted by June 30, 2005, these amounts shall lapse.

(b) \$178,000 of the general fund--state appropriation for fiscal year 2006 and \$221,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to develop and to train community mental health staff in the use of the integrated chemical dependency/mental health screening and assessment system and tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment). If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, these amounts shall lapse.

(c) Funds provided in this subsection may be used to issue a request for proposals in accordance with RCW 71.24.320(2) only if Engrossed Substitute Senate Bill No. 6793 is enacted by June 30, 2006.

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	(\$3,620,000)
	\$6,577,000
General Fund--State Appropriation (FY 2007)	(\$3,550,000)
	\$4,183,000
General Fund--Federal Appropriation	(\$6,671,000)
	\$5,881,000
Pension Funding Stabilization Account--State Appropriation	\$9,000
TOTAL APPROPRIATION	(\$13,841,000)
	\$16,660,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$125,000 of the general fund--state appropriation for fiscal year 2006, \$125,000 of the general fund--state appropriation for fiscal year 2007, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), and, to the extent funds are available within these amounts, to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders).

(b) \$2,032,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of complying with and satisfaction of a final court order and judgment in *Pierce County, et al v. State of Washington and State of Washington Department of Social and Health Services, et al*, Thurston County Superior Court Cause No. 03-2-00918-8.

(c) \$520,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all claims in *County of Spokane, a Washington municipal entity v. State of Washington Department of Social and Health Services and Dennis Braddock, the Secretary of the Department of Social and Health Services, in his official capacity*, Thurston County Superior Court Cause No. 03-2-01268-5. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection. If the settlement is not executed by June 30, 2006, the amount provided in this subsection shall lapse.

(d) Funds provided in this subsection may be used to issue a request for proposals in accordance with RCW 71.24.320(2) only if Engrossed Substitute Senate Bill No. 6793 is enacted by June 30, 2006.

Sec. 205. 2005 c 518 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2006)	(\$299,027,000)
	\$296,430,000
General Fund--State Appropriation (FY 2007)	(\$311,869,000)
	\$312,856,000
General Fund--Federal Appropriation	(\$505,414,000)
	\$503,419,000
Health Services Account--State Appropriation	\$904,000
Pension Funding Stabilization Account--State Appropriation	\$38,000
TOTAL APPROPRIATION	(\$1,117,214,000)
	\$1,113,747,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, ~~(\$213,000)~~ \$151,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$400,000)~~ \$427,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$600,000)~~ \$1,482,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The ~~(per worker per month)~~ state contribution ~~(per agency)~~ to the cost of health care benefits per participating worker per month shall be no greater than ~~(\$380.06)~~ \$449.00 in fiscal year 2006 and ~~(\$413.14)~~ \$532.00 in fiscal year 2007.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$516,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$1,563,000)~~ \$1,917,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$2,078,000)~~ \$2,433,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of

clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) ~~\$579,000 of the general fund--state appropriation for fiscal year 2006, ((~~\$1,531,000~~)) \$1,735,000 of the general fund--state appropriation for fiscal year 2007, and ((~~\$2,110,000~~)) \$2,315,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.~~

(e) \$12,902,000 of the general fund--state appropriation for fiscal year 2006, \$13,802,000 of the general fund--state appropriation for fiscal year 2007, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities.

Of the amounts provided in this subsection (e), \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$1,600,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of a flexible family support pilot program for families who are providing care and support for family members with developmental disabilities. The program shall provide funding for support services such as respite care, training and counseling, assistive technologies, transition services, and assistance with extraordinary household expenses.

(i) To receive funding, an individual must: (A) Be eligible for services from the division of developmental disabilities; (B) live with his or her family; (C) not live independently or with a spouse; (D) not receive paid services through the division, including medicaid personal care and medicaid waiver services; and (E) have gross household income of less than or equal to four hundred percent of the federal poverty level.

(ii) The department shall determine individual funding awards based on the following criteria: (A) Documented need for services, with priority given to individuals in crisis or at immediate risk of needing institutional services, individuals who transition from high school without employment or day program opportunities, individuals cared for by a single parent, and individuals with multiple disabilities; (B) number and ages of family members and their relation to the individual with developmental disabilities; (C) gross annual household income; and (D) availability of state funds.

Funding awards may be made as one-time awards or on a renewable basis. Renewable awards shall be for a period of twelve months for the biennium. Awards shall be based upon the criteria

provided in this subsection, but shall be within the following limits: Maximum of \$4,000 per year for an individual whose gross annual household income is up to 100 percent of the federal poverty level; maximum of \$3,000 per year for an individual whose gross annual household income is up to 200 percent of the federal poverty level; maximum of \$2,000 per year for an individual whose gross annual household income is up to 300 percent of the federal poverty level; and maximum of \$1,000 per year for an individual whose gross annual household income is up to 400 percent of the federal poverty level. Of the amounts provided in this subsection, \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for one-time awards.

(iii) Eligibility for, and the amount of, renewable awards and one-time awards shall be redetermined annually and shall correspond with the application of the department's mini-assessment tool. At the end of each award period, the department must redetermine eligibility for funding, including increases or reductions in the level of funding, as appropriate.

(iv) By November 1, 2006, the department shall provide recommendations to the appropriate policy and fiscal committees of the legislature on strategies for integrating state-funded family support programs, including, if appropriate, the flexible family support pilot program, into a single program. The department shall also provide a status report on the flexible family support pilot program, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(v) The department shall manage enrollment and award levels so as to not exceed the amounts appropriated for this purpose.

(f) ~~\$840,000 of the general fund--state appropriation for fiscal year 2006, ((~~\$1,979,000~~)) \$3,060,000 of the general fund--state appropriation for fiscal year 2007, and ((~~\$1,219,000~~)) \$1,500,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients.~~

(g) \$1,000,000 of the general fund--state appropriation for fiscal year 2006, \$1,000,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000,000 of the general fund--federal appropriation are provided for implementation of the administrative rate standardization. These amounts are in addition to any vendor rate increase adopted by the legislature.

(h) ~~\$100,000 of the general fund--state appropriation for fiscal year 2006 ((~~rs~~)) and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for services to community clients provided by licensed professionals at the state residential habilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community with medical assistance or third-party health coverage, as appropriate, and shall implement a system for billing clients without coverage. The department shall provide a report by December 1, 2006, to the appropriate committees of the legislature on the number of clients served, services provided, and expenditures and revenues associated with those services.~~

(i) ~~\$65,000 of the general fund--state appropriation for fiscal year 2006 ((~~\$65,000 of the general fund--state appropriation for fiscal year 2007~~)) and ((~~\$130,000~~)) \$65,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:~~

(i) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(ii) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or

their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(j) \$12,000 of the general fund--state appropriation for fiscal year 2007 and \$12,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(k) \$134,000 of the general fund--state appropriation for fiscal year 2007 and \$134,000 of the general fund--federal appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

(l) \$955,000 of the general fund--state appropriation for fiscal year 2007 and \$958,000 of the general fund--federal appropriation are provided solely for a rate increase for supported living providers of 15 cents per hour for King county, and 12 cents per hour for all other counties.

(m) \$778,000 of the general fund--state appropriation for fiscal year 2007 and \$580,000 of the general fund--federal appropriation are provided solely for additional case managers and support staff. The department shall dedicate half of the amount provided in this subsection to accelerate the implementation of the mini-assessment tool on clients not currently receiving paid services.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	(\$76,062,000)
	\$76,623,000
General Fund--State Appropriation (FY 2007)	(\$78,545,000)
	\$78,826,000
General Fund--Federal Appropriation	(\$152,479,000)
	\$153,807,000
General Fund--Private/Local Appropriation	(\$12,000,000)
	\$11,237,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$57,000</u>
TOTAL APPROPRIATION	(\$319,086,000)
	\$320,950,000

The appropriations in this subsection are subject to the following conditions and limitations: The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	(\$2,457,000)
	\$2,312,000
General Fund--State Appropriation (FY 2007)	(\$2,068,000)
	\$1,924,000
General Fund--Federal Appropriation	(\$3,034,000)
	\$3,014,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$7,000</u>
TOTAL APPROPRIATION	(\$7,559,000)
	\$7,267,000

The appropriations in this subsection are subject to the following conditions and limitations: \$578,000 of the general fund--state appropriation for fiscal year 2006 and \$578,000 of the general fund--federal appropriation are provided solely for the purpose of developing and implementing a consistent needs assessment instrument for use on all clients with developmental disabilities. In developing the instrument, the department shall develop a process for collecting data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is captured as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	\$11,000
General Fund--State Appropriation (FY 2007)	\$17,000
General Fund--Federal Appropriation	(\$16,668,000)
	\$17,238,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$2,000</u>
TOTAL APPROPRIATION	(\$16,696,000)
	\$17,268,000

Sec. 206. 2005 c 518 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	(\$604,891,000)
	\$610,082,000
General Fund--State Appropriation (FY 2007)	(\$623,448,000)
	\$663,865,000
General Fund--Federal Appropriation	(\$1,264,939,000)
	\$1,312,062,000
General Fund--Private/Local Appropriation	(\$18,939,000)
	\$18,949,000
Health Services Account--State Appropriation	\$4,888,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$17,000</u>
TOTAL APPROPRIATION	(\$2,517,105,000)
	\$2,610,163,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, ~~(\$610,000)~~ \$6,911,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$610,000)~~ \$11,571,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$5,552,000)~~ \$23,251,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The ~~(per worker per month)~~ state contribution ~~(per agency)~~ to the cost of health care benefits per eligible participating worker per month shall be no greater than ~~(\$380.06)~~ \$449.00 in fiscal year 2006 and ~~(\$413.14)~~ \$532.00 per month in fiscal year 2007. The department, in consultation with the home care quality authority and the health care authority, shall examine how the state determines the appropriate level of health care costs when establishing state contribution rates for all agency and individual home care workers caring for state subsidized clients. The department shall recommend options as to how equivalent benefits can be purchased on behalf of home care workers in a more cost effective manner to the office of financial management and the appropriate fiscal committees of the legislature by October 1, 2006.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed ~~(\$149.14)~~ \$147.57 for fiscal year 2006 and shall not exceed ~~(\$153.50)~~ \$156.41 for fiscal year 2007.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2006; up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2007; and up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2008.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) ~~(\$1,413,000)~~ \$1,604,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$2,887,000)~~ \$3,450,000 of the

general fund--state appropriation for fiscal year 2007, and ~~(\$4,305,000)~~ \$5,064,000 of the general fund--federal appropriation are provided solely to increase compensation for direct care workers employed by home care agencies by 27 cents per hour on July 1, 2005, and by an additional 23 cents per hour on July 1, 2006. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$1,786,000 of the general fund--state appropriation for fiscal year 2006 and \$1,804,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for operation of the volunteer chore services program.

(8) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(9) \$93,000 of the general fund--state appropriation for fiscal year 2006, \$8,000 of the general fund--state appropriation for fiscal year 2007, and \$101,000 of the general fund--federal appropriation are provided solely to expand the number of boarding homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 85 beds in fiscal year 2006 and up to 150 beds in fiscal year 2007.

(10) \$305,000 of the general fund--state appropriation for fiscal year 2006 and \$377,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the senior farmer's market nutrition program.

~~((+2))~~ (11) \$109,000 of the general fund--state appropriation for fiscal year 2006, \$90,000 of the general fund--state appropriation for fiscal year 2007, and \$198,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1220 (long-term care financing). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

~~((+3))~~ (12) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide a kinship navigator for grandparents and other kinship caregivers of children in both western and eastern Washington.

(a) Kinship navigator services shall include but not be limited to assisting kinship caregivers with understanding and navigating the system of services for children in out-of-home care while reducing barriers faced by kinship caregivers when accessing services.

(b) In providing kinship navigator services, area agencies on aging shall give priority to helping kinship caregivers maintain their caregiving role by helping them access existing services and supports, thus keeping children from entering foster care.

~~((+4))~~ (13) \$435,000 of the general fund--state appropriation for fiscal year 2006 (~~(\$435,000 of the general fund--state appropriation for fiscal year 2007)~~) and ~~(\$870,000)~~ \$435,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

~~((+))~~ (a) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

~~((+))~~ (b) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(14) \$7,500,000 of the general fund--state appropriation for fiscal year 2007 and \$7,500,000 of the general fund--federal appropriation

are provided solely for purposes of settling all claims in the class action suit commonly known as *Regency Pacific et al. v. Department of Social and Health Services*. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection.

(15) \$121,000 of the general fund--state appropriation for fiscal year 2007 and \$120,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 2475 (individual providers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(16) \$57,000 of the general fund--state appropriation for fiscal year 2007 and \$57,000 of the general fund--federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 6630 (threatening individuals). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(17) \$4,493,000 of the general fund--state appropriation for fiscal year 2007 and \$4,478,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 2333 (agency home care workers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) \$183,000 of the general fund--state appropriation for fiscal year 2006 and \$184,000 of the general fund--federal appropriation are provided solely for payments to a boarding home licensed under chapter 18.20 RCW on January 25, 2002, which contracts with the department to provide assisted living services and which serves 20 or more clients participating in the program for all-inclusive care.

(19) \$10,090,000 of the general fund--state appropriation for fiscal year 2007 and \$10,090,000 of the general fund--federal appropriation are provided solely for the implementation of House Bill No. 2716 (nursing facility payment). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(20) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide support services through the kinship caregiver support program for grandparents and other informal kinship caregivers of children throughout the state.

(21) \$732,000 of the general fund--state appropriation for fiscal year 2007 and \$715,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(22) \$443,000 of the general fund--state appropriation for fiscal year 2007 and \$437,000 of the general fund--federal appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

Sec. 207. 2005 c 518 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	. ((\$483,166,000))
	\$514,027,000
General Fund--State Appropriation (FY 2007)	. ((\$501,081,000))
	\$531,957,000
General Fund--Federal Appropriation	. . . . . ((\$1,246,447,000))
	\$1,245,673,000
General Fund--Private/Local Appropriation	. . . . . ((\$31,466,000))
	\$27,535,000
Pension Funding Stabilization Account--State Appropriation	. . . . . \$108,000
TOTAL APPROPRIATION	. . . . . ((\$2,262,160,000))
	\$2,320,330,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$273,333,000)~~ \$303,247,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$273,333,000)~~ \$307,273,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$1,020,292,000)~~ \$905,232,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months; and

(b) Submit a report by October 1, 2005, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2005-2007 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels.

(2) ~~(\$75,833,000)~~ \$72,526,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$74,358,000)~~ \$77,880,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts:

(a) The department may expend funds for services that assist recipients to obtain employment and reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided. Mental health, substance abuse, and vocational rehabilitation services may be provided to recipients whose incapacity is not severe enough to qualify for services through a regional support network, the alcoholism and drug addiction treatment and support act, or the division of vocational rehabilitation to the extent that those services are necessary to eliminate or minimize barriers to employment;

(b) The department shall review the general assistance caseload to identify recipients that would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department;

(c) The department shall identify general assistance recipients who are or may be eligible to receive health care coverage or services through the federal veteran's administration and assist recipients in obtaining access to those benefits; and

(d) The department shall report by November of each year to the appropriate committees of the legislature on the progress and outcomes of these efforts.

(3) Within amounts appropriated in this section, the department shall increase the state supplemental payment by \$10 per month beginning in fiscal year 2006, and by an additional \$2.06 per month beginning in fiscal year 2007, for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance and decrease other state supplemental payments.

(4) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a subsidy rate increase for child care providers. Of this amount, \$500,000 per year shall be targeted for child care providers in urban areas of region 1 and \$500,000 per year shall be targeted for one or more tiered-reimbursement pilot projects.

(5) \$51,000 of the general fund--state appropriation for fiscal year 2006, \$84,000 of the general fund--state appropriation for fiscal year 2007, and \$261,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 2462 (child support schedule). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 208. 2005 c 518 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2006)	(\$57,235,000)
	<u>\$55,136,000</u>
General Fund--State Appropriation (FY 2007)	(\$66,956,000)
	<u>\$67,345,000</u>
General Fund--Federal Appropriation	(\$110,175,000)

	<u>\$136,750,000</u>
General Fund--Private/Local Appropriation	(\$633,000)
	<u>\$634,000</u>
Criminal Justice Treatment Account--State Appropriation	<u>\$16,500,000</u>
Violence Reduction and Drug Enforcement Account--State	<u>\$48,842,000</u>
Appropriation	(\$1,500,000)
Problem Gambling (Treatment) Account--State App	<u>\$1,350,000</u>
	(\$1,350,000)
Public Safety and Education Account--State Appropriation	<u>\$1,081,000</u>
Pension Funding Stabilization Account--State Appropriation	<u>\$39,000</u>
TOTAL APPROPRIATION	(\$303,922,000)
	<u>\$328,677,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$1,500,000)~~ \$100,000 of the general fund--state appropriation for fiscal year 2006, \$50,000 of the general fund--state appropriation for fiscal year 2007, and \$1,350,000 of the problem gambling (~~treatment~~) account appropriation ~~(is)~~ are provided solely for the program established in Engrossed Substitute House Bill No. 1031 (problem gambling). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.

(2) \$1,339,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$1,338,000)~~ \$1,713,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the parent child assistance program, including an expansion of services to southwestern Washington and Skagit county. The department shall contract with the University of Washington and community-based providers in Spokane, Yakima, Skagit county, and southwestern Washington for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount. The amounts provided in this subsection are sufficient to fund section 303 of Senate Bill No. 5763 (mental disorders treatment).

(3) \$2,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for vendor rate adjustments for residential treatment providers for chemical dependency services.

(4) \$465,000 of the general fund--state appropriation for fiscal year 2006, \$934,000 of the general fund--state appropriation for fiscal year 2007, \$1,319,000 of the general fund--federal appropriation, and \$700,000 of the violence reduction and drug enforcement account appropriation are provided solely for vendor rate adjustments for residential treatment providers. To the extent that a portion of this funding is sufficient to maintain sufficient residential treatment capacity, remaining amounts may then be used to provide vendor rate adjustments to other types of providers as prioritized by the department in order to maintain or increase treatment capacity.

(5) \$1,916,000 of the general fund--state appropriation for fiscal year 2006 and \$4,278,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for integrated pilot programs as required by section 203 of Senate Bill No. 5763 (mental disorders treatment). If section 203 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$244,000 of the general fund--state appropriation for fiscal year 2006 and \$244,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for intensive case management pilot programs as required by section 220 of Senate Bill No. 5763 (mental disorders treatment). If section 220 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) \$159,000 of the general fund--state appropriation for fiscal year 2006, \$140,000 of the general fund--state appropriation for fiscal year 2007, and \$161,000 of the general fund--federal appropriation are provided solely for development of the integrated chemical dependency/mental health screening and assessment tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment), and associated training and quality assurance. If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$5,475,000 of the general fund--state appropriation for fiscal year 2006, \$13,124,000 of the general fund--state appropriation for fiscal

year 2007, and \$10,669,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable clients. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(9) ~~\$1,967,000 of the general fund--state appropriation for fiscal year 2006, \$2,523,000 of the general fund--state appropriation for fiscal year 2007, and \$1,496,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.~~

Sec. 209. 2005 c 518 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2006)	(\$1,481,212,000)	\$1,462,447,000
General Fund--State Appropriation (FY 2007)	(\$1,596,101,000)	\$1,550,541,000
General Fund--Federal Appropriation	(\$4,036,615,000)	\$4,001,987,000
General Fund--Private/Local Appropriation	\$2,000,000	\$2,000,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$15,000,000	\$15,000,000
Health Services Account--State Appropriation	(\$636,942,000)	\$677,288,000
Pension Funding Stabilization Account--State Appropriation	\$23,000	\$23,000
TOTAL APPROPRIATION	(\$7,767,870,000)	\$7,709,386,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(5) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is equivalent to the benefit provided in the 2003-05 biennium.

(6) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments.

(7) ~~(\$1,660,000)~~ \$2,221,000 of the health services account appropriation, ~~(\$4,361,000)~~ \$5,402,000 of the general fund--federal appropriation, ~~(\$1,350,000)~~ \$1,590,000 of the general fund--state appropriation for fiscal year 2006, and ~~(\$1,351,000)~~ \$1,591,000 of

the general fund--state appropriation for fiscal year 2007 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) ~~(\$22,081,000)~~ \$21,092,000 of the health services account appropriation and ~~(\$20,714,000)~~ \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(9) In response to the federal directive to eliminate intergovernmental transfer transactions effective June 30, 2005, the department is directed to implement the inpatient hospital certified public expenditures program for the 2005-07 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. Hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of each medicaid inpatient fee-for-service claim payable by the medical assistance administration; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Medicaid fee-for-service claim amounts shall be established by applying the department's ratio of costs to charges payment methodology. The department shall provide participating hospitals with the information and instructions needed by the hospital to certify the public expenditures required to qualify for the federal portions of both the medicaid inpatient fee-for-service payments and the disproportionate share hospital payments. In the event that any part of the program including, but not limited to, allowable certified public expenditures, is disallowed by the federal government, the department shall not seek recoupment of payments from the hospitals, provided the hospitals have complied with the directions of the department for participation in the program. The legislature intends that hospitals in the program receive no less in combined state and federal payments than they would have received under the methodology that was in place during fiscal year 2005. The department shall therefore make additional grant payments, not to exceed the amounts ~~(provided)~~ specified in this subsection, to hospitals whose total payments under the program would otherwise be less than the total state and federal payments they would have received under the methodology in effect during fiscal year 2005. ~~(\$37,034,000 of the general fund--state appropriation for fiscal year 2006, \$37,552,000 of the general fund--state appropriation for fiscal year 2007, \$8,300,000 of the emergency medical services and trauma care systems trust account--state appropriation, and \$45,450,000 of the general fund--federal appropriation are provided solely for new state grant and upper payment limit programs for the participating hospitals.)~~ Payments under these new state grant and upper payment limit programs shall not exceed \$54,054,000 from general fund--state appropriations in fiscal year 2006, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section; \$47,474,000 from general fund--state appropriations in fiscal year 2007, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section; and \$11,328,000 from the general fund--federal appropriations in this section.

(10) ~~(\$4,372,000)~~ \$4,077,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$4,014,000)~~ \$4,847,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$65,112,000)~~ \$70,100,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system.

(11) ~~(\$150,000)~~ \$188,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$75,000)~~ \$37,000 of the general fund--state appropriation for fiscal year 2007, and \$225,000 of the general fund--federal appropriation are provided solely for the department to contract for an independent analysis of the medical

assistance administration's current system for establishing hospital inpatient payment rates, and for recommendations on a new or updated system. The department shall submit an interim report of study findings by December 1, 2005, and a final report by November 15, 2006. The interim report shall include a comparison of the strengths and weaknesses of the current rate-setting system relative to those used by other state, federal, and private payers. The final report shall include recommendations on the design and implementation of a new or updated system that will promote equity among hospitals, access to quality care and improved health outcomes for patients, and cost-control and efficiency for taxpayers. The study should make use of complete and current cost data from a wide variety of hospitals, recognize unique aspects of hospital service delivery structures and medicaid payment systems in Washington, recognize impacts on productivity and quality of care that may result from hospital compensation, recruitment, and retention policies, and provide opportunities for comment and participation by key interest groups in the identification and assessment of alternatives.

(12) Payment rates for hospital inpatient and outpatient services shall be increased by an average of 1.3 percent effective July 1, 2005, and by an average of an additional 1.3 percent effective July 1, 2006. The inpatient increases shall be provided only on the portion of a hospital's rate that excludes medical education and outlier costs, and shall be allocated so that hospitals with lower costs of care (excluding medical education and outlier costs) receive larger percentage increases than those with higher costs of care. The inpatient increases shall be allocated in three percentage increments, with the lowest-cost hospitals receiving the largest percentage rate increase, highest-cost hospitals receiving the smallest percentage increase, and medium-cost hospitals receiving the average of the highest and the lowest percentage rate increase. Increases shall not be provided to those hospitals that are certified as critical access. Sufficient funds are appropriated in this section for Healthy Options contractors to increase hospital payment rates commensurate with the increases in fee-for-service payment rates.

(13) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(14) The medical assistance administration is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the administration determines it is cost-effective to do so.

(15) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(16) By October 1, 2005, the department shall recommend to the governor and legislature at least two pilot project designs which seem likely to reduce avoidable emergency room utilization at no net cost to the state within the projects' first eighteen months of operation.

(17) Within funds appropriated in this section, the department shall participate in the health technology assessment program required in section 213(6) of this act.

(18) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(19) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings. The department shall provide a report to the appropriate committees of the legislature by January 1, 2006, on costs, savings, and any outcomes or quality measures associated with the pilot programs during the first year of operation.

(20) By October 1, 2005, the department shall report to the appropriate committees of the legislature on the potential fiscal and programmatic costs and benefits associated with an expansion of managed care pilot programs to SSI and other eligible medicaid elderly and disabled persons.

~~((22))~~ (21) By November 15, 2006, the department of social and health services, in consultation with the department of revenue and the health care authority, shall report to the health care and fiscal

committees of the legislature on options for providing financial incentives for private practice physicians to serve uninsured, medicare, and medicaid patients. The report shall include an assessment of the relative costs and effectiveness of strategies including, but not limited to, tax credits and payment rate increases. The report shall further suggest alternative mechanisms and thresholds for varying tax credits and payment enhancements according to the extent to which a provider serves uninsured, medicare, and medicaid patients.

(22) The department is directed to pursue all available administrative remedies to dispute and reverse recent large retroactive charges by the federal medicare program for payment of medicare part B premiums on behalf of medicaid recipients, to the extent that such premiums are for periods when medicare coverage was in fact never provided the beneficiaries, and their care was instead fully covered by the state medicaid program. The department shall report to the fiscal committees of the legislature by December 1, 2006, on the actions it has taken to dispute and reverse these charges.

(23) \$66,000 of the general fund--state appropriation for fiscal year 2007 and \$66,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(24) \$255,000 of the general fund--state appropriation for fiscal year 2007 and \$2,107,000 of the general fund--federal appropriation are provided solely to increase the availability of family planning services at the department of social and health services' community service offices. Resources will be prioritized for those offices where pregnancy rates are higher than the statewide average.

(25) \$17,000 of the general fund--state appropriation for fiscal year 2006, \$53,000 of the general fund--state appropriation for fiscal year 2007, and \$70,000 of the general fund--federal appropriation are provided solely for conducting a study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079 (health care services). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 210. 2005 c 518 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2006) ..	(\$11,202,000)
	\$10,694,000
General Fund--State Appropriation (FY 2007) ..	(\$11,350,000)
	\$11,014,000
General Fund--Federal Appropriation	(\$86,908,000)
	\$89,472,000
((General Fund--Private/Local Appropriation	\$440,000))
Telecommunications Devices for the Hearing and Speech Impaired--	
State Appropriation	(\$1,791,000)
	\$1,792,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$31,000</u>
TOTAL APPROPRIATION	(\$111,691,000)
	\$113,003,000

The appropriations in this section are subject to the following conditions and limitations: The division of vocational rehabilitation shall maintain support for existing clubhouse programs at the 2003-2005 level.

Sec. 211. 2005 c 518 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2006) ..	(\$32,933,000)
	\$34,675,000
General Fund--State Appropriation (FY 2007) ..	(\$29,910,000)
	\$36,860,000
General Fund--Federal Appropriation	(\$51,489,000)
	\$62,376,000
General Fund--Private/Local Appropriation	\$810,000

Public Safety and Education Account--State Appropriation	\$2,452,000
Violence Reduction and Drug Enforcement Account--State Appropriation	(\$1,791,000)
	<u>\$1,793,000</u>
(Domestic Violence Prevention Account--State Appropriation)	(\$45,000)
Pension Funding Stabilization Account--State Appropriation	\$100,000
TOTAL APPROPRIATION	(\$120,730,000)
	<u>\$139,266,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(2) \$2,452,000 of the public safety and education account--state appropriation, \$1,500,000 of the general fund--state appropriation for fiscal year 2007, and \$1,791,000 of the violence reduction and drug enforcement account--state appropriation are provided solely for the family policy council.

(3) ~~(\$3,195,000)~~ \$2,245,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$639,000)~~ \$1,589,000 of the general fund--state appropriation for fiscal year 2007, and \$3,834,000 of the general--fund federal appropriation are provided solely to implement the 2005-07 home care worker collective bargaining agreement.

~~(\$1,345,000 of the domestic violence prevention account is provided solely for the implementation of Engrossed Substitute House Bill No. 1314 (domestic violence prevention). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.)~~

Sec. 212. 2005 c 518 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2006)	(\$46,381,000)
	<u>\$48,755,000</u>
General Fund--State Appropriation (FY 2007)	(\$46,380,000)
	<u>\$49,277,000</u>
General Fund--Federal Appropriation	(\$45,103,000)
	<u>\$47,248,000</u>
TOTAL APPROPRIATION	(\$137,864,000)
	<u>\$145,280,000</u>

Sec. 213. 2005 c 518 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--Federal Appropriation	(\$3,140,000)
	<u>\$3,710,000</u>
State Health Care Authority Administrative Account--State Appropriation	(\$29,394,000)
	<u>\$33,279,000</u>
Medical Aid Account--State Appropriation	(\$171,000)
	<u>\$345,000</u>
Health Services Account--State Appropriation	(\$456,207,000)
	<u>\$468,286,000</u>
TOTAL APPROPRIATION	(\$488,912,000)
	<u>\$505,620,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and

which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) ~~(\$19,108,000)~~ \$21,108,000 of the health services account--state appropriation is provided solely for funding for health care services provided through local community clinics.

(5) \$391,000 of the health services account appropriation is provided solely for implementation of Substitute Senate Bill No. 5471, chapter 129, Laws of 2005 (drug purchasing consortium).

(6) The health care authority shall conduct a health technology assessment pilot project to evaluate scientific evidence regarding current and evolving health care procedures, services and technology. The pilot shall be a joint effort of the departments of social and health services, labor and industries, corrections, and veteran's affairs and the health care authority. Upon completion of assessment of a procedure, service or technology, the agencies shall make every effort, consistent with federal and state law, to jointly decide: (a) On coverage of the procedure, service or technology by each agency, and (b) if covered, the guidelines or criteria that will be applied to medical necessity decisions.

(7) The departments of social and health services, labor and industries and the health care authority, in collaboration with affected health care providers, facilities, and contracted health plans, shall design and implement a joint health purchasing project that links payment to health care provider or facility performance, particularly where such performance is expected to improve patient outcomes or where there are wide variations in clinical practice used to treat a condition or illness. The purchasing effort shall utilize evidence-based performance measures that are designed to improve quality of care and yield measurable and significant savings. The project shall include payment mechanisms that create incentives to improve quality of care. On or before December 1, 2006, the agencies shall report to relevant policy and fiscal committees of the legislature on the status of the purchasing project, including actual and anticipated savings.

(8) \$395,000 of the health services account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental residency program). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$250,000 of the health services account appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1688 (certificate of need program). If Engrossed Second Substitute House Bill No. 1688 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$316,000 of the health services account--state appropriation and \$15,000 of the general fund--federal appropriation are provided solely for a study of electronic medical records systems pursuant to Substitute Senate Bill No. 5064 (electronic medical records). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) \$458,000 of the health services account appropriation, \$401,000 of the general fund--federal appropriation, \$205,000 of the state health care authority administrative account--state appropriation, and \$174,000 of the medical aid account--state appropriation are

provided solely for establishment of a centralized evidence-based health technology assessment system as defined in Engrossed Second Substitute House Bill No. 2575 (health technology assessment), for supporting the activities of the health technology clinical committee, or other activities required to implement Engrossed Second Substitute House Bill No. 2575. Participating agencies will be the medical assistance administration in the department of social and health services, the department of labor and industries, the health care authority's uniform medical plan, the department of corrections, and the department of veterans affairs. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) As provided in Engrossed Second Substitute Senate Bill No. 6459 (community-based health care solutions), the authority shall make grants of up to \$250,000 from the community health collaborative account to assist community-based organizations increase access to appropriate, affordable health care for Washington residents, particularly low-income working individuals and their families. State grant funds may be used to collect federal matching funds available through medicaid or through the state children's health insurance (SCHIP) program, to the extent allowed by federal rules, and to the extent funds are available in the state's SCHIP allotment in excess of those required for services funded in section 209 of this 2006 act.

(13) \$625,000 of the health services account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2572 (small business health insurance assistance program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(14) \$450,000 of the state health care authority administrative account--state appropriation is provided solely for an on-line employee health assessment tool.

(15) \$499,000 of the health services account appropriation and \$65,000 of the general fund--federal appropriation are provided solely for conducting a study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079. If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 214. 2005 c 518 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2006) . . .	(\$2,596,000)
	\$2,779,000
General Fund--State Appropriation (FY 2007) . . .	(\$2,634,000)
	\$3,032,000
General Fund--Federal Appropriation	(\$1,741,000)
	\$1,321,000
Pension Funding Stabilization Account--State Appropriation	\$13,000
TOTAL APPROPRIATION	(\$6,971,000)
	\$7,145,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing any changes in existing federal revenues for the remainder of the current fiscal year and changes in projections of federal revenue for the upcoming fiscal year.

(2) \$34,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a human rights commission investigator to travel to Vancouver once a week to provide complaint intake, outreach, and conduct investigations.

Sec. 215. 2005 c 518 s 215 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State Appropriation	\$20,000
Accident Account--State Appropriation	(\$16,399,000)
	\$16,452,000
Medical Aid Account--State Appropriation	(\$16,398,000)
	\$16,451,000

TOTAL APPROPRIATION	(\$32,817,000)
	\$32,923,000

Sec. 216. 2005 c 518 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Public Safety and Education Account--State Appropriation	(\$10,003,000)
	\$22,231,000
Death Investigations Account--State Appropriation	\$148,000
Municipal Criminal Justice Assistance Account--(Private/Local)	
State Appropriation	\$460,000
TOTAL APPROPRIATION	(\$19,611,000)
	\$22,839,000

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2005-2007 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$100,000 of the public safety and education account--state appropriation is provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(3) Amounts provided within this section are sufficient to implement the provisions of section 2 of House Bill No. 1136 (electronic monitoring system).

(4) \$163,000 of the public safety and education account--state appropriation is provided solely for the implementation of section 4 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) The commission shall conduct a survey of local law enforcement and state agencies to collect data projecting future cadet enrollments for the 2007-2009 biennium. The commission shall report the findings to the legislature by October 1, 2006.

(6)(a) \$411,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6502 (victim information system). If the bill is not enacted by June 30, 2006, the amount provided in this subsection is provided solely for a contract with the Washington association of sheriffs and police chiefs to implement a statewide automated victim information and notification system. This system shall be added to the city and county jail booking and reporting system. The statewide automated victim information and notification system shall:

(i) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when any of the following events affect an offender housed in any Washington state city or county jail or department of corrections facility: (A) Is transferred or assigned to another facility; (B) is transferred to the custody of another agency outside the state; (C) is given a different security classification; (D) is released on temporary leave or otherwise; (E) is discharged; (F) has escaped; or (G) has been served with a protective order that was requested by the victim;

(ii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when an offender has: (A) An upcoming court event where the victim is entitled to be present, if the court information is made available to the statewide automated victim information and notification system administrator at the Washington association of sheriffs and police chiefs; (B) an upcoming parole, pardon, or community supervision hearing; or (C) a change in the offender's parole, probation, or community supervision status including a change in the offender's supervision status or a change in the offender's address;

(iii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when a sex offender has: (A) Updated his or her profile information with the state sex offender registry; or (B) become noncompliant with the state sex offender registry;

(iv) Permit a registered victim to receive the most recent status report for an offender in any Washington state city and county jail, department of corrections, or sex offender registry by calling the statewide automated victim information and notification system on a toll-free telephone number or by accessing the statewide automated victim information and notification system via a public web site. All registered victims calling the statewide automated victim information and notification system will be given the option to have live operator assistance to help use the program on a twenty-four hour, three hundred sixty-five day per year basis;

(v) Permit a crime victim to register, or registered victim to update, the victim's registration information for the statewide automated victim information and notification system by calling a toll-free telephone number or by accessing a public web site; and

(vi) Ensure that the offender information contained within the statewide automated victim information and notification system is updated frequently to timely notify a crime victim that an offender has been released or discharged or has escaped.

(b) The purpose of the victim information and notification system is to protect the public health, safety, and welfare generally. Creation and implementation of the victim information and notification system does not create a private right of action.

(c) The Washington association of sheriffs and police chiefs will not require automated victim information and notification systems in existence and operational as of the effective date of this act to participate in the statewide system.

(d) Any vendor that the association contracts with to provide the statewide automated victim notification service must deliver the service with a minimum of 99.95-percent availability and with less than an average of one-percent notification errors as a result of the vendor's technology.

(e) The Washington association of sheriffs and police chiefs shall report to the appropriate fiscal and policy committees of the legislature by December 1, 2006, on the availability of federal grant funds to operate the victim information system.

(7) \$132,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6320 (sex offender information). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(8) \$1,575,000 of the public safety and education account--state appropriation is provided solely for the implementation of sections 103, 104, and 105 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 217. 2005 c 518 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2006) . . .	(\$7,554,000)
	\$7,561,000
General Fund--State Appropriation (FY 2007) . . .	(\$7,648,000)
	\$7,681,000
Public Safety and Education Account--State Appropriation . . .	(\$26,277,000)
	\$29,519,000
Public Safety and Education Account--Federal Appropriation . . .	\$10,000,000
Asbestos Account--State Appropriation	(\$808,000)
	\$810,000
Electrical License Account--State Appropriation . . .	(\$34,743,000)
	\$35,995,000
Farm Labor Revolving Account--Private/Local Appropriation . . .	\$28,000
Worker and Community Right-to-Know Account--State Appropriation	(\$1,836,000)
	\$1,827,000
Public Works Administration Account--State Appropriation . . .	(\$1,664,000)
	\$2,673,000
Accident Account--State Appropriation	(\$206,490,000)
	\$211,084,000
Accident Account--Federal Appropriation	\$13,621,000
Medical Aid Account--State Appropriation	(\$205,011,000)
	\$208,033,000
Medical Aid Account--Federal Appropriation	\$3,185,000
Plumbing Certificate Account--State Appropriation . . .	(\$1,657,000)

	\$1,730,000
Pressure Systems Safety Account--State Appropriation . . .	(\$3,324,000)
	\$3,357,000
Pension Funding Stabilization Account--State Appropriation . . .	\$31,000
TOTAL APPROPRIATION	(\$525,846,000)
	\$537,135,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the accident account--state appropriation and \$699,000 of the medical aid account--state appropriation are provided solely for the construction of a computer system to collect data from self-insured employers and are contingent on the passage of Substitute House Bill No. 1310 (workers compensation reporting) on mandatory electronic data reporting by self-insured employers. If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) ~~(\$27,227,000)~~ \$29,283,000 of the public safety and education account--state appropriation, and \$10,000,000 of the public safety and education account--federal appropriation are provided solely for the crime victims' compensation program, subject to the following conditions:

(a) Reimbursement shall be provided throughout the 2005-2007 biennium for full reimbursement of sexual assault forensic exams at workers' compensation rates; ~~(and)~~

(b) Reimbursement shall be provided throughout fiscal year 2007 for full reimbursement of mental health care at workers' compensation rates; and

(c) In accordance with RCW 7.68.015, it is the policy of the state that the department of labor and industries operate the crime victims' compensation program within the amounts provided for this program in this subsection.

(3) \$200,000 of the accident account--state appropriation is provided solely to reimburse the department of agriculture for the agricultural worker pesticide handling and application training program.

(4) \$71,000 of the medical aid account--state appropriation and \$71,000 of the accident account--state appropriation are provided solely for the review of payment of medical bills and authorization for medical procedures by self-insurers.

(5) The department is required to participate in the health technology assessment program required in section 213(6) of this act.

(6) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(7) \$35,000 of the general fund--state appropriation for fiscal year 2006 and \$8,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1393 (older mobile homes). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$182,000 of the accident account--state appropriation and \$623,000 of the medical aid account--state appropriation are provided solely to ~~(expand the Spokane center of occupational health and education to include Yakima county. The Spokane center of occupational health will recruit and train approximately one hundred sixty physicians in Yakima county on best practices for occupational medicine and work with labor and business to improve quality and outcomes of medical care provided to injured workers)~~ (a) expand services in the centers of occupational health and education (COHE) in Spokane and Renton; (b) add two additional COHE locations in the state; and (c) include Yakima county in the Spokane COHE.

(9) \$158,000 of the accident account--state appropriation and \$158,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 1856 (annual audits of the state industrial insurance fund). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) The department shall delay the costs associated with implementation of phase II of its indirect cost allocation plan for the public works administration account until July 1, 2007.

(11) \$236,000 of the public safety and education account--state is provided solely for fiscal year 2007 to implement House Bill No.

2612 (failure to secure a load). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$83,000 of the electrical license account--state is provided solely for fiscal year 2007 to implement Substitute House Bill No. 1841 (electrical trainees). If the bill is not enacted by June 30, 2006 the amount provided in this subsection shall lapse.

(13) \$345,000 of the accident account--state appropriation and \$61,000 of the medical aid account--state appropriation are provided solely for costs pursuant to Engrossed House Bill No. 2623 (agricultural workers). If the bill is not enacted by June 30, 2006, the amounts provided for this purpose shall lapse.

(14) The department shall prepare a report identifying programs funded either directly or indirectly from state workers' compensation funds. The report shall describe the amounts and percentages of funds used to administer identified programs, as well as the criteria used to make funding decisions. In consultation with the workers' compensation advisory committee, the department shall also develop recommendations for equitable, adequate, and stable funding sources for identified programs. The department shall submit the report and the recommendations to the house of representatives committees on appropriations and commerce and labor, or their successor committees, and the senate committees on ways and means and labor, commerce, research and development, or their successor committees, by December 1, 2006.

(15) \$61,000 of the electrical license account--state appropriation and \$55,000 of the plumbing certificate account--state appropriation are provided solely to implement Substitute Senate Bill No. 6225 (domestic water pumping systems). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(16) \$26,000 of the accident account--state appropriation and \$5,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 6185 (family and medical leave act). If the bill not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$10,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to prepare informational brochures summarizing RCW 60.04.250, with an emphasis on providing residential homeowners and small business owners with information about contracting for new construction or remodeling construction work, including information about the scope of coverage of contractor bonding, and how lien procedures work, to be made available for local government building departments, on the department's web page, and other locations determined by the department for distribution.

Sec. 218. 2005 c 518 s 218 (uncodified) is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD	
General Fund--State Appropriation (FY 2006)	\$1,092,000
General Fund--State Appropriation (FY 2007)	(\$1,096,000)
	\$1,571,000
Pension Funding Stabilization Account--State Appropriation	\$4,000
TOTAL APPROPRIATION	(\$2,188,000)
	\$2,667,000

The appropriations in this section are subject to the following conditions and limitations: \$374,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 3261 (sentence review). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 219. 2005 c 518 s 219 (uncodified) is amended to read as follows:

DEPARTMENT OF VETERANS AFFAIRS FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2006)	(\$1,918,000)
	\$1,917,000
General Fund--State Appropriation (FY 2007)	(\$1,880,000)
	\$1,982,000

Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation \$10,000

Pension Funding Stabilization Account--State Appropriation	\$1,000
TOTAL APPROPRIATION	(\$3,808,000)
	\$3,919,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall participate in the health technology assessment program required in section 213(6) of this act.

(b) The department shall participate in the joint health purchasing project described in section 213(7) of this act.

(c) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided for the department to conduct a feasibility study of a veterans' cemetery in eastern Washington. The study shall include location, acquisition costs, projection of continued operations costs, and revenue sources for acquisition and operations. A final report of the findings shall be submitted no later than December 15, 2005.

(d) \$70,000 of the general fund--state appropriation for fiscal year 2006 and \$70,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5539 (veterans conservation corps). If Senate Bill No. 5539 is not enacted by June 30, 2005, these amounts shall lapse.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2006)	\$2,811,000
General Fund--State Appropriation (FY 2007)	(\$2,809,000)
	\$3,317,000
General Fund--Federal Appropriation	\$343,000
General Fund--Private/Local Appropriation	(\$2,016,000)
	\$1,367,000
Veterans Estate Management Account--Local Appropriation	\$651,000
Veterans' Innovations Program Account--State Appropriation	\$2,000,000
Pension Funding Stabilization Account--State Appropriation	\$1,000
TOTAL APPROPRIATION	(\$7,979,000)
	\$10,500,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the development of a public service announcement outreach campaign directed at returning veterans from Operation Iraqi Freedom and Operation Enduring Freedom.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$95,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the post traumatic stress counseling program expansion to address the needs of veterans returning from Iraq and Afghanistan.

(c) \$2,000,000 of the veterans' innovations program account--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2754 (veterans' innovations program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	(\$8,259,000)
	\$5,283,000
General Fund--State Appropriation (FY 2007)	(\$8,238,000)
	\$5,946,000
General Fund--Federal Appropriation	(\$31,436,000)
	\$36,114,000
General Fund--Private/Local Appropriation	(\$26,338,000)
	\$28,830,000
Pension Funding Stabilization Account--State Appropriation	\$187,000
TOTAL APPROPRIATION	(\$74,271,000)
	\$76,360,000

Sec. 220. 2005 c 518 s 220 (uncodified) is amended to read as follows:

FOR THE HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2006)	(\$919,000)
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	\$724,000
General Fund--State Appropriation (FY 2007) . . .	((\$1,093,000))
	\$1,401,000
General Fund--Federal Appropriation	((\$1,034,000))
	\$1,167,000
Pension Funding Stabilization Account--State Appropriation	\$2,000
TOTAL APPROPRIATION	((\$3,046,000))
	\$3,294,000

The appropriations in this section are subject to the following conditions and limitations: The legislature encourages the home care quality authority to move forward with implementation of a statewide referral registry system by use of any existing and future agency administrative moneys and by seeking other means of funding, including grants and additional funding resources.

Sec. 221. 2005 c 518 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2006) . .	((\$64,090,000))
	\$62,835,000
General Fund--State Appropriation (FY 2007) . .	((\$64,485,000))
	\$70,954,000
General Fund--Federal Appropriation	((\$455,467,000))
	\$477,467,000
General Fund--Private/Local Appropriation	((\$101,479,000))
	\$104,867,000
Hospital Commission Account--State Appropriation	((\$2,615,000))
	\$1,521,000
Health Professions Account--State Appropriation	((\$51,659,000))
	\$53,975,000
Aquatic Lands Enhancement Account--State Appropriation	\$600,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	((\$12,578,000))
	\$12,579,000
Safe Drinking Water Account--State Appropriation	((\$2,907,000))
	\$2,917,000
Drinking Water Assistance Account--Federal Appropriation	((\$1,058,000))
	\$16,179,000
Waterworks Operator Certification--State Appropriation	((\$1,098,000))
	\$1,099,000
Drinking Water Assistance Administrative Account--State Appropriation	\$326,000
Water Quality Account--State Appropriation	((\$3,680,000))
	\$3,693,000
State Toxics Control Account--State Appropriation	((\$2,843,000))
	\$2,852,000
Medical Test Site Licensure Account--State Appropriation	((\$1,790,000))
	\$1,798,000
Youth Tobacco Prevention Account--State Appropriation	\$1,806,000
Public Health Supplemental Account--Private/Local Appropriation	((\$606,000))
Accident Account--State Appropriation	((\$275,000))
	\$277,000
Medical Aid Account--State Appropriation	\$46,000
Health Services Account--State Appropriation . .	((\$38,101,000))
	\$41,942,000
Tobacco Prevention and Control Account--State Appropriation	((\$6,677,000))
	\$52,684,000
(Patient Safety Account--State Appropriation	((\$641,000))
Pension Funding Stabilization Account--State Appropriation	\$14,000
TOTAL APPROPRIATION	((\$878,625,000))
	\$913,867,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged for the clandestine drug lab program, the drinking water program, radioactive materials license fees, X-ray facility registration fees, shellfish commercial paralytic shellfish poisoning fees, the water recreation program, the wastewater management program, newborn specialty clinic fees, acute care hospitals, psychiatric hospitals, child birth centers, correctional medical facilities, alcoholism hospitals, and the midwifery program,

in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. However, the department may not raise existing fees charged for the midwifery program by more than twenty percent over the biennium and from July 1, 2006, through June 30, 2007, the annual fees for new or renewed licenses shall be no greater than \$450.

(2) \$1,363,000 of the general fund--state fiscal year 2006 appropriation, \$1,363,000 of the general fund--state fiscal year 2007 appropriation, and \$676,000 of the general fund--local appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$383,000 of the general fund--state appropriation for fiscal year 2006, \$317,000 of the general fund--state appropriation for fiscal year 2007, and \$600,000 of the aquatic lands enhancement account appropriation are provided solely to assist counties in marine areas complete on-site sewage system management plans and electronic data bases to inventory on-site sewage systems.

(5) \$60,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5470 (prescription importation). If Engrossed Substitute Senate Bill No. 5470 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$268,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2266 (precursor drugs). If Engrossed Substitute House Bill No. 2266 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(7) \$42,000 of the health professions account appropriation is provided solely for implementation of Second Substitute House Bill No. 1168 (prescription reimportation). If Second Substitute House Bill No. 1168 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) (~~(\$82,000 of the general fund--state appropriation for fiscal year 2006, \$52,000 of the general fund--state appropriation for fiscal year 2007, and \$641,000 of the patient safety account appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1291 (patient safety practices). If Engrossed Second Substitute House Bill No. 1291 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.~~

(9) \$100,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$200,000)~~) \$620,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the department to implement a multi-year pilot project covering Adams, Chelan, Douglas, Grant, Okanogan, Skagit, and Franklin counties for persons with household income at or below 200 percent of the federal poverty level who are ineligible for family planning services through the medicaid program. Individuals who will be served under the pilot program include women who have never been pregnant, are not currently pregnant, or are beyond the family planning extension period allowed for first steps program eligibility. It is anticipated that the pilot program will serve (~~(approximately)~~) over 500 women. The department will provide a preliminary report to the appropriate committees of the legislature by January 1, 2006, and a final report by January 1, 2007.

~~((+0))~~ (9) \$462,000 of the general fund--private/local appropriation is provided solely to support specialty clinics that provide treatment services to children that are identified with one of the five heritable or metabolic disorders added to the newborn screening panel by the state board of health in 2003.

~~((+1))~~ (10) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the farmers' market nutrition program of the special supplemental nutrition program for women, infants and children. It is anticipated that these funds will enable the department to expand 2004 participation levels by 8,000 persons annually.

~~((+2))~~ (11) \$100,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$100,000)~~ \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the infertility prevention project to implement effective prevention strategies designed to reduce the prevalence of chlamydia and gonorrhea and their potentially debilitating complications.

~~((+3))~~ (12) With funds appropriated in this section, the medical advisory committee to the early detection breast and cervical cancer screening program shall study and recommend strategies for adopting emerging technologies and best practices from the national, state, and local levels in the field of early prevention and detection for breast and cervical cancer, and assist the early detection breast and cervical cancer screening program in implementing policy that follows the best practices of high quality health care for clinical, diagnostic, preventative, pathologic, radiological, and oncology services. The committee will report its recommendations to the legislature by December 15, 2006.

~~((+4))~~ (13) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to develop and implement best practices in preventative health care for children. The department and the kids get care program of public health - Seattle and King county will work in collaboration with local health care agencies to disseminate strategic interventions that are focused on evidence-based best practices for improving health outcomes in children and saving health-care costs.

~~((+5))~~ (14) \$48,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1075 (nursing quality commission). If Substitute House Bill No. 1075 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((+6))~~ (15) \$74,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1137 (physical therapy). If Substitute House Bill No. 1137 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((+7))~~ (16) \$109,000 of the health professions account appropriation is provided solely for implementation of House Bill No. 1546 (naturopathic physicians). If House Bill No. 1546 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((+8))~~ (17) \$80,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental health services). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((+9))~~ (18) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$24,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1605 (soil contamination). If Engrossed Second Substitute House Bill No. 1605 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((+0))~~ (19) \$40,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Substitute House Bill No. 1951 (vision exams for children). If Substitute House Bill No. 1951 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((+1))~~ (20) \$43,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Engrossed Senate Bill No. 5049 (mold in residential units). If Engrossed Senate

Bill No. 5049 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((+2))~~ (21) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$12,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5311 (autism task force). If Senate Bill No. 5311 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((+3))~~ (22) \$168,000 of the health services account appropriation is provided solely for a two-year pilot project under which parents have the option to choose vaccines which do not contain mercury.

(23) \$750,000 of the health services account--state appropriation is provided solely to add one or more combination vaccines to the universal access to childhood immunizations program. The vaccine or vaccines to be added shall be selected by the department after a clinical and cost-effectiveness review by the state vaccine advisory committee. The review shall consider at least the following criteria: (a) The likelihood that use of the combination vaccine will increase childhood immunization rates; (b) the vaccine's relative effectiveness, and the prevalence and seriousness of the conditions it prevents; (c) the relative cost of the vaccine, after accounting for the extent to which it would replace some single injection antigens; and (d) the extent to which the vaccine is mercury-free. The projected 2007-09 state cost of the combination vaccine or vaccines added pursuant to this review shall not exceed \$3,000,000.

(24) \$151,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to the Kitsap county health district. The funding shall be used to increase the number of women who receive professional support after delivery through a home visit or telephone call by the county health district. In order to receive the funds, Kitsap county health district must provide an equal amount of matching funds.

(25) \$13,000 of the general fund--state appropriation for fiscal year 2007 and \$208,000 of the health professions account appropriation are provided solely for implementation of Substitute House Bill No. 2431 (background checks/health care). If Substitute House Bill No. 2431 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(26) \$324,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Second Substitute House Bill No. 2342 (health care declarations). If Second Substitute House Bill No. 2342 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(27) \$432,000 of the general fund--state appropriation for fiscal year 2007 and \$21,000 of the health professions account appropriation are provided solely for implementation of Second Substitute House Bill No. 2292 (health care liability reform) including sections 105 through 112 of the bill. If Second Substitute House Bill No. 2292 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(28) \$96,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 2974 (health professions discipline). If Substitute House Bill No. 2974 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(29) The department of health shall evaluate alternative models for funding the regulation of the health professions, including charging an equivalent fee for all licensed, certified, and registered health professions. The department will provide a report to the appropriate committees of the legislature on the potential fiscal and programmatic benefits and challenges of such alternative models by December 1, 2006.

(30) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 2985 (foster care health unit). If Substitute House Bill No. 2985 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(31) \$54,000 of the general fund--state appropriation for fiscal year 2007 and \$183,000 of the health professions account appropriation are provided solely for implementation of Engrossed Senate Bill No. 6194 (multicultural education/health). If Engrossed

Senate Bill No. 6194 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(32) \$118,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1850. If Engrossed Substitute House Bill No. 1850 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(33) \$173,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the state board of health to provide staff support to the governor's interagency committee on health disparities, as provided in Senate Bill No. 6197. If Senate Bill No. 6197 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(34) \$119,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the state board of health to conduct health impact assessments, as provided in Senate Bill No. 6197. If Senate Bill No. 6197 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(35) \$327,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to conduct a survey of health professional demographics and practice patterns, as provided in Senate Bill No. 6193. If Senate Bill No. 6193 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(36) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop and maintain a database showing the statewide incidence and provenance of hepatitis C infections, and to conduct a public information campaign on transmission, prevention, detection, and treatment of the disease.

(37) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to implement a prostate cancer public awareness and education campaign. The campaign shall place special emphasis on early education for men over forty, African-American men, and men who are at high risk for prostate cancer according to the guidelines of the American cancer society.

(38) \$130,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances) including sections 201 through 203 of the bill. If Engrossed Second Substitute Senate Bill No. 6239 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(39) Appropriations in this section assume savings attributable to House Bill No. 2632 (HIV insurance coverage program).

(40) \$27,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, these funds shall be used solely for the department to coordinate with the department of ecology or development and adoption of rules relating to reclaimed water.

Sec. 222. 2005 c 518 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2006, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2006 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2006) . . . (~~(\$52,282,000)~~)

	\$46,867,000
General Fund--State Appropriation (FY 2007) . . .	(\$41,838,000)
	\$59,681,000
General Fund--Federal Appropriation	\$1,022,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$26,000
Public Safety and Education Account--State Appropriation	(\$2,768,000)
	\$2,774,000
(Industrial Insurance Account--State Appropriation)	(\$1,000)
Pension Funding Stabilization Account--State Appropriation	\$45,000
TOTAL APPROPRIATION	(\$97,937,000)
	\$110,615,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) ~~(\$11,250,000)~~ \$5,250,000 of the general fund--state appropriation for fiscal year 2006 ~~(is)~~ and \$17,250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$44,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$35,000 of the general fund--state appropriation for the fiscal year 2007 is provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2006) . . .	(\$516,992,000)
	\$524,561,000
General Fund--State Appropriation (FY 2007) . . .	(\$545,816,000)
	\$555,895,000
General Fund--Federal Appropriation	(\$4,424,000)
	\$3,447,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$2,984,000
Pension Funding Stabilization Account--State Appropriation	\$2,069,000
TOTAL APPROPRIATION	(\$1,070,216,000)
	\$1,089,156,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(d) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community

custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(e) During the 2005-07 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(f) The department shall participate in the health technology assessment program required in section 213(6) of this act. The department shall also participate in the joint health purchasing project described in section 213(7) of this act.

(g) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(h) \$1,060,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 3 of Second Substitute Senate Bill No. 6319 (failure to register). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(i) \$384,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Second Substitute Senate Bill No. 6460 (crimes with sexual motivation). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(j) \$91,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 2 of Second Substitute Senate Bill No. 6172 (possession of child pornography). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(k) \$763,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of sections 102, 301, and 302 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2006)	(\$82,210,000)
	\$89,217,000
General Fund--State Appropriation (FY 2007)	(\$81,646,000)
	\$92,477,000
Public Safety and Education Account--State Appropriation	(\$46,736,000)
	\$16,796,000
Pension Funding Stabilization Account--State Appropriation	\$449,000
TOTAL APPROPRIATION	(\$180,592,000)
	\$198,939,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$268,000 of the general fund--state appropriation for fiscal year 2006 and \$484,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$122,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1136 (electronic monitoring system). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(d) \$59,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 4 of Second Substitute Senate Bill No. 6319 (failure to register). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(e) \$666,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 303 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2006)	\$838,000
General Fund--State Appropriation (FY 2007)	\$882,000
Pension Funding Stabilization Account--State Appropriation	\$3,000
TOTAL APPROPRIATION	(\$1,720,000)
	\$1,723,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2006)	(\$33,839,000)
	\$37,289,000
General Fund--State Appropriation (FY 2007)	(\$33,838,000)
	\$38,662,000
TOTAL APPROPRIATION	(\$67,677,000)
	\$75,951,000

The appropriations in this subsection are subject to the following conditions and limitations: \$130,000 of the general fund--state appropriation for fiscal year 2006 and \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

Sec. 223. 2005 c 518 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2006)	(\$1,887,000)
	\$2,037,000
General Fund--State Appropriation (FY 2007)	(\$1,939,000)
	\$1,962,000
General Fund--Federal Appropriation	(\$15,326,000)
	\$15,362,000
General Fund--Private/Local Appropriation	\$80,000
Pension Funding Stabilization Account--State Appropriation	\$5,000
TOTAL APPROPRIATION	(\$19,232,000)
	\$19,446,000

Sec. 224. 2005 c 518 s 224 (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2006)	\$864,000
General Fund--State Appropriation (FY 2007)	(\$861,000)
	\$863,000
Pension Funding Stabilization Account--State Appropriation	\$4,000
TOTAL APPROPRIATION	(\$1,725,000)
	\$1,731,000

Sec. 225. 2005 c 518 s 225 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2006)	\$60,000
General Fund--State Appropriation (FY 2007)	\$60,000
General Fund--Federal Appropriation	(\$259,865,000)
	\$260,228,000

General Fund--Private/Local Appropriation	(\$31,857,000)
	\$31,966,000
Unemployment Compensation Administration Account--Federal Appropriation	(\$199,217,000)
	\$200,541,000
Administrative Contingency Account--State Appropriation	(\$16,846,000)
	\$16,866,000
Employment Service Administrative Account--State Appropriation	(\$2,411,000)
	\$2,491,000
TOTAL APPROPRIATION	(\$530,416,000)
	\$534,212,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$2,087,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is provided to replace obsolete information technology infrastructure.

(2) \$12,735,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized for state choice administrative functions. The department shall submit recommendations by September 1, 2007, to the office of financial management and the legislative fiscal committees for options reducing the costs of the state choice administrative functions for the 2007-2009 biennium. If these options require any statutory changes, the department shall submit agency request legislation to the appropriate legislative policy committees and fiscal committees by December 15, 2007.

(3) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to Engrossed House Bill No. 2255 (unemployment insurance).

(4) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

**PART III
NATURAL RESOURCES**

Sec. 301. 2005 c 518 s 301 (unclassified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2006)	\$471,000
General Fund--State Appropriation (FY 2007)	(\$478,000)
	\$479,000
General Fund--Private/Local Appropriation	(\$859,000)
	\$862,000
Pension Funding Stabilization Account--State Appropriation	\$2,000
TOTAL APPROPRIATION	(\$1,808,000)
	\$1,814,000

Sec. 302. 2005 c 518 s 302 (unclassified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2006)	(\$40,648,000)
	\$40,744,000
General Fund--State Appropriation (FY 2007)	(\$40,344,000)
	\$44,131,000
General Fund--Federal Appropriation	(\$73,911,000)
	\$74,678,000
General Fund--Private/Local Appropriation	(\$13,287,000)
	\$13,290,000
Special Grass Seed Burning Research Account--State Appropriation	\$14,000

Reclamation Account--State Appropriation	(\$2,646,000)
	\$2,778,000
Flood Control Assistance Account--State Appropriation	(\$3,084,000)
	\$3,422,000
State Emergency Water Projects Revolving Account--State Appropriation	(\$1,456,000)
	\$1,312,000
Waste Reduction/Recycling/Litter Control--State Appropriation	(\$1,066,000)
	\$1,081,000
State Drought Preparedness Account--State Appropriation	(\$21,000)
	\$225,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation	(\$384,000)
	\$386,000
Vessel Response Account--State Appropriation	\$2,876,000
Site Closure Account--State Appropriation	(\$655,000)
	\$656,000
Water Quality Account--State Appropriation	(\$28,021,000)
	\$28,085,000
Wood Stove Education and Enforcement Account--State Appropriation	\$357,000
Worker and Community Right-to-Know Account--State Appropriation	(\$2,142,000)
	\$2,153,000
State Toxics Control Account--State Appropriation	(\$78,169,000)
	\$84,319,000
State Toxics Control Account--Private/Local Appropriation	(\$379,000)
	\$380,000
Local Toxics Control Account--State Appropriation	(\$5,258,000)
	\$5,424,000
Water Quality Permit Account--State Appropriation	(\$31,909,000)
	\$32,468,000
Underground Storage Tank Account--State Appropriation	(\$2,883,000)
	\$2,889,000
Environmental Excellence Account--State Appropriation	\$504,000
Biosolids Permit Account--State Appropriation	(\$851,000)
	\$853,000
Hazardous Waste Assistance Account--State Appropriation	(\$5,153,000)
	\$5,171,000
Air Pollution Control Account--State Appropriation	(\$11,199,000)
	\$11,206,000
Oil Spill Prevention Account--State Appropriation	(\$10,219,000)
	\$11,078,000
Air Operating Permit Account--State Appropriation	(\$2,679,000)
	\$2,922,000
Freshwater Aquatic Weeds Account--State Appropriation	(\$2,534,000)
	\$2,144,000
Oil Spill Response Account--State Appropriation	\$7,079,000
Metals Mining Account--State Appropriation	\$14,000
Water Pollution Control Revolving Account--State Appropriation	(\$413,000)
	\$485,000
Water Pollution Control Revolving Account--Federal Appropriation	(\$1,995,000)
	\$2,357,000
Freshwater Aquatic Algae Control Account--State Appropriation	\$100,000
Pension Funding Stabilization Account--State Appropriation	\$86,000
TOTAL APPROPRIATION	(\$386,860,000)
	\$400,176,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,526,196 of the general fund--state appropriation for fiscal year 2006, \$2,526,195 of the general fund--state appropriation for fiscal year 2007, \$366,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$540,806 of the water quality account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$705,000 of the oil spill prevention account are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DOE-01, DOE-02, DOE-04, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$4,054,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities and for the clean up of toxic waste, focusing on clean up within and around Puget Sound.

(4) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound conservation and recovery plan action item UW-02 through a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(5) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(6) \$156,000 of the general fund--state appropriation for fiscal year 2006 and \$144,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to expand the department's pilot program for processing 401 water quality certification projects to a statewide process and timeline to meet improved permit processing accountability and timelines, which will result in 90 percent of routine certifications occurring within 90 days of application, and acknowledgement of receipt of the application being sent within 10 days.

(7) Fees approved by the department of ecology in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to support water measurement and water storage components of the Columbia River Initiative Program.

~~(9) (\$661,000 of the reclamation account--state appropriation is provided solely to implement Senate Bill No. 5831 (well construction fees). If the bill is enacted by June 30, 2005, \$150,000 from the general fund--state appropriation for fiscal year 2006 and \$150,000 from the general fund--state appropriation for fiscal year 2007 provided in this section shall lapse. If the bill is not enacted by June 30, 2005, the amount provided from the reclamation account in this subsection shall lapse.~~

~~(10))~~ \$509,000 of the freshwater aquatic algae control account--state is provided solely for implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((H))~~ (10) \$250,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1605 (soil contamination). If the bill is not enacted by June 30, 2005, the amount in this subsection shall lapse.

~~((H2))~~ (11) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with the state conservation commission to provide statewide coordination and support for coordinated resource management.

(12) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(13) \$196,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, the amount provided in this subsection is provided solely to adopt rules in coordination with the department of health for all aspects of reclaimed water including: Industrial and commercial uses, land applications, direct recharge, wetland discharge, surface percolation, constructed wetlands, stream flow augmentation, and graywater use. The department must adopt the rules in a phased approach: The first phase shall be proposed for adoption by June 1,

2007, and shall include the uses of constructed treatment wetlands; and the second phase shall be adopted by December 31, 2010.

(14) \$820,000 of the oil spill prevention account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6244 (oil spill prevention). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(15) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Second Substitute House Bill No. 2860 (Columbia river basin). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(16) \$48,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1488 (brominated flame retardants). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$340,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support development of a wetland mitigation program in Clark county. The program will engage local, state, and federal agencies, private investors, property owners, and others in the creation of one or more wetland banks and other measures to protect habitat functions and values while accommodating urban growth in the region.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop a pilot water management process that will include three federally recognized treaty Indian tribes.

(19) \$130,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

(20) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to Walla Walla county and Columbia county conservation district for habitat conservation planning and related endangered species act assurances for small irrigators and landowners.

(21) To maximize the use of amounts appropriated during this biennium for the clean up of toxic waste, focusing on clean up within and around Puget Sound, the department shall prioritize for this purpose the use of existing staff, additional FTEs added this biennium, temporary project staff, and contracted services.

(22) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the department to collaborate with the Wenatchee watershed planning unit and Chelan county for development of a regulatory strategy, as required by the federal clean water act, to control total maximum daily loads of phosphorous to the Wenatchee river. A technically sound plan for managing phosphorous and restoring water quality in the Wenatchee river shall be provided to the appropriate committees of the legislature by July 1, 2008.

(23) \$55,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to address air quality issues for the Columbia river gorge in cooperation with the state of Oregon.

(24) \$67,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Senate Bill No. 6861 (domestic water users). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(25) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the restoration of Long lake located in Kitsap county in accordance with the plan approved by the Kitsap county weed control board, the county commissioners, the citizens for improving Long lake, and the department of ecology.

(26) \$150,000 of the local toxics control account--state appropriation is provided solely for the contracting and production of the second phase report for establishing sustainable statewide regional CBRNE/Hazmat response capability. The report will, at a minimum include, a cost-benefit analysis, analysis of sustainable funding options, regional alignment and mutual aid agreements, and administration requirements.

(27) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a pilot project that demonstrates the value of long-term management plans for small forest landowners.

Sec. 303. 2005 c 518 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2006)	(\$34,527,000)
	\$35,687,000
General Fund--State Appropriation (FY 2007)	(\$34,669,000)
	\$38,334,000
General Fund--Federal Appropriation	\$2,738,000
General Fund--Private/Local Appropriation	\$71,000
Winter Recreation Program Account--State Appropriation	(\$110,000)
	\$1,109,000
Off-Road Vehicle Account--State Appropriation	(\$225,000)
	\$220,000
Snowmobile Account--State Appropriation	\$4,805,000
Aquatic Lands Enhancement Account--State Appropriation	\$345,000
Parks Renewal and Stewardship Account--State Appropriation	(\$29,480,000)
	\$38,702,000
Public Safety and Education Account--State Appropriation	\$47,000
Parks Renewal and Stewardship Account--Private/Local Appropriation	\$300,000
Pension Funding Stabilization Account--State Appropriation	\$91,000
TOTAL APPROPRIATION	(\$117,317,000)
	\$122,549,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2006 and \$79,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item PRC-02.

(4) \$185,000 of the parks renewal and stewardship account--state appropriation is provided solely to develop a plan for public education and tourist orientation and interpretation at selected state park sites along the route of the ice age floods from Spokane to the Pacific ocean.

(5) Until July 1, 2007, the commission may not charge fees for general park access or parking. Funding of \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$2,636,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to compensate the state parks and recreation commission for lost revenue from general park access or parking fees.

(6) \$750,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for repair and maintenance costs at state parks.

Sec. 304. 2005 c 518 s 304 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund--State Appropriation (FY 2006)	\$1,401,000
General Fund--State Appropriation (FY 2007)	(\$1,414,000)
	\$1,517,000
General Fund--Federal Appropriation	(\$18,455,000)
	\$18,462,000
General Fund--Private/Local Appropriation	\$250,000
Aquatic Lands Enhancement Account--State Appropriation	\$254,000
Water Quality Account--State Appropriation	\$200,000
Firearms Range Account--State Appropriation	\$24,000
Recreation Resources Account--State Appropriation	(\$3,176,000)
	\$2,196,000
NOVA Program Account--State Appropriation	\$809,000
Pension Funding Stabilization Account--State Appropriation	\$1,000
TOTAL APPROPRIATION	(\$25,983,000)
	\$25,114,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$16,025,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be passed through to the department of natural resources and the department of fish and wildlife.

(3) During the 2005-07 fiscal biennium, any county that purchased land before 1978 for off-road vehicle sports park recreation pursuant to 1972 ex.s. c 153 and 1975 1st ex.s. c 34 may discharge its contractual obligations for state-funded capital improvements on those lands if by no later than June 30, 2007:

(a) It sells on the open market, at the highest price achievable, all such lands and related facilities and equipment. After deducting reasonable expenses for the cost of sale, all remaining funds will be deposited within thirty days of closing to the nonhighway and off-road vehicle activities program account in the office of the state treasurer. Any funds derived from such sale shall be expended in accordance with RCW 46.09.170(2)(d)(i)(A) in the same manner as funds the committee receives from RCW 46.09.110 and shall be used for off-road vehicle recreation facilities in areas west of the crest of the Cascade Mountains with preference for developing a new off-road vehicle sports park; or

(b) With the consent of the interagency committee, it gives all such lands and related facilities and equipment to a state or local agency. The state or local agency must agree to make the lands available for purposes related to motorized off-road vehicle recreation. The agency will not be responsible for contractual obligations for previous state-funded capital improvements on those lands. The interagency committee may award a one time noncompetitive grant to the agency for renovation and other capital improvements and for initial operating costs. If a transfer of property under this subsection (b) is not approved prior to June 30, 2006, then the property shall be sold according to (a) of this subsection.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the biodiversity strategy.

(5) \$20,000 of the general fund--state appropriation for fiscal year 2006 and \$20,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for coordination of federal, state, tribal, local, and private aquatic monitoring efforts. The department shall provide a memorandum to the office of financial management and legislative fiscal committees in January of every year which specifies performance measures to reduce redundancy, increase efficiency, and help meet the goals and objectives of the various entities involved in monitoring and if these performance measures were met.

(6) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute Senate Bill No. 5385 (invasive species council). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 305. 2005 c 518 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2006)	\$1,057,000
General Fund--State Appropriation (FY 2007)	(\$1,064,000)
	\$1,066,000
Pension Funding Stabilization Account--State Appropriation	\$5,000
TOTAL APPROPRIATION	(\$2,121,000)
	\$2,128,000

Sec. 306. 2005 c 518 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2006)	\$2,235,000
General Fund--State Appropriation (FY 2007)	(\$2,253,000)
	\$2,256,000
General Fund--Federal Appropriation	\$250,000
Water Quality Account--State Appropriation	(\$4,175,000)
	\$4,178,000

Pension Funding Stabilization Account--State Appropriation \$3,000
 TOTAL APPROPRIATION ~~(\$8,663,000)~~
 \$8,922,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$197,000 of the general fund--state appropriation for fiscal year 2006 and \$197,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item CC-01.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1462 (relating to funding for conservation districts). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

Sec. 307. 2005 c 518 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE
 General Fund--State Appropriation (FY 2006) . . . ~~(\$45,751,000)~~
 \$46,692,000
 General Fund--State Appropriation (FY 2007) . . . ~~(\$44,545,000)~~
 \$46,856,000
 General Fund--Federal Appropriation ~~(\$42,261,000)~~
 \$49,100,000
 General Fund--Private/Local Appropriation ~~(\$36,025,000)~~
 \$36,089,000
 Off-Road Vehicle Account--State Appropriation \$392,000
 Aquatic Lands Enhancement Account--State Appropriation ~~(\$6,113,000)~~
 \$5,820,000
 Recreational Fisheries Enhancement--State Appropriation ~~(\$6,547,000)~~
 \$3,753,000
 Warm Water Game Fish Account--State Appropriation ~~(\$2,898,000)~~
 \$2,904,000
 Eastern Washington Pheasant Enhancement Account--State
 Appropriation \$750,000
 Wildlife Account--State Appropriation ~~(\$62,776,000)~~
 \$61,946,000
 Wildlife Account--Federal Appropriation ~~(\$30,966,000)~~
 \$33,029,000
 Wildlife Account--Private/Local Appropriation . . . ~~(\$10,379,000)~~
 \$10,386,000
 Game Special Wildlife Account--State Appropriation ~~(\$2,147,000)~~
 \$2,883,000
 Game Special Wildlife Account--Federal Appropriation ~~(\$8,858,000)~~
 \$8,863,000
 Game Special Wildlife Account--Private/Local Appropriation ~~(\$4,110,000)~~
 \$469,000
 Public Safety and Education Account--State Appropriation \$588,000
 Environmental Excellence Account--State Appropriation \$15,000
 Regional Fisheries Salmonid Recovery Account--Federal
 Appropriation ~~(\$1,755,000)~~
 \$2,755,000
 Oil Spill Prevention Account--State Appropriation ~~(\$1,040,000)~~
 \$1,043,000
~~(Recreation Resources Account--State Appropriation . . . \$36,000)~~
 Oyster Reserve Land Account--State Appropriation . . . \$411,000
~~(Freshwater Aquatic Algae Control Account--State Appropriation \$750,000)~~
 Aquatic Invasive Species Prevention Account--State Appropriation \$2,000
Pension Funding Stabilization Account--State Appropriation \$3,000
 TOTAL APPROPRIATION ~~(\$302,171,000)~~
 \$315,520,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$1,556,714 of the general fund--state appropriation for fiscal year 2006 and \$1,556,713 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DFW-01 through DFW-06, DFW-08 through DFW-12, and DFW-16.

(3) \$225,000 of the general fund--state appropriation for fiscal year 2006 and \$225,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(4) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(5) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(6) \$180,000 of the wildlife account--state appropriation is provided solely to test deer and elk for chronic wasting disease and to document the extent of swan lead poisoning. Of this amount, \$65,000 is provided solely to document the extent of swan lead poisoning and to begin environmental cleanup.

(7) The department shall provide quarterly status reports to the office of financial management regarding the replacement of the Washington interactive licensing system and the implementation of the hydraulic permit management system.

(8) The department shall prepare a report detailing the hydraulic permit approval program applications and project types. The department shall coordinate with the office of financial management in determining the contents of the report. At minimum, the report shall include permits by applicant (name, state, local, federal, tribal entity, etc.), project type (pamphlet, minor, medium, major, extension, revision, etc.) and project location (county and water resource inventory area). The department shall submit the report to the office of financial management and legislative fiscal committees no later than September 1, 2006.

(9) \$700,000 of the general fund--federal appropriation is provided solely for environmental data quality and access projects in support of state salmon recovery efforts. The department shall coordinate planning and implementation of all activities with the department of information services and the governor's salmon recovery office. The department shall make certain that any activity using these funds is consistent with recommendations to be submitted (per section 405, chapter 488, Laws of 2005) in the joint report to the legislature and office of financial management on December 1, 2006.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$400,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. Army Corps of Engineers.

~~((10))~~ (11) \$72,000 of the state wildlife account--state appropriation is provided solely to implement House Bill No. 1211 (multiple season big game permit). If the bill is not enacted by June 30, 2005, the amount provided in this section shall lapse.

(12) ~~(\$750,000)~~ \$528,000 of the ~~(freshwater aquatic algae control)~~ aquatic invasive species prevention account--state appropriation is provided solely to implement Senate Bill No. 5699 (preventing and controlling aquatic invasive species and algae). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(13) \$703,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to purchase six purse seine and three gill net licenses to meet the provisions of the United States/Canada salmon treaty.

~~((15))~~ (14) \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for chum salmon production at Minter creek hatchery.

~~((+6))~~ (15) \$45,000 of the general fund--federal appropriation for fiscal year 2006 and \$45,000 of the general fund--federal appropriation for fiscal year 2007 are provided solely for the management of Canada goose seasons to increase the number of hunting days in southwest Washington.

~~((+7))~~ (16) \$46,000 of the wildlife account--state appropriation is provided solely to increase the number of courses providing the hunter education training program created in RCW 77.32.155. The department shall reduce the current backlog of applicants waiting to take the training program and provide for a stable supply of training program courses in order to avoid future backlogs.

~~((+8))~~ (17) \$481,000 of the wildlife account--state appropriation is provided solely to continued operation of the Naselle Hatchery during the 2005-07 biennium. This will increase production by 3 million Chinook, 1 million Coho, and 30,000 trout.

~~((+9))~~ (18) \$223,000 of the wildlife account--state appropriation is provided solely to implement Senate Bill No. 5227 (wildlife harvest reports). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(19) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for federal match funding for the control of predators that damage livestock, crops, and property.

(20) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to produce educational materials discouraging activities that harm or disturb the spawning beds of salmon and steelhead. Discouraged activities include, but are not limited to, wading on spawning beds, driving motor vehicles on spawning beds, use of high-powered jet or propeller-driven boats across spawning beds, dragging anchors through spawning beds, digging or removing gravel from spawning beds, or any other physical disturbance capable of disturbing spawning fish or damaging or destroying nests of incubating eggs.

(a) The educational materials produced by the department in accordance with this subsection must include, at a minimum, brochures that are to be disseminated to persons applying for fishing and boating licenses statewide. The department must also distribute the brochures widely to retail outlets that cater to outdoor recreation.

(b) The department shall work cooperatively with the tribal fishery comanagers in the development of the educational materials under this section.

(c) The department shall report to the legislature concerning the effectiveness of this subsection after at least two spawning cycles of salmon and steelhead have occurred.

(21) Within the amounts appropriated in this section, by December 1, 2006, the department shall:

(a) Submit a report detailing the reductions required by omnibus appropriations acts since 1997 for activities supported by the state wildlife fund;

(b) Submit quarterly revenue and expenditure reports for the state wildlife account based on current revenue forecasts to the office of financial management and the fiscal committees of the legislature; and

(c) Develop a model for forecasting state wildlife account revenues for the next six years. The department shall work with the office of financial management and the department of revenue in developing the model. The forecast shall be provided in an electronic format annually on September 1st to the office of financial management and the fiscal committees of the legislature.

(22) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(23) \$408,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for fire suppression and remediation activities on department lands and facilities that were impacted during the 2005 fire season. Funding shall be used for seeding, planting vegetation, fertilizing, weed control, and the establishment of water bars and other erosion control measures.

(24) \$266,000 of the general fund--state appropriation for fiscal year 2006 and \$214,000 of the state wildlife account--state appropriation are provided solely for the continued operation of the

Nemah, Mossyrock, Omak, Colville, Arlington, and Columbia Basin hatcheries during the 2005-07 biennium. Funding shall be used to offset the increased cost of utilities, fuel, fish feed, and mitigation obligations previously funded from local sources. The department shall consult with the appropriate natural resource and fiscal committees of the legislature prior to submitting a 2007-09 budget proposal that changes current hatchery operations, production, and/or maintenance to the office of financial management. Unless specifically authorized by the legislature, the department shall not close any hatchery facility currently in operation.

(25) \$43,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute Senate Bill No. 5385 (invasive species council). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(26) \$76,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to pay for the added level of fishery sampling and monitoring in the upper Columbia river area as required under the endangered species act and federal court orders.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an interagency working group scoping of a study of the sinking of ships as dive attractions. The department of fish and wildlife shall, as approved by the office of financial management, enter into an interagency agreement with the department of natural resources, the state parks and recreation commission, the department of ecology, and the department of community, trade, and economic development to delineate elements of this study. The department of fish and wildlife shall report to the office of financial management and the appropriate committees of the legislature no later than November 15, 2006.

(28) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to increase fish production levels on a statewide basis at state-operated fish hatcheries. By July 31, 2006, the department shall submit to the appropriate policy and fiscal committees of the legislature an implementation plan that outlines in specific detail how the amount provided in this subsection will be spent in order to increase fish production. The plan will include production implementation timelines, increased production goals, by species, at identified hatcheries that will receive financial assistance, and the amount to be retained by the department for administration and overhead costs, including the purchase of any new equipment. By July 31, 2007, the department shall submit to the appropriate policy and fiscal committees of the legislature a report documenting the increased production levels, using fiscal year 2006 as the base year for comparison purposes. If the department is unable to produce the implementation plan by July 31, 2006, the amount provided in this subsection shall lapse.

(29) \$75,000 of the general fund--state appropriation in fiscal year 2007 is provided solely for the department to prevent impacts to native species by controlling the nonnative nutria population in Skagit county.

(30) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the northwest straits commission to remove lost and abandoned fishing nets and crab and shrimp pots that may be dangerous to humans and that unintentionally trap and kill endangered salmon and other aquatic species.

~~((+4))~~ (31) \$4,000 of the wildlife account--state appropriation is provided solely to implement House Bill No. 1210 (temporary fishing license). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(32) Within existing appropriations and utilizing all available federal moneys allocated for the crab buy-back program, the department shall develop and implement a crab buy-back program that allows commercial crab fishers the opportunity to sell their licenses back to the state and exit from the crabbing fishery. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature its detailed implementation plan no later than December 1, 2006.

(33) \$660,000 of the general fund--federal appropriation is provided solely to initiate a review of the hydraulic project approval permit rules and to undergo a public process for adoption of new or revised rules that may be needed. Upon completion, the department shall complete a habitat conservation plan for the hydraulic project

approval program, and shall seek legislative review prior to adoption of new or revised rules.

(34) \$125,000 of the state wildlife account--state appropriation is provided to implement Engrossed Senate Bill No. 5232 (turkey tags). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 308. 2005 c 518 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2006)	(\$49,220,000)
	\$40,473,000
General Fund--State Appropriation (FY 2007)	(\$43,757,000)
	\$53,999,000
General Fund--Federal Appropriation	(\$15,202,000)
	\$15,215,000
General Fund--Private/Local Appropriation	(\$1,275,000)
	\$1,276,000
Forest Development Account--State Appropriation (\$54,441,000)	
	\$54,697,000
Off-Road Vehicle Account--State Appropriation	(\$3,986,000)
	\$4,001,000
Surveys and Maps Account--State Appropriation	(\$2,436,000)
	\$2,447,000
Aquatic Lands Enhancement Account--State Appropriation (\$8,014,000)	
	\$8,451,000
Resources Management Cost Account--State Appropriation (\$85,041,000)	
	\$86,332,000
Surface Mining Reclamation Account--State Appropriation (\$1,041,000)	
	\$2,828,000
Disaster Response Account--State Appropriation	\$5,000,000
Water Quality Account--State Appropriation	(\$2,630,000)
	\$2,636,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation	(\$652,000)
	\$1,321,000
Natural Resources Conservation Areas Stewardship Account--State Appropriation	\$34,000
State Toxics Control Account--State Appropriation	\$2,155,000
Air Pollution Control Account--State Appropriation	(\$555,000)
	\$556,000
Derelict Vessel Removal Account--State Appropriation (\$1,137,000)	
	\$1,138,000
Agricultural College Trust Management Account--State Appropriation	(\$1,962,000)
	\$1,966,000
<u>Pension Funding Stabilization Account--State Appropriation</u> (\$136,000)	
TOTAL APPROPRIATION	(\$280,568,000)
	\$284,661,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$18,000 of the general fund--state appropriation for fiscal year 2006, \$18,000 of the general fund--state appropriation for fiscal year 2007, and \$1,652,050 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DNR-01 and DNR-02.

(3) \$138,000 of the resource management cost account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1896 (geoduck harvest). If the bill is not enacted by June 30, 2005, the amount in the subsection shall lapse.

(4) ~~(\$953,000)~~ \$972,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$950,000)~~ \$994,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(5) ~~(\$10,635,000)~~ \$10,689,000 of the general fund--state appropriation for fiscal year 2006, \$13,635,000 of the general fund--state appropriation for fiscal year 2007, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. Of these amounts, up to \$250,000 may be expended for staff and other necessary resources to design and implement a fire data-collection system that includes financial- and performance-management information for fires over 10 acres in size.

None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(6) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(7) Fees approved by the board of natural resources in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$9,000,000 of the general fund--state appropriation for fiscal year ~~(2006)~~ 2007 and \$2,000,000 of the aquatic lands enhancement account--state appropriation are provided solely for the purposes of settling those claims identified in ~~(the consent decree and settlement agreement in)~~ U.S., et al. v. State of Washington, et al. Subproceeding No. 89-3 (Shellfish), United States District Court for the Western District of Washington at Seattle, Case No. C70-9213. The expenditure of this appropriation is contingent on (the release of those claims in this subproceeding. In the event that the federal government does not appropriate \$22,000,000 for this purpose by June 30, 2006,) a settlement agreement that includes the state of Washington as a party to the agreement which is fully executed by June 29, 2007, and a consent decree entered by June 29, 2007, by the United States District Court for the Western District of Washington settling and releasing the identified treaty claims to harvest shellfish previously negotiated in the settlement agreement. By June 29, 2007, the release of claims associated with the settlement agreement and consent decree must be fully effective and there must be no unfulfilled contingencies that could cause the settlement agreement or consent decree to be vacated at some future date if not fulfilled. In the event that these contingencies are not met, the amounts provided in this subsection shall lapse.

(9) \$2,155,000 of the state toxics account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay and other sites.

(10) The department shall not develop the Gull Harbor facility without first submitting a master plan to the appropriate committees of the legislature. The plan shall ensure continued public access to the waterfront. The plan shall also examine alternative locations to the Gull Harbor site that would colocate marine equipment for all state agencies needing water access in Thurston county. The report shall be submitted by December 1, 2006.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2006, \$250,000 of the general fund--state appropriation for fiscal year 2007, and \$500,000 of the resource management cost account--state appropriation are provided solely for a report on the future of Washington forests. The purpose of the report is to examine economic, recreational, and environmental trends influencing the forest products industry and secondary manufacturing sectors in Washington state. The department shall contract with the University of Washington college of forestry resources. The college shall consult with the University of Washington economics department for the section on investment returns from granted lands. The report shall contain the following parts:

(a) An update of the 1992 timber supply study for Washington state that was conducted by the University of Washington. The update may be accomplished by reviewing the most recent similar data available in existing reports, examining a sample of the original 1992 study sample of lands, and through other existing data sources that may reveal relevant trends and changes since 1992.

(b) An independent assessment of the economic contribution of the forest products industry, and secondary manufacturing sectors, to the state. This assessment will also examine some of the macroeconomic trends likely to affect the industry in the future.

(c) A comparison of the competitive position of Washington's forest products industry globally, and with other leading forest products states, or regions, of the United States. This evaluation should compare the relative tax burden for growing and harvesting timber between the states or regions and the relative cost of adhering to regulations, and identify the competitive advantages of each state or region.

(d) An assessment of the trends and dynamics that commercial and residential development play in the conversion of the state's forests to nonforestry uses. The assessment will involve gathering relevant data, reviewing that data, and analyzing the relationship between development and the conversion of forest land uses.

(e) Recommendations on: (i) Policy changes that would enhance the competitive position of Washington's forest products industry in Washington state; (ii) policy changes that would, to the extent possible, ensure that a productive forest land base continues to be managed for forest products, recreation, and environmental and other public benefits into the future; and (iii) policy changes that would enhance the recreational opportunities on working forest lands in the state.

(f) Based on the information derived from (a) through (d) of this subsection, an assessment of the expected rate of return from state granted lands. This section of the reports shall also review reports prepared by the department over the past ten years that describe the investment returns from granted lands. The review of these previous reports shall compare and critique the methodology and indicators used to report investment returns. The review shall recommend appropriate measures of investment returns from granted lands.

(g) Analyze and recommend policies and programs to assist Cascade foothills area landowners and communities in developing and implementing innovative approaches to retaining traditional forestry while at the same time accommodating new uses that strengthen the economic and natural benefits from forest lands. For the purposes of this section, the Cascade foothills area generally encompasses the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(12) \$4,000 of the general fund--state appropriation for fiscal year ~~(2005)~~ 2006 and \$4,000 of the general fund--state appropriation for fiscal year ~~(2006)~~ 2007 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.13.520.

(13) The department shall develop a multiyear work plan and schedule for mapping all applicable areas of the state for landslide hazards and earthquake hazards. The work plan and schedule shall be based on a carryforward funding level, and shall be submitted to the office of financial management and to the fiscal committees of the legislature by June 30, 2006.

(14) \$654,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for geologic hazard research, activities, and mapping, including earthquake, landslide, and tsunami hazards.

(15) \$397,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to work with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal lands, contribute to wildlife habitat. The assessment will also determine how commercial forest, forest lands on the urban fringe, and small privately-owned forest lands that are managed according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

(16) Within existing appropriations, the department shall implement the wildfire prevention and protection work group as defined in Substitute Senate Bill No. 6603 (wildfire prevention).

(17) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a work group to study existing legislation affecting the oil and natural gas industry, and to make recommendations to that legal framework to improve the regulatory, technical, environmental, and financial framework of the oil and gas industry. The department shall report its recommendations to the legislature by December 30, 2006.

(18) \$35,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Senate Bill No. 5179 (forest health). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(19) \$719,000 of the surface mining reclamation account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6175 (surface mining). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 309. 2005 c 518 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2006)	(\$11,000,000)
	\$10,979,000
General Fund--State Appropriation (FY 2007)	(\$10,443,000)
	\$12,271,000
General Fund--Federal Appropriation	(\$10,608,000)
	\$10,634,000
General Fund--Private/Local Appropriation	\$413,000
Aquatic Lands Enhancement Account--State Approp (\$1,286,000)	
	\$1,990,000
Water Quality Account--State Appropriation	(\$968,000)
	\$972,000
State Toxics Control Account--State Appropriation ((\$3,416,000))	
	\$3,555,000
Water Quality Permit Account--State Appropriation	\$238,000
Pension Funding Stabilization Account--State Appropriation (\$39,000)	
TOTAL APPROPRIATION	(\$39,072,000)
	\$41,091,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of the Puget Sound conservation and recovery plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(4) \$36,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for an economic impact study of fairs in the state of Washington.

(5) \$12,000 of the general fund--state appropriation for fiscal year 2006 and \$13,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for indemnity payments for poultry that are ordered by the department to be slaughtered or destroyed.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for market promotion and trade barrier grants.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the small farm and direct marketing program.

(8) ~~(\$466,000)~~ \$306,000 of the general fund--state appropriation for fiscal year 2006 ~~(is)~~ and \$160,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to complete a database application that would consolidate program information and enable the department to more effectively respond to a food safety or animal disease emergency.

(9) \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement the Washington wine brand campaign.

(10) The department shall consult with affected agricultural industries before fees for fruit and vegetable inspections may be raised. The consultation shall include a review of current inspection services, the cost of providing those services, and the discontinuation of unnecessary services.

(11) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 3033 (animal identification). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Engrossed Substitute Senate Bill No. 6508 (renewable fuel). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support noxious weed boards.

(14) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the purchase of agricultural products equipment. The department shall negotiate an appropriate agreement with the agriculture industry for the use of the equipment.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for spartina eradication efforts.

(16) \$26,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute Senate Bill No. 5385 (invasive species council). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$30,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute Senate Bill No. 6377 (milk and milk products). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 310. 2005 c 518 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust Account--State Appropriation ~~(\$861,000)~~
\$864,000

**PART IV
TRANSPORTATION**

Sec. 401. 2005 c 518 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2006) . . . ~~(\$1,886,000)~~
\$1,535,000
General Fund--State Appropriation (FY 2007) . . . ~~(\$1,787,000)~~
\$1,704,000
Architects' License Account--State Appropriation . . . ~~(\$728,000)~~
\$715,000
Cemetery Account--State Appropriation ~~(\$224,000)~~
\$220,000
Professional Engineers' Account--State Appropriation ~~(\$3,179,000)~~
\$3,217,000
Real Estate Commission Account--State Appropriation ~~(\$7,583,000)~~
\$7,605,000
Master License Account--State Appropriation . . . ~~(\$11,593,000)~~
\$11,557,000
Uniform Commercial Code Account--State Appropriation ~~(\$2,936,000)~~
\$2,861,000
Real Estate Education Account--State Appropriation . . \$275,000
Real Estate Appraiser Commission Account--State Appr ~~(\$1,345,000)~~
\$1,366,000
Business and Professions Account--State Appropriation ~~(\$7,927,000)~~
\$7,605,000
Real Estate Research Account--State Appropriation . . ~~(\$301,000)~~
\$321,000
~~(Wildlife Account--State Appropriation \$13,000)~~
Funeral Directors and Embalmers Account--State Appr ~~(\$711,000)~~
\$531,000

Geologists' Account--State Appropriation ~~(\$34,000)~~
\$47,000
Data Processing Revolving Account--State Appropriation \$29,000
Derelict Vessel Removal Account--State Appropriation . \$31,000
Pension Funding Stabilization Account--State Appropriation ~~(\$30,000)~~
TOTAL APPROPRIATION ~~(\$40,405,000)~~
\$41,849,000

(1) The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2005-07 fiscal biennium. Pursuant to RCW 43.135.055, during the 2005-07 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

(2) \$7,685,000 of the business and professions account--state appropriation is subject to enactment of Substitute House Bill No. 1394 (business and professions account). If the bill is not enacted by June 30, 2005, the appropriations out of this account shall be made from the general fund.

(3) \$1,653,000 of the master license account--state appropriation is subject to enactment of House Bill No. 2131 (master licensing service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$34,000 of the general fund--state appropriation for fiscal year 2006 are subject to enactment of House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(5) \$180,000 of the real estate appraiser commission account--state appropriation is provided solely to implement Senate Bill No. 5274 (real estate appraisers). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$56,000 of the business and professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2596 (cosmetology apprenticeship). If the bill is not enacted by June 30, 2006, the amount provided for in this subsection shall lapse.

(7) \$148,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute Senate Bill No. 6364 (recreational vehicles). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 402. 2005 c 518 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2006) . . ~~(\$36,089,000)~~
\$37,601,000
General Fund--State Appropriation (FY 2007) . . ~~(\$30,702,000)~~
\$32,753,000
General Fund--Federal Appropriation ~~(\$4,356,000)~~
\$4,364,000
General Fund--Private/Local Appropriation ~~(\$595,000)~~
\$596,000
Death Investigations Account--State Appropriation ~~(\$5,615,000)~~
\$4,628,000
Public Safety and Education Account--State Appr ~~(\$2,941,000)~~
\$3,388,000
Enhanced 911 Account--State Appropriation \$573,000
County Criminal Justice Assistance Account--State Appr ~~(\$2,093,000)~~
\$2,895,000
Municipal Criminal Justice Assistance Account--State Appropriation ~~(\$1,154,000)~~
\$1,157,000
Fire Service Trust Account--State Appropriation \$131,000
Fire Service Training Account--State Appropriation ~~(\$7,550,000)~~
\$7,560,000
State Toxics Control Account--State Appropriation . . ~~(\$468,000)~~

	\$469,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$313,000
Fingerprint Identification Account--State Appropriation	(\$6,257,000)
	<u>\$6,270,000</u>
Disaster Response Account--State Appropriation	\$2,000
(DNA Data Base Account--State Appropriation)	(\$150,000)
Aquatic Invasive Species Prevention Account--State Appropriation	(\$22,000)
<u>Aquatic Invasive Species Enforcement Account--State Appropriation</u>	<u>\$145,000</u>
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$102,000</u>
TOTAL APPROPRIATION	(\$102,001,000) <u>\$102,947,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) ~~(\$222,000)~~ \$145,000 of the aquatic invasive species ~~(prevention)~~ enforcement account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) ~~\$250,000 of the general fund--state appropriation for fiscal year 2006 (its) and \$240,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (vehicle licensing and registration).~~ If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$395,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 5 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) If funding is provided through a federal grant or through a memorandum of understanding with a local government, the Washington state patrol's automatic fingerprint identification system shall be capable of instantly accepting electronic latent search records from any Washington state local law enforcement agency, to be implemented on a timeline agreed to by the patrol and the agency granting the fund source. The Washington state patrol shall notify the appropriate fiscal and policy committees of the legislature in writing upon the receipt of such federal moneys or upon the effective date of a memorandum of understanding with a local government.

(6) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6519 (sex offender registration). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

**PART V
EDUCATION**

Sec. 501. 2005 c 518 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) STATE AGENCY OPERATIONS

General Fund--State Appropriation (FY 2006)	(\$12,946,000)
	<u>\$13,452,000</u>
General Fund--State Appropriation (FY 2007)	(\$12,870,000)
	<u>\$17,151,000</u>
General Fund--Federal Appropriation	(\$30,248,000)
	<u>\$23,090,000</u>
TOTAL APPROPRIATION	(\$56,064,000) <u>\$53,693,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) ~~(\$10,836,000)~~ \$10,835,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$10,910,000)~~ \$10,980,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$428,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$428,000)~~ \$547,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$509,000 of the general fund--state appropriation for fiscal year 2006 and \$504,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the Washington professional educator standards board. Within the amounts provided in this subsection, the Washington professional educator standards board shall pursue the implementation of recent study recommendations including: (i) Revision of teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies, and (ii) development of mathematics specialist endorsement.

(d) ~~(\$100,000)~~ \$607,000 of the general fund--state appropriation for fiscal year 2006 ~~(its)~~ and \$592,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for increased attorney general fees related to *School Districts' Alliance for Adequate Funding of Special Education et al. v. State of Washington et al.*, Thurston County Superior Court Cause No. 04-2-02000-7.

(e) ~~(\$950,000)~~ \$1,900,000 of the general fund--state appropriation ~~(for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely)~~ is for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f)(i) \$45,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the office of the superintendent of public instruction and the department of health to collaborate and develop a work group to assess school nursing services in class I school districts. The work group shall consult with representatives from the following groups: School nurses, schools, students, parents, teachers, health officials, and administrators. The work group shall:

(A) Study the need for additional school nursing services by gathering data about current school nurse-to-student ratios in each class I school district and assessing the demand for school nursing services by acuity levels and the necessary skills to meet those demands. The work group also shall recommend to the legislature best practices in school nursing services, including a dedicated, sustainable funding model that would best meet the current and future needs of Washington's schools and contribute to greater academic success of all students. The work group shall make recommendations for school nursing services, and may examine school nursing services by grade level. The work group shall assess whether funding for school nurses should continue as part of basic education; and

(B) In collaboration with managed care plans that contract with the department of social and health services medical assistance administration to provide health services to children participating in the medicaid and state children's health insurance program, identify opportunities to improve coordination of and access to health services for low-income children through the use of school nurse services.

The work group shall evaluate the feasibility of pooling school district and managed care plan funding to finance school nurse positions in school districts with high numbers of low-income children.

(ii) The office of superintendent of public instruction shall report the work group's findings and plans for implementation to the legislature by February 1, 2006.

(g) \$78,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$78,000)~~ \$228,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Of this amount, \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided for deposit in the Washington natural science, wildlife, and environmental education partnership account for grants pursuant to RCW 28A.300.440. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(h) \$2,896,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902, chapter 518, Laws of 2005.

(i) \$325,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

(j) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Senate Bill No. 6219 (financial literacy). If the bill is not enacted by June 30, 2006, the amount in this section is provided solely for additional efforts at promoting financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(k) \$64,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction to conduct further evaluation of issues raised in the recently completed joint legislative audit and review committee report on the accounting of special education excess costs. Within the amounts provided in this subsection, the office of the superintendent of public instruction will convene a work group to evaluate modifying or replacing the current 1077 methodology. This work group will deliver a report to the appropriate committees of the legislature, including the joint legislative audit and review committee, and the office of financial management, by January 1, 2007. The work group will take into consideration recommendations of the Washington learns steering committee.

(l) \$15,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2910 (environmental education). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2006) . . .	(\$10,192,000)
	\$12,341,000
General Fund--State Appropriation (FY 2007) . . .	(\$10,155,000)
	\$18,884,000
General Fund--Federal Appropriation	(\$47,465,000)
	\$58,112,000
TOTAL APPROPRIATION	(\$67,812,000)
	\$89,337,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$2,541,000 of

the general fund--state appropriation for fiscal year 2007 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2007 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$40,000 of the general fund--state appropriation is provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) ~~(\$11,600,000)~~ \$10,344,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies and \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time backfill of the federal reductions to the safe and drug free schools and communities grant program.

(vi) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(vii) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies at preventing youth suicide.

(viii) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6580 (school notification about sex and kidnapping offenders), including section 2 of that act.

(ix) \$45,000 of the general fund state--state appropriation for fiscal year 2007 is provided solely for the development of safe school plan standards. By December 1, 2006, the Washington state school safety center advisory committee, in consultation with the superintendent of public instruction shall prepare a report with: (1) The recommended standards; (2) a potential implementation plan for those standards statewide; and (3) detailed information on the costs and other impacts on school districts from implementing the

standards. The development of standards shall address requirements for school mapping and shall include a review of current research regarding safe school planning.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2007 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$787,000 of the fiscal year 2006 appropriation and \$799,000 of the fiscal year 2007 appropriation are provided solely for the special services pilot projects. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.015.

(ii) A maximum of \$548,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of ~~(\$548,000)~~ \$1,059,000 of the general fund--state appropriation for fiscal year 2007 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages. Of this amount, \$511,000 of the general fund--state appropriation for fiscal year 2007 is provided for additional conditional scholarships to candidates seeking an endorsement in special education, math, science, and bilingual education.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2007 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2007 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2007 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington civil liberties education program.

(viii) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) ~~(\$1,521,000)~~ \$1,911,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(x) ~~(\$8,292,000)~~ \$5,532,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xi) ~~(\$19,587,000)~~ \$24,490,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

(xii) \$383,000 of the general fund--state appropriation for fiscal year 2006 and \$294,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(xiii) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(xiv) \$175,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for incentive grants for districts to develop preapprenticeship programs. Grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(xv) \$3,980,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the dissemination of the Navigation 101 curriculum to all districts, including the development and dissemination of electronic student planning tools and the development of a software package to use to analyze the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

(xvi) \$2,148,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for one-time grants to school districts to offset extraordinary rate increases for natural gas and heating oil.

(xvii) \$22,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2579 (educational assessments). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(xviii) \$1,500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a pilot grant program related to serving students in staffed residential homes. The pilot grant program will be established in at least five school districts. The districts eligible for the pilot grant program shall be limited to school districts with a concentration of students residing in staffed residential homes greater than or equal to 1.3 full time equivalent students per 1,000 K-12 public students. The amount of funding for each pilot grant district shall be in proportion to the degree of concentration of staffed residential home students residing and served in each respective district, and other criteria as determined by the office of the superintendent of public instruction. Funding in the pilot grant program shall not be considered part of the basic education program.

(A) The pilot grant program is intended to: (I) Identify the fiscal and educational challenges posed to districts that serve staffed residential homes students; (II) provide resources to assist school districts in developing best practices for addressing these challenges; (III) address costs resulting from high concentrations of staffed residential home students in some school districts; (IV) develop models of collaboration between school districts and staffed residential homes; and (V) gain additional information on the variety of circumstances and needs present in the staffed residential home population, including both special education and nonspecial education eligible students.

(B) As a condition of the pilot grant program, the selected school districts must meet the following criteria: (I) Jointly develop, with staffed residential homes in their community, a model policy and plan for collaboration and information sharing, which includes an agreed upon routine of regular communication regarding each child's progress, including for special education students the development and regular updating of individualized education programs; (II) provide an annual progress report regarding the implementation of the model policy and plan and measured progress toward meeting the

educational needs of students in staffed residential homes; and (III) provide information and data to the office of the superintendent of public instruction as required for the study detailed in (D) of this subsection (c)(xviii).

(C) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction, with the assistance of the department of social and health services, to prepare a report to the appropriate policy and fiscal committees of the legislature and the office of financial management on: (I) The number of students residing at each staffed residential home by school district; (II) the specific types of needs of students residing at each staffed residential home; and (III) an overview of the differences in the programs being offered at staffed residential homes and the ranges of costs associated with these programs; and (IV) a summary of the current types of collaboration between school districts and staffed residential homes. This report shall be submitted by November 30, 2006.

(D) \$15,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction to report to the appropriate policy and fiscal committees of the legislature and the office of financial management on the results of the pilot grant program established in this subsection (c)(xviii), including a description of the impact on the educational services delivered to the students residing at each staffed residential home. Based on the results of the pilot grant program, the office of the superintendent of public instruction may make recommendations regarding best practices for meeting the needs of students residing in staffed residential homes, and fostering collaboration with staffed residential homes. This report shall be submitted by June 30, 2007.

(E) For those students residing in staffed residential homes who are special education eligible, school districts are eligible to pursue safety net funding beyond the pilot grant program amounts so that the combined basic education allocation, special education excess cost allocation, pilot grant amount, and safety net grants recognize the costs associated with serving staffed residential home students potentially concentrated in a few school districts.

(F) For purposes of this subsection (c)(xviii), "staffed residential home" means a home licensed by the department of social and health services to provide twenty-four hour care for six or fewer children or expectant mothers, which employs staff to care for them.

Sec. 502. 2005 c 518 s 502 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--
FOR GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2006)	((\$4,180,957,000))
	\$4,193,442,000
General Fund--State Appropriation (FY 2007)	((\$4,243,010,000))
	\$4,281,807,000
Pension Funding Stabilization Account Appropriation	\$28,548,000
TOTAL APPROPRIATION	((\$8,423,967,000))
	\$8,503,797,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2005-06 and 2006-07 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2007-08 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be

remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2005-06 and 2006-07 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of ~~((10.90))~~ 11.21 percent in the 2005-06 school year and ~~((11.90))~~ 13.02 percent in the 2006-07 school year for certificated salary allocations provided under subsection (2) of this section, and a rate

of ~~((14.57))~~ 14.07 percent in the 2005-06 school year and ~~((15.82))~~ 15.99 percent in the 2006-07 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,112 per certificated staff unit in the 2005-06 school year and a maximum of ~~((9,285))~~ \$9,476 per certificated staff unit in the 2006-07 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$22,377 per certificated staff unit in the 2005-06 school year and a maximum of ~~((22,802))~~ \$23,272 per certificated staff unit in the 2006-07 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$17,362 per certificated staff unit in the 2005-06 school year and a maximum of ~~((17,692))~~ \$18,056 per certificated staff unit in the 2006-07 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2005-06 and 2006-07 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ~~((7,621,000))~~ \$12,992,000 outside the basic education formula during fiscal years 2006 and 2007 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$513,000 may be expended in fiscal year 2006 and a maximum of ~~((523,000))~~ \$534,000 may be expended in fiscal year 2007;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2006 fiscal year and a maximum of ~~((2,035,000))~~ \$2,385,000 for the 2007 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of ~~((365,000))~~ \$369,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$394,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$787,000)~~) \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for incentive grants to encourage school districts to increase enrollment in vocational skills centers. Up to \$500 for each full-time equivalent student may be proportionally distributed to a school district or school districts increasing skills centers enrollment above the levels in the 2004-05 school year. The office of the superintendent of public instruction shall develop criteria for awarding incentive grants pursuant to this subsection. The total amount allocated pursuant to this subsection shall be limited to (~~(\$1,181,000)~~) \$1,244,000 for the 2005-07 biennium. Funds provided in this subsection shall first be expended to provide incentive grants to school districts increasing skills center enrollment during the school year. If funds are available after making these allocations, funds may be distributed for: (i) increasing enrollment including allowing up to an additional .2 full time equivalent student enrollment at skills centers; (ii) increasing enrollment and capacity of summer vocational programs at the skills centers.

(f) \$4,943,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time allocations for equipment replacement in vocational programs and skills centers. The funding shall be allocated based on \$75 per full time equivalent vocational student and \$125 per full time equivalent skills center student.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.2 percent from the 2004-05 school year to the 2005-06 school year and (~~(3.4)~~) 5.2 percent from the 2005-06 school year to the 2006-07 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 503. 2005 c 518 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1Sb; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E.

(2) For the purposes of this section:

(a) "LEAP Document 1Sb" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on (~~(March 18, 2005))~~ March 6, 2006, at (~~(10:00))~~ 05:25 hours; and

(b) "LEAP Document 12E" means the computerized tabulation of 2005-06 and 2006-07 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on (~~(April 6, 2005))~~ March 6, 2006, at (~~(10:00))~~ 05:25 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of (~~(10.26))~~ 10.57 percent for school year 2005-06 and (~~(11.26))~~ 12.38 percent for school year 2006-07 for certificated staff and for classified staff (~~(11.07))~~ 10.57 percent for school year 2005-06 and (~~(12.32))~~ 12.49 percent for the 2006-07 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Allocation Schedule For Certificated Instructional Staff
2005-06 School Year

Years of Service	BA	BA +1	BA +3	BA +4	BA +9	BA +1	M A	M A+	or PH +90
0	30, 38	31, 20	32, 05	32, 90	35, 64	37, 40	36, 42	39, 16	40, 24
1	30, 79	31, 62	32, 48	33, 37	36, 13	37, 88	36, 83	39, 59	41, 45
2	31, 18	32, 02	32, 89	33, 85	36, 60	38, 37	37, 23	39, 99	41, 64
3	31, 58	32, 43	33, 31	34, 29	37, 04	38, 86	37, 62	40, 37	42, 87
4	31, 97	32, 86	33, 74	34, 77	37, 53	39, 36	38, 03	40, 79	42, 23
5	32, 38	33, 27	34, 16	35, 24	38, 00	39, 86	38, 44	41, 19	43, 61
6	32, 80	33, 67	34, 59	35, 72	38, 47	40, 34	38, 86	41, 60	43, 78
7	33, 53	34, 42	35, 35	36, 55	39, 33	41, 25	39, 65	42, 43	44, 62
8	34, 61	35, 54	36, 50	37, 79	40, 61	42, 61	40, 89	43, 72	45, 14
9	36, 70	37, 71	39, 05	41, 94	44, 00	44, 15	42, 04	45, 15	47, 06
10		7	3	4	0	2	6	4	4
			38, 93	40, 37	43, 30	45, 43	43, 47	46, 40	48, 35
11			8	6	1	2	9	5	5
			41, 73	44, 72	46, 90	44, 84	47, 83	47, 03	50, 03
12			7	6	0	0	0	0	0
			43, 05	46, 18	48, 42	46, 25	49, 29	51, 32	51, 32
13			5	9	8	5	2	2	2
			47, 68	49, 99	47, 72	50, 79	50, 96	53, 96	53, 96
14			8	3	0	1	1	1	1
			49, 19	51, 61	49, 22	52, 39	52, 39	54, 21	54, 21
15			4	8	7	6	6	6	6
			50, 47	52, 96	50, 50	53, 75	53, 44	56, 44	56, 44
16 or more			4	1	7	8	8	8	8
			51, 48	54, 01	51, 51	54, 83	54, 83	57, 66	57, 66
			3	9	7	3	3	3	3

((K-12 Salary Allocation Schedule For Certificated Instructional Staff
2006-07 School Year

Years of Service	BA	BA +1	BA +3	BA +4	BA +9	BA +1	M A	M A+	or PH +90
		5	0	5	0	35	35	45	45

0	30: 90 0	31: 73 5	32: 59 9	33: 46 6	36: 24 7	38: 03 8	37: 04 6	39: 82 7	41:6 20	7	<u>34,</u> <u>64</u> <u>4</u>	<u>35,</u> <u>55</u> <u>6</u>	<u>36,</u> <u>52</u> <u>3</u>	<u>37,</u> <u>75</u> <u>8</u>	<u>40,</u> <u>63</u> <u>3</u>	<u>42,</u> <u>62</u> <u>0</u>	<u>40,</u> <u>96</u> <u>4</u>	<u>43,</u> <u>83</u> <u>8</u>	<u>45,8</u> <u>26</u>
1	31: 31 6	32: 16 2	33: 03 8	33: 94 2	36: 75 2	38: 53 4	37: 45 8	40: 26 8	42:0 48	8	<u>35,</u> <u>75</u> <u>5</u>	<u>36,</u> <u>71</u> <u>7</u>	<u>37,</u> <u>70</u> <u>7</u>	<u>39,</u> <u>04</u> <u>4</u>	<u>41,</u> <u>95</u> <u>7</u>	<u>44,</u> <u>01</u> <u>8</u>	<u>42,</u> <u>24</u> <u>9</u>	<u>45,</u> <u>16</u> <u>3</u>	<u>47,2</u> <u>23</u>
2	31: 74 2	32: 56 6	33: 45 1	34: 42 6	37: 22 8	39: 02 8	37: 87 3	40: 67 4	42:4 75	9	<u>37,</u> <u>91</u> <u>9</u>	<u>38,</u> <u>95</u> <u>8</u>	<u>40,</u> <u>34</u> <u>3</u>	<u>43,</u> <u>32</u> <u>5</u>	<u>45,</u> <u>45</u> <u>5</u>	<u>43,</u> <u>54</u> <u>7</u>	<u>46,</u> <u>53</u> <u>1</u>	<u>48,6</u> <u>61</u>	
3	32: 12 1	32: 98 3	33: 87 8	34: 88 3	37: 67 9	39: 52 3	38: 26 6	41: 06 0	42:9 05	10	<u>40,</u> <u>22</u> <u>4</u>	<u>41,</u> <u>70</u> <u>9</u>	<u>44,</u> <u>73</u> <u>0</u>	<u>46,</u> <u>93</u> <u>2</u>	<u>44,</u> <u>91</u> <u>5</u>	<u>47,</u> <u>93</u> <u>7</u>	<u>50,1</u> <u>37</u>		
4	32: 52 1	33: 42 1	34: 32 1	35: 36 2	38: 17 4	40: 03 1	38: 67 8	41: 49 1	43:3 48	11	<u>43,</u> <u>11</u> <u>5</u>	<u>46,</u> <u>20</u> <u>2</u>	<u>48,</u> <u>44</u> <u>8</u>	<u>46,</u> <u>32</u> <u>1</u>	<u>49,</u> <u>40</u> <u>9</u>	<u>51,6</u> <u>53</u>			
5	32: 93 5	33: 84 0	34: 74 8	35: 84 6	38: 64 9	40: 54 3	39: 09 7	41: 90 0	43:7 94	12	<u>44,</u> <u>47</u> <u>6</u>	<u>47,</u> <u>71</u> <u>4</u>	<u>50,</u> <u>02</u> <u>6</u>	<u>47,</u> <u>78</u> <u>2</u>	<u>50,</u> <u>91</u> <u>9</u>	<u>53,2</u> <u>33</u>			
6	33: 36 0	34: 24 5	35: 18 5	36: 33 7	39: 12 7	41: 03 1	39: 52 6	42: 31 5	44:2 18	13	<u>49,</u> <u>26</u> <u>2</u>	<u>51,</u> <u>64</u> <u>4</u>	<u>49,</u> <u>29</u> <u>5</u>	<u>52,</u> <u>46</u> <u>8</u>	<u>54,8</u> <u>49</u>				
7	34: 10 7	35: 00 5	35: 95 7	37: 17 3	40: 00 3	41: 96 0	40: 33 0	43: 15 9	45:1 16	14	<u>50,</u> <u>81</u> <u>8</u>	<u>53,</u> <u>32</u> <u>2</u>	<u>50,</u> <u>85</u> <u>2</u>	<u>54,</u> <u>12</u> <u>5</u>	<u>56,5</u> <u>28</u>				
8	35: 20 1	36: 14 8	37: 12 3	38: 43 9	41: 30 7	43: 33 6	41: 59 4	44: 46 4	46:4 92	15	<u>52,</u> <u>14</u> <u>0</u>	<u>54,</u> <u>70</u> <u>9</u>	<u>52,</u> <u>17</u> <u>4</u>	<u>55,</u> <u>53</u> <u>3</u>	<u>57,9</u> <u>98</u>				
9		37: 33 2	38: 35 5	39: 71 8	42: 65 4	44: 75 1	42: 87 3	45: 81 0	47:9 08	16 or more	<u>53,</u> <u>18</u> <u>3</u>	<u>55,</u> <u>80</u> <u>2</u>	<u>53,</u> <u>21</u> <u>7</u>	<u>56,</u> <u>64</u> <u>3</u>	<u>59,1</u> <u>57</u>				
10			39: 60 1	41: 06 0	44: 03 8	46: 20 5	44: 21 9	47: 19 4	49:3 61		<u>49,</u> <u>26</u> <u>2</u>	<u>51,</u> <u>64</u> <u>4</u>	<u>49,</u> <u>29</u> <u>5</u>	<u>52,</u> <u>46</u> <u>8</u>	<u>54,8</u> <u>49</u>				
11				42: 44 8	45: 48 7	47: 69 3	45: 60 8	48: 64 4	50:8 53		<u>47,</u> <u>69</u> <u>3</u>	<u>49,</u> <u>64</u> <u>4</u>	<u>50,</u> <u>64</u> <u>5</u>	<u>52,</u> <u>46</u> <u>8</u>	<u>54,8</u> <u>49</u>				
12				43: 78 8	46: 97 5	49: 25 2	47: 04 2	50: 13 1	52:4 09		<u>49,</u> <u>26</u> <u>2</u>	<u>51,</u> <u>64</u> <u>4</u>	<u>49,</u> <u>29</u> <u>5</u>	<u>52,</u> <u>46</u> <u>8</u>	<u>54,8</u> <u>49</u>				
13					48: 49 9	50: 84 4	48: 53 2	51: 65 5	54:0 00		<u>48,</u> <u>53</u> <u>4</u>	<u>51,</u> <u>65</u> <u>2</u>	<u>49,</u> <u>25</u> <u>2</u>	<u>52,</u> <u>46</u> <u>8</u>	<u>54,8</u> <u>49</u>				
14					50: 03 1	52: 49 6	50: 06 5	53: 28 7	55:6 52		<u>50,</u> <u>03</u> <u>1</u>	<u>53,</u> <u>49</u> <u>6</u>	<u>50,</u> <u>28</u> <u>7</u>	<u>54,</u> <u>52</u> <u>3</u>	<u>56,5</u> <u>28</u>				
15					51: 33 3	53: 86 2	51: 36 6	54: 67 3	57:0 99		<u>51,</u> <u>33</u> <u>3</u>	<u>54,</u> <u>86</u> <u>2</u>	<u>51,</u> <u>36</u> <u>6</u>	<u>54,</u> <u>67</u> <u>3</u>	<u>57,0</u> <u>99</u>				
16 or more					52: 35 9	54: 93 8	52: 39 3	55: 76 6	58:2 41))		<u>52,</u> <u>35</u> <u>9</u>	<u>54,</u> <u>93</u> <u>8</u>	<u>52,</u> <u>39</u> <u>3</u>	<u>55,</u> <u>76</u> <u>6</u>	<u>58,2</u> <u>41))</u>				

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

- (5) For the purposes of this section:
 - (a) "BA" means a baccalaureate degree.
 - (b) "MA" means a masters degree.
 - (c) "PHD" means a doctorate degree.
 - (d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in- service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with education reform implementation, and shall not be considered part of basic education. The principal in each school shall assure that the days are used to provide the necessary school-wide, all staff professional development that is tied directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

K-12 Salary Allocation Schedule For Certificated Instructional Staff
2006-07 School Year

Yea rs of Ser vice	BA	BA +1	BA +3	BA +4	BA +9	BA +1	M A	M A+	or PH D
0	<u>31,</u> <u>38</u> <u>6</u>	<u>32,</u> <u>23</u> <u>4</u>	<u>33,</u> <u>11</u> <u>2</u>	<u>33,</u> <u>99</u> <u>2</u>	<u>36,</u> <u>81</u> <u>7</u>	<u>38,</u> <u>63</u> <u>6</u>	<u>37,</u> <u>62</u> <u>9</u>	<u>40,</u> <u>45</u> <u>4</u>	<u>42,2</u> <u>75</u>
1	<u>31,</u> <u>80</u> <u>8</u>	<u>32,</u> <u>66</u> <u>8</u>	<u>33,</u> <u>55</u> <u>7</u>	<u>34,</u> <u>47</u> <u>6</u>	<u>37,</u> <u>33</u> <u>0</u>	<u>39,</u> <u>14</u> <u>0</u>	<u>38,</u> <u>04</u> <u>7</u>	<u>40,</u> <u>90</u> <u>1</u>	<u>42,7</u> <u>10</u>
2	<u>32,</u> <u>21</u> <u>1</u>	<u>33,</u> <u>07</u> <u>9</u>	<u>33,</u> <u>97</u> <u>8</u>	<u>34,</u> <u>96</u> <u>7</u>	<u>37,</u> <u>81</u> <u>3</u>	<u>39,</u> <u>64</u> <u>1</u>	<u>38,</u> <u>46</u> <u>9</u>	<u>41,</u> <u>31</u> <u>4</u>	<u>43,1</u> <u>43</u>
3	<u>32,</u> <u>62</u> <u>6</u>	<u>33,</u> <u>50</u> <u>2</u>	<u>34,</u> <u>41</u> <u>0</u>	<u>35,</u> <u>43</u> <u>2</u>	<u>38,</u> <u>27</u> <u>4</u>	<u>40,</u> <u>14</u> <u>4</u>	<u>38,</u> <u>86</u> <u>8</u>	<u>41,</u> <u>70</u> <u>6</u>	<u>43,5</u> <u>79</u>
4	<u>33,</u> <u>03</u> <u>3</u>	<u>33,</u> <u>94</u> <u>7</u>	<u>34,</u> <u>86</u> <u>1</u>	<u>35,</u> <u>91</u> <u>8</u>	<u>38,</u> <u>77</u> <u>5</u>	<u>40,</u> <u>66</u> <u>1</u>	<u>39,</u> <u>28</u> <u>6</u>	<u>42,</u> <u>14</u> <u>3</u>	<u>44,0</u> <u>30</u>
5	<u>33,</u> <u>45</u> <u>3</u>	<u>34,</u> <u>37</u> <u>2</u>	<u>35,</u> <u>29</u> <u>5</u>	<u>36,</u> <u>41</u> <u>0</u>	<u>39,</u> <u>25</u> <u>7</u>	<u>41,</u> <u>18</u> <u>0</u>	<u>39,</u> <u>71</u> <u>1</u>	<u>42,</u> <u>55</u> <u>9</u>	<u>44,4</u> <u>83</u>
6	<u>33,</u> <u>88</u> <u>5</u>	<u>34,</u> <u>78</u> <u>4</u>	<u>35,</u> <u>73</u> <u>8</u>	<u>36,</u> <u>90</u> <u>9</u>	<u>39,</u> <u>74</u> <u>2</u>	<u>41,</u> <u>67</u> <u>6</u>	<u>40,</u> <u>14</u> <u>7</u>	<u>42,</u> <u>98</u> <u>1</u>	<u>44,9</u> <u>13</u>

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2) and subsection (7) of this section.

Sec. 504. 2005 c 518 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--
FOR SCHOOL EMPLOYEE COMPENSATION
ADJUSTMENTS**

General Fund--State Appropriation (FY 2006)	(\$73,981,000)
	<u>\$74,336,000</u>
General Fund--State Appropriation (FY 2007)	(\$186,968,000)
	<u>\$241,576,000</u>
Education Legacy Trust Account--State Appropriation	\$470,000
Pension Funding Stabilization Account Appropriation	\$1,543,000
General Fund--Federal Appropriation	(\$864,000)
	<u>\$1,043,000</u>
TOTAL APPROPRIATION	(\$262,283,000)
	<u>\$318,968,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$135,669,000)~~ \$190,375,000 is provided for a cost of living adjustment of 1.2 percent effective September 1, 2005, and another ~~(+7)~~ 3.3 percent effective September 1, 2006, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of ~~(+0.26)~~ 10.57 percent for the 2005-06 school year and ~~(+1.26)~~ 12.38 percent for the 2006-07 school year for certificated staff and ~~(+1.07)~~ 10.57 percent for the 2005-06 school year and ~~(+2.32)~~ 12.49 percent for the 2006-07 school year for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(b) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	(\$0.28)	(\$0.68)
))
	<u>\$0.27</u>	<u>\$1.06</u>
Highly Capable (per formula student)	\$2.96	(\$7.26)
))
		<u>\$11.40</u>
Transitional Bilingual Education (per eligible bilingual student)	(\$7.92)	(\$19.44)
))
	<u>\$7.94</u>	<u>\$30.52</u>
Learning Assistance (per formula student)	\$1.69	(\$4.14)
))
		<u>\$6.50</u>

(c) The appropriations in this section include \$251,000 for fiscal year 2006 and ~~(\$676,000)~~ \$1,022,000 for fiscal year 2007 for salary increase adjustments for substitute teachers.

(2) ~~(\$126,614,000)~~ \$129,905,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$582.47 per month for the 2005-06 and 2006-07 school years. The appropriations in this section provide for a rate increase to \$629.07 per month for the 2005-06 school year and ~~(\$679.39)~~ \$682.54 per month for the 2006-07 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.42	(\$0.88)
))
		<u>\$0.91</u>
Highly Capable (per formula student)	(\$2.89)	(\$5.97)
))
	<u>\$2.88</u>	<u>\$6.16</u>
Transitional Bilingual Education (per eligible bilingual student)	\$7.54	(\$15.69)
))
		<u>\$16.20</u>
Learning Assistance (per formula student)	\$1.49	(\$3.14)
))
		<u>\$3.21</u>

(3) The rates specified in this section are subject to revision each year by the legislature.

Sec. 505. 2005 c 518 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--
FOR PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2006)	(\$242,170,000)
	<u>\$247,541,000</u>
General Fund--State Appropriation (FY 2007)	(\$248,575,000)
	<u>\$252,607,000</u>
Pension Funding Stabilization Account Appropriation	\$755,000
TOTAL APPROPRIATION	(\$490,745,000)
	<u>\$500,903,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$796,000 of this fiscal year 2006 appropriation and a maximum of ~~(\$812,000)~~ \$828,000 of the fiscal year 2007 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2006 appropriation and \$5,000 of the fiscal year 2007 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of ~~(\$41.51)~~ \$42.52 per weighted mile in the 2005-06 school year and ~~(\$42.01)~~ \$42.30 per weighted mile in the 2006-07 school year exclusive of salary and benefit adjustments

provided in section 504 of this act. Included in the 2005-06 school year rate is a one-time increase of \$1.12 to offset extraordinary increases in the price of diesel fuel. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) For busses purchased between July 1, 2005, and June 30, 2007, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

(6) Beginning with the 2005-06 school year, the superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the current state price. The superintendent may include a weighting or other adjustment factor in the averaging formula to ease the transition from the current-price depreciation system to the average depreciation system. Prior to making any depreciation payment in the 2005-06 school year, the superintendent shall notify the office of financial management and the fiscal committees of the legislature of the specific depreciation formula to be used. The replacement cost shall be based on the lowest bid in the appropriate bus category for that school year. A maximum of \$50,000 of the fiscal year 2006 appropriation may be expended for software programming costs associated with the implementation of this subsection.

Sec. 506. 2005 c 518 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--
FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 2006)	\$3,147,000
General Fund--State Appropriation (FY 2007)	\$3,159,000
General Fund--Federal Appropriation	(\$288,774,000)
	<u>\$270,423,000</u>
TOTAL APPROPRIATION	(\$295,080,000)
	<u>\$276,729,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the 2007 fiscal year appropriation are provided for summer food programs for children in low-income areas.

(3) \$47,000 of the general fund--state appropriation for fiscal year 2006 and \$59,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to House Bill No. 1771 (requiring school breakfast programs in certain schools). If House Bill No. 1771 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

Sec. 507. 2005 c 518 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--
FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2006)	(\$460,032,000)
	\$464,812,000
General Fund--State Appropriation (FY 2007)	(\$471,961,000)
	\$478,191,000
General Fund--Federal Appropriation	(\$435,464,000)
	\$435,664,000
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$3,234,000</u>
TOTAL APPROPRIATION	(\$1,367,457,000)
	<u>\$1,381,901,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2005-06 and 2006-07 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$18,940,000 of the general fund--state appropriation and \$28,698,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful

transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) A maximum of \$100,000 of the general fund--federal appropriation shall be expended to create a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(16) \$1,400,000 of the general fund--federal appropriation shall be expended for one-time grants to school districts for the start-up costs of implementing web-based programs that assist schools in meeting state and federal requirements regarding individualized education plans.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

Sec. 508. 2005 c 518 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-- FOR EDUCATIONAL SERVICE DISTRICTS	
General Fund--State Appropriation (FY 2006) . . .	((\$3,694,000))
	\$3,691,000
General Fund--State Appropriation (FY 2007) . . .	((\$3,724,000))
	\$3,711,000
<u>Pension Funding Stabilization Account Appropriation . . .</u>	<u>\$28,000</u>
TOTAL APPROPRIATION	((\$7,418,000))
	\$7,430,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509. 2005 c 518 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION-- FOR LOCAL EFFORT ASSISTANCE	
General Fund--State Appropriation (FY 2006) . . .	((\$174,465,000))
	\$173,153,000
General Fund--State Appropriation (FY 2007) . . .	((\$182,702,000))
	\$190,957,000
TOTAL APPROPRIATION	((\$357,167,000))

\$364,110,000

Sec. 510. 2005 c 518 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--
FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2006)	(\$19,084,000)
	<u>\$18,078,000</u>
General Fund--State Appropriation (FY 2007)	(\$19,673,000)
	<u>\$18,237,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$117,000</u>
TOTAL APPROPRIATION	(\$38,757,000)
	<u>\$36,432,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) ~~(\$219,000)~~ \$236,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$219,000)~~ \$236,000 of the general fund-- state appropriation for fiscal year 2007 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511. 2005 c 518 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--
FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund--State Appropriation (FY 2006)	(\$6,860,000)
	<u>\$6,900,000</u>
General Fund--State Appropriation (FY 2007)	(\$6,926,000)
	<u>\$6,974,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$44,000</u>
TOTAL APPROPRIATION	(\$13,786,000)
	<u>\$13,918,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of ~~(\$347.24)~~ \$347.93 per funded student for the 2005-06 school year and ~~(\$349.48)~~ \$351.98 per funded student for the 2006-07 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2006 appropriation and \$170,000 of the fiscal year 2007 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2006 appropriation and \$90,000 of the fiscal year 2007 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

Sec. 512. 2005 c 518 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--
EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 2006)	(\$43,076,000)
	<u>\$45,382,000</u>
General Fund--State Appropriation (FY 2007)	(\$40,427,000)
	<u>\$51,297,000</u>
General Fund--Federal Appropriation	(\$123,345,000)
	<u>\$147,799,000</u>
TOTAL APPROPRIATION	(\$206,848,000)
	<u>\$244,478,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ASSESSMENT

~~(\$19,810,000)~~ (a) \$21,946,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$16,105,000)~~ \$21,491,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$16,111,000)~~ \$18,560,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL and development of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year. \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to: (i) Investigate the use of existing mathematics assessments in languages other than English as possible means of measuring tenth grade essential academic learnings and standards, including examining the content and rigor of the assessments as well as their reliability and validity; (ii) estimate the cost of translating the tenth grade mathematics WASL into other languages and scoring these assessments should they be implemented; and (iii) develop recommendations for (i) and (ii) of this subsection (a). Funds provided in this section are sufficient to implement section 5 of Engrossed Substitute Senate Bill No. 6475 (alternative assessment options).

(b) \$1,327,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Substitute House Bill No. 3127 (education), including section 2 of that act. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(c) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 4 of Engrossed Substitute Senate Bill No. 6255 (student-centered planning) regarding reimbursement of diagnostic assessments.

(2) MATH REMEDIATION

The purpose of this subsection (2) is to strengthen high school student performance in meeting the state standards in mathematics.

(a) Included in the general fund--state amounts provided in subsection (1) of this section is \$2,350,000 which is provided solely for the development of a new tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level.

(b) \$110,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the development of WASL

knowledge and skill learning modules to assist students performing at tenth grade Level 1 in mathematics.

(c) \$330,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students. The office of the superintendent of public instruction shall develop materials for classroom use and for tutorial learning activities.

(d) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of web-based applications of the curriculum and materials produced under (b) and (c) of this subsection as well as mathematics knowledge and skill modules and materials previously developed by the office of the superintendent of public instruction. The products are to be designed as on-line courses for students needing Level 1 instruction; learning modules accessible to classroom teachers for incorporation into classroom instruction; tutorials that can be used as WASL assessment skill refreshers and as tutor-guided and parent-guided learning modules; and on-line practice WASLs with supporting item scoring information and student response examples.

(3) PROFESSIONAL DEVELOPMENT

(a) \$548,000 of the fiscal year 2006 general fund--state appropriation and \$548,000 of the fiscal year 2007 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(b) \$2,348,000 of the general fund--state appropriation for fiscal year 2006 and \$2,348,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(c) \$705,000 of the general fund--state appropriation for fiscal year 2006 and \$705,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) ~~(\$3,010,000)~~ \$3,180,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$4,018,000)~~ \$4,358,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for salary bonuses, and mandatory fringe benefits, for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(i) Teachers who hold a valid certificate from the national board during the 2005-06 or 2006-07 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(ii) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(e) ~~(\$90,399,000)~~ \$98,761,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

~~((3))~~ (4) SCHOOL IMPROVEMENT

(a) \$338,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$338,000)~~ \$488,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund--state appropriation for fiscal year 2006 and \$3,046,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(c) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in (b) of this subsection. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(d) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall emphasize issues of high school reform and mathematics instruction when offering summer institute programs supported by funds provided in this subsection.

(e) \$515,000 of the general fund--state appropriation for fiscal year 2006 and \$515,000 of the general fund--state appropriation for fiscal year 2007 are provided for the evaluation of reading and mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math and reading programs and shall develop and disseminate grade level expectations for reading and math which shall include professional development modules and web-based materials.

(f) \$1,764,000 of the general fund--state appropriation for fiscal year 2006 and \$1,764,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(i) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(ii) The school improvement specialists shall provide the following:

(A) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(B) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(C) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(D) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(E) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(F) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(G) Other assistance to schools and school districts intended to improve student mathematics learning.

(g) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(h) ~~(\$16,758,000)~~ \$30,401,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(i) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates. The office of the superintendent of public instruction shall develop and publish the criteria for awarding grants by July 2006.

(i) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.

(ii) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.

(iii) The office of the superintendent of public instruction shall issue a report to the legislature in the 2007 session on the progress of each of the pilot programs.

~~((4))~~ (5) STUDENT SUPPORTS

(a) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$2,500,000)~~ \$4,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for: (i) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (ii) to eliminate the co-pay for students eligible for reduced price lunch eating breakfast; and (iii) for additional assistance for school districts initiating a summer food service program.

(b) \$125,000 of the general fund--state appropriation for fiscal year 2006 ~~(and \$125,000 of the general fund--state appropriation for fiscal year 2007 are)~~ is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

(i) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(ii) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

(iii) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(iv) Measurable goals and evaluation methodology to determine impact;

(v) Integration of reading strategies from the Washington state early learning and development benchmarks;

(vi) A plan for marketing and public relations;

(vii) Strategies for sustaining the program when grant funding is no longer available; and

(viii) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(c) \$850,000 of the general fund--state appropriation for fiscal year 2006 and \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2005 through August 31, 2007.

(d) \$3,594,000 of the general fund--state appropriation for fiscal year 2006 and \$3,594,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

~~((5))~~ (6) TECHNOLOGY

(a) \$1,959,000 of the general fund--state appropriation for fiscal year 2006 and \$1,959,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(b) \$126,000 of the general fund--state appropriation for fiscal year 2006 and \$126,000 of the general fund--state appropriation for fiscal year 2007 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

Sec. 513. 2005 c 518 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2006) ..	(\$59,673,000)
	\$58,205,000
General Fund--State Appropriation (FY 2007) ..	(\$63,535,000)
	\$61,608,000
General Fund--Federal Appropriation	(\$45,561,000)
	\$51,741,000
Pension Funding Stabilization Account Appropriation ..	\$504,000
TOTAL APPROPRIATION	(\$168,769,000)
	\$172,058,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of ~~(((\$757.72))~~ \$759.58 per eligible bilingual student in the 2005-06 school year and ~~(((\$763.70))~~ \$770.40 in the 2006-07 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

Sec. 514. 2005 c 518 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--
FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2006)	(((\$65,434,000))
	\$65,018,000
General Fund--State Appropriation (FY 2007)	(((\$65,367,000))
	\$64,626,000
Education Legacy Trust Account--State Appropriation	\$24,605,000
Pension Funding Stabilization Account Appropriation	\$553,000
General Fund--Federal Appropriation	(((\$343,227,000))
	\$348,351,000
TOTAL APPROPRIATION	(((\$498,633,000))
	\$503,153,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state ~~((and education legacy trust account))~~ appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of ~~(((\$184.29))~~ \$184.69 per funded student for the 2005-06 school year and ~~(((\$186.03))~~ \$187.97 per funded student for the 2006-07 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(2) Increases in a school district's allocation above the 2004-05 school year level shall be directed to grades nine through ~~((twelve))~~ ten for the 2006-07 school year. ~~((Districts are encouraged to offer remediation courses in the summer for students who fail the tenth grade WASL--))~~

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(5) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(6) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

NEW SECTION. Sec. 515. A new section is added to 2005 c 518 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--
PROMOTING ACADEMIC SUCCESS**

General Fund--State Appropriation (FY 2006)	\$3,842,000
General Fund--State Appropriation (FY 2007)	\$23,879,000
Pension Funding Stabilization Account Appropriation	\$189,000
TOTAL APPROPRIATION	\$27,910,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts appropriated in this section are provided solely for remediation for students who have not met standard in one or more content areas of the WASL in the spring of their tenth grade year and on each retake thereafter. The funds may be used for extended learning activities, including summer school, before and after school, Saturday classes, skill seminars, assessment preparation, and in-school or out-of-school tutoring. Extended learning activities may occur on the school campus, via the internet, or at other locations and times that meet student needs. Funds allocated under this section shall not be considered basic education funding. Amounts allocated under this section shall fund new extended learning opportunities, and shall not supplant funding for existing programs and services.

(2) School district allocations for promoting academic success programs shall be calculated as follows:

(a) A portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were more than one standard error of measurement from meeting standard on the Washington assessment of student learning for the current class of eleventh grade students.

(b) The other portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were less than one standard error of measurement from meeting standard but did not meet standard on the Washington assessment of student learning for the current class of eleventh grade students. Districts with at least one but less than 20 student units combining the student units generated from this subsection and (a) of this subsection shall be counted as having 20 student units for the purposes of the allocations in (d) and (e)(i) of this subsection.

(c) The legislature recognizes that professional development and planning for teachers is an important component of high quality extended learning activities. Accordingly, a one-time funding amount equal to 12 hours of certificated instructional staff units per 13.0 student units, as calculated in (a) and (b) of this subsection, is provided in this section to ensure that extended learning activities are of high quality and aligned to the state's essential academic learning requirements.

(d) Allocations for certificated instructional staff salaries and benefits shall be determined using formula-generated staff units calculated pursuant to this subsection. Ninety-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (a) of this subsection and thirty-four hours of certificated instructional staff units are allocated per 13.0 student

units as calculated under (b) of this subsection. Allocations for salaries and benefits for the staff units calculated under this subsection shall be calculated in the same manner as provided under section 503 of this act. Salary and benefit increase funding for staff units generated under this section is included in section 504 of this act.

(e) The following additional allocations are provided per student unit, as calculated in (a) and (b) of this subsection:

- (i) \$12.50 for maintenance, operations, and transportation;
- (ii) \$12.00 for pre- and post-remediation assessments;
- (iii) \$17.00 per reading remediation student unit;
- (iv) \$8.00 per mathematics remediation student unit; and
- (v) \$8.00 per writing remediation student unit.

(f) The superintendent of public instruction shall distribute school year allocations according to the monthly apportionment schedule defined in RCW 28A.510.250.

(3) School districts shall report annually to the office of the superintendent of public instruction on the use of these funds, including the types of assistance selected by students, the number of students receiving each type of assistance, and the impact on WASL test scores.

(4) \$708,000 of the general fund--state appropriation for fiscal year 2006 and \$3,408,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for additional one-time allocations to offer remedial programs for students in the class of 2007 or other students who have not achieved success on the tenth grade WASL. The formula for distributing the allocations to school districts shall include amounts for students in the class of 2007 who register to retake the WASL and want remedial assistance, and other factors as determined by the office of the superintendent of public instruction. Before making the allocations from the funding provided in this subsection, the office of the superintendent of public instruction shall consult with the office of financial management to ensure that the proposed allocations will achieve efficient and effective program delivery and that they are one-time in nature.

(5) \$1,500,000 of the general fund--state appropriation for fiscal year 2007 is provided for competitive innovation grants awarded to schools and school districts for implementing high school remediation programs that are unique in program delivery, program accessibility, program content, or a combination of these factors and that serve students who have not achieved success on the tenth grade WASL.

(6) School districts may carry over from one year to the next up to 20 percent of funds allocated under this program; however, carryover funds shall be expended for promoting academic success programs, and may be used to provide extended learning programs for students beyond their eleventh grade year who want continued remedial assistance to pass the WASL.

Sec. 516. 2005 c 518 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--
FOR STUDENT ACHIEVEMENT PROGRAM**

Student Achievement Account--State Appropriation ~~(\$629,356,000)~~
\$630,537,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$300.00 per FTE student for the 2005-06 school year and \$375.00 per FTE student for the 2006-07 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

- (a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;
- (b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

NEW SECTION. Sec. 517. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

(1) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (2) of this section.

(2) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2006, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2006 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and learning assistance programs.

(3) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

NEW SECTION. Sec. 518. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2006)	\$100,000
General Fund--State Appropriation (FY 2007)	\$32,504,000
General Fund--Federal Appropriation	\$180,000
TOTAL APPROPRIATION	\$32,784,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$29,941,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for providing early childhood education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education and \$2,146,000 is provided solely for a targeted vendor rate increase.

(2) \$525,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. If Substitute House Bill No. 2836 (reading achievement account) is enacted by June 30, 2006, this amount shall be deposited in the reading achievement account. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of

up to 30 percent of the per student dues amount. Grant applications shall include:

- (a) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;
 - (b) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;
 - (c) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;
 - (d) Measurable goals and evaluation methodology to determine impact;
 - (e) Integration of reading strategies from the Washington state early learning and development benchmarks;
 - (f) A plan for marketing and public relations;
 - (g) Strategies for sustaining the program when grant funding is no longer available; and
 - (h) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.
- (3) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the child care career and wage ladder program created by chapter 507, Laws of 2005.

(4) If a bill creating the department of early learning is not enacted by June 30, 2006, the appropriations for the department of early learning in this section shall lapse and shall be appropriated as follows:

(a) FOR THE DEPARTMENT OF COMMUNITY TRADE AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2007) \$29,941,000

This appropriation is provided solely for providing early childhood education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education and \$2,146,000 is provided solely for a targeted vendor rate increase.

(b) FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--STATE AGENCY OPERATIONS

General Fund--State Appropriations (FY 2007) \$525,000

This appropriation is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts and shall be used in accordance with the requirements set forth in subsection (2) of this section.

(c) FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2007) \$1,000,000

General Fund--Federal Appropriation \$180,000

TOTAL APPROPRIATION \$1,180,000

The appropriations in this subsection are subject to the following conditions and limitations:

(i) \$180,000 of the general fund--federal appropriation is provided solely for the headstart--state collaboration office.

(ii) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the child care career and wage ladder program created by chapter 507, Laws of 2005.

(d) The remainder of the appropriations in this section shall lapse.

**PART VI
HIGHER EDUCATION**

Sec. 601. 2005 c 518 s 602 (uncodified) is amended to read as follows:

(1) The appropriations in sections ~~((603))~~ 602 through ~~((609))~~ 608 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

2005-06	2006-07
Annual	Annual
Average	Average

University of Washington		
Main campus	33,037	((33,217)) <u>33,367</u>
Bothell branch	1,340	1,540
Tacoma branch	1,644	1,869
Washington State University		
Main campus	((18,695)) <u>18,696</u>	((18,910)) <u>19,007</u>
Tri-Cities branch	((675)) <u>690</u>	((700)) <u>715</u>
Vancouver branch	1,353	1,678
Central Washington University	8,323	8,649
Eastern Washington University	8,593	8,919
The Evergreen State College	4,038	4,143
Western Washington University	((11,559)) <u>11,534</u>	((11,729)) <u>11,704</u>
State Board for Community and Technical Colleges	130,905	((133,040)) <u>133,220</u>
<u>Higher Education Coordinating Board</u>		<u>80</u>

(2) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the branch campuses are the minimum required enrollment levels for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments from the main campus to one or more branch campus. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needs of the forecast division who is responsible to track and monitor state-supported college enrollment.

Sec. 602. 2005 c 518 s 603 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2006) . ~~((556,499,000))~~

\$558,880,000

General Fund--State Appropriation (FY 2007) . ~~((556,220,000))~~

\$587,085,000

Administrative Contingency Account--State Appropriation \$1,950,000

Education Legacy Trust--State Appropriation \$46,669,000

Pension Funding Stabilization Account--State Appropriation \$1,076,000

TOTAL APPROPRIATION ~~((1,172,338,000))~~

\$1,196,860,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2) \$539,000 of the general fund--state appropriation for fiscal year 2006 and \$540,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the displaced homemakers program.

(3) Access to baccalaureate and graduate degree programs continues to be limited for residents of North Snohomish, Island, and Skagit counties. The higher education consortium created to serve the region has not been able to successfully address the region's access needs. The university center model of service delivery, centered on a community college campus with a single point of

accountability, has proven more effective in developing degree programs and attracting students.

Therefore, the management and leadership responsibility for consortium operations are assigned to Everett community college. Everett community college shall collaborate with community and business leaders, other local community colleges, the public four-year institutions of higher education, and the higher education coordinating board to develop an educational plan for the North Snohomish, Island, and Skagit county region based on the university center model.

(4) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(5) \$28,761,000 of the general fund--state appropriation for fiscal year 2006 and \$28,761,000 of the general fund--state appropriation for fiscal year 2007 are provided solely as special funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(6) \$2,000,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,000,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely for basic skills education at community and technical colleges and community-based providers. These funds may be used to align or integrate adult basic education and English as a second language courses with vocational training.

(7) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the community and technical colleges as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the state board for community and technical colleges shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Increase the number of academic students who are eligible to transfer to baccalaureate institutions;

(b) Increase the number of students prepared for work; and

(c) Increase the number of basic skills students who demonstrate substantive skill gain.

Specific six-year targets for the goals stated in this subsection shall be established by the state board and the office of financial management and shall be determined based on the per student funding level assumed in this act.

The state board for community and technical colleges shall provide a summary of the progress and ongoing efforts toward meeting the provisions of this section to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(8) \$11,070,000 of the education legacy trust appropriation for fiscal year 2006 and \$22,599,000 of the education legacy trust appropriation for fiscal year 2007 are provided to increase budgeted enrollments by 2,050 student FTEs in academic year 2006 and an additional 2,135 student FTEs in academic year 2007. By December 15th of each year of the 2005-07 fiscal biennium, the board shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(9) \$2,250,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,250,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to increase salaries and related benefits for part-time faculty. A college district may match the state funds with local revenue. The board shall report by January 30, 2006, to the office of financial management and the appropriate fiscal and policy committees of the legislature on (a) the distribution of state funds, and (b) wage adjustments for part-time faculty.

(10) \$2,250,000 of the education legacy trust appropriation for fiscal year 2006, \$1,500,000 of the general fund--state appropriation

for fiscal year 2007, and \$2,250,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount. Beginning in fiscal year 2007, the state board shall determine the method of allocating to the community and technical colleges the appropriations granted for academic employee increments, provided that the amount of the appropriation attributable to the proportionate share of the part-time faculty salary base shall only be accessible for part-time faculty.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 and \$2,950,000 of the administrative contingency account--state appropriation ((is)) are provided solely for administration and customized training contracts through the job skills program, which shall be made available broadly and not to the exclusion of private nonprofit baccalaureate degree granting institutions or vocational arts career schools operating in Washington state who partner with a firm, hospital, group, or industry association concerned with commerce, trade, manufacturing, or the provision of services to train current or prospective employees. The state board shall make an annual report by January 1 of each fiscal year to the governor and appropriate policy and fiscal committees of the legislature regarding the implementation of this section listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the successful partnerships supported by these state funds. The board, through the smart buy program, is encouraged to seek efficiencies in purchasing goods and services. Additional funds may be expended for the job skills program to the extent that savings are achieved from more efficient procurement processes.

(12) \$904,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for start-up and planning funds for four applied baccalaureate degree programs at community and technical colleges as authorized in RCW 28B.50.810. The applied baccalaureate degrees shall be specifically designed for individuals who hold associate of applied science degrees, or equivalent, in order to maximize application of their technical course credits toward the applied baccalaureate degree.

(13) \$156,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for three community and technical college partnerships with universities as authorized in RCW 28B.50.820. This appropriation is in addition to funding provided for 2005-07 general growth enrollments. The community and technical college system shall serve 120 student FTEs in this program within the targeted enrollments established by section 601 of this act.

(14) \$761,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(15) \$4,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the opportunity grants pilot program to provide funding for a program designed to test strategies for increasing access to postsecondary education for low income students in job-specific programs.

(a) Grant funds may be used for tuition, books, fees, and other expenses associated with attending a work force education program.

(b) Students must be enrolled and maintain satisfactory progress in a program linked to skills standards or industry credentials.

(c) Community and technical colleges that are selected as pilot colleges to administer the opportunity grants shall coordinate student benefits with the higher education coordinating board for those students who are also accessing traditional forms of financial aid, such as the state need grant, pell grant, and other aid programs administered by the higher education coordinating board under their authority in RCW 28B.76.500. Funds disbursed under this section shall not supplant federal grant or work-study forms of financial aid.

(d) The state board for community and technical colleges and the higher education coordinating board shall jointly conduct an evaluation and submit a report to the legislature and the governor no later than November 15, 2008.

(16) \$75,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for community and technical colleges to address work force development issues by a recognized statewide organization of employers representing a majority of employers in the state and the workforce education training board, to identify high demand occupations, convene industry groups to develop or utilize skills standards and credentials in those occupations and market the standards and credentials to educational institutions and employers.

(17) \$325,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement the provisions of Substitute House Bill No. 3113 (access to higher education). This appropriation is in addition to funding provided for 2005-07 general growth enrollments. The community and technical college system shall serve 250 student FTEs in this program within the targeted enrollments established by section 601 of this act. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely as matching funds for strategic statewide partnerships with health care providers or facilities to address the health workforce shortage. Partnerships funded under this subsection may include efforts to increase the capacity of community and technical colleges to educate students enrolled in health professions programs, improve retention of health care workers, improve knowledge of the health industry workforce, and increase the number of youth and diverse populations in the health work force. Health care providers or facilities participating in partnerships under this subsection shall provide a one dollar match for each state dollar provided.

(19) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the fire fighter apprenticeship program at South Seattle Community College.

(20) \$275,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the transitions math project. The state board will serve as the fiscal agent for the project. The project will include representation from the K-12 system, the community and technical colleges, and public four-year institutions. The project will:
(a) Provide outreach and standards-based instructional materials to support local high school and college partnerships to enhance student expectations regarding college math courses; and (b) improve the math placement testing process at Washington's colleges and universities.

(21) \$1,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to increase enrollments by 187 full-time equivalent students in high-demand fields in fiscal year 2007. High-demand fields are programs where enrollment access is limited and employers are experiencing difficulty finding qualified graduates to fill job openings. The state board for community and technical colleges shall track enrollments, graduation rates, and job placement for each program that receives high-demand enrollments using data provided by each recipient institution. The board shall report on these outcomes by November 1 of each fiscal year to the office of financial management and the fiscal and higher education committees of the legislature. The enrollment increases provided in this subsection shall be limited to new students only and may not be used to pay for students currently enrolled by the institutions.

(22) \$140,000 of the general fund--state appropriation is provided solely to implement a nursing faculty retention and recruitment pilot project. Yakima valley community college and another community college located in the western part of the state selected by the board will receive funding to raise nursing faculty salaries by \$10,000 for fiscal year 2007. The board will report to the legislature by January 1, 2007, on the impact of the pilot project on nursing faculty retention and recruitment.

(23)(a) \$75,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute Senate Bill No. 6326 (customized workforce). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(b) \$3,075,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for deposit into the employment training finance account, pursuant to Second Substitute Senate Bill No. 6326

(customized workforce). If the bill is not enacted by June 30, 2006, the amount deposited in this subsection shall lapse.

(24) \$768,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement the provisions of Second Substitute House Bill No. 2583 (community and technical college employees). If the bill is not enacted by June 30, 2006, the amount provided shall lapse.

(25) Funding is sufficient within the general fund--state appropriation for fiscal year 2007 for implementation of Engrossed Second Substitute House Bill No. 2582 (high school completion program).

Sec. 603. 2005 c 518 s 604 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2006)	. ((\$336,644,000))
	\$337,629,000
General Fund--State Appropriation (FY 2007)	. ((\$344,118,000))
	\$352,714,000
General Fund--Private/Local Appropriation	..... \$300,000
Accident Account--State Appropriation	..... ((\$6,204,000))
	\$6,209,000
Medical Aid Account--State Appropriation	..... ((\$6,141,000))
	\$6,143,000
Education Legacy Trust--State Appropriation	..... \$10,748,000
Pension Funding Stabilization Account--State Appropriation	..... \$604,000
TOTAL APPROPRIATION	..... ((\$704,155,000))
	\$714,347,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$165,000 of the general fund--state appropriation for fiscal year 2006 and \$165,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(2) \$300,000 of the general fund--private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).

(3)(a) \$3,057,000 of the education legacy trust appropriation for fiscal year 2006 and \$7,691,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 360 new enrollments at the Seattle campus, 325 new enrollments at the Tacoma campus, and 275 new enrollments at the Bothell campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(b) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 150 additional high-demand student enrollments. The university shall make it a priority to expand access to baccalaureate programs in engineering, math, and science. By December 15, 2006, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(4) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the University of Washington shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;

(e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and

(f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of University of Washington-Tacoma and University of Washington-Bothell from branch campuses serving upper-division students, to four-year campuses serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, UW-Tacoma and UW-Bothell may begin enrolling lower-division students beginning in fiscal year 2007.

(6) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$30,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for research on labor and economic issues in Washington state through the Hary Bridges center.

(7) \$146,000 of the general fund--state appropriation for fiscal year 2006 and (~~\$146,000~~) \$296,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the Burke Museum to enhance the museum's public outreach capabilities.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the institute for learning and brain sciences (ILABS) to develop a partnership, linking ILABS to policymakers, private sectors and user-groups.

(9) The University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department of corrections has negotiated with other community hospitals in Washington state.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Olympic natural resources center.

(11) \$350,000 of the general fund--state appropriation for fiscal year 2006 and (~~\$350,000~~) \$450,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain the autism center at the University of Washington-Tacoma campus. The facility will continue to function as a satellite facility to the autism center at the University of Washington medical center in Seattle and provide clinical service and professional training.

(12) \$2,400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to increase the university's capacity to conduct research in the life science fields.

(13) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for improvements to the Pacific Northwest seismic network.

(14) \$1,008,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(15) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to implement a department of global health. The school of medicine and the school of public health and community medicine will jointly form and

operate the department. The focus will be establishing sustainable improvements in global health through public health policy, practice, and medical care.

(16) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to pay for operations and maintenance costs of the bioengineering and genome sciences buildings that will come on line during the 2005-07 biennium.

(17) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to expand the Washington search for young scholars program at the Robinson center at the University of Washington.

(18) \$125,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the college of education at the University of Washington to conduct a review of curriculum offered by public schools in Washington. The purpose of this review is to examine the extent to which the curriculum offered by these institutions fully and accurately include the history, contributions, and contemporary experiences of people of color. The review will include the identification of barriers which may impede school districts from successfully adopting and using these types of curriculum. The report by the university is due to the legislature by December 1, 2007.

(19) \$300,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for math engineering science achievement (MESA) Washington to establish centers throughout the state.

Sec. 604. 2005 c 518 s 605 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2006)	. (\$206,494,000)
	\$206,511,000
General Fund--State Appropriation (FY 2007)	. (\$211,870,000)
	\$213,500,000
Education Legacy Trust--State Appropriation	. . . . . \$11,162,000
Pension Funding Stabilization Account--State Appropriation	\$93,000
TOTAL APPROPRIATION	. . . . . (\$429,526,000)
	\$431,466,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(2)(a) \$2,741,000 of the education legacy trust appropriation for fiscal year 2006 and \$6,900,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 430 new enrollments at the Pullman campus, 450 new enrollments at the Vancouver campus, and 25 new enrollments at the Tri-Cities campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(b) \$1,174,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 80 additional high demand student enrollments. The university shall make it a priority to expand baccalaureate and graduate level access to nursing programs and to expand baccalaureate programs in engineering and construction management. By December 15, 2006, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(3) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Washington State University shall, by June 30, 2007, show

demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;
- (e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and
- (f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006 the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(4) \$507,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,014,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to expand the entering class of veterinary medicine students by 16 resident student FTEs each academic year during the 2005-2007 biennium.

(5) \$350,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of Washington State University-Vancouver from a branch campus serving only upper- division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, WSU-Vancouver may begin enrolling lower-division students beginning in fiscal year 2007.

(6) The university shall give consideration to reprioritizing agricultural research funding to allow for expansion of the center for precision agricultural systems and development of the biologically intensive and organic agriculture program.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to study the cost of complying with vehicle licensing and registration laws. Funding is subject to the passage of House Bill No. 1241 (modifying vehicle licensing and registration penalties). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$43,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5101 (providing incentives to support renewable energy). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(9) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to conduct research on alternatives for controlling ghost shrimp in Willapa bay.

(10) \$716,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist the Washington State University (WSU) Tri-Cities in planning the transition from a branch campus serving upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand

student services. WSU Tri-Cities may begin enrolling lower-division students beginning in Fall 2007.

(12) \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to operate the AgWeatherNet system.

(13) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the center for sustaining agriculture and natural resources to create a biologically intensive and organic agriculture program.

(14) \$5,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to publish a comprehensive reference book on Washington state local governments through the division of governmental studies and services. Copies of the publication shall be provided to the appropriate policy and fiscal committees of the legislature.

(15) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for allocation to a private nonprofit medical and scientific research institute to be located in Spokane for the purposes of developing and implementing new medical treatment therapies involving systems biology, genomics, and nanotechnology. The allocation shall be matched by the nonprofit institute by an equal amount of funds from nonstate sources. The university shall not retain any of these funds for administrative purposes.

(16) \$98,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a biofuels consumer education and outreach program at the Washington State University extension energy program.

Sec. 605. 2005 c 518 s 606 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006) ..	((\$46,137,000))
	\$46,300,000
General Fund--State Appropriation (FY 2007) ..	((\$47,069,000))
	\$47,200,000
Education Legacy Trust--State Appropriation	\$6,461,000
Pension Funding Stabilization Account--State Appropriation	\$1,000,000
TOTAL APPROPRIATION	((\$99,667,000))
	\$100,071,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Eastern Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and

(e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before ~~((October))~~ November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to ~~((November))~~ December 1, 2006.

(3) \$212,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$213,000)~~ \$313,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northeast autism center to provide community based approaches to assisting children and adults with autism spectrum disorder and to include the establishment of a preschool at Eastern Washington University to serve children identified with autism spectrum disorder. (4) \$158,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

Sec. 606. 2005 c 518 s 607 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2006)	(\$45,379,000)
	<u>\$45,671,000</u>
General Fund--State Appropriation (FY 2007)	(\$46,739,000)
	<u>\$47,006,000</u>
Education Legacy Trust--State Appropriation	\$6,461,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$103,000</u>
TOTAL APPROPRIATION	(\$98,579,000)
	<u>\$99,241,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Central Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall

be determined based on the per student funding level assumed in this act.

On or before ~~((October))~~ November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to ~~((November))~~ December 1, 2006.

(3) For the 2006-07 and 2007-08 academic years, the legislature hereby increases the limit on total gross authorized operating fees revenue waived, exempted, or reduced by Central Washington University pursuant to RCW 28B.15.910 to eleven percent.

(4) \$206,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(5) \$85,000 of the general fund--state appropriation for fiscal year 2006 and \$245,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to fund additional tuition waiver authority granted to the university in the 2005-07 biennial budget.

Sec. 607. 2005 c 518 s 608 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2006)	(\$25,586,000)
	<u>\$25,661,000</u>
General Fund--State Appropriation (FY 2007)	(\$26,174,000)
	<u>\$26,980,000</u>
Education Legacy Trust--State Appropriation	\$2,116,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$75,000</u>
TOTAL APPROPRIATION	(\$53,876,000)
	<u>\$54,832,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$705,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,411,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 210 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the college shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the college as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, The Evergreen State College shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation;
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before ~~((October))~~ November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating

	<u>\$61,435,000</u>
Education Legacy Trust--State Appropriation	\$3,475,000
Pension Funding Stabilization Account--State Appropriation	<u>\$61,000</u>
TOTAL APPROPRIATION	((\$122,885,000))
	<u>\$124,064,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,158,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,317,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 340 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Western Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before (~~October~~) November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to (~~November~~) December 1, 2006.

(3) Access to baccalaureate and graduate degree programs continues to be limited for residents of North Snohomish, Island, and Skagit counties. The higher education consortium created to serve the region has not been able to successfully address the region's access needs. The university center model of service delivery, centered on a community college campus with a single point of accountability, has proven more effective in developing degree programs and attracting students.

Therefore, the management and leadership responsibility for consortium operations are assigned to Everett community college. Everett community college shall collaborate with community and business leaders, other local community colleges, the public four-year institutions of higher education, and the higher education coordinating board to develop an educational plan for the North Snohomish, Island, and Skagit county region based on the university center model.

(4) \$98,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(5) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided to help planning efforts to coordinate expansion of the university's campus to the Bellingham waterfront.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a planning and emergency management program at Western Washington University.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support the border policy research institute at Western Washington University.

Sec. 609. 2005 c 518 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD-- POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2006) . . .	((\$2,665,000))
	<u>\$5,666,000</u>
General Fund--State Appropriation (FY 2007) . . .	((\$2,684,000))
	<u>\$6,549,000</u>
General Fund--Federal Appropriation	((\$4,289,000))
	<u>\$4,291,000</u>
Pension Funding Stabilization Account--State Appropriation	<u>\$29,000</u>
TOTAL APPROPRIATION	((\$9,638,000))
	<u>\$16,535,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to develop college readiness standards for English and science.

(2) \$2,914,000 of the general fund--state appropriation for fiscal year 2006 and \$2,877,000 of the general fund--state appropriation for fiscal year 2007 are provided for financial aid administration, in addition to the four percent cost allowance provision for state work study under section 610(7) of this act. These amounts are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients contained in section 610 of this act after notifying the board and the office of financial management of the transfer.

(3) \$900,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to contract for 80 full-time equivalent students in high-demand fields in fiscal year 2007. High-demand fields are programs where enrollment access is limited and employers are experiencing difficulty finding qualified graduates to fill job openings. Of the amounts provided, up to \$20,000 may be used for management of the competitive process for awarding high-demand student FTEs during the 2005-07 biennium.

(a) The board will manage a competitive process for awarding high-demand student FTEs. Regional universities, as defined by RCW 28B.10.016, and The Evergreen State College are eligible to apply for funding and may submit proposals.

(b) The board will establish a proposal review committee that will include, but not be limited to, representatives from the board, the office of financial management, and economic development and labor market analysts. The board will develop the request for proposals, including the criteria for awarding grants, in consultation with the proposal review committee.

(c) Institutions that receive grants shall provide the board and the forecast division of the office of financial management with data specified by the board or the office of financial management that shows the impact of this subsection, particularly the degree of improved access to high-demand programs for students and successful job placements for graduates. The board will report on the implementation of this subsection by November 1st of each fiscal year to the office of financial management and the fiscal and higher education committees of the legislature.

Sec. 610. 2005 c 518 s 611 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD-- FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2006) .	((\$159,363,000))
	<u>\$156,449,000</u>

General Fund--State Appropriation (FY 2007)	(\$164,634,000)
	\$162,843,000
General Fund--Federal Appropriation	(\$13,073,000)
	\$13,075,000
Education Legacy Trust--State Appropriation	\$62,910,000
Pension Funding Stabilization Account--State Appropriation	\$1,000
TOTAL APPROPRIATION	(\$399,980,000)
	\$395,278,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$299,000 of the general fund--state appropriation for fiscal year 2006 and \$308,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ for the western interstate commission for higher education.

(2) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ for higher education student child care matching grants under chapter 28B.135 RCW.

(3) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are ~~((provided solely))~~ for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2005-06 and 2006-07 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(4) \$124,901,000 of the general fund--state appropriation for fiscal year 2006, \$134,506,000 of the general fund--state appropriation for fiscal year 2007, \$28,400,000 of the education legacy trust appropriation for fiscal year 2006, and \$31,654,000 of the education legacy trust appropriation for fiscal year 2007 are ~~((provided solely))~~ for the state need grant program. After April 1st of each fiscal year, ~~((up to one percent of))~~ uncommitted funds from the annual appropriation for the state need grant program may be transferred to the state work study ((program)) or educational opportunity grant programs and up to one percent may be transferred to the state education trust account as authorized in RCW 28B.92.140.

~~((5))~~ \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely) Of the amounts provided in this subsection, up to \$500,000 is to implement House Bill No. 1345 (part-time student financial aid). ~~((If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.))~~ The board may not expend more than the amount provided in this subsection to implement the bill.

~~((6))~~ (5) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are ((provided solely)) for the implementation of Second Substitute House Bill No. 1050 (foster care endowed scholarship program). The purpose of the program is to help students who are or were in foster care attend an institution of higher education in the state of Washington. ((If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.))

~~((7))~~ (6) \$250,000 of the general fund--state appropriation for fiscal year 2006 and ((250,000)) \$750,000 of the general fund--state appropriation for the fiscal year 2007 are ((provided solely)) to support the future teachers' conditional scholarship and loan repayment program. Of this amount, \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to expand the program by up to 70 additional slots for prospective teachers in special education, bilingual education, secondary mathematics, and secondary science.

~~((8))~~ (7) \$17,048,000 of the general fund--state appropriation for fiscal year 2006, \$17,048,000 of the general fund--state appropriation for fiscal year 2007, \$863,000 of the education legacy trust appropriation for fiscal year 2006, and \$1,993,000 of the education legacy trust appropriation for fiscal year 2007 are ((provided solely)) for the state work study program. After April 1st of each fiscal year, ((up to one percent of)) uncommitted funds from

the annual appropriation for the state work study program may be transferred to the state need grant or educational opportunity grant programs. In addition to the administrative allowance in ~~((subsection (1) of this))~~ section 609(2) of this act, four percent of the general fund--state amount and the education legacy trust amounts in this subsection may be transferred to and expended for state work study program administration.

~~((9))~~ (8) \$2,867,000 of the general fund--state appropriation for fiscal year 2006 and \$2,867,000 of the general fund--state appropriation for fiscal year 2007 are ((provided solely)) for educational opportunity grants pursuant to chapter 233, Laws of 2003 (ESB 5676). The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW ((28B.10.82)) 28B.92.140 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. After April 1st of each fiscal year, uncommitted funds from the annual appropriation for the educational opportunity grant program may be transferred to the state work study or state need grant programs.

~~((10))~~ (9) \$2,384,000 of the general fund--state appropriation for fiscal year 2006 and \$2,361,000 of the general fund--state appropriation for fiscal year 2007 are ((provided solely)) to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence. Amounts provided in this subsection are sufficient for the higher education coordinating board to select three Washington scholars in fiscal year 2006 and two Washington scholars in fiscal year 2007 from each legislative district under the provisions of RCW 28A.600.100 through 28A.600.150.

~~((11))~~ (10) \$794,000 of the general fund--state appropriation for fiscal year 2006 and \$847,000 of the general fund--state appropriation for fiscal year 2007 are ((provided solely)) to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program.

~~((12))~~ (11) \$246,000 of the general fund--state appropriation for fiscal year 2006 and \$246,000 of the general fund--state appropriation for fiscal year 2007 are ((provided solely)) for community scholarship matching grants of \$2,000 each and up to a total of \$46,000 per year in grants for nonprofit community organizations with preference given to organizations affiliated with scholarship America to administer the scholarship matching grants. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this section. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with scholarship America.

~~((13))~~ (12) Subject to state need grant service requirements pursuant to chapter 28B.119 RCW, ((4,265,000)) \$4,325,000 of the general fund--state appropriation for fiscal year 2006 is ((provided solely)) for the Washington promise scholarship program. The Washington promise scholarship program is terminated following fiscal year 2006. No Washington promise scholarship awards may be offered to students beyond the graduating high school class of 2004. Unexpended funds remaining after June 30, 2006, may be transferred to the state education trust account authorized in RCW 28B.92.140.

~~((14))~~ \$2,963,000 of the general fund--state appropriation for fiscal year 2006 and \$2,958,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for financial aid administration, in addition to the four percent cost allowance provision for state work study under subsection (5) of this section. These funds are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients after notifying the board and the office of financial management of the intended transfer.))

(13) \$75,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time costs associated with stabilizing the GEAR-UP scholarship program.

(14) \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,100,000 of the general fund--state appropriation for fiscal year 2007 are for the health professions loan repayment and scholarship program.

(15) \$60,000 of the general fund--state appropriation for fiscal year 2006 and \$60,000 of the general fund--state appropriation for fiscal year 2007 are for the Washington center scholarship program.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the board to contract with the Washington leadership 1000 scholarship fund. The funds shall be used to support, develop, and implement the leadership 1000 scholarship program which matches private benefactors with selected economically disadvantaged students who would otherwise be unable to attend college after depleting all other sources of scholarship and financial aid.

(17) By December 1st of each fiscal year, the board shall submit a report to the legislature detailing the outcomes from the previous year and a progress report on the current year for each of the student aid programs listed in this section: (a) The number of students served; (b) the award amount provided to students by sector; (c) the total amount spent; and (d) an explanation for any variation between the amount listed in the subsections and the amount expended.

Sec. 611. 2005 c 518 s 612 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2006)	\$1,225,000
General Fund--State Appropriation (FY 2007)	(\$1,231,000)
	\$1,480,000
General Fund--Federal Appropriation	(\$53,890,000)
	\$53,897,000
Pension Funding Stabilization Account--State Appropriation	\$7,000
TOTAL APPROPRIATION	(\$56,346,000)
	\$56,609,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$52,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement House Bill No. 2597 (private vocational schools). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) \$75,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the purpose of a study in coordination with the state board for community and technical colleges. The study shall include:

(a) A review of and recommendations for consolidating and simplifying the delivery of state-funded and federally funded work force education programs and work force education aid offered to students in this state, with a goal of achieving easier access to postsecondary education for students;

(b) A description of barriers that exist to combining work force education programs and work force education aid, such as state or federal statutes, rules, or regulations, and the relief that may be available through federal waivers;

(c) An estimate of the funding gap between available work force education aid and the financial needs of students living in this state;

(d) A description of barriers to access and completion of work force education programs in this state; and

(e) Recommendations for increasing participation and completion rates for work force education programs.

The work force training and education coordinating board must submit its report on the study to the legislature by November 15, 2006, and must coordinate its study and research with the Washington Learns study of postsecondary education.

(3) \$67,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2565 (worker training b & o tax). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(4) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute Senate Bill No. 5717 (K-12 skill centers). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 612. 2005 c 518 s 613 (uncodified) is amended to read as follows:

FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2006)	(\$1,446,000)
	\$1,483,000
General Fund--State Appropriation (FY 2007)	(\$1,476,000)
	\$1,514,000
Pension Funding Stabilization Account--State Appropriation	\$8,000
TOTAL APPROPRIATION	(\$2,922,000)
	\$3,005,000

The appropriations in this section are subject to the following conditions and limitations:

The legislature finds that economic development, especially in emerging technologies, is critical to Spokane and Eastern Washington. The principal goal of the state's investment in the Spokane intercollegiate research and technology institute (SIRTI) is to bridge the gap between academic discovery and economic development, thereby leveraging the state's investment in research. However, it is essential to find appropriate ways to mark the success of these efforts. By September 15, 2005, SIRTI shall develop a plan for review by the house of representatives higher education committee and the senate labor, commerce, research and development committee, describing the agency's strategy and budget for commercial application of academic research. The plan shall include actions to be taken to select, develop, commercialize, and graduate clients. The plan shall also detail how to measure significant impacts to the overall economic climate of the Spokane region, including job creation and wages, that are attributable to SIRTI.

Sec. 613. 2005 c 518 s 614 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2006)	\$2,322,000
General Fund--State Appropriation (FY 2007)	(\$2,349,000)
	\$2,356,000
General Fund--Federal Appropriation	(\$1,300,000)
	\$1,350,000
General Fund--Private/Local Appropriation (FY 2007)	(\$1,000)
	\$151,000
Pension Funding Stabilization Account--State Appropriation	\$6,000
TOTAL APPROPRIATION	(\$5,972,000)
	\$6,185,000

Sec. 614. 2005 c 518 s 615 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2006)	(\$3,408,000)
	\$3,407,000
General Fund--State Appropriation (FY 2007)	(\$2,757,000)
	\$3,254,000
Pension Funding Stabilization Account--State Appropriation	\$3,000
TOTAL APPROPRIATION	(\$6,165,000)
	\$6,674,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$102,000 of the general fund--state appropriation for fiscal year 2006 and \$95,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5707 (women's history consortium). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$262,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to coordinate and fund programs related to the Lewis and Clark bicentennial commemoration.

(3) \$155,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for reimbursement of costs incurred by

the Pacific county sheriff's office resulting from Lewis and Clark bicentennial commemoration events.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for reimbursement of costs incurred by local law enforcement resulting from Lewis and Clark bicentennial commemoration events scheduled in the cities of Clarkston, Dayton, Kennewick, Stevenson, Toppenish, and Vancouver.

(5) \$491,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for increased costs associated with the discovery of Native American remains at the station camp unit of the Lewis and Clark national historic park. However, the funds provided in this subsection may not be used for financial settlement of any claims for Native American cultural damages or equitable relief.

Sec. 615. 2005 c 518 s 616 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2006) . . .	(\$1,636,000)
	\$1,633,000
General Fund--State Appropriation (FY 2007) . . .	(\$1,630,000)
	\$1,631,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$8,000</u>
TOTAL APPROPRIATION	(\$3,266,000)
	\$3,272,000

Sec. 616. 2005 c 518 s 617 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2006) . . .	(\$5,133,000)
	\$5,149,000
General Fund--State Appropriation (FY 2007) . . .	(\$5,251,000)
	\$5,285,000
General Fund--Private/Local Appropriation	\$1,335,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$8,000</u>
TOTAL APPROPRIATION	(\$11,719,000)
	\$11,807,000

Sec. 617. 2005 c 518 s 618 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2006) . . .	(\$8,419,000)
	\$8,439,000
General Fund--State Appropriation (FY 2007) . . .	(\$8,613,000)
	\$8,709,000
General Fund--Private/Local Appropriation	\$232,000
<u>Pension Funding Stabilization Account--State Appropriation</u>	<u>\$50,000</u>
TOTAL APPROPRIATION	(\$17,264,000)
	\$17,430,000

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 2005 c 518 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2006) .	(\$694,444,000)
	\$640,544,000
General Fund--State Appropriation (FY 2007) .	(\$668,119,000)
	\$683,019,000
State Building Construction Account--State Appropriation	(\$1,024,000)
	\$5,924,000
State Taxable Building Construction Account--State Appropriation	(\$1,024,000)
	\$539,000
Gardner-Evans Higher Education Construction Account--State Appropriation	(\$1,215,000)
	\$1,395,000
((Debt-limit General Fund Bond Retirement Account--State Appropriation	-\$4,113,000)

Debt-Limit Reimbursable Bond Retirement Account--State Appropriation	\$2,583,000
TOTAL APPROPRIATION	(\$1,374,537,000)
	\$1,334,004,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2006 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2006.

Sec. 702. 2005 c 518 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account--State Appropriation	(\$2,411,000)
Accident Account--State Appropriation	(\$5,111,000)
	\$5,112,000
Medical Aid Account--State Appropriation	(\$5,111,000)
	\$5,112,000
TOTAL APPROPRIATION	(\$39,633,000)
	\$39,635,000

Sec. 703. 2005 c 518 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2006)	\$24,588,000
General Fund--State Appropriation (FY 2007)	\$26,743,000
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation	(\$131,844,000)
	\$130,909,000
TOTAL APPROPRIATION	(\$183,175,000)
	\$182,240,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 704. 2005 c 518 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2006)	\$1,357,000
General Fund--State Appropriation (FY 2007)	\$1,357,000
State Building Construction Account--State Appropriation	\$1,080,000
State Taxable Building Construction Account--State Appropriation	(\$617,000)
	\$78,000
Gardner-Evans Higher Education Construction Account--State Appropriation	\$452,000
TOTAL APPROPRIATION	(\$4,259,000)
	\$4,324,000

Sec. 705. 2005 c 518 s 705 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL

Disaster Response Account--State Appropriation .	(\$4,000,000)
	\$8,000,000

The sum of ~~(\$4,000,000)~~ \$8,000,000 is appropriated from the disaster response account for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.

NEW SECTION. Sec. 706. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY

General Fund--State Appropriation (FY 2006) \$1,600,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the disaster response account for the purposes specified in section 705 of this act.

NEW SECTION. Sec. 707. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

- (a) Kirk F. Schultz, claim number SCJ 2006-01 \$12,312
- (b) Scott A. King, claim number SCJ 2006-02 \$9,922
- (c) Mark D. Huckaba, claim number SCJ 2006-03 . . \$10,000
- (d) James D. Brittain, claim number SCJ 2006-02 . . \$20,000

(2) Payment from the state wildlife account for damage to crops by wildlife pursuant to RCW 77.36.050:

- (a) For deposit into the self-insurance liability account for reimbursement of payment made to Circle S Landscape, claim number SCG 2004-05 \$21,926
- (b) Venture Farms, claim number SCG 2005-03 . . . \$57,448
- (c) Patrick O'Hagen, claim number SCG 2006-02 . . . \$1,673
- (d) Patrick O'Hagen, claim number SCG 2006-03 . . . \$2,389
- (e) Swappapple Enterprises, Inc., claim number SCG 2006-04 \$3,574
- (f) Wilbur H. Mundy, claim number SCG 2006-05 . . \$10,307
- (g) Sam Kayser, claim number SCG 2006-08 \$1,108
- (h) Richard Cordell, claim number SCG 2006-09 . . . \$4,076

(3) Payment for reinterment of human remains from historic graves pursuant to RCW 68.60.050: Darrin Erdahl, claim number SCO 2006-01 \$3,000

Sec. 708. 2005 c 518 s 713 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2005, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2006) \$32,450,000
 General Fund--State Appropriation (FY 2007) ~~(\$38,550,000)~~
\$38,750,000

(a) \$100,000 of the general fund--state appropriations for fiscal year 2006 and \$200,000 of the general fund--state appropriations for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1936 (emergency medical technicians). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(b) \$950,000 of the general fund--state appropriation for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state contributions required under Substitute Senate Bill No. 5615 (law enforcement officers' and fire fighters' retirement system plan 2 disability benefit). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement House Bill No. 2932 (catastrophic disability). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(d) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 2934 (survivor health benefits). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2006) ~~(\$6,000,000)~~
\$6,601,000
 General Fund--State Appropriation (FY 2007) ~~(\$6,000,000)~~
\$9,539,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2006) \$300,000
 General Fund--State Appropriation (FY 2007) \$300,000
 TOTAL APPROPRIATION ~~(\$83,600,000)~~
\$87,940,000

NEW SECTION. Sec. 709. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE GOVERNOR--EMERGENCY COMMUNICATIONS INTEROPERABILITY

General Fund--State Appropriation (FY 2007) \$500,000

The appropriation in this section is subject to the following conditions and limitations: Funds are provided for acquisition and deployment of interoperable telecommunications devices to local jurisdictions. One program manager position is provided to assist local and state public safety providers improve their interoperability readiness and enhance levels of cooperation and coordination. The governor shall allocate these funds as necessary with consultive assistance from the state interoperability executive committee. The military department shall transfer ownership of the buildings and sufficient land currently used by the Camas school district to the Camas school district. The transfer shall not require any compensation.

Sec. 710. 2005 c 518 s 716 (uncodified) is amended to read as follows:

FOR THE GOVERNOR--LIFE SCIENCES DISCOVERY FUND AUTHORITY

General Fund--State Appropriation (FY 2006) \$150,000
 General Fund--State Appropriation (FY 2007) \$992,000
 TOTAL APPROPRIATION \$1,142,000

The ~~((appropriation))~~ appropriations in this section ~~((is))~~ are subject to the following conditions and limitations: The ~~((appropriation))~~ appropriations in this section ~~((is))~~ are provided solely for a grant to the life sciences discovery fund authority to be used in accordance with ~~((Engrossed Second Substitute Senate Bill No. 5581 (life sciences)))~~ chapter 424, Laws of 2005 (life sciences research). ~~((If the bill is not enacted by June 30, 2005, the appropriation in this section shall lapse.))~~

Sec. 711. 2005 c 518 s 720 (uncodified) is amended to read as follows:

STRATEGIC PURCHASING STRATEGY. (1) The office of financial management shall work with the appropriate state agencies to generate savings of ~~(((\$50,000,000, of which \$25,000,000 shall be))~~ \$22,202,000 from the state general fund, that can arise from a strategic purchasing strategy. From appropriations in this act, the office of financial management shall reduce general fund--state allotments by ~~(((\$8 million))~~ \$3,368,000 for fiscal year 2006 and by ~~(((\$17 million))~~ \$18,834,000 for fiscal year 2007 to reflect the savings from the strategic purchasing strategy. The allotment reductions shall be placed in unallotted status and remain unexpended. These unexpended amounts shall lapse to the state general fund at the end of each fiscal year.

(2) The department of general administration, with the assistance of the department of information services and the department of printing and in consultation with the office of financial management, shall conduct an analysis of the state's purchasing processes to

identify the most reasonable strategy of attaining a statewide savings target of (~~(\$50,000,000)~~) \$22,202,000 from the state general fund without affecting direct program activities. The analysis shall identify savings by agency and fund that will result from the implementation of a strategic purchasing strategy. The results of this analysis shall then be provided to the director of financial management by October 1, 2005, and updated as needed, so the director may use it as the basis to achieve the savings identified in subsection (1) of this section.

(3) Before the purchase of goods and services, all state agencies and higher education institutions shall first consider the utilization of current or existing master contracts. All state agencies and higher education institutions shall strive to use master contracts when that use is consistent with the agency's requirements and purchase is financially cost-effective.

(4) The state board for community and technical colleges shall not be subject to any allotment reduction resulting from the strategic purchasing strategy under this section.

NEW SECTION. Sec. 712. A new section is added to 2005 c 518 (uncodified) to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT--ENERGY FREEDOM ACCOUNT
General Fund--State Appropriation (FY 2007) \$23,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the energy freedom account. If Engrossed Third Substitute House Bill No. 2939 (energy freedom) is not enacted by June 30, 2006, the appropriation in this section shall lapse.

NEW SECTION. Sec. 713. A new section is added to 2005 c 518 (uncodified) to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS
General Fund--State Appropriation (FY 2007) \$1,100,000
Special Account Retirement Contribution
Increase Revolving Account Appropriation \$200,000
TOTAL APPROPRIATION \$1,300,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$500,000 of the general fund--state appropriation for fiscal year 2007 and \$200,000 of the special account retirement contribution appropriation are provided solely to adjust agency appropriations to reflect increased employer contributions pursuant to Senate Bill No. 6453 (\$1000 minimum benefit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to reflect increased employer contributions pursuant to Substitute House Bill No. 2684 (plan 3 five-year vesting). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(3) To facilitate the transfer of moneys to dedicated funds and accounts, the state treasurer shall transfer sufficient moneys to each dedicated fund or account from the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 714. A new section is added to 2005 c 518 (uncodified) to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT--WASHINGTON HOUSING TRUST FUND
General Fund--State Appropriation (FY 2007) \$14,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the Washington housing trust fund. If Engrossed Second Substitute House Bill No. 2418 (affordable housing) is not enacted by June 30, 2006, the appropriation in this section shall lapse.

NEW SECTION. Sec. 715. A new section is added to 2005 c 518 (uncodified) to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT--PERSONNEL LITIGATION SETTLEMENT
General Fund--State Appropriation (FY 2007) \$11,813,000
Special Personnel Litigation Revolving Account Appropriation \$10,689,000
TOTAL APPROPRIATION \$22,502,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire appropriation is provided solely for the purposes of the settlement of litigation involving compensation differentials among personnel classes, *W.P.E.A. v. State of Washington*.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer shall transfer sufficient moneys from each dedicated fund or account, including local funds of state agencies and institutions of higher education, to the special personnel litigation revolving account in accordance with LEAP document number 2006-S11 dated March 3, 2006.

NEW SECTION. Sec. 716. A new section is added to 2005 c 518 (uncodified) to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT--VETERANS INNOVATIONS PROGRAM ACCOUNT
General Fund--State Appropriation (FY 2007) \$2,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the veterans innovations program account. If Engrossed Second Substitute House Bill No. 2754 (veterans' programs) is not enacted by June 30, 2006, the appropriation in this section shall lapse.

Sec. 717. 2005 c 518 s 724 (uncodified) is amended to read as follows:
INCENTIVE SAVINGS--FY 2006. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2006, from the total amount of unspent fiscal year 2006 state general fund appropriations, exclusive of amounts placed in unallotted status pursuant to section 711 of this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

Sec. 718. 2005 c 518 s 725 (uncodified) is amended to read as follows:
INCENTIVE SAVINGS--FY 2007. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2007, from the total amount of unspent fiscal year 2007 state general fund appropriations, exclusive of amounts placed in unallotted status pursuant to section 711 of this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

NEW SECTION. Sec. 719. A new section is added to 2005 c 518 (uncodified) to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS
General Fund--State Appropriation (FY 2007) \$54,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute the appropriation to Grant county for extraordinary criminal justice costs.

NEW SECTION. Sec. 720. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMMUNITY HEALTH CARE COLLABORATIVE ACCOUNT

General Fund--State Appropriation (FY 2007) \$1,400,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit to the community health care collaborative account under Second Substitute Senate Bill No. 6459. If the bill is not enacted by June 30, 2006, the appropriation in this section shall lapse.

NEW SECTION. Sec. 721. A new section is added to 2005 c 518 (uncodified) to read as follows:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6239.

Amounts provided in this act are sufficient to implement the provisions of sections 101 through 404 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances).

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 2005 c 518 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions	(\$6,577,000)
	<u>\$6,561,000</u>
General Fund Appropriation for public utility district excise tax distributions	(\$45,422,000)
	<u>\$44,292,000</u>
General Fund Appropriation for prosecuting attorney ((\$3,457,000))	<u>\$3,568,000</u>
General Fund Appropriation for boating safety and education distributions	(\$4,430,000)
	<u>\$4,252,000</u>
General Fund Appropriation for other tax distributions . . .	\$38,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$1,969,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$147,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	(\$71,110,000)
	<u>\$83,325,000</u>
County Criminal Justice Assistance Appropriation (\$53,914,000)	<u>\$53,650,000</u>
Municipal Criminal Justice Assistance Appropriation (\$21,104,000)	<u>\$21,315,000</u>
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	(\$37,413,000)
	<u>\$40,512,000</u>
Liquor Revolving Account Appropriation for liquor profits distribution	(\$76,186,000)
	<u>\$88,818,000</u>
City-County Assistance Account Appropriation for local government financial assistance distribution	\$20,100,000
TOTAL APPROPRIATION	(\$350,527,000)
	<u>\$368,547,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2005 c 518 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation . . ~~(\$1,913,400)~~
\$2,050,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 803. 2005 c 518 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation . . ~~(\$1,275,600)~~
\$1,367,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 804. 2005 c 518 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal grazing fees (\$1,422,000)	<u>\$1,644,000</u>
General Fund Appropriation for federal flood control funds distribution	\$68,000
Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$84,500,000
TOTAL APPROPRIATION	(\$86,200,000)
	<u>\$86,212,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 805. 2005 c 518 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS. For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

State Convention and Trade Center Account:	
For transfer to the state general fund, \$5,150,000 for fiscal year 2006 and \$5,150,000	
for fiscal year 2007	\$10,300,000
General Fund: For transfer to the tourism development and promotion account, \$150,000	
for fiscal year 2006 and \$150,000 for fiscal year 2007	\$300,000

Financial Services Regulation Account: For transfer to the state general fund, \$778,000 for fiscal year 2006 and \$779,000 for fiscal year 2007 \$1,557,000

Public Works Assistance Account: For transfer to the drinking water assistance account, \$8,400,000 for fiscal year 2006 \$8,400,000

Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account \$185,823,000

Health Services Account: For transfer to the state general fund, \$45,000,000 for fiscal year 2006 \$45,000,000

Health Services Account: For transfer to the tobacco prevention and control account ~~(\$23,366,000)~~
\$25,086,000

Health Services Account: For transfer to the water quality ~~\$7,885,000~~

Health Services Account: For transfer to the violence reduction and drug enforcement account \$6,932,000

Public Employees' and Retirees' Insurance Account: For transfer to the state general fund, \$40,000,000 for fiscal year 2006 and \$45,000,000 for fiscal year 2007 \$85,000,000

Department of Retirement Systems Expense Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2006 \$2,000,000

Secretary of State's Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2006 and \$250,000 for fiscal year 2007 \$500,000

State Treasurer's Service Account: For transfer to the state general fund, ~~(\$5,500,000)~~ \$9,500,000 for fiscal year 2006 and ~~(\$5,000,000)~~ \$7,000,000 for fiscal year 2007 ~~(\$10,500,000)~~
\$16,500,000

General Fund: For transfer to the water quality account, \$318,000 for fiscal year 2006 and \$319,000 for fiscal year 2007 \$637,000

State Toxics Control Account: For transfer to the water quality account \$12,500,000

Water Quality Account: For transfer to the water pollution control revolving account ~~(\$10,534,000)~~
\$16,534,000

Pollution Liability Insurance Trust Account: For transfer to the state general fund ~~(\$7,500,000)~~
\$3,750,000

Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed ~~(\$15,000,000)~~
\$21,800,000

Waste Reduction, Recycling, and Litter Control Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2006 and \$1,000,000 for fiscal year 2007 \$2,000,000

Public Works Assistance Account: For transfer to the public facility construction loan revolving account, \$4,500,000 for fiscal year 2006 \$4,500,000

Nisqually Earthquake Account: For transfer to the disaster response account, \$3,000,000 for fiscal year 2006 \$3,000,000

Natural Resources Equipment Revolving Fund: For transfer to the state general fund for fiscal year 2006 \$1,000,000

General Fund: For transfer to the violence reduction and drug enforcement account, \$1,500,000 for fiscal year 2006 and \$1,500,000 for fiscal year 2007 \$3,000,000

Education Legacy Trust Account: For transfer to the student achievement account, ~~(\$35,541,000)~~ \$35,555,000 for fiscal year 2006 and ~~(\$102,697,000)~~ \$103,046,000 for fiscal year 2007 ~~(\$138,238,000)~~
\$138,601,000

Sec. 806. 2005 c 518 s 806 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS. For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs. The transfers are subject to the enactment of Senate Bill No. 5391 (tricare supplemental insurance), chapter 46, Laws of 2005.

Public Employees' and Retirees' Insurance Account: For transfer to the state general fund, \$5,000,000 (~~for fiscal year 2006 and \$12,000,000~~) for fiscal year 2007 ~~(\$17,000,000)~~
\$5,000,000

~~((General Fund--State Account: For transfer to the tourism development and promotion account, \$150,000 for fiscal year 2006 and \$150,000 for fiscal year 2007 \$300,000))~~

**PART IX
 MISCELLANEOUS**

Sec. 901. 2005 c 518 s 948 (uncodified) is amended to read as follows:

COMPENSATION--INSURANCE BENEFITS. The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$663.00 per eligible employee for fiscal year 2006. For fiscal year 2007 the monthly employer funding rate shall not exceed \$744.00 per eligible employee represented by a collective bargaining unit under the personnel system reform act of 2002, or \$618.00 per eligible nonrepresented employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2006, through December 31, 2006, the subsidy shall be \$131.87. Starting January 1, 2007, the subsidy shall be \$149.67 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$48.42 per month beginning September 1, 2005, and ~~(\$55.73)~~ \$55.15 beginning September 1, 2006;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$48.42 each month beginning September 1, 2005, and ~~(\$55.73)~~ \$55.15 beginning September 1, 2006, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. Sec. 902. A new section is added to 2005 c 518 (uncodified) to read as follows:

COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY, WFSE BU 2. Budget amounts reflect the collective bargaining agreement reached between Washington State University and the Washington federation of state employees bargaining unit 2 -- service employees under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective retroactive to July 1, 2005. Provisions also include a one-time 2% lump sum payment effective July 1, 2006, and implementation of the department of personnel 2002 salary survey for classes more than 25% below market rate.

Sec. 903. RCW 2.36.150 and 2004 c 127 s 1 are each amended to read as follows:

Jurors shall receive for each day's attendance, besides mileage at the rate determined under RCW 43.03.060, the following expense payments:

- (1) Grand jurors may receive up to twenty-five dollars but in no case less than ten dollars;
- (2) Petit jurors may receive up to twenty-five dollars but in no case less than ten dollars;
- (3) Coroner's jurors may receive up to twenty-five dollars but in no case less than ten dollars;
- (4) District court jurors may receive up to twenty-five dollars but in no case less than ten dollars:

PROVIDED, That a person excused from jury service at his or her own request shall be allowed not more than a per diem and such mileage, if any, as to the court shall seem just and equitable under all circumstances: PROVIDED FURTHER, That the state shall fully reimburse the county in which trial is held for all jury fees and witness fees related to criminal cases which result from incidents occurring within an adult or juvenile correctional institution: PROVIDED FURTHER, That the expense payments paid to jurors shall be determined by the county legislative authority and shall be uniformly applied within the county.

For the fiscal year ending June 30, 2007, jurors participating in pilot projects in superior, district, and municipal courts may receive juror fees of up to sixty-two dollars for each day of attendance in addition to mileage reimbursement at the rate determined under RCW 43.03.060.

Sec. 904. RCW 28A.500.030 and 2005 c 518 s 914 are each amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; to

(b) The statewide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's twelve percent levy amount, multiplied by the following percentage:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by

(b) The district's twelve percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

(4) From January 1, 2004, to December 31, 2005, allocations and maximum eligibility under this chapter shall be multiplied by 0.937.

(5) From January 1, 2006, to ~~((June 30, 2007))~~ December 31, 2006, allocations and maximum eligibility under this chapter shall be multiplied by 0.9563.

Sec. 905. RCW 73.04.135 and 1994 c 147 s 3 are each amended to read as follows:

(1) The director may place a claim against the estate of an incapacitated or deceased veteran who is a veteran estate management program client. The claim shall not exceed the amount allowed by

rule of the United States department of veterans affairs and charges for reasonable expenses incurred in the execution or administration of the estate. The director shall waive all or any portion of the claim if the payment or a portion thereof would pose a hardship to the veteran.

~~(2) ((Any fees collected shall be deposited in the state general fund--local and shall be available for the cost of managing and supporting the veteran estate management program. All expenditures and revenue control shall be subject to chapter 43.88 RCW.))~~ The veteran estate management account is hereby created in the custody of the state treasurer. Fees, reimbursements, and grants collected from estates of incapacitated veterans or incapacitated veterans' dependents shall be deposited into the account. Funds in the account shall be expended solely for the purpose of providing financial operating and maintenance support to the veteran estate management program and shall be the sole source of funding for the program. Only the director or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 906. RCW 79A.05.070 and 2003 c 186 s 1 are each amended to read as follows:

The commission may:

(1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group shall agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. Until July 1, 2007, the commission may not charge fees for general park access or parking;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed forty years;

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park

or recreation district, and no funds shall be made available for such purpose.

Sec. 907. RCW 90.56.120 and 2005 c 304 s 2 are each amended to read as follows:

(1)(a) There is established in the office of the governor the oil spill advisory council.

(b) The primary purpose of the council is to maintain the state's vigilance in, by ensuring an emphasis on, the prevention of oil spills to marine waters, while recognizing the importance of also improving preparedness and response.

(c) The council shall be an advisory body only.

(2)(a) In addition to members appointed under (b) of this subsection, the council is composed of the chair-facilitator and sixteen members representing various interests as follows:

(i) Three representatives of environmental organizations;

(ii) One representative of commercial shellfish interests;

(iii) One representative of commercial fisheries that primarily fishes in Washington waters;

(iv) One representative of marine recreation;

(v) One representative of tourism interests;

(vi) Three representatives of county government from counties bordering Puget Sound, the Columbia river/Pacific Ocean, and the Strait of Juan de Fuca/San Juan Islands;

(vii) One representative of marine labor;

(viii) Two representatives of marine trade interests;

(ix) One representative of major oil facilities;

(x) One representative of public ports; and

(xi) An individual who resides on a shoreline who has an interest, experience, and familiarity in the protection of water quality.

(b) In addition to the members identified in this subsection, the governor shall invite the participation of tribal governments through the appointment of two representatives to the council.

(3) Appointments to the council shall reflect a geographical balance and the diversity of populations within the areas potentially affected by oil spills to state waters.

(4) Members shall be appointed by the governor and shall serve four-year terms, except the initial members appointed to the council. Initial members to the council shall be appointed as follows: Six shall serve two-year terms, six shall serve three-year terms, and seven shall serve four-year terms. Vacancies shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term of the position vacated. Members serve at the pleasure of the governor.

(5) The governor shall appoint a chair-facilitator who shall serve as a nonvoting member of the council. The chair shall not be an employee of a state agency, nor shall the chair have a financial interest in matters relating to oil spill prevention, preparedness, and response. The chair shall convene the council at least four times per year. At least one meeting per year shall be held in a Columbia river community, an ocean coastal community, and a Puget Sound community. The chair shall consult with councilmembers in setting agendas and determining meeting times and locations.

(6) All members shall be reimbursed for travel expenses while attending meetings of the council or technical advisory committees, or when on official business authorized by the chair-facilitator, as provided in RCW 43.03.050 and 43.03.060. Members of the council identified in subsection (2)(a)(i), (ii), (iii), (iv), (v), (vi), (vii), and (xi) of this section and the chair-facilitator shall each be compensated on a per diem basis as a class two group according to RCW 43.03.230.

(7) The first meeting of the council shall be convened by the governor or the governor's designee. Other meetings may be convened by a vote of at least a majority of the voting members of the council, or by call of the chair. All meetings are subject to the open public meetings act. The council shall maintain minutes of all meetings.

(8) To the extent possible, all decisions of the council shall be by the consensus of the members. If consensus is not possible, nine voting members of the council may call for a vote on a matter. When a vote is called, all decisions shall be determined by a majority vote of the voting members present. Two-thirds of the voting members are required to be present for a quorum for all votes. The subject

matter of all votes and the vote tallies shall be recorded in the minutes of the council.

(9) The council may form subcommittees and technical advisory committees.

NEW SECTION. Sec. 908. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 909. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 2.36.150, 28A.500.030, 73.04.135, 79A.05.070, and 90.56.120; amending 2005 c 518 ss 101, 102, 103, 104, 106, 107, 105, 109, 112, 110, 111, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 513, 514, 515, 516, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 701, 702, 703, 704, 705, 713, 716, 720, 724, 725, 801, 802, 803, 804, 805, 806, and 948 (uncodified); adding new sections to 2005 c 518 (uncodified); making appropriations; and declaring an emergency."

passed the House by the following vote: Yeas - 55, Nays - 43, Excused - 0.

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Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Campbell, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom, Walsh and Woods - 43.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6386, on reconsideration as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

REPORT OF THE CONFERENCE COMMITTEE

March 6, 2006

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6384, making appropriations and authorizing expenditures for capital improvements, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2007, out of the several funds specified in this act.

SUPPLEMENTAL APPROPRIATIONS

NEW SECTION. Sec. 101. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Life-cycle Cost Model Update (06-2-851)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely to update the life-cycle cost model developed by the joint legislative audit and review committee. The joint legislative audit and review committee shall:

- (1) Update the model's assumptions;
- (2) Enhance the model's ability to inform decision-makers about the current and long-term capital and operating impacts of facility leasing options compared to state ownership; and
- (3) Revise the model to allow for comparisons of alternate financing approaches, including but not limited to the use of certificates of participation, 63-20 financing, and state general obligation bond funding.

Appropriation:

State Building Construction Account--State	\$50,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000

NEW SECTION. Sec. 102. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE OFFICE OF THE SECRETARY OF STATE

Acquisition of Historic Photographs (06-2-950)

Appropriation:

Archives and Record Management Account--State	\$50,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000

Sec. 103. 2005 c 488 s 109 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Program (06-4-003)

Appropriation:

Drinking Water Assistance Account--State	\$8,100,000
Drinking Water Assistance Repayment Account--State	(\$8,100,000)
	\$21,780,000
Subtotal Appropriation	(\$19,600,000)
	\$29,880,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$78,400,000
TOTAL	(\$98,000,000)
	\$108,280,000

Sec. 104. 2005 c 488 s 112 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Building for the Arts (06-4-005)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 43.63A.750.
- (2) The appropriation is provided solely for the following list of projects:

Projects	Location	Recommen- dation
(African-American museum	Seattle	\$700,000)
McIntyre hall	Mount Vernon	\$350,000
Northwest film forum	Seattle	\$100,000
Historic Cooper school	Seattle	\$500,000
Merc playhouse	Twisp	\$6,000
Masquers theatre	Soap Lake	\$145,000
Cornish College of the Arts	Seattle	\$700,000
Dahmen barn workshop	Uniontown	\$79,000
Roxy theatre	Morton	\$75,000
Duwamish longhouse	Seattle	\$65,000
Everett symphony	Everett	\$215,000
Admiral theatre	Bremerton	\$180,000
Pratt fine arts center	Seattle	\$300,000
Arlington performing arts	Arlington	\$375,000
Seattle Academy of Fine Art	Seattle	\$35,000
Academy of children's theatre	Richland	\$150,000
Empire theatre	Tekoa	\$25,000
Children's museum	Spokane	\$75,000
World kite museum	Long Beach	\$115,000
McCaw hall	Seattle	\$1,000,000
KidsQuest children's museum	Bellevue	\$200,000
Total		(\$5,390,000)
)
		\$4,690,000

Appropriation:

State Building Construction Account--State	(\$5,390,000)
	\$4,690,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	(\$21,390,000)
	\$20,690,000

Sec. 105. 2005 c 488 s 125 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

The reappropriations in this section (~~(is)~~) are subject to the following conditions and limitations:

- (1) \$1,700,000 of the reappropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.
- (2) \$700,000 of the reappropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.
- (3) \$84,500 of the reappropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.
- (4) \$600,000 of the reappropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

(5) \$1,400,000 of the reappropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children.

~~(6) ((Up to \$1,000,000 of the reappropriation is provided to help capitalize a self-insurance risk pool for nonprofit corporations in Washington that develop housing units for low-income persons and families. The self-insurance risk pool shall be approved by the state risk manager. The self-insurance risk pool shall repay to the state the amount of the reappropriation provided to the risk pool under this section whenever the capitalization exceeds the minimum requirements established by the office of the risk manager. Any reappropriation authority not expended by June 30, 2007, shall lapse--))~~ (a) \$960,000 of the reappropriation in this section is provided solely for the department to contract with the Washington state housing finance commission to establish a multiunit residential building construction liability revolving fund program to provide supplemental funding for liability claims arising from the construction or rehabilitation of condominium or other multiunit residential buildings, as defined in RCW 64.55.010, that are owned or controlled by nonprofit corporations, as defined in RCW 43.180.300, for developing affordable housing for low-income households. The revolving fund program shall include the following elements:

(i) Criteria for the eligibility of multiunit residential projects and project owners for participation in the revolving fund program;

(ii) Provisions governing the scope of coverage and other policies and operating procedures for the revolving fund program;

(iii) Establishment of premiums to be paid by project owners to ensure the viability of the revolving fund program. Costs incurred by the commission in administering the revolving fund program will be paid or reimbursed from premiums and other program funds;

(iv) Provisions for the reimbursement of premiums to the extent not required for the orderly and cost-effective administration of the revolving fund program;

(v) Establishment of procedures for the investigation, defense, and payment of claims and the recoupment of claim payments made and costs associated with respect to participating projects from the project owners over time; and

(vi) Any other elements necessary and desirable to implement the revolving fund program in order to provide a cost-effective source of liability funding that is supplemental to insurance and other resources available to project owners.

(b) The authority to enter into a contract with the Washington state housing finance commission under this subsection is contingent on the commission's contribution of one million dollars of commission funds to assist in capitalizing the revolving fund program.

(c) Any claims against the Washington state housing finance commission arising from or with respect to the revolving fund program may be paid only from amounts provided by the commission for this purpose, provided by the contract entered into pursuant to this subsection, or provided by premiums paid under the revolving fund program, and neither the commission, the department, nor the state of Washington shall have any liability with respect to such claims.

Reappropriation:

State Taxable Building Construction Account--St	\$25,780,000
Prior Biennia (Expenditures)	\$55,220,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$81,000,000

Sec. 106. 2005 c 488 s 131 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Local/Community Projects (06-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) Funding for the Inland Northwest Science and Technology Center shall be held in reserve until the balance of phase I funding has been secured or committed from local government and community sources.

(3) The Washington state arts commission shall design a plaque that shall be affixed to buildings or displayed as part of a project receiving any appropriation from this section. The plaque shall provide information to the public that the building or project has been made possible by the tax dollars of Washington citizens. The commission may contact the secretary of state to obtain approval for use of the Washington seal in the design of the plaque. The final design shall be approved by the chairs and ranking members of the house of representatives capital budget committee and the senate ways and means committee.

(4) The appropriation is provided solely for the following list of projects:

Projects	Recommendation
7th street theatre	\$600,000
Alder creek pioneer association carousel museum	\$450,000
Asian counseling and referral service	\$2,000,000
<u>Auburn veterans' memorial park improvements</u>	<u>\$50,000</u>
Bailey Gatzert children's play area	\$75,000
Bridge for kids	\$850,000
Brookside school ADA playground equipment	\$25,000
Buena library	\$50,000
<u>Camp prime time repairs-- families with terminally ill children</u>	<u>\$100,000</u>
Cannon house	\$250,000
Central area motivation program (CAMP)	\$250,000
Cesar Chavez park	\$150,000
Chambers creek footbridge	\$177,000
Childhaven	\$150,000
Clark Lake park and retreat center	\$500,000
Colman school	(\$500,000)
<u>preconstruction activities</u>	<u>\$1,200,000</u>
Colored women's association meeting house	\$60,000
Columbia breaks fire interpretive center	\$150,000
<u>Community center at Greenbridge</u>	<u>\$400,000</u>
Covington aquatics center phase 1	\$350,000
Crossroads community center and park	\$250,000
Cutter theater	\$71,000
<u>Deming library</u>	<u>\$85,000</u>
Des Moines beach park historic buildings	\$300,000
Discovery park	\$1,000,000
East Whatcom regional resource center	\$1,750,000
Eatonville family park	\$50,000
El Centro de la Raza	\$900,000
Filipino community center	\$200,000
<u>Financial assistance to the town of Hamilton</u>	<u>\$150,000</u>
<u>Food bank refrigeration projects</u>	<u>\$365,000</u>
Foster creek	\$150,000
Fox theater	\$2,398,000
<u>Garfield county agricultural museum</u>	<u>\$150,000</u>
GC health clinic	\$12,000
Grand Army of the Republic cemetery	\$5,000

Granite Falls museum expansion	\$50,000	<u>Seattle mental health emerald house</u>	\$28,000
Greenbridge plaza in White Center	\$200,000	Seward park environmental and audubon center	\$400,000
Habitat park south hill	\$400,000	Snohomish senior center	\$150,000
<u>Hanford reach interpretive center</u>	<u>\$2,000,000</u>	Sno-Valley senior activity center kitchen	\$50,000
Hidden river environmental education center	\$50,000	Sound way property preservation	\$500,000
ICL education center	\$200,000	Spokane river whitewater course	\$400,000
Japanese cultural and community center	\$200,000	Sumas ballpark	\$250,000
Joel Pritchard park	\$2,500,000	Synthetic sportsfield	\$400,000
Joe's creek project	\$856,000	partnership at Robinswood park	
Juanita creek channel and riparian restoration	\$500,000	Tall ships moorage	\$300,000
<u>Juanita highlands</u>	<u>\$275,000</u>	<u>Tritrail feasibility study</u>	<u>\$150,000</u>
Julia Butler Hansen home restoration	\$10,000	Tukwila kayak and canoe launching facility	\$20,000
<u>Kettle falls park</u>	<u>\$100,000</u>	Undeveloped woodlands linked to interurban nature trail	\$150,000
<u>Kirkland nonmotorized facilities</u>	<u>\$200,000</u>	Vancouver museum	\$125,000
LeRoi smelter smokestack monument	\$3,000	Vancouver national historical reserve west barracks	\$1,000,000
Lewis and Clark confluence project	(\$1,500,000)	Veterans memorial museum	\$100,000
	)	<u>Wapato Lake renovations and water quality</u>	<u>\$250,000</u>
McCaw hall	\$2,000,000	West Seattle community resource center	\$500,000
<u>Meridian habitat park</u>	<u>\$400,000</u>	West central community center	\$500,000
Miners' memorial	\$36,500	West Hylebos wetlands boardwalk	\$100,000
<u>Miracle league handicapped baseball</u>	<u>\$57,000</u>	Wilson playfield land acquisition	\$200,000
MOBIUS/Inland Northwest science and technology center	\$1,500,000	Wing Luke Asian art museum	\$2,000,000
Mt. Baker theater	\$200,000	Youth housing/drop-in center	\$400,000
Mt. Vernon Jasper Gates statue	\$12,000	Total	(\$39,391,000)
Multicultural center of Kitsap county	\$250,000		\$49,949,500
Nathaniel Orr home site museum interpretive center	\$29,000	Appropriation:	
<u>Neighborhood house rainier vista</u>	<u>\$200,000</u>	State Building Construction Account--State	(\$39,391,000)
New Lakewood clinic	\$350,000		\$49,949,500
Northeast community center expansion	\$250,000	Prior Biennia (Expenditures)	\$0
Northshore performing arts center	\$1,000,000	Future Biennia (Projected Costs)	\$0
Northwest communities education center	\$1,000,000	TOTAL	(\$39,391,000)
Oak Harbor multi-purpose community and sports facility	\$50,000		\$49,949,500
Omak grandstand	\$250,000	Sec. 107. 2005 c 488 s 138 (uncodified) is amended to read as follows:	
<u>Orting fire station</u>	<u>\$250,000</u>	FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT	
Pacific Northwest salmon center	\$1,000,000	Job/Economic Development Grants (06-4-950)	
Pacific science center	\$900,000	The appropriation in this section is subject to the following conditions and limitations:	
Performing arts center (PACE)	\$500,000	(1) The appropriation is provided solely for the following list of projects:	
<u>Pike Place Market health center emergency repairs</u>	<u>\$1,000,000</u>		
<u>Port of Quincy</u>	<u>\$400,000</u>		
Puget Sound freight building warehouse--Thea Foss waterway	\$2,000,000	Projects	Recommendation
<u>Puyallup river walking trail</u>	<u>\$200,000</u>	Belfair sewer improvements	(\$8,000,000)
<u>Rainier historical heating system</u>	<u>\$75,000</u>)
<u>Red mountain</u>	<u>\$200,000</u>	Bellingham waterfront restoration	\$3,200,000
Relocation of Sieke Japanese gardens	\$250,000	<u>Bremerton facility for alternative energy technology research</u>	\$2,000,000
River walk and Sammamish river restoration	\$200,000		\$800,000
Roslyn city hall	\$150,000	Bremerton Harborside	\$4,000,000
Ruth Dykeman children's center	\$27,000	Burien town square	\$2,000,000
Sandman historical tug restoration	\$10,000	Carnation sewer	\$2,000,000
<u>Seattle Aquarium</u>	<u>\$2,000,000</u>	City of Covington	(\$1,000,000)
Seattle community center (1115 E. Pike street)	\$13,000)
			<u>\$2,000,000</u>

Grays Harbor PUD bioenergy project	\$1,500,000
Hops Initiative	\$500,000
Infrastructure for Renton	\$5,000,000
Boeing property	
Infrastructure for Washington farm produce exports	\$1,000,000
Military communities infrastructure projects	\$5,000,000
Pacific Northwest national labs campus infrastructure project	\$6,000,000
Rainier court	\$1,500,000
Redevelop Snohomish riverfront	\$1,500,000
Ridgefield employment center project	\$2,000,000
Tukwila Southcenter parkway infrastructure	\$6,000,000
Yakima town center restoration	\$4,000,000
Total	\$50,000,000

(2) \$1,000,000 of the appropriation for the Pacific Northwest national labs campus infrastructure project is provided solely for giga-pop infrastructure.

(3) \$5,000,000 of the appropriation is provided solely for military communities infrastructure projects ~~(is provided solely for grants to support projects in Island county, Kitsap county, Pierce county, Snohomish county, and Spokane county when a military base in that county is identified for potential closure in the federal base realignment and closure process. The grants will be used to address infrastructure improvements that will aid in the removal of the base from the closure list. The office of financial management shall establish a process for selecting projects for funding based on criteria used to determine the federal base realignment and closure list and recommendations by the department of community, trade, and economic development and the military department. Final allocation of the grants shall be at the discretion and with the approval of the director of the office of financial management)).~~ Military communities infrastructure projects shall include:

(a) Grants to counties and cities for the purchase of development easements to restrict the use of accident potential zones and clear zones. The office of financial management shall establish a competitive process for selecting projects to receive the grants. Final allocation of these grants shall be at the discretion and with the approval of the director of the office of financial management.

The grants are subject to the following conditions:

(i) The county or city must be subject to and in compliance with RCW 36.70A.530;

(ii) The grants may not be used to remove encroachments into these zones allowed by county or city zoning or permitting actions;

(iii) The county or city must have an encroachment prevention plan preventing future encroachment into these zones; and

(iv) The grant provided by the state must not exceed one-third of the project cost with funds from local and federal sources providing the balance of the funds.

(b) \$481,000 of the appropriation is provided solely for improvements to a military department site on Fairchild air force base.

(4) The legislature finds that the need to restore the health of Hood Canal will require funding over multiple biennia. It is the intent of the legislature to provide \$4,800,000 for the Belfair sewer improvement project in the 2007-2009 biennium.

Appropriation:

Public Works Assistance Account--State	\$50,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$0)
	\$4,800,000
TOTAL	(\$50,000,000)
	\$54,800,000

NEW SECTION. Sec. 108. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing--Home Security Fund (E2SHB 2418) (06-4-851)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,800,000 of the appropriation from the Washington housing trust account is provided solely for the backlog, as defined by the department, of projects determined by the department to be eligible under chapter 43.185 or 43.185A RCW.

(2) \$1,000,000 of the appropriation from the Washington housing trust account is provided solely for short-term, long-term, or emergency housing vouchers for homeless persons, victims of domestic violence, low-income persons, or seasonal farm workers. The department shall establish guidelines for housing voucher programs.

(a) Housing vouchers for low-income persons or seasonal farm workers are specifically to be used for: (i) Privately owned and operated rental units, including single-family homes; or (ii) on-farm housing units. Housing and rental units for which farm worker housing vouchers may be used must meet temporary worker housing standards, when applicable. Housing voucher programs shall be administered by local public housing authorities or other local organizations.

(b) Housing vouchers for homeless persons and victims of domestic violence shall be administered by local public housing authorities, other local organizations with existing housing voucher programs, homeless shelters, or domestic violence shelters. Any of this appropriation that is unspent on June 30, 2007, shall be added to the amount appropriated for the backlog identified in subsection (1) of this section.

(3) \$4,500,000 of the appropriation from the Washington housing trust account is provided solely for weatherization administered through the energy matchmakers program.

(4) \$850,000 of the appropriation from the Washington housing trust account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(5) \$500,000 of the appropriation from the Washington housing trust account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(6) \$3,000,000 of the appropriation from the Washington housing trust account is provided solely for farm worker housing projects and programs to meet the full spectrum of housing needs of Washington's farm workers and their families. The department shall work with stakeholders representing a diversity of farm worker housing interests to develop a strategic plan in implementing this provision.

(7) \$200,000 of the appropriation from the Washington housing trust account is provided solely for the implementation and management of a manufactured/mobile home landlord-tenant ombudsman conflict resolution program by the office of mobile home affairs as generally described in section 3, chapter 429, Laws of 2005. The office of mobile home affairs shall also determine the number of complaints made to the department since May of 2005 that, in the best estimate of the department, do in fact present violations of chapter 59.20 RCW and shall produce a summary of the number and types of complaints. The office of mobile home affairs shall also continue to maintain and update a database with information about all mobile home parks and manufactured housing communities. The office of mobile home affairs shall provide a report regarding the activities and results of the program to the appropriate committees of the house of representatives and the senate by December 31, 2006.

(8) \$4,000,000 of the appropriation from the homeless families services account is provided solely for the purposes of RCW 43.330.167, but limited to residents living in housing subject to a regulatory agreement related to rent and/or income restrictions.

(9) \$150,000 of the appropriation from the Washington housing trust account is provided solely for a program to assist individuals

and communities in the home-buying process, including, but not limited to: Homebuyer education classes, credit and budget counseling, financial literacy training, and down payment assistance programs. The department shall contract with a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code or similar successor provision that has experience and expertise in addressing language access barriers in the home-buying process to implement this program.

(10) Appropriations in this section shall be included in the calculation of annual funds available for determining the administrative costs of the department, which shall not exceed five percent of the annual funds available for the housing assistance program and the affordable housing program as authorized under RCW 43.185.050 and 43.185A.030.

Appropriation:

Washington Housing Trust Account--State	\$17,000,000
Homeless Families Services Account--State	\$4,000,000
Subtotal Appropriation	\$21,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$21,000,000

NEW SECTION. Sec. 109. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Grays Harbor PUD Bioenergy Project (06-04-852)

Appropriation:

Energy Freedom Account--State	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

Sec. 110. 2005 c 488 s 142 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building: Rehabilitation and Capital Addition (01-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State	(\$100,000)
	\$214,063
Prior Biennia (Expenditures)	\$106,280,442
Future Biennia (Projected Costs)	\$0
TOTAL	(\$106,380,442)
	\$106,494,505

NEW SECTION. Sec. 111. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Pritchard-Legislative Support Building Predesign (06-2-851)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$225,000 of the appropriation in this section is provided solely for predesign of the Joel M. Pritchard building as a legislative support facility and public cafeteria. The predesign must be concurrently prepared with the North Capital Campus executive office building(s) predesign in section 112 of this act, but this predesign is to be a distinct document and analysis. The predesign shall include, but not be limited to, the following: (a) A rehabilitation plan addressing electrical and mechanical systems, plumbing, seismic safety, fire protection, accessibility, energy consumption, and space use including the benefits and costs of the conversion of the upper floor stack space into usable office space or alternative uses; (b) an assessment of the facility requirements of legislative support agencies including the statute law committee, the joint legislative audit and review committee, the legislative service

center, and the legislative evaluation and accountability program as potential building tenants; and (c) a financing strategy for the facility that may consider a combination of funding sources including state general obligation bonds and the use of alternative financing mechanisms that utilize dedicated revenue streams through the conversion of existing lease payments into debt service payments.

(2) \$150,000 of the appropriation in this section is provided solely for the planning and initial building demolition to relocate the statute law committee from the Pritchard building basement into the east wing, provided that the initial planning and demolition is determined to conform with the completed Pritchard predesign. The office of financial management shall not allot funding for the planning and initial building demolition for the statute law committee until the Pritchard predesign has been submitted and approved by the legislative fiscal committees and the office of financial management.

Appropriation:

State Building Construction Account--State	\$375,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$375,000

Sec. 112. 2005 c 488 s 152 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

~~((General Administration Building Rehabilitation))~~ North Capital Campus Executive Office Building(s) (06-1-002)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for predesign for replacement or renovation of the general administration building combined with the development of an office building on the block adjoining Capital Way and 11th avenue. The combined development is intended to provide: (1) Executive office space for statewide elected officials; (2) public access space for the state library collection and historically significant documents from the state archives and the state historical museum; and (3) high density general office space that can adapt to changing state needs. The project will maximize interagency sharing of support services such as information technology, printing and mailing, management and storage of supplies, reception areas, and other common functions. The project will also include sufficient parking to provide a significant net increase in parking spaces beyond what is required for the new office space. The project shall also include leasable ground floor retail space on Capital Way. The department shall consult with statewide elected officials and the city of Olympia in developing the predesign. ~~((The predesign shall evaluate the use of the Pritchard building as one of the options for use by the state library and historically significant documents from the state archives and state historical museum.))~~ Due to the intended replacement of the building adjoining Capital Way and 11th avenue, the department shall not charge the facility depreciation component of lease charges for nonprofit tenants in that facility during the 2005-2007 biennium.

Appropriation:

Thurston County Capital Facilities Account--State	(\$750,000)
	\$1,620,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$65,500,000)
	\$312,017,000
TOTAL	(\$66,250,000)
	\$313,637,000

Sec. 113. 2005 c 488 s 156 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Statewide Office Facilities: Preservation Minor Works (06-1-003)

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for electrical and elevator upgrades in the insurance building.

Appropriation:

Thurston County Capital Facilities Account--State \$2,965,000
General Administration Service Account--State . . \$1,850,000
Subtotal Appropriation \$4,815,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$16,239,000
TOTAL \$21,054,000

Sec. 114. 2005 c 488 s 161 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building Omnibus (06-1-005)

The appropriations in this section are subject to the following conditions and limitations: The department shall assist in the relocation of the statute law committee offices from the legislative building to the Pritchard building. The vacated space is intended for additional offices for the house of representatives.

Appropriation:

State Building Construction Account--State . ((~~\$1,100,000~~))
\$1,460,000
Thurston County Capital Facilities Account--State \$878,000
Subtotal Appropriation ((~~\$1,978,000~~))
\$2,338,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL ((~~\$1,978,000~~))
\$2,338,000

NEW SECTION. Sec. 115. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Capital Campus Master Plan (06-2-001)

The appropriation in this section is subject to the following conditions and limitations: The master plan shall include a review of the need for meeting space and training facilities to support state government in Thurston county. The review must compare existing facilities with other states' capitals with similar populations. The master plan must also consider the need for transportation access to the campus.

Appropriation:

General Administration Services Account--State . . \$200,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

Sec. 116. 2005 c 488 s 162 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
ADA Access Between Legislative, Cherberg, O'Brien, and Pritchard Buildings (06-1-951)

The appropriation in this section is subject to the following conditions and limitations: The design and construction of the Americans with Disabilities Act-compliant pathway to the Pritchard building shall be included in the Pritchard predesign funded in section 111 of this act.

Appropriation:

State Building Construction Account--State \$1,349,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0

TOTAL \$1,349,000

NEW SECTION. Sec. 117. A new section is added to 2005 c 488 (uncodified) to read as follows:

WASHINGTON STATE PATROL

Vancouver Crime Lab - Phase 2 (06-2-003)

Appropriation:

State Building Construction Account--State \$2,940,000

Prior Biennia (Expenditures) \$9,947,000
Future Biennia (Projected Costs) \$0
TOTAL \$12,887,000

Sec. 118. 2005 c 488 s 201 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION
School Mapping (06-1-100)

The appropriations in this section ((is)) are subject to the following conditions and limitations: ((The appropriation is provided solely for the initial mapping of schools and production of software and may not be used to supplant any local government's existing school or other building mapping program that can transfer data to a statewide first responder building mapping information system.)) Mapping of ((public buildings, including)) school buildings(;) shall be undertaken under standards adopted by the Washington association of sheriffs and police chiefs mapping software standards as required by RCW 36.28A.070. The ((criminal justice training commission)) Washington association of sheriffs and police chiefs shall work with the office of the superintendent of public instruction to ensure school mapping is part of newly constructed or renovated construction projects ((and shall develop policies and procedures to ensure efficient use and implementation of such procedures)). For school construction projects funded through the state board of education's state school construction assistance program during the 2005-2007 biennium, the Washington association of sheriffs and police chiefs shall prioritize the initial mapping or remapping of the state board of education's state school construction assistance program projects that are colocated with schools funded by the appropriation in this section. Additionally, the Washington association of sheriffs and police chiefs shall develop policies and procedures to ensure efficient use and implementation of such procedures.

It is the intention of the legislature that the design of new and remodeled facilities incorporate mapping and remapping as needed.

The Washington association of sheriffs and police chiefs will consult with the office of the superintendent of public instruction and report to the fiscal committees of the legislature by September 1, 2006, on efficient and low-cost ways to maintain up-to-date maps.

Appropriation:

Education Construction Account--State \$4,500,000
Common School Construction Account--State \$1,000,000
Subtotal Appropriation \$5,500,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL ((~~\$4,500,000~~))
\$5,500,000

Sec. 119. 2005 c 488 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen Children's Center - Housing Units (00-1-041)

Reappropriation:

State Building Construction Account--State \$500,000

Appropriation:

State Building Construction Account--State \$5,800,000

Prior Biennia (Expenditures) \$5,605,495

Future Biennia (Projected Costs) ~~(\$16,100,000)~~
 \$10,300,000
 TOTAL \$22,205,495

NEW SECTION. Sec. 120. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School: New Intensive Management Unit Building, and Health Center and Administration Building (06-2-202)

Appropriation:

State Building Construction Account--State . . . \$1,250,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$12,500,000
 TOTAL \$13,750,000

NEW SECTION. Sec. 121. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School: Storm and Sewer Phase 3 (06-1-853)

Appropriation:

State Building Construction Account--State \$100,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$100,000

Sec. 122. 2005 c 488 s 238 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Washington Information Network 2-1-1 (06-2-850)

The appropriation in this section is subject to the following conditions and limitations: The department shall require the organizations to prepare a financing plan that specifies the full cost of implementing the system statewide including capital costs and operating costs by September 1, 2006. The financing plan shall identify appropriate sources of revenue to support full implementation and ongoing operational costs. Allowable uses of appropriated funds include the purchase of software, equipment, programming, and improvements located in states adjacent to Washington and that support the 2-1-1 information network in Washington.

Appropriation:

State Building Construction Account--State . . . \$1,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,000,000

NEW SECTION. Sec. 123. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Building 9 Renovation - Transient Program (06-1-008)

Appropriation:

General Fund--Federal \$318,000
 State Building Construction Account--State \$171,000
 Subtotal Appropriation \$489,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$489,000

Sec. 124. 2005 c 488 s 252 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Coyote Ridge Corrections Center: Expansion (98-2-011)

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$179,000,000)~~ The appropriation in this section is provided solely to design and construct a ~~(1,280)~~ 1,792 bed medium-security prison at Coyote Ridge corrections center in Connell.

(2) The facility shall be a publicly-owned and operated facility.

(3) The new facility shall include at least 512 hybrid-security beds that have a lower cost to construct than conventional medium security beds but still maintain a medium security perimeter.

(4) Design of the facility shall incorporate efficiencies in administrative space and support services realized by sharing services within the region. The department shall examine other states' and private industry standard designs, and report on how efficiencies will be incorporated into the design of the facility to the office of financial management and to legislative fiscal staff not later than September 1, 2005. Nothing in this subsection requires the department to adopt design parameters that would endanger public safety or generate increased operating costs.

(5) Once opened, a portion of the new facility shall be used to alleviate the crowded conditions in reception at the Washington corrections center in Shelton.

Reappropriation:

State Building Construction Account--State \$921,140

Appropriation:

State Building Construction Account--State ~~(\$179,000,000)~~
 \$229,000,000

Prior Biennia (Expenditures) \$986,347
 Future Biennia (Projected Costs) \$0
 TOTAL ~~(\$180,907,487)~~
 \$230,907,487

Sec. 125. 2005 c 488 s 255 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: 100-Bed Management and Segregation Unit (00-2-008)

Reappropriation:

General Fund--Federal \$819,229
 State Building Construction Account--State ~~(\$18,674,000)~~
 \$17,747,000
 Subtotal Reappropriation ~~(\$19,493,229)~~
 \$18,566,229

Appropriation:

General Fund--Federal \$927,000

Prior Biennia (Expenditures) \$19,944,803
 Future Biennia (Projected Costs) \$0
 TOTAL \$39,438,032

Sec. 126. 2005 c 488 s 264 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: North Close Security Compound (04-2-005)

Reappropriation:

State Building Construction Account--State . . \$124,000,000

Appropriation:

~~(General Fund--Federal \$927,000)~~
 State Building Construction Account--State . ~~(\$5,891,000)~~
 \$6,818,000
~~((Subtotal Appropriation \$6,818,000))~~

Prior Biennia (Expenditures) \$9,940,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$140,758,000

NEW SECTION. Sec. 127. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Replace Correctional Industry Roof (06-1-023)

Appropriation:

State Building Construction Account--State	\$1,553,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$1,898,000
Subtotal Appropriation	\$3,451,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,451,000

NEW SECTION. Sec. 128. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Cedar Creek Corrections Center: 100 Bed Expansion (06-2-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for implementation of penalties for driving under the influence of intoxicating liquor or any drug authorized in chapter . . . (House Bill No. 3317), Laws of 2006. If the bill is not enacted by June 30, 2006, the amounts in this section shall lapse.

Appropriation:

State Building Construction Account--State	\$6,228,500
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,228,500

NEW SECTION. Sec. 129. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Larch Corrections Center: 80 Bed Expansion (06-2-852)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for implementation of penalties for driving under the influence of intoxicating liquor or any drug authorized in chapter . . . (House Bill No. 3317), Laws of 2006. If the bill is not enacted by June 30, 2006, the amounts in this section shall lapse.

Appropriation:

State Building Construction Account--State	\$3,071,500
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,071,500

Sec. 130. 2005 c 488 s 287 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

Employment Resource Center (05-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely ((~~to~~)) for services and activities including the purchase and ((~~instaff~~)) installation of state of the art equipment for a 40,000 square foot facility supporting work force development programs using funds available to the state in section 903(d) of the Social Security Act (Reed act).

Reappropriation:

Unemployment Compensation Administration Account--Federal	\$6,000,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

Sec. 131. 2005 c 488 s 323 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (06-4-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$10,000,000 of the state building construction account--state appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(2) \$5,000,000 of the state building construction account--state appropriation is provided solely for water quality grants for hardship communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality rules; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(3) \$1,000,000 of the state building construction account--state appropriation is provided solely to design appropriate wastewater treatment facilities to serve the Hoodspout to Skokomish reservation areas of Hood Canal. The exact facilities will be based upon the recommendations from an analysis of wastewater management options for the Hoodspout to Skokomish river currently being undertaken by Mason county.

(4) \$750,000 of the state building construction account--state appropriation is provided solely for assistance in management and clean up activities at Long Lake in Kitsap county and \$50,000 of the state building construction account--state appropriation is provided solely for assistance in cleaning up Wapato Lake in Pierce county. The assistance is contingent on the lake communities adopting a lake management plan that meets the department's requirement.

(5) \$320,000 of the water quality account--state appropriation is provided solely to Mason county to develop a septic system data base and identify failing septic systems in Hood Canal.

(6) \$70,000 of the water quality account--state appropriation is provided solely to Kitsap county for surveys of septic systems in Hood Canal.

(7) \$70,000 of the water quality account--state appropriation is provided solely to Jefferson county for surveys of septic systems in Hood Canal.

(8) Up to \$1,500,000 of the water quality account--state appropriation is for grants for on-site sewage replacement. This appropriation may be used to: (a) Establish new or expand existing on-site sewage repair and replacement loan or grant programs by county governments or tribes; or (b) develop a pilot program to administer an on-site sewage repair and replacement loan program through a qualified private or nonprofit lending institution. This appropriation must be used in conjunction with the water pollution control revolving account--state appropriation in section 135 of this act provided for this purpose. Of this amount, up to \$1,000,000 may be used to help financially distressed homeowners repair and replace failing on-site sewage systems, and up to \$500,000 may be used to help local governments plan, implement, and administer the local loan fund assistance programs. The total overall local government and tribal administration costs may not exceed seven percent of the total statewide grant and loan on-site program. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

(9) \$3,500,000 of the state toxics control account--state appropriation is provided solely for wastewater treatment upgrades at Twanoh, Dosewallips, Fort Casey, Fort Ebey, Birch Bay, and Sequim Bay state parks.

(10) \$600,000 of the state building construction account--state appropriation is provided solely for the community of Klickitat to supplement other local, state, and federal funds for wastewater treatment facility construction. Klickitat will not be required to accept a state revolving loan as a match to the grant.

(11) \$1,250,000 of the state toxics control account--state appropriation is provided solely for accelerating toxic cleanup in the Spokane area.

(12) \$1,500,000 of the state building construction account--state appropriation is provided solely for the city of Carnation wastewater treatment system construction.

(13) \$1,150,000 of the state building construction account--state appropriation is provided solely for activities required to determine the total daily maximum load (TMDLs) for the Spokane river.

(14) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans.

Appropriation:

State Building Construction Account--State	(\$20,000,000)
	\$23,250,000
Water Quality Account--State	(\$7,500,000)
	\$9,000,000
State Toxics Control Account--State	(\$10,500,000)
	\$15,250,000
Subtotal Appropriation	(\$38,000,000)
	\$47,500,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$211,808,000
TOTAL	(\$249,808,000)
	\$259,308,000

Sec. 132. 2005 c 488 s 324 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

State Drought Preparedness (05-4-009)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for response to the statewide drought that was declared pursuant to chapter 43.83B RCW. The department of ecology may provide funding or compensation for purchase or lease of water rights and to public bodies as defined in RCW 43.83B.050 in connection with projects and measures designed to alleviate drought conditions which may affect: Public health and safety; drinking water supplies; agricultural activities; or fish and wildlife survival.

(2) Projects or measures for which funding or compensation will be provided must be connected with a water system, water source, or water body which is receiving, or has been projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions. This reduction in water supply must be such that it is causing, or will cause, undue hardship for the entities or fish or wildlife depending on the water supply. General criteria for guidelines to be established by the department of ecology for distribution of funds must include: A balanced and equitable distribution of the funds among the different sectors affected by drought; a funding process that ensures funds are available for drought impacts that arise both early and later during the course of the drought; and preference for projects that leverage other federal and local funds.

(3) Up to \$1,500,000 of the reappropriation in this section is provided to the Roza irrigation district for the purchase or lease of water rights.

(4) \$150,000 of the reappropriation in this section is provided solely to support the development and demonstration of water management measures in the Walla Walla Basin that improve and protect instream flow and water quality, and which also help sustain agricultural and economic vitality. The director of the department shall report to the legislature by December 31, 2006, with any findings, conclusions, and recommendations regarding such water management measures.

(5) \$50,000 of the reappropriation in this section is provided solely to Chelan county to assess the feasibility of storing water in Campbell creek canyon to supplement instream flows in Peshastin creek, as part of the Peshastin irrigation district.

(6) \$100,000 of the reappropriation in this section is provided solely for a study of ground water and other issues related to drought in the Quilcene watershed.

Reappropriation:

State Drought Preparedness Account--State	(\$8,200,000)
	\$7,330,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$8,200,000)
	\$7,330,000

Sec. 133. 2005 c 488 s 325 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants for Clean up and Prevention (06-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,000,000 of the appropriation is provided solely for grants to local governments for local projects that implement the state "never waste" plan. Grant funds will emphasize additional organics composting and conversion, green building, and moderate risk waste projects described in the plan. Of this amount, up to \$1,600,000 may be used for one-time funding for auto switch recycling consistent with the memorandum of agreement being finalized with the auto recyclers association.

(2) \$2,000,000 of the appropriation is provided for emission reduction projects for local governments to retrofit public sector diesel engines with exhaust emission control devices or to make other modifications or operational changes, including cleaner fuels, to allow public sector fleets to reduce their emissions.

(3) \$3,000,000 of the appropriation is provided solely for grants to local governments needing assistance in complying with the new phase II storm water permit requirements. Of this amount, \$300,000 is provided solely for Mason county to prepare storm water management plans for Belfair and Hoodspout consistent with the storm water program in the Puget Sound conservation and recovery plan.

(4) ~~(\$60,000,000)~~ \$70,900,000 of the appropriation is provided solely for remedial action grants. Of this amount, \$1,000,000 is provided to the town of Warden to respond to contamination of their existing water system.

(5) From within this appropriation, the department shall prepare an online guide to help small businesses and homeowners learn what to do if they discover toxic wastes on their property. The guide shall provide information about local resources for clean up and disposal of toxic wastes.

(6) \$8,000,000 of the appropriation is provided solely for coordinated prevention grants provided to local governments for local government solid and hazardous waste planning, household and small business hazardous waste collection and disposal, recycling capital purchases and program development, and local solid waste enforcement.

Appropriation:

Local Toxics Control Account--State	(\$80,000,000)
	\$98,900,000
Prior Biennia (Expenditures)	\$45,000,000
Future Biennia (Projected Costs)	\$180,000,000
TOTAL	(\$315,000,000)
	\$323,900,000

Sec. 134. 2005 c 488 s 327 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Safe Soil Remediation and Awareness Projects (06-2-001)

The appropriation in this section is subject to the following conditions and limitations: \$700,000 of the appropriation is provided solely to continue clean up of the Everett Asarco residential area.

Appropriation:

State Toxics Control Account--State	((\$2,000,000)) \$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	((\$2,000,000)) \$5,000,000

Sec. 135. 2005 c 488 s 329 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (06-4-002)

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall give priority loan funding consideration to on-site septic system rehabilitation and replacement programs in Mason, Kitsap, and Jefferson counties for at least \$1,000,000 from the water pollution control revolving account--state in the second year of the funding cycle.
- (2) Up to \$5,000,000 of the water pollution control revolving account--state appropriation is for loans for on-site sewage replacement. This appropriation may be used to: (a) Establish new or expand existing on-site sewage repair and replacement loan programs by county governments or tribes; or (b) develop a pilot program to administer an on-site sewage repair and replacement loan program through a qualified private or nonprofit lending institution. This appropriation must be used in conjunction with water quality account--state appropriation in section 131 of this act provided for this purpose. The department must work with the department of health, the Puget Sound water quality action team, local governments, and the lending industry in developing and piloting this program. The department shall provide a status report on the loan program to the governor and the appropriate legislative fiscal committees by June 30, 2007, including any recommendations for improving the program. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

Water Pollution Control Revolving Account--State	\$162,839,146
Water Pollution Control Revolving Account--Federal	\$76,777,140
Subtotal Appropriation	\$239,616,286
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$912,000,000
TOTAL	\$1,151,616,286

Sec. 136. 2005 c 488 s 330 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (06-2-003)

The appropriations in this section ((~~ts~~)) are subject to the following conditions and limitations: \$12,000,000 of the appropriation is provided solely for projects and water right acquisitions to support watershed planning efforts and achieving instream flows subject to the following project types, conditions, and limitations:

- (1) Up to \$1,353,172 of the appropriation is provided to improve irrigation efficiency and to achieve associated flow improvements in the Twisp and Methow rivers by providing for cleaning and lining and/or piping of 30,943 linear feet of the irrigation canal within the lower (downstream) seven miles of the Methow Valley irrigation district's west canal. Of this amount, up to \$100,000 is provided for a neutral independent consultant to provide management assistance to the Methow Valley irrigation district for purposes of identifying structural and operational improvements to increase overall system water use efficiency.

(2) Up to \$200,000 of the appropriation is provided for a portion of the costs of the project level environmental impact statement for the Ahtanum creek watershed restoration program, including construction of the Pine Hollow reservoir, provided there is agreement among the Yakama nation, Ahtanum irrigation district, and other jurisdictional federal, state, and local agencies and entities to proceed with the environmental impact statement.

(3) Up to \$75,000 of the appropriation is provided to formalize the Ahtanum creek watershed restoration program, including identification of site specific habitat improvement projects and determination of the most appropriate restoration program alternative to implement.

(4) Up to \$1,500,000 of the appropriation is provided to reduce diversions from the Dungeness river through pipeline projects identified in the Dungeness river comprehensive irrigation district management plan. For at least one year from the effective date of this section, while the parties seek resolution of the court action filed in Thurston county superior court, No. 04-2-00078-2, none of these funds may be allocated to any projects in the Dungeness river basin that are within the area that is the zone of contribution for ground and surface water infiltration to the existing Graysmarsh wetland.

(5) \$100,000 of the appropriation is provided solely to the city of Normandy Park to implement the basin plan for the Miller/Walker and Salmon creek basins.

(6) Water storage grants for the development of plans, engineering and financing reports, acquiring lands and facilities, and other preconstruction activities associated with the development of water storage and groundwater storage and recovery projects. Proposed projects should be consistent with the recommendations of the water storage task force. The department of ecology would issue grants in consultation with the departments of agriculture and fish and wildlife.

(7) Infrastructure improvement projects and other water management actions that benefit stream flows and enhance water supply to resolve conflicts among water needs for municipal water supply, agriculture water supply, and fish restoration. The stream flow improvements and other public benefits secured from these projects should be commensurate with the investment of state funds.

(8) Projects for planning, acquisition, construction, and improvement of agriculture water supply facilities and achieving water conservation and water use efficiency improvements.

(9) Financial assistance to purchase and install water measuring devices at points of diversion and withdrawal. Preference would be given to fish-critical basins, to areas participating in the department of fish and wildlife fish screening and cooperative compliance programs, and to basins where watershed planning has determined additional water diversion and withdrawal information is needed.

(10) Funding for acquisition of either water or water rights, or both, for instream flow achievement and establishment of water accounts. The appropriation is provided for either the purchase or lease, or both, of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

(11) The department shall provide small grants to watershed councils that have completed watershed plans. The grants are intended to support periodic meetings and other monitoring activities of the councils so that they can monitor the implementation of watershed plans.

(12) \$400,000 of the water quality account--state appropriation is provided solely to support the Skagit comprehensive irrigation district management plan.

(13) \$400,000 of the state building construction account--state appropriation is provided solely for grants for watershed planning, including \$250,000 for King county, \$75,000 for planning for the Little Spokane river, and \$75,000 in enhanced funding for the Chehalis watershed council.

Appropriation:

State Building Construction Account--State	((\$12,000,000)) \$12,400,000
Water Quality Account--State	\$400,000
Subtotal Appropriation	\$12,800,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$48,000,000
TOTAL	(\$60,000,000)
	<u>\$60,800,000</u>

NEW SECTION. Sec. 137. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Motor Vehicle Mercury Removal Program (06-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is for one-time funding to implement the memorandum of agreement establishing the Washington motor vehicle mercury switch removal program. If chapter ... (Second Substitute House Bill No. 1731), Laws of 2006 is enacted by June 30, 2006, then the amount in this section shall be appropriated to the Hood Canal aquatic rehabilitation program under the interagency committee for outdoor recreation in section 155 of this act.

Appropriation:

State Toxics Control Account--State	\$1,000,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 138. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Early Spill Response Equipment Caching (06-1-003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants to local governments to secure and place hazardous material spill response equipment at critical locations around the state. Grant funds will emphasize strategic placement of equipment that will allow for quick access and deployment by state, local, or tribal responders in the event of a spill.

Appropriation:

Local Toxics Control Account--State	\$1,450,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,450,000

NEW SECTION. Sec. 139. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Local Innovative Storm Water Grants (06-2-006)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for grants to local governments in Puget Sound to fund innovative, low-impact development storm water management projects to meet critical storm water management needs and protect or restore water quality. Projects may include use of bioretention, rainwater harvest, permeable pavement, vegetated roofs, and other low-impact development techniques. Projects funded in Puget Sound must meet the design guidelines contained in the low impact development technical guidance manual for Puget Sound, unless the municipality can demonstrate that site conditions warrant a deviation from the design guidelines and the deviations in design shall provide similar performance. All projects must include performance monitoring. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

State Toxics Control Account--State	\$2,500,000
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Prior Biennia (Expenditures)	\$0
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Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION. Sec. 140. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Waste Tire Clean Up (06-1-002)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department to initiate clean up of waste tires at the highest risk sites statewide. This clean up work must include major progress at the Goldendale site in Klickitat county.

Appropriation:

Waste Tire Removal Account--State	\$4,000,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 141. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (06-4-001)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the clean up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean ups must include orphan and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first. The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

State Toxics Control Account--State	\$4,000,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 142. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxic Sites - Upland and Aquatics (06-1-005)

The appropriation in this section is subject to the following conditions and limitations: The department must report on the use of these funds to the Puget Sound water quality action team as part of its activities under the 2005-2007 Puget Sound conservation and recovery plan.

Appropriation:

State Toxics Control Account--State	\$5,000,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 143. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Columbia River Basin Water Supply Development Program (06-2-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for implementation of the Columbia river basin water supply development program in chapter 6, Laws of 2006.

Appropriation:

Columbia River Basin Water Supply
 Development Account--State \$10,000,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$10,000,000

TOTAL \$2,900,000

Sec. 144. 2005 c 488 s 340 (uncodified) is amended to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION
 Minor Works: Facility Preservation (04-1-001)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely to continue minor works projects that reduce the deferred maintenance backlog.

Reappropriation:
 State Building Construction Account--State \$147,269
 Parks Renewal and Stewardship Account--State ~~(\$2,600,000)~~
 \$679,079
 Subtotal Reappropriation ~~(\$2,747,269)~~
 \$826,348

Prior Biennia (Expenditures) \$4,990,231
 Future Biennia (Projected Costs) \$0
 TOTAL ~~(\$7,737,500)~~
 \$5,816,579

Sec. 145. 2005 c 488 s 341 (uncodified) is amended to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION
 Parkland Acquisition (04-2-013)

Reappropriation:
 Parkland Acquisition Account--State ~~(\$412,690)~~
 \$191,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL ~~(\$412,690)~~
 \$191,000

Sec. 146. 2005 c 488 s 342 (uncodified) is amended to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION
 Recreation Development (04-2-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Up to \$100,000 of the reappropriation shall be used to retain a consultant to conduct a predesign study for a headquarters building located in Thurston county. The predesign shall compare a new leased facility against options to build and evaluate appropriate funding strategies.

(2) ~~(\$900,000)~~ Up to \$700,000 of the reappropriation is provided ~~(to society)~~ to install fee collection stations at selected parks statewide. Any unused funding of this reappropriation may be expended on other recreation development projects including up to \$35,000 for the artificial reef project at Saltwater state park.

(3) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.

Reappropriation:
 State Building Construction Account--State \$700,000

Prior Biennia (Expenditures) \$2,200,000
 Future Biennia (Projected Costs) \$0

Sec. 147. 2005 c 488 s 346 (uncodified) is amended to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION
 Beacon Rock - Pierce Trust (06-1-030)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for improvements to ~~(the group camp at)~~ Beacon Rock state park.
(2) The funding has been provided solely and directly for this project.

Appropriation:
 Parks Renewal and Stewardship Account--Private/Local \$350,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$350,000

NEW SECTION. **Sec. 148.** A new section is added to 2005 c 488 (uncodified) to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION
 Sustainable Development and Restoration (06-1-011)

Appropriation:
 State Toxics Control Account--State \$500,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$500,000

Sec. 149. 2005 c 488 s 360 (uncodified) is amended to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION
 Parkland Acquisition Account (06-2-020)

The appropriation in this section is subject to the following conditions and limitations: The state parks and recreation commission shall provide lists of potential purchases and sales to the office of financial management and the legislature prior to committing the state parks and recreation commission to any sale or purchase of land or buildings and prior to any allotments made for those purchases. Included in the lists will be any potential operating or capital cost impacts known to the state parks and recreation commission.

Appropriation:
 Parkland Acquisition Account--State ~~(\$4,000,000)~~
 \$6,000,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$16,000,000
 TOTAL ~~(\$20,000,000)~~
 \$22,000,000

Sec. 150. 2005 c 488 s 365 (uncodified) is amended to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION
 Park Development (06-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 is provided solely to construct a pedestrian/emergency vehicle access bridge across Connor creek to allow for beach access.
(2) \$500,000 is provided solely to determine long-term park zoning, design park amenities and services, and provide site permit

and initial construction development at Nisqually-Mashel. The state parks and recreation commission shall provide a predesign in accordance with the office of financial management's predesign instructions.

(3) \$150,000 is provided solely for initial park development at Sequim Bay-Miller Peninsula. The state parks and recreation commission shall provide a predesign in accordance with the office of financial management's predesign instructions.

Appropriation:

State Building Construction Account--State	\$900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$900,000

NEW SECTION. Sec. 151. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Hood Canal Wastewater and Improvement Projects (06-1-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for wastewater and clean water improvement projects at the following locations:

Projects	Amount
Twanoh state park	\$100,000
Dosewallips state park	\$1,200,000
Belfair state park	\$700,000
Potlatch state park	\$1,050,000
Kitsap Memorial state park	\$500,000
Scenic Beach state park	\$900,000
Twanoh and Triton Cove state parks	\$300,000
Shine Tidelands state park	\$850,000
Pleasant Harbor state park	\$150,000
Triton Cove state park	\$170,000
Total	\$5,920,000

Appropriation:

Hood Canal Aquatic Rehabilitation Bond Account--State	\$5,920,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,920,000

NEW SECTION. Sec. 152. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Puget Sound Wastewater and Improvement Projects (06-1-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for wastewater and clean water improvement projects at the following locations:

Projects	Amount
Sequim Bay state park	\$125,000
Fort Flagler state park	\$750,000
Larabee state park	\$750,000
Fort Worden state park	\$300,000
Camano Island state park	\$300,000
Deception Pass state park	\$350,000
Possession Point	\$250,000
Illahee state park	\$1,100,000
Kopachuck state park	\$1,200,000
Penrose Point state park	\$700,000
Blake Island state park	\$250,000
Fay Bainbridge state park	\$1,300,000
Total	\$7,375,000

Appropriation:

State Building Construction Account--State	\$7,375,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,375,000

NEW SECTION. Sec. 153. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Bear Creek Corridor Land Acquisition (06-2-951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for acquisition of land near Bear creek and Pearrygin lake state park.

Appropriation:

State Building Construction Account--State	\$1,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,600,000

NEW SECTION. Sec. 154. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Deferred Maintenance - Facilities (06-1-036)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to reduce the backlog of maintenance and preservation of state park facilities.

Appropriation:

State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 155. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Hood Canal Aquatic Rehabilitation Program (06-4-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The Puget Sound action team and the local management board shall develop a list of projects, studies, and activities relating to the recovery of Hood Canal in accordance with RCW 90.88.030. The list developed shall be based upon the project's likely value in addressing and resolving Hood Canal's low dissolved oxygen concentrations.

(2) The Puget Sound action team and the local management board shall recommend to the interagency committee for outdoor recreation and the governor a prioritized list of projects to be funded under subsection (1) of this section. The governor may remove projects from the list recommended by the Puget Sound action team and the local management board and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and the amount of recommended state funding.

(3) The interagency committee for outdoor recreation shall not sign contracts or otherwise financially obligate funds from the Hood Canal aquatic rehabilitation bond account before the legislature has appropriated funds for a specific list of projects. The legislature may remove projects from the list recommended by the Puget Sound action team and the local management board.

Appropriation:

Hood Canal Aquatic Rehabilitation Bond Account--State	\$2,000,000
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Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,000,000

Sec. 156. 2005 c 488 s 368 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (FARP) (98-2-004)

Reappropriation:

Firearms Range Account--State ~~(\$31,478)~~
\$61,478

Prior Biennia (Expenditures) \$542,191
 Future Biennia (Projected Costs) \$0
 TOTAL ~~(\$573,669)~~
\$603,669

Sec. 157. 2005 c 488 s 369 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway Off-road Vehicle Program (NOVA) (98-2-002)

Reappropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State ~~(\$1,243,986)~~
\$1,322,986

Prior Biennia (Expenditures) \$9,851,937
 Future Biennia (Projected Costs) \$0
 TOTAL ~~(\$11,095,923)~~
\$11,174,923

Sec. 158. 2005 c 488 s 370 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (WWRP) (98-2-003)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State \$4,547,515
 Habitat Conservation Account--State ~~(\$1,170,894)~~
\$4,382,894
 Subtotal Reappropriation ~~(\$5,718,409)~~
\$8,930,409

Prior Biennia (Expenditures) \$71,883,173
 Future Biennia (Projected Costs) \$0
 TOTAL ~~(\$77,601,582)~~
\$80,813,582

Sec. 159. 2005 c 488 s 372 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Funding Board Programs (SRFB) (00-2-001)

Reappropriation:

General Fund--Federal ~~(\$11,227,424)~~
\$13,320,424
 Salmon Recovery Account--State ~~(\$2,366,010)~~
\$3,597,010
 Subtotal Reappropriation ~~(\$13,593,434)~~
\$16,917,434

Prior Biennia (Expenditures) \$88,031,707
 Future Biennia (Projected Costs) \$0
 TOTAL ~~(\$101,625,141)~~
\$104,949,141

Sec. 160. 2005 c 488 s 376 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (02-0-001)

Reappropriation:

Firearms Range Account--State ~~(\$44,677)~~
\$120,677

Prior Biennia (Expenditures) \$355,323
 Future Biennia (Projected Costs) \$0
 TOTAL ~~(\$400,000)~~
\$476,000

Sec. 161. 2005 c 488 s 382 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Wildlife and Recreation Program (WWRP) (02-4-003)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund projects in the following order: (1) The department of natural resources Cypress Island project; and (2) alternate projects approved by the legislature from the same account in biennia succeeding that in which the funds were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State ~~(\$2,041,864)~~
\$3,525,864
 Habitat Conservation Account--State \$6,928,926
 Subtotal Reappropriation ~~(\$8,970,790)~~
\$10,454,790

Prior Biennia (Expenditures) \$36,029,210
 Future Biennia (Projected Costs) \$0
 TOTAL ~~(\$45,000,000)~~
\$46,484,000

Sec. 162. 2005 c 488 s 385 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (BFP) (04-4-003)

Reappropriation:

Recreation Resources Account--State ~~(\$3,753,480)~~
\$4,484,480

Prior Biennia (Expenditures) \$3,753,479
 Future Biennia (Projected Costs) \$0
 TOTAL ~~(\$7,506,959)~~
\$8,237,959

Sec. 163. 2005 c 488 s 386 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (04-4-006)

Reappropriation:

Firearms Range Account--State ~~(\$144,997)~~
\$154,997

Prior Biennia (Expenditures) \$105,003
 Future Biennia (Projected Costs) \$0

TOTAL ((\$250,000))
\$260,000

Sec. 164. 2005 c 488 s 387 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Family Forest Fish Blockages Program (04-4-011)

Reappropriation:
 State Building Construction Account--State ... ((\$780,379))
\$1,191,379

Prior Biennia (Expenditures) \$1,219,621
 Future Biennia (Projected Costs) \$0
 TOTAL ((\$2,000,000))
\$2,411,000

Sec. 165. 2005 c 488 s 390 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 National Recreation Trails Program (NRTP) (04-4-008)

Reappropriation:
 General Fund--Federal ((\$1,130,000))
\$1,447,000

Prior Biennia (Expenditures) \$1,130,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((\$2,260,000))
\$2,577,000

Sec. 166. 2005 c 488 s 391 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)

Reappropriation:
 NOVA Program Account--State ((\$5,492,729))
\$5,620,729

Prior Biennia (Expenditures) \$1,433,581
 Future Biennia (Projected Costs) \$0
 TOTAL ((\$6,926,310))
\$7,054,310

Sec. 167. 2005 c 488 s 392 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Salmon Recovery Funding Board Programs (SRFB) (04-4-001)

Reappropriation:
 General Fund--Federal ((\$32,832,305))
\$35,876,305

State Building Construction Account--State ((\$11,500,000))
\$13,885,000

Subtotal Reappropriation ((\$44,332,305))
\$49,761,305

Prior Biennia (Expenditures) \$1,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((\$45,332,305))
\$50,761,305

Sec. 168. 2005 c 488 s 395 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Boating Facilities Program (BFP) (06-4-003)

Appropriation:
 Recreation Resources Account--State ((\$8,350,000))
\$7,271,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$36,597,535
 TOTAL ((\$44,947,535))
\$43,868,535

Sec. 169. 2005 c 488 s 398 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Family Forest Fish Passage Program (06-4-011)

The appropriations in this section are subject to the following conditions and limitations:
 (1) The appropriation is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 403 of this act.
 (2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

Appropriation:
 State Building Construction Account--State \$4,150,000
General Fund--Federal \$217,000
Subtotal Appropriation \$4,367,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL ((\$4,150,000))
\$4,367,000

Sec. 170. 2005 c 488 s 401 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Nonhighway and Off-Road Vehicle Program (NOVA) (06-4-004)

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the appropriation is for the following studies:

(1) The committee shall prepare cost estimates for creating a database of motorized and nonmotorized off-road trails and facilities in Washington state. The cost estimate shall consider the possibility of a database that allows the downloading of maps formatted for the most widely used GPS devices, including the feasibility and cost to make GPS maps readily available for all users of Washington recreational lands and facilities. For this purpose, available GPS maps shall include GPS maps developed by state agencies, by federal agencies, and proprietary maps offered by private companies.

(2) The committee shall recommend a program for enhanced education and enforcement regarding excessive noise from off-road vehicles. The study shall include a review of relevant existing laws and regulations. The recommendations shall address the appropriate equipment needed for enforcement, model ordinances, enhanced educational strategies, and a proposed grant program to assist local governments to more effectively reduce the impact of excessive ORV noise in rural residential neighborhoods and nonresidential areas, including consideration of grant programs for planning departments, code enforcement departments, health departments, or other entities of local government.

Appropriation:
 Nonhighway and Off-Road Vehicle Activities Program Account--State \$7,579,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$39,946,858
TOTAL	\$47,525,858

Sec. 171. 2005 c 488 s 402 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Program (NRTP) (06-4-008)

Appropriation:

General Fund--Federal	(\$2,350,000)
	<u>\$2,800,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,400,000
TOTAL	(\$11,750,000)
	<u>\$12,200,000</u>

NEW SECTION. Sec. 172. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Youth Athletic Fields (06-2-952)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for competitive grants for acquisition, development, and renovation of youth athletic fields. The committee shall follow the applicable rules of the youth athletic facilities program, except that grants for maintenance are not eligible. The committee shall accept private donations for youth athletic fields and deposit them in the youth athletic facility account. For every \$500,000 in private donations received, the committee shall match those funds with \$500,000 from the appropriation provided in this section and award grants totaling \$1,000,000 to the highest priority projects. The committee is authorized to expend up to five percent of the appropriation for administration of the program and for publicizing the program, especially to owners, players, and fans of Washington's major league professional sports teams.

Appropriation:

State Building Construction Account--State	\$2,500,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

Sec. 173. 2005 c 488 s 414 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Skokomish Anaerobic Digester (06-4-009)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a grant to the Mason conservation district for construction of an anaerobic digester in the Skokomish river watershed. Up to ~~(\$50,000)~~ \$65,000 of this amount may be spent on completing design concepts and feasibility analysis. The remaining funds shall be allotted only after the following has occurred: (1) Mason conservation district secures nonstate matching funds or in-kind contributions of at least twenty-five percent of the total project cost; (2) a feasibility study is completed and submitted to the Puget Sound action team and the state conservation commission; and (3) the Puget Sound action team and the state conservation commission approve the project proposal.

Appropriation:

State Building Construction Account--State	\$560,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$560,000

Sec. 174. 2005 c 488 s 425 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Facility, Infrastructure, Lands, and Access Condition Improvements (06-1-002)

The appropriations in this section are subject to the following limitations: \$5,000 of the appropriation in this section is provided solely for bank stabilization of the south Toledo access road.

Appropriation:

General Fund--Federal	\$650,000
State Building Construction Account--State	\$6,457,000
Subtotal Appropriation	\$7,107,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$26,600,000
TOTAL	\$33,707,000

Sec. 175. 2005 c 488 s 427 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish and Wildlife Population and Habitat Protection (06-1-003)

The appropriations in this section are subject to the following conditions and limitations:

~~((2))~~ (1) It is the intent of the legislature that expenditures from the wildlife account--state appropriation shall only be made to the extent funds are available in the account and will not result in a reduction to other programs or activities.

(2) The department of fish and wildlife, in coordination with the department of natural resources, shall seek compensation for state-owned capital structures in the Wooten wildlife area damaged in the school fire. Any compensation received by the department shall be deposited in the state wildlife account.

Appropriation:

General Fund--Federal	\$2,830,000
General Fund--Private/Local	\$3,500,000
State Building Construction Account--State	(\$500,000)
	<u>\$525,000</u>

Wildlife Account--State	\$600,000
Subtotal Appropriation	(\$7,430,000)
	<u>\$7,455,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$34,920,000
TOTAL	(\$42,350,000)
	<u>\$42,375,000</u>

NEW SECTION. Sec. 176. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Land Acquisition Pass-Thru Grants (06-4-018)

Appropriation:

Wildlife Account--Federal	\$3,300,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,300,000

NEW SECTION. Sec. 177. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Department of Natural Resources - Department of Fish and Wildlife Land Exchange - Shrub Steppe (06-2-851)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely to appraise the value of lands for exchange with the department of natural resources. Forest lands transferred to the department of natural resources under this section shall be actively managed by the

department under a cooperative agreement with surrounding public and private landowners to implement landscape scale restoration and other management objectives.

Appropriation:

State Building Construction Account--State	.....	\$500,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$500,000

NEW SECTION. Sec. 178. A new section is added to 2005 c 488 (uncodified) to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Alternative Mitigation Exchange Service (06-2-852)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for contract services with the association of Washington cities and the Washington state association of counties for the purpose of developing and demonstrating an alternative mitigation exchange service in Vancouver and Clark county. The purposes of the exchange are to improve the environmental value of permit decision-making and to accomplish permit streamlining objectives.

Appropriation:

State Building Construction Account--State	.....	\$200,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$200,000

NEW SECTION. Sec. 179. A new section is added to 2005 c 488 (uncodified) to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Estuary and Salmon Restoration in Puget Sound (06-2-001)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for nearshore estuary and shoreline projects supporting salmon recovery in Puget Sound.
- (2) Project selection and funding decisions shall be submitted for approval to the executive committee of the Puget Sound nearshore partnership between the department and the United States army corps of engineers.
- (3) Funded projects require a nonstate match or in-kind contributions. The match requirements must be approved by the executive committee identified in subsection (2) of this section.
- (4) Project selection and funding decisions must be coordinated with the salmon recovery funding board to ensure that project funding and matching requirements are maximized to the greatest extent possible.
- (5) The department shall not utilize any amount of this appropriation to support administration or overhead. Funding to support the administration of the funds and the implementation of selected projects must be obtained from the department's operating budget.
- (6) Eligible projects must be within Puget Sound and identified in a current salmon recovery plan.
- (7) All funds must be obligated to a specific project or projects no later than October 15, 2006.
- (8) The department shall submit a report to the legislature and the office of financial management by November 1, 2006. The report must describe the status of all projects authorized for funding under this appropriation, including project location, implementation timeline, performance measures, funding structure, matching funds, and expected results.

Appropriation:

State Building Construction Account--State	.....	\$2,500,000
Prior Biennia (Expenditures)	.....	\$0

Future Biennia (Projected Costs)	.....	\$5,000,000
TOTAL	.....	\$7,500,000

NEW SECTION. Sec. 180. A new section is added to 2005 c 488 (uncodified) to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Consolidate Downtown Olympia Functions (06-2-950)

The appropriation in this section is subject to the following conditions and limitations: The department shall consolidate functions and services provided at its downtown Olympia facilities with other state agencies providing those functions. The department shall vacate the downtown Olympia facilities by June 30, 2007, and transfer responsibility to dispose of the surplus property to the department of general administration. The department of general administration will work with the city of Olympia on necessary plans and permits that will allow sale of the property at the highest price. The department of general administration will submit a plan for disposal of the property to the fiscal committees of the legislature by June 30, 2007. The proceeds of the eventual disposal of the surplus property shall be deposited in the wildlife account for future use in the construction of the Deschutes watershed center.

Appropriation:

State Building Construction Account--State	.....	\$100,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$100,000

NEW SECTION. Sec. 181. A new section is added to 2005 c 488 (uncodified) to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Skookumchuck Habitat Preservation (06-2-951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the acquisition of shrub steppe lands in Kittitas county near Skookumchuck creek.

Appropriation:

State Building Construction Account--State	.....	\$800,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$800,000

NEW SECTION. Sec. 182. A new section is added to 2005 c 488 (uncodified) to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Department of Fish and Wildlife Ranch Lands Irrigation Efficiencies (06-2-952)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for irrigation efficiency projects on ranch lands owned by the department.

Appropriation:

State Building Construction Account--State	.....	\$600,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$600,000

NEW SECTION. Sec. 183. A new section is added to 2005 c 488 (uncodified) to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Deschutes Watershed Center (06-2-008)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the design of the Deschutes Watershed center.

Appropriation:

State Building Construction Account--State	\$850,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,700,000
TOTAL	\$25,550,000

Sec. 184. 2005 c 488 s 443 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Land Bank (06-2-015)

The appropriation in this section is subject to the following conditions and limitations:

(1) Prior to purchase or disposal of properties, the department shall consult with other natural resource agencies to ensure the properties marked for purchase or disposal are not eligible for trust land transfers.

(2) The department shall not acquire new commercial properties prior to the completion of the study by the state investment board of the performance of the department's commercial properties portfolio. The department shall cooperate with the state investment board and their consultants in the work required by the study.

(3) The department shall also prepare an inventory of acquisitions, sales, transfers, or exchanges of water rights within the past ten years. This inventory shall be submitted in a report to the appropriate committees of the legislature by December 1, 2006. The report shall also estimate the cost of a study to inventory all water rights that are connected to existing state lands.

Appropriation:

Resources Management Cost Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$10,462,000
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$55,462,000

Sec. 185. 2005 c 488 s 451 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Small Timber Landowner (FREP) (06-2-019)

The appropriation in this section is subject to the following conditions and limitations:

(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

(2) The department may not expend more than ~~(\$200,000)~~ \$300,000 of the appropriation for administrative or staff costs.

Appropriation:

State Building Construction Account--State	\$8,000,000
Prior Biennia (Expenditures)	\$7,750,000
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$55,750,000

NEW SECTION. Sec. 186. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Federal HCP Land Acquisition Grants (06-2-950)

Appropriation:

General Fund--Federal	\$6,720,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,720,000

Sec. 187. 2005 c 488 s 453 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Statewide Aquatic Restoration Projects (06-2-008)

The appropriations in this section are subject to the following conditions and limitations: \$2,000,000 of the state toxics control account--state appropriation is provided solely for costs related to removal of creosote logs and pilings in Puget Sound.

Appropriation:

Aquatic Lands Enhancement Account--State	\$300,000
State Toxics Control Account--State	\$2,000,000
State Building Construction Account--State	\$150,000
Subtotal Appropriation	(\$450,000)
	\$2,450,000

Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$1,200,000
TOTAL	(\$1,850,000)
	\$3,850,000

NEW SECTION. Sec. 188. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural Heritage Program (06-2-854)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the natural heritage program to conduct surveys and inventory rare plants, animals, and vegetation communities on state lands needed for long-term asset management decisions.

Appropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 189. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
Old Growth Forest Inventory (06-2-855)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely to conduct an inventory of old growth forests located on state lands east of the crest of Cascade mountains. The inventory is intended to be a continuation of the inventory conducted pursuant to section 905, chapter 277, Laws of 2004, and must be completed in two phases.

(2) In conducting the inventory required by this section, the department of natural resources shall reconvene a scientific panel with membership consistent with the structure created in section 905, chapter 277, Laws of 2004, and direct the panel to review the best available applicable scientific information. The panel shall also develop a definition for old-growth trees and stands located east of the crest of the Cascade mountains using attributes measured in department of natural resources inventory plots.

(3) The first phase of the inventory required by this section shall be completed by July 1, 2007. In the first phase, the panel shall identify reference stands for old-growth ponderosa pine, dry mixed conifer species, and pine-oak plant associations.

(4) The second phase of the inventory required by this section shall be completed by December 15, 2007. In the second phase, the department of natural resources shall use the definition provided by the scientific panel under subsection (2) of this section to produce an inventory of old growth forests located on state lands east of the crest of Cascade mountains. The inventory must include:

(a) Maps that illustrate the distribution of forest stands containing old-growth ponderosa pine, dry mixed-conifer species, and pine-oak plant associations, including sites with residual old-growth ponderosa pine trees; and

(b) Tables describing the number of acres of old-growth stands in each county, forest type, and department of natural resources' administrative unit.

(5) The department of natural resources shall report the information required by this section to the appropriate committees of the legislature.

(6) Until the completion of the inventory required by this section, the department of natural resources may not cut or remove any Douglas fir, ponderosa pine, or larch trees from state lands located east of the crest of the Cascade mountains if the tree is one hundred sixty years in age or older and has a diameter of twenty-eight inches or more when measured at breast height, unless removal of the tree is determined by the department of natural resources to be necessary to prevent an imminent physical or ecological hazard or otherwise satisfy a safety concern.

Appropriation:

Resource Management Cost Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION. Sec. 190. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Deep Water Geoduck and Sea Cucumber Population Surveys (06-2-850)

Appropriation:

State Building Construction Account--State	\$650,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$650,000

NEW SECTION. Sec. 191. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Energy Freedom Program (E3SHB No. 2939) (06-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to implement the energy freedom program created in chapter . . . (Engrossed Third Substitute House Bill No. 2939), Laws of 2006. If the bill is not enacted by June 30, 2006, the appropriation shall lapse.

(2) The department shall not expend more than \$202,000 of the appropriation on administrative costs.

Appropriation:

Energy Freedom Account--State	\$6,750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,750,000

NEW SECTION. Sec. 192. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Energy Freedom Program (06-2-851)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The appropriation is provided solely for low-interest loans to political subdivisions for renewable energy projects including the development of biofuel oilseed crushers, supporting infrastructure, and facilities. The political subdivision may negotiate an appropriate agreement with the bioenergy industry for the use of the oilseed crushers, supporting infrastructure, and facilities.

(b) For purposes of this section, political subdivision means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state.

(2) The appropriation is provided solely for the following list of projects:

Project	Recommendation
Spokane Conservation district	\$2,000,000
Port of Warden	\$2,500,000
Odessa public development authority	\$2,500,000
Port of Columbia county	\$2,500,000
Port of Sunnyside	\$750,000
Total	\$10,250,000

(3) All agreements negotiated between the political subdivision and the bioenergy industry for use of the oilseed crushers, supporting infrastructure, or facilities funded in this section must provide for at least a fifty percent match by the industry partner. The industry match may include, but is not limited to, investments in rail, buildings, refining capacity, or seed stock.

(4) All other project funds must be disbursed prior to energy freedom loans, except where required on a matching basis by other federal or state programs.

(5) The department shall disburse loans to the political subdivision on a reimbursement basis only.

(6) The department may defer loan repayment for up to twenty-four months or until the projects start to receive revenue from operations, whichever is sooner.

(7) Upon written notice to the political subdivision, the department may suspend or cancel its loans if any of the following occur:

(a) The political subdivision fails to make satisfactory and reasonable progress to complete the project, or the department concludes the political subdivision will be unable to complete the project or any portion of it; or

(b) The political subdivision or bioenergy industry partners have made misrepresentations in any information furnished to the department or the legislature in connection with the project.

(8) In the event that any portion of the loan has been paid to the political subdivision under this section at the time of breach, or failure of the political subdivision to satisfactorily perform, the department may require that the full amount of the loan, or a portion thereof, be repaid within a period specified by the department.

(9) Future loan repayments shall be deposited into the energy freedom account created in section 6, chapter . . . (Engrossed Third Substitute House Bill No. 2939), Laws of 2006.

(10) It is the intent of the legislature to provide loans for the development of a Washington state biodiesel industry based on Washington grown oilseed. The legislature is aware that in the development of this industry, the start-up process may necessitate the use of other oilseeds until Washington state growers plant sufficient crops to support this industry. The legislature also understands the realities of weather and market conditions in this process. The conversion to maximum Washington grown oilseed must be accomplished as quickly as possible. The political subdivision shall:

(a) Develop a plan for outreach to local growers and an estimate of when maximum Washington state oilseed-based production will be reached; (b) develop a goal for the political subdivision to return a portion of the biofuel to local oilseed producers; and (c) report this information to the department of agriculture by December 1, 2006. The department shall report on the implementation of this section by January 1, 2007, to the appropriate committees of the legislature.

Appropriation:

Energy Freedom Account--State	\$10,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,250,000

Sec. 193. 2005 c 488 s 601 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Common School Construction Account Deposits

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$15,000,000)~~) \$33,766,000 in fiscal year 2006 and \$15,000,000 in fiscal year 2007 of the education savings account

appropriation shall be deposited in the common school construction account.

(2) \$99,737,000 of the education construction account appropriation shall be deposited in the common school construction account.

Appropriation:

Education Savings Account--State	(\$30,000,000)
	\$48,766,000
Education Construction Account--State	\$99,737,000
Subtotal Appropriation	(\$129,737,000)
	\$148,503,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$129,737,000)
	\$148,503,000

Sec. 194. 2005 c 488 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

School Construction Assistance Program (06-4-100)

The appropriations in this section are subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) ~~(\$14,439,000)~~ (a) \$14,889,000 from this appropriation is provided solely for projects at skills centers that are included on the prioritized list of capital items and major capital project list submitted by the state board of education (~~and~~).

(b) \$150,000 from this appropriation is provided solely for a comprehensive feasibility study for the development of a skills center in Skagit county.

(c) \$400,000 from this appropriation is provided solely for comprehensive feasibility studies for the development of skills centers in the following targeted areas: Moses Lake, northeast King county, Pierce county, and Seattle. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform to state board of education rules and procedures for reimbursement of capital items. The state board of education shall develop a plan to include skills center capital requests within the state construction assistance program.

(3) \$156,155,000 of this appropriation is provided solely to increase the area cost allowance by \$12.14 per square foot for grades K-12 for fiscal year 2006, an additional \$12.27 per square foot for grades K-12 for fiscal year 2007, the student square footage allocation in fiscal year 2007 in accordance with the first step in the state board of education six-year plan, and the amount of state assistance provided for modernization and new in-lieu projects to one hundred percent of the area cost allowance.

(4) The appropriation in this section includes the amounts deposited in the common school construction account under section 601 of this act.

Appropriation:

State Building Construction Account--State . . .	\$130,200,000
Common School Construction Account--State (\$474,853,000)	
	\$511,566,000
Subtotal Appropriation	(\$605,053,000)
	\$641,766,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,832,159,000
TOTAL	(\$3,437,212,000)
	\$3,473,925,000

Sec. 195. 2005 c 488 s 606 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Environmental Learning Centers (06-2-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,950,000 from this appropriation is provided solely for capital projects at the Chewelah peak learning center. The Chewelah peak learning center shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

(2) \$400,000 of this appropriation is provided solely for capital projects at Camp Waskowitz learning center. Camp Waskowitz shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

(3) \$500,000 of the appropriation from the common school construction account is provided solely for capital projects at IslandWood education center on Bainbridge island. IslandWood shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures.

Appropriation:

State Building Construction Account--State . . .	\$2,350,000
Common School Construction Account--State . . .	\$500,000
Subtotal Appropriation	\$2,850,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$2,350,000)
	\$2,850,000

Sec. 196. 2005 c 488 s 607 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Apple Award Construction Achievement Grants (06-4-850)

The appropriation in this section is subject to the following conditions and limitations: Grants of \$25,000 are provided to public elementary schools whose students have shown the greatest combined average increase in the percentage of students meeting the fourth grade reading, mathematics, and writing standards on the Washington assessment of student learning from school year 2003-04 as compared to school year 2004-05 and school year 2004-05 as compared to school year 2005-06 (~~and 2006-07~~). \$250,000 shall be available for awards in ~~(2005-06)~~ fiscal year 2006 and \$250,000 in ~~(2006-07)~~ fiscal year 2007. The program shall be administered by the state board of education which shall determine categories for selection that provides geographic and school district size representation.

The grants shall be used for capital construction purposes as determined by the students in the schools and approved by the district's school directors. The funds may be used exclusively for capital construction projects on school property or on other public property in the community, city, or county in which the school is located.

Appropriation:

Education Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

Sec. 197. 2005 c 488 s 609 (uncodified) is amended to read as follows:

~~(FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION)~~ **FOR THE STATE BOARD OF EDUCATION**

High Performance Buildings (06-4-852)

The appropriation in this section is subject to the following conditions and limitations: Additional funding will be provided to school districts constructing public schools to recognized standards for high performance public buildings for a transition period of three years. The districts building high performance public schools will be granted funding per school project for capital-related costs associated

with the design and construction of public K-12 schools that meet or exceed comprehensive design, construction, and operating standards for high performance and sustainable school buildings. No more than \$250,000 will be allotted for each elementary school built to high performance standards, no more than \$350,000 will be allotted for each middle school built to high performance standards, and no more than \$500,000 will be allotted to each high school built to high performance standards. These levels may be modified, in a limited manner, if specific project conditions warrant and as determined by the office of the superintendent of public instruction. The state board of education and the office of the superintendent of public instruction shall not expend more than \$195,000 of the appropriation for administrative costs.

Appropriation:

State Building Construction Account--State	\$6,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,000,000
TOTAL	\$19,500,000

Sec. 198. 2005 c 488 s 610 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
State School Construction Assistance Program Administration (06-2-001)

The appropriation in this section is subject to the following conditions and limitations: \$76,000 of the common school construction account--state appropriation is provided solely to implement chapter ... (Substitute House Bill No. 3098), Laws of 2006. If the bill is not enacted by June 30, 2006, the appropriation shall lapse.

Appropriation:

Common School Construction Account--State ((\$2,279,004))	\$2,355,004
Prior Biennia (Expenditures)	\$3,969,379
Future Biennia (Projected Costs)	\$10,554,882
TOTAL	(\$16,803,265) \$16,879,265

NEW SECTION. Sec. 199. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE BOARD OF EDUCATION
School Acoustic Grants (06-2-953)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants to school districts for demonstration projects to test the effect of using sound amplification technology in classrooms to improve student learning. The school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics. Grant recipients must provide a one to one match and must provide outcome measures that show the effect on student learning five years after implementation of the technology. The state board of education shall compile the outcome data and report it to the appropriate committees of the legislature. The state board may retain a maximum of ten percent of the appropriation for administration of the grant program.

Appropriation:

Common School Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

Sec. 200. 2005 c 488 s 612 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND
Campus Preservation (06-1-003)

Appropriation:

State Building Construction Account--State	(\$700,000) \$900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,800,000
TOTAL	(\$3,500,000) \$3,700,000

Sec. 201. 2005 c 488 s 613 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF
Omnibus Minor Works - Preservation (06-1-002)

Appropriation:

State Building Construction Account--State	(\$200,000) \$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$775,000
TOTAL	(\$975,000) \$1,175,000

Sec. 202. 2005 c 488 s 632 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Guggenheim Hall Renovation (06-1-006)

The appropriations in this section (~~(is)~~) are subject to the following conditions and limitations: No money from the appropriation in this section may be expended on surge space.

Appropriation:

State Building Construction Account--State ((\$24,500,000))	\$15,211,500
Education Construction Account--State	\$9,288,500
<u>Subtotal Appropriation</u>	<u>\$24,500,000</u>
Prior Biennia (Expenditures)	\$1,812,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,312,000

NEW SECTION. Sec. 203. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Cleanup More Hall and Other Toxics/Shift Funds to Nanotechnology (06-1-950)

Appropriation:

State Toxics Control Account--State	\$4,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,500,000

NEW SECTION. Sec. 204. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
UW Tacoma Land Acquisition (06-2-852)

Appropriation:

Gardner-Evans Higher Education Construction Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

Sec. 205. 2005 c 488 s 650 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY
WSU Pullman - Biotechnology/Life Sciences 2 (04-2-085)

Reappropriation:

Washington State University Building Account--State \$10,400,000

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$10,000,000

Prior Biennia (Expenditures) \$3,250,000
Future Biennia (Projected Costs) ((\$45,000,000))
\$56,000,000
TOTAL ((\$49,650,000))
\$70,650,000

NEW SECTION. Sec. 206. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY
Martin Williamson Renovation (06-1-706)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$200,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$24,238,000
TOTAL \$24,438,000

NEW SECTION. Sec. 207. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY
Patterson Hall Remodel (06-2-002)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$200,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$26,078,000
TOTAL \$26,278,000

NEW SECTION. Sec. 208. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY
Replace Chiller (06-1-025)

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$1,880,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,880,000

Sec. 209. 2005 c 488 s 696 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE
Seminar Building Phase II - Construction (02-2-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

The Evergreen State College Capital Projects Account \$700,000

Appropriation:

Gardner-Evans Higher Education Construction Account--State \$4,250,000

Prior Biennia (Expenditures) \$42,550,000
Future Biennia (Projected Costs) \$0
TOTAL ((\$43,250,000))
\$47,500,000

Sec. 210. 2005 c 488 s 714 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY
Campus Roadway Development (04-2-073)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the reappropriation is to complete a predesign of potential south campus roadway options and general circulation issues that avoids significant impacts on adjacent neighborhoods and conforms to the city of Bellingham traffic plans.

(2) The predesign shall also investigate options to achieve higher rates of alternative modes of transportation among faculty, staff, and students, minimize surface parking, and make improvements for traffic circulation, including public transit. Safe movement of pedestrians and bicyclists shall be a priority.

(3) Allotment for predesign is contingent upon the completion of a communication and public involvement plan for this project that is consistent with the significant projects section of the Western Washington University institutional master plan and adjacent neighborhood plans adopted by the city of Bellingham, the city of Bellingham Western Washington University neighborhood plan, and the neighborhood meeting requirements contained in Bellingham municipal code 20.40.060. The communication and public involvement plan shall seek to maximize public input through coordination of the planning effort with established neighborhood advisory groups and boards recognized by the city of Bellingham.

Reappropriation:

Western Washington University Capital Projects Account--State (\$38,826)
\$36,466

Prior Biennia (Expenditures) \$290,174
Future Biennia (Projected Costs) \$0
TOTAL \$326,640

NEW SECTION. Sec. 211. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE STATE ARTS COMMISSION
State Capitol Sundial Repair (06-4-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a competitive grant for the redesign and repair of the gnomon on the capitol campus sundial. All Washington public community and technical colleges are encouraged to submit design proposals to the Washington state arts commission by December 31, 2006. Final selection shall be made by the commission.

Appropriation:

State Building Construction Account--State \$5,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$5,000

Sec. 212. 2005 c 488 s 733 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Statewide - Washington Heritage Project Grants (06-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided solely for the following list of projects:

Table with 2 columns: Project, Amount Recommended. Rows include: Whatcom museum of history and art (\$133,303), Fort Walla Walla museum (\$150,000), Northwest maritime center (\$345,000)

Gardner-Evans Higher Education Construction Account--State	\$1,634,000
.....
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,634,000

Sec. 220. 2005 c 488 s 905 (uncodified) is amended to read as follows:

(1) To ensure that minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management (~~and the office of financial management has formally approved the lists. Proposed revisions~~), the house of representatives capital budget committee, and the senate ways and means committee. All projects must meet the criteria included in subsection (2)(a) of this section. Revisions to the lists must be filed with (~~and approved by~~) the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee and include an explanation of variances from the prior list before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that shall include multiple projects valued between \$25,000 and \$1,000,000 each that are of a similar nature and can (~~generally~~) be completed within two years of the appropriation with the funding provided. These projects cannot be combined with or be a part of an overall project, that if combined over a continuous period of time, would exceed \$1,000,000. Minor works categories include (i) health, safety, and code requirements; (ii) facility preservation; (iii) infrastructure preservation; and (iv) program improvement or expansion. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(3) The (~~office of financial management~~) agency shall (~~forward~~) provide copies of these project lists and revised lists to the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has approved the allotment of the funds to be expended. The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.

(4) It is generally not intended to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

NEW SECTION. Sec. 221. A new section is added to 2005 c 488 (uncodified) to read as follows:

Executive Order No. 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions shall comply with the requirements set forth in this executive order.

Sec. 222. 2005 c 488 s 909 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(1) Department of general administration:

(a) Enter into a financing contract for up to \$12,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the fifth and final phase of the roof membrane replacement at the east plaza parking structure as well as safety improvements to the parking garage below the plaza.

(b) Enter into a financing contract for up to \$6,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the fourth phase of the office building-2 rehabilitation that will renew failing building systems, correct code deficiencies, and improve access.

(c) Enter into a financing contract for up to \$13,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the rehabilitation of the Cherberg building.

(2) Liquor control board: Enter into a financing contract for up to \$17,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an extension to the liquor control board's distribution center to meet liquor sales growth through 2018.

(3) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(c) Enter into a financing contract for up to \$4,536,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additions to the food factory and warehouses at the Airway Heights corrections center for correctional industries.

(4) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$4,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

(5) Community and technical colleges:

(a) (~~Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the North Center building.~~

~~(b))~~ Enter into a financing contract on behalf of Clark College for up to \$9,100,000 plus financing expenses and required reserves

pursuant to chapter 39.94 RCW to construct a ~~((parking structure))~~ building for a training center.

~~((b))~~ (b) Enter into a financing contract on behalf of Clover Park Technical College for up to \$14,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student center.

~~((c))~~ (c) Enter into a financing contract on behalf of Columbia Basin College for up to \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the Hawk Union building.

(d) Enter into a financing contract on behalf of Edmonds Community College for up to \$8,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bookstore and student center.

(e) Enter into a financing contract on behalf of Edmonds Community College for up to \$4,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a black box theater as a part of the Instructional Lab building.

(f) Enter into a financing contract on behalf of Green River Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.

(g) Enter into a financing contract on behalf of Olympic College for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the student center bookstore.

(h) Enter into a financing contract on behalf of Shoreline Community College for up to \$15,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student union building.

(i) Enter into a financing contract on behalf of Skagit Valley Community College for up to \$3,200,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate existing space into a new student center.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,175,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land, make site improvements, and construct a building for ~~((the energy program))~~ professional-technical instruction.

(k) Enter into a financing contract on behalf of Walla Walla Community College for up to \$640,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the health sciences building at the Clarkston center.

(l) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a math and science building.

(m) Enter into a financing contract on behalf of Pierce College/Puyallup for up to \$8,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student gym and fitness center.

(n) Enter into a financing contract on behalf of Pierce College/Ft. Steilacoom for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an addition to the college health and wellness center.

(o) Enter into a financing contract on behalf of Columbia Basin College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the Richland health sciences center.

(p) The projects in ~~((a))~~ (f), ~~((b))~~ (j), (l), (m), and (n) of this subsection are reauthorizations of projects originally authorized in the 2003-2005 biennium. If the college enters into a financing contract before the effective date of this section, then the appropriate reauthorization contained in this section is null and void.

(6) Washington State University: Enter into a financing contract for up to \$11,650,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bioproducts facility in the Tri-Cities.

(7) Western Washington University: Enter into a financing contract for up to \$2,590,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Lincoln Creek transportation center.

Sec. 223. RCW 43.---,--- (section 6, chapter ---, Laws of 2006, (E3SHB No. 2939)) is amended to read as follows:

The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for assistance for projects consistent with this chapter or otherwise authorized by the legislature. Administrative costs of the department may not exceed three percent of the total funds available for this program.

NEW SECTION. Sec. 224. A new section is added to 2005 c 488 (uncodified) to read as follows:

The legislature finds that financing costs are only one important dimension to consider when analyzing and comparing the use of conventional bonds with other capital project financing mechanisms in the development of major public facilities. Other factors to consider include total project and life-cycle costs, long-term costs of capital, scheduling, generally accepted accounting principles, transfer of risk, project management, project complexity, public works contracting procedures, and applicability of private sector strategies or practices in the development and ongoing maintenance of public facilities.

The office of financial management shall provide a report based on available information to the appropriate fiscal committees of the legislature by September 1, 2007, including:

Best practices for managing capital project costs including long-term forecasting information for facility preservation, major facility or system replacement, and new capacity to result in more effective investment decisions for major public facilities and infrastructure;

(2) Best practices in the state's capital budgeting process and public works contracting procedures;

(3) Appropriate uses of alternative capital project financing; and

(4) Management of risk and reduction of potential claims and litigation associated with state construction projects, including the enumeration of best practices for the management of project risk and conflicts, in order to minimize future expenses related to construction claims.

The office of financial management shall collaborate with staff of the appropriate fiscal committees of the legislature while collecting this information.

NEW SECTION. Sec. 225. A new section is added to 2005 c 488 (uncodified) to read as follows:

FOR THE DEPARTMENT OF VETERANS' AFFAIRS. The department shall develop a business plan for a state operated veterans' cemetery located in eastern Washington. The department shall submit the business plan to the legislature and the office of financial management by September 1, 2006. The business plan must include, but not be limited to the following:

(1) A 10-year financial plan including:

(a) Capital investment costs including a schedule for design and construction;

(b) Biennial operating costs; and

(c) Forecasted revenues including license plate sales, veterans administration plot allowances, endowments, and grants.

(2) An assessment of cemetery needs for veterans and veterans' families in eastern Washington.

(3) An evaluation of potential sites for the cemetery that would be within a reasonable distance of the majority of veterans' families. The department shall work closely with the department of natural resources to determine potential sites.

(4) An analysis of lands that are currently owned by the department that could be sold in exchange for land for a cemetery in eastern Washington.

NEW SECTION. Sec. 226. A new section is added to 2005 c 488 (uncodified) to read as follows:

Eastern Washington University is authorized to sell its Spokane center. Proceeds from the sale must be deposited into the higher education construction account. Proceeds may be used to acquire or design a facility on or adjacent to the Riverpoint higher education

campus for the university's Spokane-based program offerings. Eastern Washington University must report to the office of financial management and the appropriate fiscal committees of the legislature upon sale of the center as well as expenditure of the proceeds.

Sec. 227. RCW 43.99N.060 and 2000 c 137 s 1 are each amended to read as follows:

(1) The stadium and exhibition center account is created in the custody of the state treasurer. All receipts from the taxes imposed under RCW 82.14.0494 and distributions under RCW 67.70.240(5) shall be deposited into the account. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

(2) Until bonds are issued under RCW 43.99N.020, up to five million dollars per year beginning January 1, 1999, shall be used for the purposes of subsection (3)(b) of this section, all remaining moneys in the account shall be transferred to the public stadium authority, created under RCW 36.102.020, to be used for public stadium authority operations and development of the stadium and exhibition center.

(3) After bonds are issued under RCW 43.99N.020, all moneys in the stadium and exhibition center account shall be used exclusively for the following purposes in the following priority:

(a) On or before June 30th of each year, the office of financial management shall accumulate in the stadium and exhibition center account an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under RCW 43.99N.020;

(b) An additional reserve amount not in excess of the expected average annual principal and interest requirements of bonds issued under RCW 43.99N.020 shall be accumulated and maintained in the account, subject to withdrawal by the state treasurer at any time if necessary to meet the requirements of (a) of this subsection, and, following any withdrawal, reaccumulated from the first tax revenues and other amounts deposited in the account after meeting the requirements of (a) of this subsection; and

(c) The balance, if any, shall be transferred to the youth athletic facility account under subsection (4) of this section.

Any revenues derived from the taxes authorized by RCW 36.38.010(5) and 36.38.040 or other amounts that if used as provided under (a) and (b) of this subsection would cause the loss of any tax exemption under federal law for interest on bonds issued under RCW 43.99N.020 shall be deposited in and used exclusively for the purposes of the youth athletic facility account and shall not be used, directly or indirectly, as a source of payment of principal of or interest on bonds issued under RCW 43.99N.020, or to replace or reimburse other funds used for that purpose.

(4) Any moneys in the stadium and exhibition center account not required or permitted to be used for the purposes described in subsection (3)(a) and (b) of this section shall be deposited in the youth athletic facility account hereby created in the state treasury. Expenditures from the account may be used only for purposes of grants or loans to cities, counties, and qualified nonprofit organizations for community outdoor athletic facilities. For the 2005-2007 biennium, moneys in the account may also be used for a recreation level of service study for local and regional active recreation facilities. Only the director of the interagency committee for outdoor recreation or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The athletic facility grants or loans may be used for acquiring, developing, equipping, maintaining, and improving community outdoor athletic facilities. Funds shall be divided equally between the development of new community outdoor athletic facilities, the improvement of existing community outdoor athletic facilities, and the maintenance of existing community outdoor athletic facilities. Cities, counties, and qualified nonprofit organizations must submit proposals for grants or loans from the account. To the extent that funds are available, cities, counties, and qualified nonprofit organizations must meet eligibility criteria as established by the director of the interagency committee for outdoor

recreation. The grants and loans shall be awarded on a competitive application process and the amount of the grant or loan shall be in proportion to the population of the city or county for where the community outdoor athletic facility is located. Grants or loans awarded in any one year need not be distributed in that year. The director of the interagency committee for outdoor recreation may expend up to one and one-half percent of the moneys deposited in the account created in this subsection for administrative purposes.

NEW SECTION. Sec. 228. A new section is added to 2005 c 488 (uncodified) to read as follows:

The interagency committee for outdoor recreation shall develop recommendations for a statewide approach to a recreation level of service for local and regional active recreation facilities, including indicators with which to measure progress in achieving level of service objectives. The recommendations must be coordinated with those of the priorities of government effort. The interagency committee for outdoor recreation shall also recommend standardized definitions for types of parks and recreational facilities, and a process for periodically measuring performance indicators and reporting the results. The interagency committee for outdoor recreation may enter into a contract with an entity with expertise in parks facility planning, level of service standards, and geographic information systems. The interagency committee for outdoor recreation shall submit a report to the appropriate committees of the legislature by January 1, 2007. The report must include the following: (1) Level of service standards including individual participation measures; (2) service area analysis using geographic information system tools and techniques; and (3) recommendations to incorporate level of service reporting into grant-in-aid programs.

Sec. 229. RCW 44.28.801 and 2005 c 425 s 5 are each amended to read as follows:

(1) The joint legislative audit and review committee, in consultation with staff from the appropriate fiscal committees of the legislature and the office of financial management, shall conduct an inventory of all state public infrastructure programs and funds. The inventory shall identify: The public infrastructure state programs and funds and the purposes each serve; how the program or fund is implemented; the types of public infrastructure projects supported by the program or fund; the dollar amount of the projects funded by each program or fund; the balance of a fund, if applicable; and the geographic distribution of projects supported by a program or fund. Where applicable, the inventory shall identify overlaps or gaps in types of public infrastructure projects supported through state programs or funds. Where appropriate, the inventory shall evaluate the return on investment for economic development infrastructure programs. The inventory shall be delivered to the appropriate committees of the legislature by December ((+)) 2006. It is the intent of the legislature to use the inventory information to identify or develop a comprehensive funding structure to support the integration, consolidation, and standardization of processes, procedures, and infrastructure programs.

(2) By September ((+)) 2010, the joint legislative audit and review committee shall submit a report on the outcomes of the job development fund program to the appropriate committees of the legislature. The report shall apply the performance and evaluation criteria developed by the community economic revitalization board and the committee and shall include a project by project review detailing how the funds were used and whether the performance measures were met. The report shall also include impacts to the availability of low-interest and interest-free loans to local governments under RCW 43.155.055, 43.155.060, 43.155.065, and 43.155.068, resulting from appropriations to the job development fund. Information in the report shall include, but not be limited to:

(a) The total funds appropriated from the public works assistance account to the job development account;

(b) The ratio of loan requests submitted to the public works board as compared to actual money available for loans in the public works assistance account since July 24, 2005;

(c) The total amount that would have been available for loans from the public works assistance account had this act not taken effect;

(d) Identification of specific loan requests that would have qualified for funding under chapter 43.155 RCW had money been available in the public works assistance account;

(e) Assessment of increased costs for otherwise qualifying projects where local governments were compelled to seek alternate funding sources.

NEW SECTION. Sec. 230. A new section is added to 2005 c 488 (uncodified) to read as follows:

(1) Space used by the department of services for the blind for food services and vending machines shall be treated as common space for the purposes of rent. The rental charges will be apportioned to other tenant occupants of each individual building that has blind vendors. The department of general administration shall provide preventative maintenance on all permanently attached fixtures in these facilities.

(2) Private office buildings located in the capital area that lease space to at least one hundred state employees must contract with the department of services for the blind to provide vending facilities and/or vending machines in those facilities. If the department indicates to the building owner that a vendor is not available, or that the building does not meet the needs of the blind vendors' program, the building owner may then seek other vendors for the facility. However, all vending machines in such facilities shall be provided by the department.

(3) For purposes of this section, "capital area" includes the area within the boundaries of Olympia, Tumwater, and Lacey, Washington.

(4) Within existing funds, the department of services for the blind, in conjunction with the office of financial management and the department of community, trade, and economic development shall study the establishment of a process enabling blind vendors to enter into franchise agreement with commercial food service providers. The department of services for the blind shall report its findings and recommendations to the appropriate legislative committees by October 1, 2006.

Sec. 231. RCW 27.34.330 and 2005 c 333 s 16 and 2005 c 160 s 3 are each reenacted and amended to read as follows:

The Washington state historical society shall establish a competitive process to solicit proposals for and prioritize heritage capital projects for potential funding in the state capital budget. The society shall adopt rules governing project eligibility and evaluation criteria. Application for funding of specific projects may be made to the society by local governments, public development authorities, nonprofit corporations, tribal governments, and other entities, as determined by the society. The society, with the advice of leaders in the heritage field, including but not limited to representatives from the office of the secretary of state, the eastern Washington state historical society, and the department, shall establish and submit a prioritized list of heritage capital projects to the governor and the legislature in the society's biennial capital budget request. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed ~~((four))~~ ten million dollars. ~~((The department may provide an additional prioritized alternate project list which shall not exceed two million dollars.))~~ The prioritized list shall be developed through open and public meetings and the amount of state funding shall not exceed thirty-three percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the society shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on

state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 232. RCW 27.34.330 and 2005 c 160 s 3 are each amended to read as follows:

The Washington state historical society shall establish a competitive process to solicit proposals for and prioritize heritage capital projects for potential funding in the state capital budget. The society shall adopt rules governing project eligibility and evaluation criteria. Application for funding of specific projects may be made to the society by local governments, public development authorities, nonprofit corporations, tribal governments, and other entities, as determined by the society. The society, with the advice of leaders in the heritage field, including but not limited to representatives from the office of the secretary of state, the eastern Washington state historical society, and the ~~((state office))~~ department of archaeology and historic preservation, shall establish and submit a prioritized list of heritage capital projects to the governor and the legislature in the society's biennial capital budget request. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed ~~((four))~~ ten million dollars. ~~((The department may provide an additional prioritized alternate project list which shall not exceed two million dollars.))~~ The prioritized list shall be developed through open and public meetings and the amount of state funding shall not exceed thirty-three percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the society shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 233. RCW 43.63A.125 and 2005 c 160 s 1 are each amended to read as follows:

(1) The department shall establish a competitive process to solicit proposals for and prioritize projects that assist nonprofit organizations in acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential social services.

(2) The department shall establish a competitive process to prioritize applications for the assistance as follows:

(a) The department shall conduct a statewide solicitation of project applications from local governments, nonprofit organizations, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. At a minimum, applicants must demonstrate that the requested assistance will increase the efficiency or quality of the social services it provides to citizens. The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed twenty-five percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(b) The department shall submit a prioritized list of recommended projects to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. For the 1999-2001 biennium, the department shall conduct a solicitation and ranking process, as described in (a) of this subsection, for projects to be funded by appropriations provided for this program in the 1999-2001 capital budget. The list shall include a description of each project, the

amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed ~~((four))~~ ten million dollars. ~~((The department may provide an additional prioritized alternate project list which shall not exceed two million dollars.))~~ Except for the 1999-2001 biennium, the department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(c) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 234. RCW 43.63A.135 and 2005 c 160 s 4 are each amended to read as follows:

(1) The department of community, trade, and economic development must establish a competitive process to solicit proposals for and prioritize projects whose primary objective is to assist nonprofit youth organizations in acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential services, excluding outdoor athletic fields.

(2) The department of community, trade, and economic development must establish a competitive process to prioritize applications for the assistance as follows:

(a) The department of community, trade, and economic development must conduct a statewide solicitation of project applications from local governments, nonprofit organizations, and other entities, as determined by the department of community, trade, and economic development. The department of community, trade, and economic development must evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. Projects must have a major recreational component, and must have either an educational or social service component. At a minimum, applicants must demonstrate that the requested assistance will increase the efficiency or quality of the services it provides to youth. The evaluation and ranking process must also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section may not exceed twenty-five percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(b) The department of community, trade, and economic development must submit a prioritized list of recommended projects to the governor and the legislature in the department of community, trade, and economic development's biennial capital budget request beginning with the 2005-2007 biennium and thereafter. The list must include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list must not exceed ~~((two))~~ eight million dollars. ~~((The department of community, trade, and economic development may provide an additional prioritized alternate project list that must not exceed one million dollars.))~~ The department of community, trade, and economic development may not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(c) In contracts for grants authorized under this section the department of community, trade, and economic development must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee must repay to the state general fund the principal amount of the grant plus interest calculated at the rate of

interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 235. RCW 43.63A.750 and 2005 c 160 s 2 are each amended to read as follows:

(1) A competitive grant program to assist nonprofit organizations in acquiring, constructing, or rehabilitating performing arts, art museums, and cultural facilities is created.

(2)(a) The department shall submit a list of recommended performing arts, art museum projects, and cultural organization projects eligible for funding to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. The list, in priority order, shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed ~~((four))~~ twelve million dollars. ~~((The department may provide an additional prioritized alternate project list which shall not exceed two million dollars.))~~

(b) The department shall establish a competitive process to prioritize applications for state assistance as follows:

(i) The department shall conduct a statewide solicitation of project applications from nonprofit organizations, local governments, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee, including a representative from the state arts commission, using objective criteria. The evaluation and ranking process shall also consider local community support for projects and an examination of existing assets that applicants may apply to projects.

(ii) The department may establish the amount of state grant assistance for individual project applications but the amount shall not exceed twenty percent of the estimated total capital cost or actual cost of a project, whichever is less. The remaining portions of the project capital cost shall be a match from nonstate sources. The nonstate match may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department is authorized to set matching requirements for individual projects. State assistance may be used to fund separate definable phases of a project if the project demonstrates adequate progress and has secured the necessary match funding.

(iii) The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the department shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 236. RCW 43.185.050 and 2005 c 219 s 1 and 2005 c 518 s 1801 are each reenacted and amended to read as follows:

(1) The department shall use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle shall be for the benefit of projects located in rural areas of the state as defined by the department. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

- (a) New construction, rehabilitation, or acquisition of low and very low-income housing units;
- (b) Rent subsidies;

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless, including emergency shelters and overnight youth shelters;

(g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;

(h) Mortgage insurance guarantee or payments for eligible projects;

(i) Down payment or closing cost assistance for eligible first-time home buyers;

(j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing; ~~(and)~~

(k) Projects making housing more accessible to families with members who have disabilities; and

(1) During the 2005-2007 fiscal biennium, a manufactured/mobile home landlord-tenant ombudsman conflict resolution and park registration program.

(3) During the 2005-2007 fiscal biennium, revenues generated under RCW 36.22.178 may be used for the development of affordable housing projects and other activities funded in section 108 of this act.

(4) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2)(a), (i), and (j) of this section, and not for the administrative costs of the department.

~~((4))~~ (5) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program except for activities authorized under subsection (2)(b) and (c) of this section.

~~((5))~~ (6) Administrative costs of the department shall not exceed five percent of the annual funds available for the housing assistance program (except in fiscal year 2005 when administrative costs shall not exceed five percent).

Sec. 237. 2005 c 488 s 927 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Local Toxics Control Account: For transfer to the state toxics control account	\$13,900,000
<u>State Drought Preparedness Account: For transfer to the charitable, education, penal and reformatory institutions account</u>	<u>\$870,000</u>
<u>Washington Housing Trust Account: For transfer to the homeless families services account</u>	<u>\$4,000,000</u>

NEW SECTION. Sec. 238. (1) Section 229 of this act expires June 30, 2011.

(2) Section 231 of this act expires June 30, 2007.

NEW SECTION. Sec. 239. Section 232 of this act takes effect June 30, 2007.

NEW SECTION. Sec. 240. Part headings in this act are not any part of the law.

NEW SECTION. Sec. 241. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 242. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 2 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 43.99N.060, 44.28.801, 27.34.330, 43.63A.125, 43.63A.135, and 43.63A.750; amending RCW 43.--- (section 8, chapter ---, Laws of 2006, (E3SHB No. 2939)); amending 2005 c 488 ss 109, 112, 125, 131, 138, 142, 152, 156, 161, 162, 201, 206, 238, 252, 255, 264, 287, 323, 324, 325, 327, 329, 330, 340, 341, 342, 346, 360, 365, 368, 369, 370, 372, 376, 382, 385, 386, 387, 390, 391, 392, 395, 398, 401, 402, 414, 425, 427, 443, 451, 453, 601, 605, 606, 607, 609, 610, 612, 613, 632, 650, 696, 714, 733, 777, 795, 905, 909, and 927 (uncodified); reenacting and amending RCW 27.34.330 and 43.185.050; adding new sections to 2005 c 488 (uncodified); creating new sections; providing an effective date; providing expiration dates; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Senator Fraser	Representative Dunshee
Senator Prentice	Representative Ormsby
Senator Brandland	Representative Jarrett

ADOPTION OF REPORT OF CONFERENCE COMMITTEE

There being no objection, the House adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6384 and advanced the bill to Final Passage.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6384, as recommended by the Conference Committee.

Representatives Dunshee, Jarrett, Ormsby and Hankins spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6384, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Dunn, Roach, Shabro and Sump - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6384, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE SENATE BILL NO. 6384, as recommended by the Conference Committee.

GLENN ANDERSON, 5th District

POINT OF PERSONAL PRIVILEGE

Representative Springer: "Thank you, Mr. Speaker. I would like to invite the staff of the Capital Budget Committee to join us on the floor so that the body can show their appreciation for a staff that put together a fabulous document."

POINT OF PERSONAL PRIVILEGE

Representative Ormsby: "Thank you, Mr. Speaker. You will notice that we have a small Capital Budget staff. You will also notice that they are all women. What other explanation could there be for how so few have done so much? I can't tell you what a privilege it was to work with these fine ladies throughout the course of developing this budget. I can tell you, Mr. Speaker, that I've joked with Leadership and Office of Program Research that they have a gene marker for identifying extremely intelligent, very gifted, hard working, tireless and diplomatic staff dealing with the members and all of our demands. I also thought that they had developed a gene marker for poker faces but because of the personalities on the Capital Budget committee even that was a challenge for these fine ladies. I would just say that without their hard work and dedication, the citizens of the State would not be realizing all the benefits that they will because of this 2-year supplemental version of the capital budget. Thank you very much."

The Speaker called upon Representative Lovick to preside.

MESSAGES FROM THE SENATE

March 8, 2006

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1439,
 SUBSTITUTE HOUSE BILL NO. 1841,
 SUBSTITUTE HOUSE BILL NO. 2155,
 SUBSTITUTE HOUSE BILL NO. 2345,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2418,
 HOUSE BILL NO. 2465,
 HOUSE BILL NO. 2466,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475,
 SUBSTITUTE HOUSE BILL NO. 2481,
 SUBSTITUTE HOUSE BILL NO. 2553,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2575,
 SUBSTITUTE HOUSE BILL NO. 2678,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2680,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2685,
 SECOND SUBSTITUTE HOUSE BILL NO. 2754,
 SUBSTITUTE HOUSE BILL NO. 2812,
 SUBSTITUTE HOUSE BILL NO. 2836,
 HOUSE BILL NO. 2879,
 SUBSTITUTE HOUSE BILL NO. 2933,
 SUBSTITUTE HOUSE BILL NO. 3033,
 SUBSTITUTE HOUSE BILL NO. 3164,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3222,
 SUBSTITUTE HOUSE BILL NO. 3282,
 HOUSE JOINT RESOLUTION NO. 4223,

as the same are herewith transmitted.

Thomas Hoemann, Secretary

March 8, 2006

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2716, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 8, 2006

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5305,
 ENGROSSED SENATE BILL NO. 5330,
 SUBSTITUTE SENATE BILL NO. 6325,
 SUBSTITUTE SENATE BILL NO. 6330,
 SUBSTITUTE SENATE BILL NO. 6362,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 7, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6230, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

POINT OF PERSONAL PRIVILEGE

Representative Morris: "Thank you, Mr. Speaker. I want to take a second and recognize some folks that are with us every day when we are on the floor and even when we are in committees and those are the people that help get us ready with a hearty breakfast in the morning and a great lunch and sometimes a good dinner on a moments notice when we don't know that we are going to be here working past 5 or 6 o'clock. I want to a moment and recognize the great folks downstairs: Gail Crow, Peggy Palm, Twila Asselstine, Melissa Monje and Bonnie Lettau. I want to recognize them because they've been just a great crew downstairs. We have a cooperative kitchen that they help select the foods and variety of menu choices because of the diets – we are trying to keep these session pounds off. I want to single out Marcel Dumont who is retiring this year from the kitchen. The members came together to do something significant for Marcel because he has been with us every morning at 5:00 a.m. since 1998 when he took over the chief chores downstairs. He's retiring. Mr. Speaker, if I can show this on the floor. We have had a small plaque made that reads Marcel's Kitchen 1998-2006 which will be posted on the kitchen entrance so we can remember Marcel and the great meals he has given us over the years and to thank and recognize him for the wonderful companionship he has given us as well. We have all heard his stories from being a longtime military person and we want to recognize that accomplishment. We are going to leave him with the historical capital granite as well. So I ask the members to acknowledge the kitchen staff and Marcel."

POINT OF PERSONAL PRIVILEGE

Representative Skinner: "Mr. Speaker, thank you. I wanted to also thank Marcel and the kitchen crew. They have been wonderful, not only early in the mornings but also when we have had late evenings where they have provided special

snacks and hors d'oeuvres. If you will recall there once were little plates of parsley next to the fruit. Also the baked goods - the full jars of cookies and the cakes and the wonderful nutty buddies. We will miss Marcel but I know he is going to enjoy fishing which is his favorite thing in life. I just want to say thank you."

MESSAGE FROM THE SENATE

March 3, 2006

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 3310, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.20 RCW to read as follows:

Any disability insurance contract that provides coverage for a subscriber's dependent must offer the option of covering his or her unmarried dependent: (1) Under the age of twenty-five; or (2) under the age of thirty and a veteran, as defined in RCW 41.04.007, regardless of whether the dependent is enrolled in an educational institution.

NEW SECTION. Sec. 2. A new section is added to chapter 48.21 RCW to read as follows:

Any group disability insurance contract or blanket disability insurance contract, except those entered into under RCW 41.05.075, that provides coverage for a participating member's dependent must offer each participating member the option of covering his or her unmarried dependent: (1) Under the age of twenty-five; or (2) under the age of thirty and a veteran, as defined in RCW 41.04.007, regardless of whether the dependent is enrolled in an educational institution.

NEW SECTION. Sec. 3. A new section is added to chapter 48.44 RCW to read as follows:

(1) Any individual health care service plan contract that provides coverage for a subscriber's dependent must offer the option of covering his or her unmarried dependent: (a) Under the age of twenty-five; or (b) under the age of thirty and a veteran, as defined in RCW 41.04.007, regardless of whether the dependent is enrolled in an educational institution.

(2) Any group health care service plan contract, except those entered into under RCW 41.05.075, that provides coverage for a participating member's dependent must offer each participating member the option of covering his or her unmarried dependent: (a) Under the age of twenty-five; or (b) under the age of thirty and a veteran, as defined in RCW 41.04.007, regardless of whether the dependent is enrolled in an educational institution.

NEW SECTION. Sec. 4. A new section is added to chapter 48.46 RCW to read as follows:

(1) Any individual health maintenance agreement that provides coverage for a subscriber's dependent must offer the option of covering his or her unmarried dependent: (a) Under the age of twenty-five; or (b) under the age of thirty and a veteran, as defined in RCW 41.04.007, regardless of whether the dependent is enrolled in an educational institution.

(2) Any group health maintenance agreement, except those entered into under RCW 41.05.075, that provides coverage for a participating member's dependent must offer each participating member the option of covering his or her unmarried dependent: (a) Under the age of twenty-five; or (b) under the age of thirty and a veteran, as defined in RCW 41.04.007, regardless of whether the dependent is enrolled in an educational institution.

NEW SECTION. Sec. 5. By December 1, 2006, the insurance commissioner, shall provide a report to the legislature to include:

(1) A listing of all coverage, service, administrative, and provider requirements of all health carriers doing business in the state of Washington. The requirements for both individual and group markets should be listed. Requirements should include both statutory and regulatory requirements. The report shall include an assessment of the cost of each listed requirement and the impact that covering the requirement has on the utilization of other health services, expressed as a net premium cost or savings per member per month;

(2) A listing of all statutory and regulatory requirements of all health carriers doing business in Washington that prohibit discrimination between health care provider groups who deliver services that are included in a health benefit plan. The report shall include an assessment of the cost of each listed requirement and the impact that covering the requirement has on the utilization of other health services, expressed as a net premium cost or savings per member per month;

(3) A listing of those coverage, service, administrative, and provider requirements in the individual and group market that are not requirements in at least twenty-six other states;

(4) An assessment of whether market demand has already resulted in inclusion of a majority of these mandates or requirements in a significant number of health benefit plans in states that do not have the same requirements; and

(5) A listing of all health carriers doing business in the small group market in Washington state and the number of plans available compared to the number of carriers and plans available in other states.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act take effect January 1, 2007."

On page 1, line 1 of the title, after "requirements;" strike the remainder of the title and insert "adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

POINT OF ORDER

Representative Bailey requested a scope and object ruling on the Senate amendment to Engrossed House Bill No. 3310.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): "Engrossed House Bill No. 3310 is entitled an act relating to "health care coverage statutory requirements." The title of the bill is broad, but its purpose is narrow. As passed by the House, the bill's sole requirement is for the Office of Insurance Commissioner to contract for an analysis of existing health care coverage statutory requirements.

The Senate amendment makes changes to the scope of the study, but also adds a requirement that health plans provide coverage for dependents under specified circumstances.

The provision requiring dependent coverage is unrelated to the bill's purpose of requiring a study and is therefore outside the scope and object of the House bill.

Representative Bailey, your point of order is well taken."

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 3310 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 6, 2006

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6366 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 6366 was returned to second reading for purpose of amendment.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6366, By Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Thibaudeau and Kline)

Concerning preparation and response to pandemic influenza.

Representative Schual-Berke moved the adoption of amendment (1192):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Pandemic influenza is a global outbreak of disease that occurs when a new virus appears in the human population, causes serious illness, and then spreads easily from person to person.

(2) Historically, pandemic influenza has occurred on average every thirty years. Most recently, the Asian flu in 1957-58 and the Hong Kong flu in 1968-69 killed seventy thousand and thirty-four thousand, respectively, in the United States.

(3) Another influenza pandemic could emerge with little warning, affecting a large number of people. Estimates are that another pandemic influenza would cause more than two hundred thousand deaths in our country, with as many as five thousand in Washington. Our state could also expect ten thousand to twenty-four thousand people needing hospital stays, and as many as a million people requiring outpatient visits. During a severe pandemic these numbers could be much higher. The economic losses could also be substantial.

(4) The current Avian or bird flu that is spreading around the world has the potential to start a pandemic. There is yet no proven vaccine, and antiviral medication supplies are limited and of unknown effectiveness against a human version of the virus, leaving traditional public health measures as the only means to slow the spread of the disease. Given the global nature of a pandemic, as much as possible, the state must be able to respond assuming only limited outside resources and assistance will be available.

(5) An effective response to pandemic influenza in Washington must focus at the local level and will depend on preestablished partnerships and collaborative planning on a range of best-case and worst-case scenarios. It will require flexibility and real-time decision making, guided by accurate information. It will also depend on a well-informed public that understands the dangers of pandemic influenza and the steps necessary to prevent the spread of the disease.

(6) Avian flu is but one example of an infectious disease that, were an outbreak to occur, could pose a significant statewide health hazard. As such, preparation for pandemic flu will also enhance the capacity of local public health jurisdictions to respond to other emergencies.

It is therefore the intent of the legislature that adequate pandemic flu preparedness and response plans be developed and implemented by local public health jurisdictions statewide in order to limit the number of illnesses and deaths, preserve the continuity of essential government and other community services, and minimize social disruption and economic loss in the event of an influenza pandemic.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Local health jurisdiction" means a local health department as established under chapter 70.05 RCW, a combined city-county health department as established under chapter 70.08 RCW, or a health district established under chapter 70.05 or 70.46 RCW.

(3) "Secretary" means the secretary of the department of health.

NEW SECTION. Sec. 3. (1) The secretary shall establish requirements and performance standards, consistent with any requirements or standards established by the United States department of health and human services, regarding the development and implementation of local pandemic flu preparedness and response plans.

(2) To the extent state or federal funds are provided for this purpose, by November 1, 2006, each local health jurisdiction shall develop a pandemic flu preparedness and response plan, consistent with requirements and performance standards established in subsection (1) of this section, for the purpose of:

(a) Defining preparedness activities that should be undertaken before a pandemic occurs that will enhance the effectiveness of response measures;

(b) Describing the response, coordination, and decision-making structure that will incorporate the local health jurisdiction, the local health care system, other local response agencies, and state and federal agencies during the pandemic;

(c) Defining the roles and responsibilities for the local health jurisdiction, local health care partners, and local response agencies during all phases of a pandemic;

(d) Describing public health interventions in a pandemic response and the timing of such interventions;

(e) Serving as a guide for local health care system partners, response agencies, and businesses in the development of pandemic influenza response plans; and

(f) Providing technical support and information on which preparedness and response actions are based.

Each plan shall be developed based on an assessment by the local health jurisdiction of its current capacity to respond to pandemic flu and otherwise meet department outcome measures related to infectious disease outbreaks of statewide significance.

NEW SECTION. Sec. 4. (1) Each local health jurisdiction shall develop its pandemic flu preparedness and response plan based on the requirements and performance standards established under section 3(1) of this act and an assessment of the jurisdiction's current capacity to respond to pandemic flu. The plan shall be developed in consultation with appropriate public and private sector partners, including departments of emergency management, law enforcement, school districts, hospitals and medical professionals, tribal governments, and business organizations. At a minimum, each plan shall address:

(a) Strategies to educate the public about the consequences of influenza pandemic and what each person can do to prepare, including the adoption of universal infectious disease prevention practices and maintaining appropriate emergency supplies;

(b) Jurisdiction-wide disease surveillance programs, coordinated with state and federal efforts, to detect pandemic influenza strains in humans and animals, including health care provider compliance with reportable conditions requirements, and investigation and analysis of reported illness or outbreaks;

(c) Communication systems, including the availability of and access to specialized communications equipment by health officials and community leaders, and the use of mass media outlets;

(d) Mass vaccination plans and protocols to rapidly administer vaccine and monitor vaccine effectiveness and safety;

(e) Guidelines for the utilization of antiviral medications for the treatment and prevention of influenza;

(f) Implementation of nonmedical measures to decrease the spread of the disease as guided by the epidemiology of the pandemic, including increasing adherence to public health advisories, voluntary social isolation during outbreaks, and health officer orders related to quarantines;

(g) Medical system mobilization, including improving the linkages and coordination of emergency responses across health care organizations, and assuring the availability of adequate facilities and trained personnel;

(h) Strategies for maintaining social order and essential community services while limiting the spread of disease throughout the duration of the pandemic; and

(i) The jurisdiction's relative priorities related to implementation of the above activities, based on available funding.

(2) To the extent state or federal funds are provided for this purpose, the department, in consultation with the state director of emergency management, shall provide technical assistance and disburse funds as needed, based on the formula developed under sections 6 of this act, to support local health jurisdictions in developing their pandemic flu preparedness and response plans.

NEW SECTION. Sec. 5. Local health jurisdictions shall submit their pandemic flu preparedness and response plans to the secretary by November 1, 2006. Upon receipt of a plan, the secretary shall approve or reject the plan. When the plan is determined by the department to comply with the requirements and integrate the performance standards established under section 3(1) of this act, any additional state or federal funding appropriated in the budget shall be provided to the local health jurisdiction to support the preparedness response activities identified in the plan, based upon a formula developed by the secretary under section 6 of this act. Preparedness and response activities include but not limited to:

(1) Education, information, and outreach, in multiple languages, to increase community preparedness and reduce the spread of the disease should it occur;

(2) Development of materials and systems to be used in the event of a pandemic to keep the public informed about the influenza, the course of the pandemic, and response activities;

(3) Development of the legal documents necessary to facilitate and support the necessary government response;

(4) Training and response drills for local health jurisdiction staff, law enforcement, health care providers, and others with responsibilities identified in the plan;

(5) Enhancement of the communicable disease surveillance system; and

(6) Development of coordination and communication systems among responding agencies.

Where appropriate, these activities shall be coordinated and funded on a regional or statewide basis. The secretary, in consultation with the state director of emergency management, shall provide implementation support and assistance to a local health jurisdiction when the secretary or the local health jurisdiction has concerns regarding a jurisdiction's progress toward implementing its plan.

NEW SECTION. Sec. 6. The secretary shall develop a formula for distribution of any federal and state funds appropriated in the omnibus appropriations act on or before July 1, 2006, to local health jurisdictions for development and implementation of their pandemic flu preparedness and response plans. The formula developed by the secretary shall ensure that each local health jurisdiction receives a minimum amount of funds for plan development and that any additional funds for plan development be distributed equitably, including consideration of population and factors that increase susceptibility to an outbreak, upon soliciting the advice of the local health jurisdictions.

NEW SECTION. Sec. 7. The secretary shall:

(1) Develop a process for assessing the compliance of each local health jurisdiction with the requirements and performance standards developed under section 3(1) of this act at least biannually.

(2) By November 15, 2008, report to the legislature on the level of compliance with the performance standards established under section 3(1) of this act. The report shall consider the extent to which local health jurisdictions comply with each performance standard and any impediments to meeting the expected level of performance.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW."

Representatives Schual-Berke and Curtis spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Schual-Berke and Curtis spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6366, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6366, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6366, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010, and under suspension of the rules returned the bills to second reading for purpose of amendment. The Senate further adopted the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to encourage the development of new safe, clean, and reliable energy resources to meet demand in Washington for affordable and reliable electricity. To achieve this end, the legislature finds it essential that electric utilities in Washington develop comprehensive resource plans that explain the mix of generation and demand-side resources they plan to use to meet their customers' electricity needs in both the short term and the long term. The legislature intends that information obtained from integrated resource planning under this chapter will be

used to assist in identifying and developing new energy generation, conservation and efficiency resources, and related infrastructure to meet the state's electricity needs.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Conservation and efficiency resources" means any reduction in electric power consumption that results from increases in the efficiency of energy use, production, transmission, or distribution.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Department" means the department of community, trade, and economic development.

(5) "Electric utility" means a consumer-owned or investor-owned utility.

(6) "Full requirements customer" means an electric utility that relies on the Bonneville power administration for all power needed to supply its total load requirement other than that served by nondispatchable generating resources totaling no more than six megawatts or renewable resources.

(7) "Governing body" means the elected board of directors, city council, commissioners, or board of any consumer-owned utility.

(8) "High efficiency cogeneration" means the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility has a useful thermal energy output of no less than thirty-three percent of the total energy output.

(9) "Integrated resource plan" means an analysis describing the mix of generating resources and conservation and efficiency resources that will meet current and projected needs at the lowest reasonable cost to the utility and its ratepayers and that complies with the requirements specified in section 3(1) of this act.

(10) "Investor-owned utility" means a corporation owned by investors that meets the definition in RCW 80.04.010 and is engaged in distributing electricity to more than one retail electric customer in the state.

(11) "Lowest reasonable cost" means the lowest cost mix of generating resources and conservation and efficiency resources determined through a detailed and consistent analysis of a wide range of commercially available resources. At a minimum, this analysis must consider resource cost, market-volatility risks, demand-side resource uncertainties, resource dispatchability, resource effect on system operation, the risks imposed on the utility and its ratepayers, public policies regarding resource preference adopted by Washington state or the federal government, and the cost of risks associated with environmental effects including emissions of carbon dioxide.

(12) "Plan" means either an "integrated resource plan" or a "resource plan."

(13) "Renewable resources" means electricity generation facilities fueled by: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) biomass energy utilizing animal waste, solid organic fuels from wood, forest, or field residues or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (g) byproducts of pulping or wood manufacturing processes, including but not limited to bark, wood chips, sawdust, and lignin in spent pulping liquors; (h) ocean thermal, wave, or tidal power; or (i) gas from sewage treatment facilities.

(14) "Resource plan" means an assessment that estimates electricity loads and resources over a defined period of time and complies with the requirements in section 3(2) of this act.

NEW SECTION. Sec. 3. Each electric utility must develop a plan consistent with this section.

(1) Utilities with more than twenty-five thousand customers that are not full requirements customers shall develop or update an integrated resource plan by September 1, 2008. At a minimum, progress reports reflecting changing conditions and the progress of the integrated resource plan must be produced every two years thereafter. An updated integrated resource plan must be developed at least every four years subsequent to the 2008 integrated resource plan. The integrated resource plan, at a minimum, must include:

(a) A range of forecasts, for at least the next ten years, of projected customer demand which takes into account econometric data and customer usage;

(b) An assessment of commercially available conservation and efficiency resources. Such assessment may include, as appropriate, high efficiency cogeneration, demand response and load management programs, and currently employed and new policies and programs needed to obtain the conservation and efficiency resources;

(c) An assessment of commercially available, utility scale renewable and nonrenewable generating technologies;

(d) A comparative evaluation of renewable and nonrenewable generating resources, including transmission and distribution delivery costs, and conservation and efficiency resources using "lowest reasonable cost" as a criterion;

(e) The integration of the demand forecasts and resource evaluations into a long-range assessment describing the mix of supply side generating resources and conservation and efficiency resources that will meet current and projected needs at the lowest reasonable cost and risk to the utility and its ratepayers; and

(f) A short-term plan identifying the specific actions to be taken by the utility consistent with the long-range integrated resource plan.

(2) All other utilities may elect to develop a full integrated resource plan as set forth in subsection (1) of this section or, at a minimum, shall develop a resource plan that:

(a) Estimates loads for the next five and ten years;

(b) Enumerates the resources that will be maintained and/or acquired to serve those loads; and

(c) Explains why the resources in (b) of this subsection were chosen and, if the resources chosen are not renewable resources or conservation and efficiency resources, why such a decision was made.

(3) An electric utility that is required to develop a resource plan under this section must complete its initial plan by September 1, 2008.

(4) Resource plans developed under this section must be updated on a regular basis, at a minimum on intervals of two years.

(5) Plans shall not be a basis to bring legal action against electric utilities.

(6) Each electric utility shall publish its final plan either as part of an annual report or as a separate document available to the public. The report may be in an electronic form.

NEW SECTION. Sec. 4. (1) Investor-owned utilities shall submit integrated resource plans to the commission. The commission shall establish by rule the requirements for preparation and submission of integrated resource plans.

(2) The commission may adopt additional rules as necessary to clarify the requirements of section 3 of this act as they apply to investor-owned utilities.

NEW SECTION. Sec. 5. (1) The governing body of a consumer-owned utility that develops a plan under this chapter shall encourage participation of its consumers in development of the plans and progress reports and approve the plans and progress reports after it has provided public notice and hearing.

(2) Each consumer-owned utility shall transmit a copy of its plan to the department by September 1, 2008, and transmit subsequent progress reports or plans to the department at least every two years thereafter. The department shall develop, in consultation with utilities, a common cover sheet that summarizes the essential data in their plans or progress reports.

(3) Consumer-owned utilities may develop plans of a similar type jointly with other consumer-owned utilities. Data and

assessments included in joint reports must be identifiable to each individual utility.

(4) To minimize duplication of effort and maximize efficient use of utility resources, in developing their plans under section 3 of this act, consumer-owned utilities are encouraged to use resource planning concepts, techniques, and information provided to and by organizations such as the United States department of energy, the Northwest planning and conservation council, Pacific Northwest utility conference committee, and other state, regional, national, and international entities, and, for the 2008 plan, as appropriate, are encouraged to use and be consistent with relevant determinations required under Title XII - Electricity; Subtitle E, Sections 1251 - 1254 of the federal energy policy act of 2005.

NEW SECTION. Sec. 6. The department shall review the plans of consumer-owned utilities and investor-owned utilities, and data available from other state, regional, and national sources, and prepare an electronic report to the legislature aggregating the data and assessing the overall adequacy of Washington's electricity supply. The report shall include a statewide summary of utility load forecasts, load/resource balance, and utility plans for the development of thermal generation, renewable resources, and conservation and efficiency resources. The commission shall provide the department with data summarizing the plans of investor-owned utilities for use in the department's statewide summary. The department may submit its report within the biennial report required under RCW 43.21F.045.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 19 RCW."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "electric utility planning; and adding a new chapter to Title 19 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Morris and Crouse spoke in favor of the passage of the bill as amended by the Senate.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1010, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1010, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald,

McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate receded from its amendment to HOUSE BILL NO. 2409, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the bill as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.44.130 and 2003 c 215 s 1 and 2003 c 53 s 68 are each reenacted and amended to read as follows:

(1) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile: (a) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution; (b) who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or (c) whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW ((4.24.500)) 4.24.550 upon the public safety department of any public or private institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) complete residential address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody

but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within (~~thirty~~) three business days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a

violation of this section and is punishable as provided in subsection (10) of this section.

(vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send signed written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send signed written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send signed written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide signed written notice to the sheriff of the county where he or she last registered within forty-eight

hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

- (a) "Sex offense" means:
- (i) Any offense defined as a sex offense by RCW 9.94A.030;
 - (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);
 - (iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);
 - (iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (9)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (9)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation

whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(10)(a) A person who knowingly fails to ~~((register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by))~~ comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11)(a) A person who knowingly fails to ~~((register or who moves within the state without notifying the county sheriff as required by))~~ comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

Sec. 2. RCW 9A.44.130 and 2005 c 380 s 1 are each amended to read as follows:

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person.

(b) Any adult or juvenile who is required to register under (a) of this subsection:

(i) Who is attending, or planning to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW shall, within ten days of enrolling or prior to arriving at the school to attend classes, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the school, and the sheriff shall promptly notify the principal of the school;

(ii) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution;

(iii) Who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or

(iv) Whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution.

(c) Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, or a public or private school regulated under Title 28A RCW or chapter 72.40 RCW on September 1, 2006, must notify the county sheriff immediately.

(d) The sheriff shall notify the school's principal or institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(e)(i) A principal receiving notice under this subsection must disclose the information received from the sheriff under (b) of this subsection as follows:

(A) If the student who is required to register as a sex offender is classified as a risk level II or III, the principal shall provide the information received to every teacher of any student required to register under (a) of this subsection and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record;

(B) If the student who is required to register as a sex offender is classified as a risk level I, the principal shall provide the information received only to personnel who, in the judgment of the principal, for security purposes should be aware of the student's record.

(ii) Any information received by a principal or school personnel under this subsection is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(2) This section may not be construed to confer any powers pursuant to RCW ~~((4.24.500))~~ 4.24.550 upon the public safety department of any public or private school or institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) complete residential address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release.

Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within ~~((thirty))~~ three business days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28,

1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

(vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE. Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to

register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send signed written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send signed written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send signed written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide signed written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to

register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (9)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (9)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(10)(a) A person who knowingly fails to (~~register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by~~) comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11)(a) A person who knowingly fails to (~~register or who moves within the state without notifying the county sheriff as required by~~) comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(12) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section.

Sec. 3. 2006 c ... (SSB 6775) s 1 (uncodified) is amended to read as follows:

It is the intent of the legislature to give public and private entities that provide services to children the tools necessary to prevent convicted child sex offenders from contacting children when those children are within the legal (~~(boundaries)~~) premises of the covered public and private entities.

Sec. 4. RCW 9A.44.--- and 2006 c ... (SSB 6775) s 2 are each amended to read as follows:

As used in this section and RCW 9A.44.--- and 9A.44.--- (sections 3 and 4, chapter ... (SSB 6775), Laws of 2006):

(1) "Covered entity" means any public facility or private facility whose primary purpose, at any time, is to provide for the education, care, or recreation of a child or children, including but not limited to community and recreational centers, playgrounds, schools, swimming pools, and state or municipal parks.

(2) "Child" means a person under the age of eighteen, unless the context clearly indicates that the term is otherwise defined in statute.

(3) "Public facility" means a facility operated by a unit of local or state government, or by a nonprofit organization.

(4) "Schools" means public and private schools, but does not include home-based instruction as defined in RCW 28A.225.010.

(5) "Covered offender" means a person required to register under RCW 9A.44.130 who is eighteen years of age or older, who is not under the jurisdiction of the juvenile rehabilitation authority or currently serving a special sex offender disposition alternative, whose risk level classification has been assessed at a risk level II or a risk level III pursuant to RCW 72.09.345, and who, at any time, has been convicted of one or more of the following offenses:

(a) Rape of a child in the first, second, and third degree; child molestation in the first, second, and third degree; indecent liberties against a child under age fifteen; sexual misconduct with a minor in the first and second degree; incest in the first and second degree; luring with sexual motivation; possession of depictions of minors engaged in sexually explicit conduct; dealing in depictions of minors engaged in sexually explicit conduct; bringing into the state depictions of minors engaged in sexually explicit conduct; sexual exploitation of a minor; communicating with a minor for immoral purposes; patronizing a juvenile prostitute;

(b) Any felony in effect at any time prior to the effective date of this act that is comparable to an offense listed in (a) of this subsection, including, but not limited to, statutory rape in the first and second degrees and carnal knowledge;

(c) Any felony offense for which:

(i) There was a finding that the offense was committed with sexual motivation; and

(ii) The victim of the offense was less than sixteen years of age at the time of the offense;

(d) An attempt, conspiracy, or solicitation to commit any of the offenses listed in (a) through (c) of this subsection;

(e) Any conviction from any other jurisdiction which is comparable to any of the offenses listed in (a) through (d) of this subsection.

Sec. 5. RCW 9A.44.--- and 2006 c ... (SSB 6775) s 3 are each amended to read as follows:

(1) An owner, (~~(employee, or agent)~~) manager, or operator of a covered entity may order a covered offender from the legal premises of a covered entity as provided under this section. To do this, the owner, (~~(employee, or agent)~~) manager, or operator of a covered entity must first (~~(personally serve on)~~) provide the covered offender, or cause the covered offender to be provided, personal service of a written notice that informs the covered offender that:

(a) The covered offender must leave the legal premises of the covered entity and may not return without the written permission of the covered entity; and

(b) If the covered offender refuses to leave the legal (~~(boundaries)~~) premises of the covered entity, or thereafter returns and enters within the legal (~~(boundaries)~~) premises of the covered entity without written permission, the offender may be charged and prosecuted for a felony offense as provided in RCW 9A.44.--- (section 4, chapter ... (SSB 6775), Laws of 2006).

(2) A covered entity may give written permission of entry and use to a covered offender to enter and remain on the legal premises

of the covered entity at particular times and for lawful purposes, including, but not limited to, conducting business, voting, or participating in educational or recreational activities. Any written permission of entry and use of the legal premises of a covered entity must be clearly stated in a written document and must be personally served on the covered offender. If the covered offender violates the conditions of entry and use contained in a written document personally served on the offender by the covered entity, the covered offender may be charged and prosecuted for a felony offense as provided in RCW 9A.44.--- (section 4, chapter ... (SSB 6775), Laws of 2006).

(3) An owner, employee, or agent of a covered entity shall be immune from civil liability for damages arising from (~~(ejecting a covered offender from a covered entity or from failing to eject a covered offender from a covered entity)~~) excluding or failing to exclude a covered offender from a covered entity or from imposing or failing to impose conditions of entry and use on a covered offender.

(4) A person provided with written notice from a covered entity under this section may file a petition with the district court alleging that he or she does not meet the definition of "covered offender" in RCW 9A.44.--- (section 2, chapter ... (SSB 6775), Laws of 2006). The district court must conduct a hearing on the petition within thirty days of the petition being filed. In the hearing on the petition, the person has the burden of proving that he or she is not a covered offender. If the court finds, by a preponderance of the evidence, that the person is not a covered offender, the court shall order the covered entity to rescind the written notice and shall order the covered entity to pay the person's costs and reasonable attorneys' fees.

Sec. 6. RCW 9A.44.--- and 2006 c ... (SSB 6775) s 4 are each amended to read as follows:

(1) A person is guilty of the crime of criminal trespass against children if he or she:

(a) Is a covered offender as defined in RCW 9A.44.--- (section 2, chapter ... (SSB 6775), Laws of 2006); and

(b) (~~(Receives written notice that complies with the requirements of section 3 of this act that he or she is not permitted to remain upon or reenter the legal boundaries of the covered entity; and~~

~~(c) Remains upon or reenters the legal boundaries of the covered entity without the written permission of the covered entity)) (i) Is personally served with written notice complying with the requirements of RCW 9A.44.--- (section 3, chapter ... (SSB 6775), Laws of 2006) that excludes the covered offender from the legal premises of the covered entity and remains upon or reenters the legal premises of the covered entity; or~~

~~(ii) Is personally served with written notice complying with the requirements of RCW 9A.44.--- (section 3, chapter ... (SSB 6775), Laws of 2006) that imposes conditions of entry and use on the covered offender and violates the conditions of entry and use.~~

(2) Criminal trespass against children is a class C felony.

NEW SECTION. **Sec. 7.** 2006 c ... (SSB 6775) s 5 is hereby repealed.

NEW SECTION. **Sec. 8.** Section 1 of this act expires September 1, 2006.

NEW SECTION. **Sec. 9.** Sections 1 and 3 through 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 10.** Section 2 of this act takes effect September 1, 2006.

NEW SECTION. **Sec. 11.** Section 3 of this act is null and void if section 1 of Substitute Senate Bill No. 6775 is not enacted into law.

Section 4 of this act is null and void if section 2 of Substitute Senate Bill No. 6775 is not enacted into law.

Section 5 of this act is null and void if section 3 of Substitute Senate Bill No. 6775 is not enacted into law.

Section 6 of this act is null and void if section 4 of Substitute Senate Bill No. 6775 is not enacted into law.

Section 7 of this act is null and void if section 5 of Substitute Senate Bill No. 6775 is not enacted into law."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "regulating the conduct of registered sex offenders and kidnapping offenders; amending RCW 9A.44.130, 9A.44.---, 9A.44.---, and 9A.44.---; amending 2006 c ... s 1 (uncodified); reenacting and amending RCW 9A.44.130; creating a new section; repealing 2006 c ... s 5; providing an effective date; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2409 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives O'Brien and Pearson spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 2409, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2409, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2409, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the

following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28B.85 RCW to read as follows:

(1) It is unlawful for a person to:

(a) Grant or award a false academic credential or offer to grant or award a false academic credential in violation of this section;

(b) Represent that a credit earned or granted by the person, in violation of this section, can be applied toward a credential offered by another person; or

(c) Solicit another person to seek a credential or to earn a credit that is offered in violation of this section.

(2) The definitions in section 2 of this act apply to this section.

(3) A violation of this section constitutes an unfair or deceptive act or practice in the conduct of trade or commerce under chapter 19.86 RCW.

(4) In addition to any other venue authorized by law, venue for the prosecution of an offense under this section is in the county in which an element of the offense occurs.

NEW SECTION. Sec. 2. A new section is added to chapter 9A.60 RCW to read as follows:

(1) A person is guilty of issuing a false academic credential if the person knowingly:

(a) Grants or awards a false academic credential or offers to grant or award a false academic credential in violation of this section;

(b) Represents that a credit earned or granted by the person in violation of this section can be applied toward a credential offered by another person;

(c) Grants or offers to grant a credit for which a representation as described in (b) of this subsection is made; or

(d) Solicits another person to seek a credential or to earn a credit the person knows is offered in violation of this section.

(2) A person is guilty of knowingly using a false academic credential if the person knowingly uses a false academic credential or falsely claims to have a credential issued by an institution of higher education that is accredited by an accrediting association recognized as such by rule of the higher education coordinating board:

(a) In a written or oral advertisement or other promotion of a business; or

(b) With the intent to:

(i) Obtain employment;

(ii) Obtain a license or certificate to practice a trade, profession, or occupation;

(iii) Obtain a promotion, compensation or other benefit, or an increase in compensation or other benefit, in employment or in the practice of a trade, profession, or occupation;

(iv) Obtain admission to an educational program in this state; or

(v) Gain a position in government with authority over another person, regardless of whether the person receives compensation for the position.

(3) The definitions in this subsection apply throughout this section and section 1 of this act.

(a) "False academic credential" means a document that provides evidence or demonstrates completion of an academic or professional course of instruction beyond the secondary level that results in the attainment of an academic certificate, degree, or rank, and that is not issued by a person or entity that: (i) Is an entity accredited by an agency recognized as such by rule of the higher education coordinating board or has the international equivalents of such accreditation; or (ii) is an entity authorized as a degree-granting institution by the higher education coordinating board; or (iii) is an entity exempt from the requirements of authorization as a degree-granting institution by the higher education coordinating board; or (iv) is an entity that has been granted a waiver by the higher education coordinating board from the requirements of authorization by the board. Such documents include, but are not limited to, academic certificates, degrees, coursework, degree credits, transcripts, or certification of completion of a degree.

(b) "Grant" means award, bestow, confer, convey, sell, or give.

(c) "Offer," in addition to its usual meanings, means advertise, publicize, or solicit.

(d) "Operate" includes but is not limited to the following:

- (i) Offering courses in person, by correspondence, or by electronic media at or to any Washington location for degree credit;
- (ii) Granting or offering to grant degrees in Washington;
- (iii) Maintaining or advertising a Washington location, mailing address, computer server, or telephone number, for any purpose, other than for contact with the institution's former students for any legitimate purpose related to the students having attended the institution.

(4) Issuing a false academic credential is a class C felony.

(5) Knowingly using a false academic credential is a gross misdemeanor.

Sec. 3. RCW 28B.85.020 and 2005 c 274 s 246 are each amended to read as follows:

(1) The board:

(a) Shall adopt by rule, in accordance with chapter 34.05 RCW, minimum standards for degree-granting institutions concerning granting of degrees, quality of education, unfair business practices, financial stability, and other necessary measures to protect citizens of this state against substandard, fraudulent, or deceptive practices. The rules ~~((may))~~ shall require that an institution operating in Washington:

(i) Be accredited ((or be making progress toward accreditation by an accrediting agency recognized by the United States department of education. The board shall adopt the rules in accordance with chapter 34.05 RCW));

(ii) Have applied for accreditation and such application is pending before the accrediting agency;

(iii) Have been granted a waiver by the board waiving the requirement of accreditation; or

(iv) Have been granted an exemption by the board from the requirements of this subsection (1)(a);

(b) May investigate any entity the board reasonably believes to be subject to the jurisdiction of this chapter. In connection with the investigation, the board may administer oaths and affirmations, issue subpoenas and compel attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the board deems relevant or material to the investigation. The board, including its staff and any other authorized persons, may conduct site inspections, the cost of which shall be borne by the institution, and examine records of all institutions subject to this chapter;

(c) Shall develop an interagency agreement with the work force training and education coordinating board to regulate degree-granting private vocational schools with respect to degree and nondegree programs; and

(d) Shall develop and disseminate information to the public about entities that sell or award degrees without requiring appropriate academic achievement at the postsecondary level, including but not limited to, a description of the substandard and potentially fraudulent practices of these entities, and advice about how the public can recognize and avoid the entities. To the extent feasible, the information shall include links to additional resources that may assist the public in identifying specific institutions offering substandard or fraudulent degree programs.

(2) Financial disclosures provided to the board by degree-granting private vocational schools are not subject to public disclosure under chapter 42.56 RCW.

Sec. 4. RCW 28B.85.040 and 2004 c 96 s 2 are each amended to read as follows:

(1) An institution or person shall not advertise, offer, sell, or award a degree or any other type of educational credential unless the student has enrolled in and successfully completed a prescribed program of study, as outlined in the institution's publications. This prohibition shall not apply to honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions offering other educational credentials in compliance with state law.

(2) No exemption or waiver granted under this chapter is permanent. The board shall periodically review exempted degree-granting institutions and degree-granting institutions granted a waiver, and continue exemptions or waivers only if an institution meets the

statutory or board requirements for exemption or waiver in effect on the date of the review.

(3) Except as provided in subsection (1) of this section, this chapter shall not apply to:

(a) Any public college, university, community college, technical college, or institute operating as part of the public higher educational system of this state;

(b) Institutions that have been accredited by an accrediting association recognized by the agency for the purposes of this chapter: PROVIDED, That those institutions meet minimum exemption standards adopted by the agency; and PROVIDED FURTHER, That an institution, branch, extension, or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association to qualify for this exemption;

(c) Institutions of a religious character, but only as to those education programs devoted exclusively to religious or theological objectives if the programs are represented in an accurate manner in institutional catalogs and other official publications;

(d) Honorary credentials clearly designated as such on the front side of the diploma or certificate awarded by institutions offering other educational credentials in compliance with state law; or

(e) Institutions not otherwise exempt which offer only workshops or seminars and institutions offering only credit-bearing workshops or seminars lasting no longer than three calendar days.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.405 RCW to read as follows:

A person who issues or uses a false academic credential is subject to sections 1 and 2 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 28B.50 RCW to read as follows:

A person who issues or uses a false academic credential is subject to sections 1 and 2 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 41.06 RCW to read as follows:

A person who issues or uses a false academic credential is subject to sections 1 and 2 of this act."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.85.020 and 28B.85.040; adding a new section to chapter 28B.85 RCW; adding a new section to chapter 9A.60 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 41.06 RCW; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kenney and Cox spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2507, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2507, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloschia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 2576, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Sexual assault is the most heinous crime against another person short of murder. Sexual assault inflicts humiliation, degradation, and terror on victims. According to the FBI, a woman is raped every six minutes in the United States. Rape is recognized as the most underreported crime; estimates suggest that only one in seven rapes is reported to authorities. Victims who do not report the crime still desire safety and protection from future interactions with the offender. Some cases in which the rape is reported are not prosecuted. In these situations, the victim should be able to seek a civil remedy requiring that the offender stay away from the victim.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Nonconsensual" means a lack of freely given agreement.

(2) "Petitioner" means any named petitioner for the sexual assault protection order or any named victim of nonconsensual sexual conduct or nonconsensual sexual penetration on whose behalf the petition is brought.

(3) "Sexual assault protection order" means an ex parte temporary order or a final order granted under this chapter, which includes a remedy authorized by section 10 of this act.

(4) "Sexual conduct" means any of the following:

(a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;

(b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;

(c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through

clothing, that the petitioner is forced to perform by another person or the respondent;

(d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;

(e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of thirteen, if done for the purpose of sexual gratification or arousal of the respondent or others; and

(f) Any coerced or forced touching or fondling by a child under the age of thirteen, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

(5) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(6) "Nonphysical contact" includes, but is not limited to, telephone calls, mail, e-mail, fax, and written notes.

NEW SECTION. Sec. 3. A petition for a sexual assault protection order may be filed by a person:

(1) Who is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration, including a single incident of nonconsensual sexual conduct or nonconsensual sexual penetration; or

(2) On behalf of any of the following persons who is a victim of nonconsensual sexual conduct or nonconsensual sexual penetration:

(a) A minor child;

(b) A vulnerable adult as defined in RCW 74.34.020 or 74.34.021; or

(c) Any other adult who, because of age, disability, health, or inaccessibility, cannot file the petition.

NEW SECTION. Sec. 4. (1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of nonconsensual sexual conduct or nonconsensual sexual penetration committed by the respondent.

(2) A person under eighteen years of age who is sixteen years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend.

(3) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under eighteen years of age if such respondent is sixteen years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter.

(5) Jurisdiction of the courts over proceedings under this chapter shall be the same as jurisdiction over domestic violence protection orders under RCW 26.50.020(5).

(6) An action under this chapter shall be filed in the county or the municipality where the petitioner resides.

NEW SECTION. Sec. 5. There shall exist an action known as a petition for a sexual assault protection order.

(1) A petition for relief shall allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration, and shall be accompanied by an affidavit made under oath stating the specific statements or actions made at the same time of the sexual assault or subsequently thereafter, which give rise to a reasonable fear of future dangerous acts, for which relief is sought. Petitioner and respondent shall disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) Within ninety days of receipt of the master copy from the administrative office of the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational

brochures required by section 19 of this act and shall fill in and keep current specific program names and telephone numbers for community resources. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) No filing fee may be charged for proceedings under this chapter. Forms and instructional brochures and the necessary number of certified copies shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) If the petition states that disclosure of the petitioner's address would risk abuse of the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address at which the respondent may serve notice of any motions.

NEW SECTION. Sec. 6. Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. Except as provided in section 12 of this act, personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall require additional attempts at obtaining personal service. The court may issue an ex parte temporary sexual assault order pending the hearing as provided in section 12 of this act.

NEW SECTION. Sec. 7. Sexual assault advocates, as defined in RCW 5.60.060, shall be allowed to accompany the victim and confer with the victim, unless otherwise directed by the court. Court administrators shall allow sexual assault advocates to assist victims of nonconsensual sexual conduct or nonconsensual sexual penetration in the preparation of petitions for sexual assault protection orders. Sexual assault advocates are not engaged in the unauthorized practice of law when providing assistance of the types specified in this section. Communications between the petitioner and a sexual assault advocate are protected as provided by RCW 5.60.060.

NEW SECTION. Sec. 8. The court may appoint counsel to represent the petitioner if the respondent is represented by counsel.

NEW SECTION. Sec. 9. (1) In proceedings for a sexual assault protection order and prosecutions for violating a sexual assault protection order, the prior sexual activity or the reputation of the petitioner is inadmissible except:

(a) As evidence concerning the past sexual conduct of the petitioner with the respondent when this evidence is offered by the respondent upon the issue of whether the petitioner consented to the sexual conduct with respect to which the offense is alleged; or

(b) When constitutionally required to be admitted.

(2) No evidence admissible under this section may be introduced unless ruled admissible by the court after an offer of proof has been made at a hearing held in camera to determine whether the respondent has evidence to impeach the witness in the event that prior sexual activity with the respondent is denied. The offer of proof shall include reasonably specific information as to the date, time, and place of the past sexual conduct between the petitioner and the respondent. Unless the court finds that reasonably specific information as to date, time, or place, or some combination thereof, has been offered as to prior sexual activity with the respondent, counsel for the respondent shall be ordered to refrain from inquiring into prior sexual activity between the petitioner and the respondent. The court may not admit evidence under this section unless it determines at the hearing that the evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice. The evidence shall be admissible at trial to the extent an

order made by the court specifies the evidence that may be admitted and areas with respect to which the petitioner may be examined or cross-examined.

NEW SECTION. Sec. 10. (1)(a) If the court finds by a preponderance of the evidence that the petitioner has been a victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent, the court shall issue a sexual assault protection order; provided that the petitioner must also satisfy the requirements of section 12 of this act for ex parte temporary orders or section 13 of this act for final orders.

(b) The petitioner shall not be denied a sexual assault protection order because the petitioner or the respondent is a minor or because the petitioner did not report the assault to law enforcement. The court, when determining whether or not to issue a sexual assault protection order, may not require proof of physical injury on the person of the victim or proof that the petitioner has reported the sexual assault to law enforcement. Modification and extension of prior sexual assault protection orders shall be in accordance with this chapter.

(2) The court may provide relief as follows:

(a) Restrain the respondent from having any contact, including nonphysical contact, with the petitioner directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(b) Exclude the respondent from the petitioner's residence, workplace, or school, or from the day care or school of a child, if the victim is a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and

(d) Order any other injunctive relief as necessary or appropriate for the protection of the petitioner.

(3) In cases where the petitioner and the respondent are under the age of eighteen and attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger or emotional distress to the petitioner, and the expense difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person under the age of eighteen protected by the order. In the event the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

(4) Denial of a remedy may not be based, in whole or in part, on evidence that:

(a) The respondent was voluntarily intoxicated;

(b) The petitioner was voluntarily intoxicated; or

(c) The petitioner engaged in limited consensual sexual touching.

(5) Monetary damages are not recoverable as a remedy.

(6) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

NEW SECTION. Sec. 11. For the purposes of issuing a sexual assault protection order, deciding what relief should be included in the order, and enforcing the order, RCW 9A.08.020 shall govern whether the respondent is legally accountable for the conduct of another person.

NEW SECTION. Sec. 12. (1) An ex parte temporary sexual assault protection order shall issue if the petitioner satisfies the requirements of this subsection by a preponderance of the evidence. The petitioner shall establish that:

(a) The petitioner has been a victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent; and

(b) There is good cause to grant the remedy, regardless of prior service of process or of notice upon the respondent, because the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief.

(2) If the respondent appears in court for this hearing for an ex parte temporary order, he or she may elect to file a general appearance and testify. Any resulting order may be an ex parte temporary order, governed by this section.

(3) If the court declines to issue an ex parte temporary sexual assault protection order, the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order shall be filed with the court.

(4) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

NEW SECTION. Sec. 13. (1)(a) An ex parte temporary sexual assault protection order shall be effective for a fixed period not to exceed fourteen days. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order. Except as provided in section 6 of this act, the respondent shall be personally served with a copy of the ex parte temporary sexual assault protection order along with a copy of the petition and notice of the date set for the hearing.

(b) Any ex parte temporary order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(2) Except as otherwise provided in this section or section 16 of this act, a final sexual assault protection order shall be effective for a fixed period of time, not to exceed two years.

(3) Any ex parte temporary or final sexual assault protection order may be renewed one or more times, as required. The petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. If the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal. Renewals may be granted only in open court.

(4) Any sexual assault protection order which would expire on a court holiday shall instead expire at the close of the next court business day.

(5) The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a sexual assault protection order undermines the purposes of this chapter. This section shall not be construed as encouraging that practice.

NEW SECTION. Sec. 14. (1) Any sexual assault protection order shall describe each remedy granted by the court, in reasonable detail and not by reference to any other document, so that the respondent may clearly understand what he or she must do or refrain from doing.

(2) A sexual assault protection order shall further state the following:

(a) The name of each petitioner that the court finds was the victim of nonconsensual sexual conduct or nonconsensual sexual penetration by the respondent;

(b) The date and time the sexual assault protection order was issued, whether it is an ex parte temporary or final order, and the duration of the order;

(c) The date, time, and place for any scheduled hearing for renewal of that sexual assault protection order or for another order of greater duration or scope;

(d) For each remedy in an ex parte temporary sexual assault protection order, the reason for entering that remedy without prior notice to the respondent or greater notice than was actually given;

(e) For ex parte temporary sexual assault protection orders, that the respondent may petition the court, to reopen the order if he or she did not receive actual prior notice of the hearing and if the respondent

alleges that he or she had a meritorious defense to the order or that the order or its remedy is not authorized by this chapter.

(3) A sexual assault protection order shall include the following notice, printed in conspicuous type: "A knowing violation of this sexual assault protection order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

NEW SECTION. Sec. 15. (1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(6) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary.

NEW SECTION. Sec. 16. (1)(a) When any person charged with or arrested for a sex offense as defined in RCW 9.94A.030, a violation of RCW 9A.44.096, a violation of RCW 9.68A.090, or a gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030, is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a sexual assault protection order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(c) The sexual assault protection order shall also be issued in writing as soon as possible.

(2)(a) At the time of arraignment or whenever a motion is brought to modify the conditions of the defendant's release, the court shall determine whether a sexual assault protection order shall be issued or extended. If a sexual assault protection order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(b) A sexual assault protection order issued by the court in conjunction with criminal charges shall terminate if the defendant is acquitted or the charges are dismissed, unless the victim files an independent action for a sexual assault protection order. If the victim files an independent action for a sexual assault protection order, the

order may be continued by the court until a full hearing is conducted pursuant to section 6 of this act.

(3)(a) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(b) A certified copy of the order shall be provided to the victim at no charge.

(4) If a sexual assault protection order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

(5) Whenever an order prohibiting contact is issued pursuant to subsection (2) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

(6)(a) When a defendant is found guilty of a sex offense as defined in RCW 9.94A.030, any violation of RCW 9A.44.096, or any violation of RCW 9.68A.090, or any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030, and a condition of the sentence restricts the defendant's ability to have contact with the victim, the condition shall be recorded as a sexual assault protection order.

(b) The written order entered as a condition of sentencing shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A final sexual assault protection order entered in conjunction with a criminal prosecution shall remain in effect for a period of two years following the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole.

(d) A certified copy of the order shall be provided to the victim at no charge.

(7) A knowing violation of a court order issued under subsection (1), (2), or (6) of this section is punishable under RCW 26.50.110.

(8) Whenever a sexual assault protection order is issued, modified, or terminated under subsection (1), (2), or (6) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (2) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

NEW SECTION. Sec. 17. (1) A copy of a sexual assault protection order granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall immediately enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for one year or until the expiration date specified on the order. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system. The law enforcement agency shall only expunge from the computer-based criminal intelligence information system orders that are expired, vacated, terminated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based criminal intelligence information system shall include notice to law enforcement whether the order was personally served, served by publication, or served by mail.

NEW SECTION. Sec. 18. Upon application with notice to all parties and after a hearing, the court may modify the terms of an existing sexual assault protection order. In any situation where an order is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the computer-based criminal intelligence information system, or if the order is terminated, remove the order from the computer-based criminal intelligence information system.

NEW SECTION. Sec. 19. (1) The administrative office of the courts shall develop and prepare instructions and informational brochures required under section 5 of this act, standard petition and order for protection forms, and a court staff handbook on sexual assault, and the protection order process. The standard petition and order for protection forms must be used after September 1, 2006, for all petitions filed and orders issued under this chapter. The instructions, brochures, forms, and handbook shall be prepared in consultation with interested persons, including a representative of the state sexual assault coalition, judges, and law enforcement personnel.

(a) The instructions shall be designed to assist petitioners in completing the petition, and shall include a sample of standard petition and order for protection forms.

(b) The informational brochure shall describe the use of and the process for obtaining, modifying, and terminating a protection order as provided under this chapter.

(c) The order for protection form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order, and the following statement: "You can be arrested even if the person or persons who obtained the order invite or allow you to violate the order's prohibitions. The respondent has the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application."

(d) The court staff handbook shall allow for the addition of a community resource list by the court clerk.

(2) All court clerks shall obtain a community resource list from a sexual assault program serving the county in which the court is located. The community resource list shall include the names and telephone numbers of sexual assault programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, legal assistance programs, interpreters, multicultural programs, and batterers' treatment programs. The court shall make the community resource list available as part of or in addition to the informational brochures described in subsection (1) of this section.

(3) The administrative office of the courts shall distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks and shall distribute a

master copy of the petition and order forms to all superior, district, and municipal courts.

(4) For purposes of this section, "court clerks" means court administrators in courts of limited jurisdiction and elected court clerks.

(5) The administrative office of the courts shall determine the significant non-English-speaking or limited English-speaking populations in the state. The administrator shall then arrange for translation of the instructions and informational brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into the languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to all court clerks by December 1, 2006.

(6) The administrative office of the courts shall update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

NEW SECTION. Sec. 20. An ex parte temporary order issued under this chapter shall not be admissible as evidence in any subsequent civil action for damages arising from the conduct alleged in the petition or the order.

Sec. 21. RCW 9A.46.060 and 2004 c 94 s 4 are each amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Malicious harassment (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.011);
- (5) Assault of a child in the first degree (RCW 9A.36.120);
- (6) Assault in the second degree (RCW 9A.36.021);
- (7) Assault of a child in the second degree (RCW 9A.36.130);
- (8) Assault in the fourth degree (RCW 9A.36.041);
- (9) Reckless endangerment (RCW 9A.36.050);
- (10) Extortion in the first degree (RCW 9A.56.120);
- (11) Extortion in the second degree (RCW 9A.56.130);
- (12) Coercion (RCW 9A.36.070);
- (13) Burglary in the first degree (RCW 9A.52.020);
- (14) Burglary in the second degree (RCW 9A.52.030);
- (15) Criminal trespass in the first degree (RCW 9A.52.070);
- (16) Criminal trespass in the second degree (RCW 9A.52.080);
- (17) Malicious mischief in the first degree (RCW 9A.48.070);
- (18) Malicious mischief in the second degree (RCW 9A.48.080);
- (19) Malicious mischief in the third degree (RCW 9A.48.090);
- (20) Kidnapping in the first degree (RCW 9A.40.020);
- (21) Kidnapping in the second degree (RCW 9A.40.030);
- (22) Unlawful imprisonment (RCW 9A.40.040);
- (23) Rape in the first degree (RCW 9A.44.040);
- (24) Rape in the second degree (RCW 9A.44.050);
- (25) Rape in the third degree (RCW 9A.44.060);
- (26) Indecent liberties (RCW 9A.44.100);
- (27) Rape of a child in the first degree (RCW 9A.44.073);
- (28) Rape of a child in the second degree (RCW 9A.44.076);
- (29) Rape of a child in the third degree (RCW 9A.44.079);
- (30) Child molestation in the first degree (RCW 9A.44.083);
- (31) Child molestation in the second degree (RCW 9A.44.086);
- (32) Child molestation in the third degree (RCW 9A.44.089);
- (33) Stalking (RCW 9A.46.110);
- (34) Cyberstalking (RCW 9.61.260);
- (35) Residential burglary (RCW 9A.52.025);
- (36) Violation of a temporary ((or)), permanent, or final protective order issued pursuant to chapter 7.-- (sections 1 through 20 of this act), 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW;
- (37) Unlawful discharge of a laser in the first degree (RCW 9A.49.020); and
- (38) Unlawful discharge of a laser in the second degree (RCW 9A.49.030).

Sec. 22. RCW 10.14.130 and 1987 c 280 s 13 are each amended to read as follows:

Protection orders authorized under this chapter shall not be issued for any action specifically covered by chapter 7.-- (sections 1 through 20 of this act), 10.99, or 26.50 RCW.

Sec. 23. RCW 10.31.100 and 2000 c 119 s 4 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.-- (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

- (a) RCW 46.52.010, relating to duty on striking an unattended car or other property;
- (b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(11) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police officer acts in good faith and without malice.

Sec. 24. RCW 19.220.010 and 2003 c 268 s 1 are each amended to read as follows:

(1) Each international matchmaking organization doing business in Washington state shall disseminate to a recruit, upon request, state background check information and personal history information relating to any Washington state resident about whom any information is provided to the recruit, in the recruit's native language. The organization shall notify all recruits that background check and personal history information is available upon request. The notice that background check and personal history information is available upon request shall be in the recruit's native language and shall be displayed in a manner that separates it from other information, is highly noticeable, and in lettering not less than one-quarter of an inch high.

(2) If an international matchmaking organization receives a request for information from a recruit pursuant to subsection (1) of this section, the organization shall notify the Washington state resident of the request. Upon receiving notification, the Washington state resident shall obtain from the state patrol and provide to the organization the complete transcript of any background check information provided pursuant to RCW 43.43.760 based on a submission of fingerprint impressions and provided pursuant to RCW 43.43.838 and shall provide to the organization his or her personal history information. The organization shall require the resident to affirm that personal history information is complete and accurate. The organization shall refrain from knowingly providing any further

services to the recruit or the Washington state resident in regards to facilitating future interaction between the recruit and the Washington state resident until the organization has obtained the requested information and provided it to the recruit.

(3) This section does not apply to a traditional matchmaking organization of a religious nature that otherwise operates in compliance with the laws of the countries of the recruits of such organization and the laws of the United States nor to any organization that does not charge a fee to any party for the service provided.

(4) As used in this section:

(a) "International matchmaking organization" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any state, that does business in the United States and for profit offers to Washington state residents, including aliens lawfully admitted for permanent residence and residing in Washington state, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States, by: (i) An exchange of names, telephone numbers, addresses, or statistics; (ii) selection of photographs; or (iii) a social environment provided by the organization in a country other than the United States.

(b) "Personal history information" means a declaration of the person's current marital status, the number of previous marriages, annulments, and dissolutions for the person, and whether any previous marriages occurred as a result of receiving services from an international matchmaking organization; founded allegations of child abuse or neglect; and any existing orders under chapter 7.-- (sections 1 through 20 of this act), 10.14, 10.99, or 26.50 RCW. Personal history information shall include information from the state of Washington and any information from other states or countries.

(c) "Recruit" means a noncitizen, nonresident person, recruited by an international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services.

Sec. 25. RCW 26.50.110 and 2000 c 119 s 24 are each amended to read as follows:

(1) Whenever an order is granted under this chapter, chapter 7.-- (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of the restraint provisions, or of a provision excluding the person from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or of a provision of a foreign protection order specifically indicating that a violation will be a crime, for which an arrest is required under RCW 10.31.100(2) (a) or (b), is a gross misdemeanor except as provided in subsections (4) and (5) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.-- (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7.-- (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 7.-- (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7.-- (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.-- (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.-- (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

Sec. 26. RCW 26.50.160 and 2000 c 119 s 25 and 2000 c 51 s 1 are each reenacted and amended to read as follows:

To prevent the issuance of competing protection orders in different courts and to give courts needed information for issuance of orders, the judicial information system shall be available in each district, municipal, and superior court by July 1, 1997, and shall include a data base containing the following information:

(1) The names of the parties and the cause number for every order of protection issued under this title, every sexual assault protection order issued under chapter 7.-- RCW (sections 1 through 20 of this act), every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW, every third-party custody action under chapter 26.10 RCW, every parentage action under chapter 26.26 RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, and every order for protection of a vulnerable adult under chapter 74.34 RCW. When a guardian or the department of social and health services has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought shall be included in the data base as a party rather than the guardian or department;

(2) A criminal history of the parties; and

(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

Sec. 27. RCW 59.18.575 and 2004 c 17 s 3 are each amended to read as follows:

(1)(a) If a tenant notifies the landlord in writing that he or she or a household member was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and either (a)(i) or (ii) of this subsection applies, then subsection (2) of this section applies:

(i) The tenant or the household member has a valid order for protection under one or more of the following: Chapter 7.-- (sections 1 through 20 of this act), 26.50, or 26.26 RCW or RCW 9A.46.040, 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or 26.09.050; or

(ii) The tenant or the household member has reported the domestic violence, sexual assault, or stalking to a qualified third party acting in his or her official capacity and the qualified third party has

provided the tenant or the household member a written record of the report signed by the qualified third party.

(b) When a copy of a valid order for protection or a written record of a report signed by a qualified third party, as required under (a) of this subsection, is made available to the landlord, the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement or under chapter 59.12 RCW. However, the request to terminate the rental agreement must occur within ninety days of the reported act, event, or circumstance that gave rise to the protective order or report to a qualified third party. A record of the report to a qualified third party that is provided to the tenant or household member shall consist of a document signed and dated by the qualified third party stating: (i) That the tenant or the household member notified him or her that he or she was a victim of an act or acts that constitute a crime of domestic violence, sexual assault, or stalking; (ii) the time and date the act or acts occurred; (iii) the location where the act or acts occurred; (iv) a brief description of the act or acts of domestic violence, sexual assault, or stalking; and (v) that the tenant or household member informed him or her of the name of the alleged perpetrator of the act or acts. The record of the report provided to the tenant or household member shall not include the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, or stalking. The qualified third party shall keep a copy of the record of the report and shall note on the retained copy the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, or stalking. The record of the report to a qualified third party may be accomplished by completion of a form provided by the qualified third party, in substantially the following form:

.....
[Name of organization, agency, clinic, professional service provider]

I and/or my (household member) am/is a victim of
. . . domestic violence as defined by RCW
26.50.010.
. . . sexual assault as defined by RCW 70.125.030.
. . . stalking as defined by RCW 9A.46.110.

Briefly describe the incident of domestic violence, sexual assault, or stalking:

The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s) and at the following location(s):

The incident(s) that I rely on in support of this declaration were committed by the following person(s):

I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.
Dated at (city) . . , Washington, this . . . day of . . . , 20. . .

.....
Signature of Tenant or Household Member

I verify that I have provided to the person whose signature appears above the statutes cited in RCW 59.18.575 and that the individual was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and that the individual informed me of the name of the alleged perpetrator of the act.
Dated this . . . day of . . . , 20. . .

.....
Signature of authorized officer/employee of
(Organization, agency, clinic, professional service provider)

(2) A tenant who terminates a rental agreement under this section is discharged from the payment of rent for any period following the last day of the month of the quitting date. The tenant shall remain liable for the rent for the month in which he or she terminated the rental agreement unless the termination is in accordance with RCW 59.18.200(1). Notwithstanding lease provisions that allow for forfeiture of a deposit for early termination, a tenant who terminates under this section is entitled to the return of the full deposit, subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties to the rental agreement, except household members who are the victims of sexual assault, stalking, or domestic violence, are not released from their obligations under the rental agreement or other obligations under this chapter.

(3) The provision of verification of a report under subsection (1)(b) of this section does not waive the confidential or privileged nature of the communication between a victim of domestic violence, sexual assault, or stalking with a qualified third party pursuant to RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence obtained from such disclosure may be used in any civil, administrative, or criminal proceeding against the victim unless a written waiver of applicable evidentiary privilege is obtained, except that the verification itself, and no other privileged information, under subsection (1)(b) of this section may be used in civil proceedings brought under this section.

NEW SECTION. Sec. 28. This act may be cited as the sexual assault protection order act.

NEW SECTION. Sec. 29. Sections 1 through 20 of this act constitute a new chapter in Title 7 RCW."

On page 1, line 1 of the title, after "victims;" strike the remainder of the title and insert "amending RCW 9A.46.060, 10.14.130, 10.31.100, 19.220.010, 26.50.110, and 59.18.575; reenacting and amending RCW 26.50.160; adding a new chapter to Title 7 RCW; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2576 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Williams and Priest spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 2576, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2576, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi,

Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2576, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 90.46 RCW to read as follows:

(1) The department of ecology shall, in coordination with the department of health, adopt rules for reclaimed water use consistent with this chapter. The rules must address all aspects of reclaimed water use, including commercial and industrial uses, land applications, direct recharge, wetland discharge, surface percolation, constructed wetlands, and stream flow augmentation. The department of health shall, in coordination with the department of ecology, adopt rules for greywater reuse. The rules must also designate whether the department of ecology or the department of health will be the lead permitting or regulatory agency responsible for a particular aspect of reclaimed water use. In developing the rules, the departments of health and ecology shall amend or rescind any existing rules on reclaimed water in conflict with the new rules.

(2) All rules required to be adopted pursuant to this section must be completed no later than December 31, 2010, although the department of ecology is encouraged to adopt the final rules as soon as possible.

(3) The department of ecology must consult with the advisory committee created under RCW 90.46.050 in all aspects of rule development required under this section.

Sec. 2. RCW 90.46.050 and 1995 c 342 s 9 are each amended to read as follows:

The department of ~~((health))~~ ecology shall, before July 1, ~~((1995))~~ 2006, form an advisory committee, in coordination with the department of ~~((ecology))~~ health and the department of agriculture, which will provide technical assistance in the development of standards, procedures, and guidelines required by this chapter. ~~((Such))~~ The advisory committee shall be composed of ~~((individuals from the public water and wastewater utilities, landscaping enhancement industry, commercial and industrial application community, and any other persons deemed technically helpful by the department of health))~~ a broad range of interested individuals representing the various stakeholders that utilize or are potentially impacted by the use of reclaimed water. The advisory committee must also contain individuals with technical expertise and knowledge of new advancements in technology.

NEW SECTION. Sec. 3. The department of ecology must present interim reports to the appropriate committees of the legislature by January 1, 2008, and January 1, 2009, that summarize the steps taken to that date towards the final rule making required by section 1 of this act. The reports must include, at a minimum, a summary of participation in the advisory group and the topics considered by the department.

Sec. 4. RCW 90.46.010 and 2002 c 329 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Greywater" means wastewater having the consistency and strength of residential domestic type wastewater. Greywater includes wastewater from sinks, showers, and laundry fixtures, but does not include toilet or urinal waters.

(2) "Land application" means ~~((application of treated effluent for purposes of))~~ use of reclaimed water as permitted under this chapter for irrigation or landscape enhancement for residential, business, and governmental purposes.

(3) "Person" means any state, individual, public or private corporation, political subdivision, governmental subdivision, governmental agency, municipality, copartnership, association, firm, trust estate, or any other legal entity whatever.

(4) "Reclaimed water" means effluent derived in any part from sewage from a wastewater treatment system that has been adequately and reliably treated, so that as a result of that treatment, it is suitable for a beneficial use or a controlled use that would not otherwise occur and is no longer considered wastewater.

(5) "Sewage" means water-carried human wastes from residences, buildings, industrial and commercial establishments, or other places, together with such ground water infiltration, surface waters, or industrial wastewater as may be present.

(6) "User" means any person who uses reclaimed water.

(7) "Wastewater" means water and wastes discharged from homes, businesses, and industry to the sewer system.

(8) "Beneficial use" means the use of reclaimed water, that has been transported from the point of production to the point of use without an intervening discharge to the waters of the state, for a beneficial purpose.

(9) "Direct recharge" means the controlled subsurface addition of water directly to the ground water basin that results in the replenishment of ground water.

(10) "Ground water recharge criteria" means the contaminant criteria found in the drinking water quality standards adopted by the state board of health pursuant to chapter 43.20 RCW and the department of health pursuant to chapter 70.119A RCW.

(11) "Planned ground water recharge project" means any reclaimed water project designed for the purpose of recharging ground water, via direct recharge or surface percolation.

(12) "Reclamation criteria" means the criteria set forth in the water reclamation and reuse interim standards and subsequent revisions adopted by the department of ecology and the department of health.

(13) "Streamflow augmentation" means the discharge of reclaimed water to rivers and streams of the state or other surface water bodies, but not wetlands.

(14) "Surface percolation" means the controlled application of water to the ground surface for the purpose of replenishing ground water.

(15) "Wetland or wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands regulated under this chapter shall be delineated in accordance with the manual adopted by the department of ecology pursuant to RCW 90.58.380.

(16) "Constructed beneficial use wetlands" means those wetlands intentionally constructed on nonwetland sites to produce or replace natural wetland functions and values. Constructed beneficial use wetlands are considered "waters of the state."

(17) "Constructed treatment wetlands" means those wetlands intentionally constructed on nonwetland sites and managed for the primary purpose of ~~((wastewater or storm water treatment))~~ polishing reclaimed water or aesthetics. Constructed treatment wetlands are considered part of the collection and treatment system and are not considered "waters of the state."

(18) "Agricultural industrial process water" means water that has been used for the purpose of agricultural processing and has been

adequately and reliably treated, so that as a result of that treatment, it is suitable for other agricultural water use.

(19) "Agricultural processing" means the processing of crops or milk to produce a product primarily for wholesale or retail sale for human or animal consumption, including but not limited to potato, fruit, vegetable, and grain processing.

(20) "Agricultural water use" means the use of water for irrigation and other uses related to the production of agricultural products. These uses include, but are not limited to, construction, operation, and maintenance of agricultural facilities and livestock operations at farms, ranches, dairies, and nurseries. Examples of these uses include, but are not limited to, dust control, temperature control, and fire control.

(21) "Industrial reuse water" means water that has been used for the purpose of industrial processing and has been adequately and reliably treated so that, as a result of that treatment, it is suitable for other uses.

Sec. 5. RCW 90.46.030 and 2005 c 59 s 1 are each amended to read as follows:

(1)(a) The department of health shall, in coordination with the department of ecology, adopt a single set of standards, procedures, and guidelines on or before August 1, 1993, for the industrial and commercial use of reclaimed water.

(b) Standards adopted under this section are superseded by any rules adopted by the department of ecology pursuant to section 1 of this act as they relate to the industrial and commercial use of reclaimed water.

(2) Unless the department of ecology adopts rules pursuant to section 1 of this act that relate to the industrial and commercial use of reclaimed water specifying otherwise, the department of health may issue a reclaimed water permit for industrial and commercial uses of reclaimed water to the generator of reclaimed water who may then distribute the water, subject to provisions in the permit governing the location, rate, water quality, and purposes of use. Permits issued after the adoption of rules under section 1 of this act must be consistent with the adopted rules.

(3) The department of health in consultation with the advisory committee established in RCW 90.46.050, shall develop recommendations for a fee structure for permits issued under subsection (2) of this section. Fees shall be established in amounts to fully recover, and not exceed, expenses incurred by the department of health in processing permit applications and modifications, monitoring and evaluating compliance with permits, and conducting inspections and supporting the reasonable overhead expenses that are directly related to these activities. Permit fees may not be used for research or enforcement activities. The department of health shall not issue permits under this section until a fee structure has been established.

(4) A permit under this section for use of reclaimed water may be issued only to:

(a) A municipal, quasi-municipal, or other governmental entity;

(b) A private utility as defined in RCW 36.94.010; or

(c) The holder of a waste discharge permit issued under chapter 90.48 RCW.

(5) The authority and duties created in this section are in addition to any authority and duties already provided in law with regard to sewage and wastewater collection, treatment, and disposal for the protection of health and safety of the state's waters. Nothing in this section limits the powers of the state or any political subdivision to exercise such authority.

(6) Unless the department of ecology adopts rules pursuant to section 1 of this act that relate to the industrial and commercial use of reclaimed water specifying otherwise, the department of health may implement the requirements of this section through the department of ecology by execution of a formal agreement between the departments. Upon execution of such an agreement, the department of ecology may issue reclaimed water permits for industrial and commercial uses of reclaimed water by issuance of permits under chapter 90.48 RCW, and may establish and collect fees as required for permits issued under chapter 90.48 RCW.

(7) Unless the department of ecology adopts rules pursuant to section 1 of this act that relate to the industrial and commercial use of reclaimed water specifying otherwise, and before deciding whether

to issue a permit under this section to a private utility, the department of health may require information that is reasonable and necessary to determine whether the private utility has the financial and other resources to ~~((assure))~~ ensure the reliability, continuity, and supervision of the reclaimed water facility.

Sec. 6. RCW 90.46.040 and 2005 c 59 s 2 are each amended to read as follows:

(1)(a) The department of ecology shall, in coordination with the department of health, adopt a single set of standards, procedures, and guidelines, on or before August 1, 1993, for land applications of reclaimed water.

(b) Standards adopted under this section are superseded by any rules adopted by the department of ecology pursuant to section 1 of this act as they relate to the land application of reclaimed water.

(2) A permit is required for any land application of reclaimed water. The department of ecology may issue a reclaimed water permit under chapter 90.48 RCW to the generator of reclaimed water who may then distribute the water, subject to provisions in the permit governing the location, rate, water quality, and purpose of use. The department of ecology shall not issue more than one permit for any individual land application of reclaimed water to a single generator.

(3) In cases where the department of ecology determines, in land applications of reclaimed water, that a significant risk to the public health exists, the department shall refer the application to the department of health for review and consultation and the department of health may require fees appropriate for review and consultation from the applicant pursuant to RCW 43.70.250.

(4) A permit under this section for use of reclaimed water may be issued only to:

(a) A municipal, quasi-municipal, or other governmental entity;

(b) A private utility as defined under RCW 36.94.010; or

(c) The holder of a waste discharge permit issued under chapter 90.48 RCW.

(5) The authority and duties created in this section are in addition to any authority and duties already provided in law. Nothing in this section limits the powers of the state or any political subdivision to exercise such authority.

(6) Before deciding whether to issue a permit under this section to a private utility, the department of ecology may require information that is reasonable and necessary to determine whether the private utility has the financial and other resources to ~~((assure))~~ ensure the reliability, continuity, and supervision of the reclaimed water facility.

Sec. 7. RCW 90.46.042 and 1995 c 342 s 6 are each amended to read as follows:

(1) The department of ecology shall, in consultation with the department of health, adopt a single set of standards, procedures, and guidelines, on or before December 31, 1996, for direct recharge using reclaimed water. The standards shall address both water quality considerations and avoidance of property damage from excessive recharge.

(2) Standards adopted under this section are superseded by any rules adopted by the department of ecology pursuant to section 1 of this act as they relate to direct recharge using reclaimed water.

Sec. 8. RCW 90.46.044 and 1995 c 342 s 7 are each amended to read as follows:

(1) The department of ecology shall, in consultation with the department of health, adopt a single set of standards, procedures, and guidelines, on or before June 30, 1996, for discharge of reclaimed water to wetlands.

(2) Standards adopted under this section are superseded by any rules adopted by the department of ecology pursuant to section 1 of this act as they relate to discharge of reclaimed water to wetlands.

Sec. 9. RCW 90.46.080 and 1997 c 444 s 6 are each amended to read as follows:

(1) Except as otherwise provided in this section, reclaimed water may be beneficially used for surface percolation provided the reclaimed water meets the ground water recharge criteria as measured in ground water beneath or down gradient of the recharge project site,

and has been incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable.

(2) If the state ground water recharge criteria as defined by RCW 90.46.010 do not contain a standard for a constituent or contaminant, the department of ecology shall establish a discharge limit consistent with the goals of this chapter, except as otherwise provided in this section.

(3) Except as otherwise provided in this section, reclaimed water that does not meet the ground water recharge criteria may be beneficially used for surface percolation where the department of ecology, in consultation with the department of health, has specifically authorized such use at such lower standard.

(4) The provisions of this section are superseded by any rules adopted by the department of ecology pursuant to section 1 of this act as they relate to surface percolation.

Sec. 10. RCW 90.46.090 and 1997 c 444 s 7 are each amended to read as follows:

(1) Reclaimed water may be beneficially used for discharge into constructed beneficial use wetlands and constructed treatment wetlands provided the reclaimed water meets the class A or B reclaimed water standards as defined in the reclamation criteria, and the discharge is incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable.

(2) Reclaimed water that does not meet the class A or B reclaimed water standards may be beneficially used for discharge into constructed treatment wetlands where the department of ecology, in consultation with the department of health, has specifically authorized such use at such lower standards.

(3)(a) The department of ecology and the department of health must develop appropriate standards for discharging reclaimed water into constructed beneficial use wetlands and constructed treatment wetlands. These standards must be considered as part of the approval process under subsections (1) and (2) of this section.

(b) Standards adopted under this section are superseded by any rules adopted by the department of ecology pursuant to section 1 of this act as they relate to discharge into constructed beneficial use wetlands and constructed treatment wetlands.

Sec. 11. RCW 90.46.100 and 1995 c 342 s 5 are each amended to read as follows:

(1) Reclaimed water intended for beneficial reuse may be discharged for streamflow augmentation provided the reclaimed water meets the requirements of the federal water pollution control act, chapter 90.48 RCW, and is incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable.

(2) Standards adopted under this section are superseded by any rules adopted by the department of ecology pursuant to section 1 of this act as they relate to discharge of reclaimed water for streamflow augmentation.

NEW SECTION. **Sec. 12.** The code reviser shall alphabetize and renumber the definitions in RCW 90.46.010."

On page 1, line 1 of the title, after "water;" strike the remainder of the title and insert "amending RCW 90.46.050, 90.46.010, 90.46.030, 90.46.040, 90.46.042, 90.46.044, 90.46.080, 90.46.090, and 90.46.100; adding a new section to chapter 90.46 RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Linville and Kristiansen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2884, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2884, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate receded from its amendment to SECOND SUBSTITUTE HOUSE BILL NO. 3070, and under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.180.160 and 1999 c 131 s2 are each amended to read as follows:

The total amount of outstanding indebtedness of the commission may not exceed (~~(three)~~ **four and one-half**) billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "increasing housing development capacity; and amending RCW 43.180.160."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 3070 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Miloscia and Holmquist spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 3070, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 3070, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 82, Nays - 16, Excused - 0.

Voting yea: Representatives Ahern, Appleton, Blake, Buri, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Cox, Darneille, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 82.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Buck, Clements, Condotta, Crouse, Curtis, DeBolt, Kretz, Orcutt, Rodne, Schindler, Sump and Talcott - 16.

SECOND SUBSTITUTE HOUSE BILL NO. 3070, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate receded from its amendment to SECOND SUBSTITUTE HOUSE BILL NO. 3115, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that:

(1) Foster parents are able to successfully maintain placements of sexually reactive children, physically assaultive children, or children with other high-risk behaviors when they are provided with proper training and support. Lack of support contributes to placement disruptions and multiple moves between foster homes.

(2) Young children who have experienced repeated early abuse and trauma are at high risk for behavior later in life that is sexually deviant, if left untreated. Placement with a well-trained, prepared, and supported foster family can break this cycle.

NEW SECTION. Sec. 2. A foster parent critical support and retention program is established to retain foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. The foster parent critical support and retention program is to be implemented under the division of children and family services' contract and supervision. A contractor must demonstrate experience providing in-home case management, as well as experience working with caregivers of children with significant behavioral issues that pose a threat to others or themselves or the stability of the placement.

NEW SECTION. Sec. 3. Under the foster parent critical support and retention program, foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors shall receive:

(1) Availability at any time of the day or night to address specific concerns related to the identified child;

(2) Assessment of risk and development of a safety and supervision plan;

(3) Home-based foster parent training utilizing evidence-based models; and

(4) Referral to relevant community services and training provided by the local children's administration office or community agencies.

NEW SECTION. Sec. 4. The department of social and health services shall prepare and provide to the legislature, by December 1, 2006, a comprehensive report regarding the department's policies and practices relating to referrals, investigations, and records of child abuse and neglect allegations. At a minimum, the report shall include recommendations for improvement of the department's current practice to:

(1) Define terms relating to referrals and investigative findings;

(2) Provide guidelines for determining whether a referral is to be assigned and investigated;

(3) Manage records of calls which are received but not investigated;

(4) Establish a timeline for the destruction of records regarding investigations which resulted in no investigation, an inconclusive finding, or an unfounded finding;

(5) Disclose to foster parents information regarding sexually reactive and physically aggressive tendencies of children placed in their homes;

(6) Respond to allegations of abuse, neglect, or failure to supervise against foster parents when the allegations arise from the conduct of a child who is sexually reactive or has physically aggressive tendencies and the foster parent did not have prior knowledge of those tendencies or the child was not in the reasonable control of the foster parent; and

(7) Protect the due process rights of individuals who are not afforded the protection of the child abuse and prevention and treatment act.

Sec. 5. RCW 74.13.280 and 2001 c 318 s 3 are each amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a child-placing agency, the department or agency shall share information about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the

department or agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child shall include information about behavioral and emotional problems of the child and whether the child is a sexually reactive child.

(3) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law.

~~((3))~~ (4) Disclosure of any relevant health care information shall be consistent with RCW 70.24.105 and any guidelines or recommendations established by the department of health concerning disclosure of such information, including testing for and disclosure of information related to blood-borne pathogens.

(5) Nothing in this section shall be construed to limit the authority of the department or child-placing agencies to disclose client information or to maintain client confidentiality as provided by law."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 74.13.280; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 3115 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Darneille and Walsh spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 3115, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 3115, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SECOND SUBSTITUTE HOUSE BILL NO. 3115, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 3159, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter shall not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing dairy products; or

(b) Selling manufactured dairy products to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) "Dairy products" means dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein.

(3) This section expires July 1, 2012.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or

(b) Selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) This section expires July 1, 2012.

Sec. 3. RCW 82.04.4266 and 2005 c 513 s 1 are each amended to read as follows:

(1) This chapter shall not apply to ~~((amounts received from))~~ the value of products or the gross proceeds of sales derived from:

~~((†))~~ (a) Manufacturing fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits ~~((and))~~ or vegetables; or

~~((‡))~~ (b) Selling at wholesale ~~((fresh))~~ fruits ~~((and))~~ or vegetables ~~((canned, preserved, frozen, processed, or dehydrated))~~ manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state. ~~((As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record.))~~ A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2) This section expires July 1, 2012.

Sec. 4. RCW 82.04.260 and 2005 c 513 s 2 and 2005 c 443 s 4 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2012, seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent;

(c) Beginning July 1, 2012, dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. ~~((As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record.))~~ Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(d) Beginning July 1, 2012, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

~~((†))~~ (e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

~~((‡))~~ (f) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker,

international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(b) Beginning October 1, 2005, upon every person engaging within this state in the business of making sales, at retail or wholesale, of commercial airplanes, or components of such airplanes, manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the airplanes or components multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(c) For the purposes of this subsection (11), "commercial airplane," "component," and "final assembly of a superefficient airplane" have the meanings given in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person eligible for the tax rate under this subsection (11) must report as required under RCW 82.32.545.

(e) This subsection (11) does not apply after the earlier of: July 1, 2024; or December 31, 2007, if assembly of a superefficient airplane does not begin by December 31, 2007, as determined under RCW 82.32.550.

(12) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

Sec. 5. RCW 82.32.610 and 2005 c 513 s 3 are each amended to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(2) Each person claiming a tax exemption under RCW 82.04.4266, section 1 of this act, or section 2 of this act shall report information to the department by filing a complete annual survey. The survey is due by March 31st of the year following any calendar year in which a tax exemption under RCW 82.04.4266, section 1 of this act, or section 2 of this act is taken. The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey shall include the amount of tax exemption taken. The survey shall also include the following information for employment positions in Washington:

(a) The number of total employment positions;
(b) Full-time, part-time, and temporary employment positions as a percent of total employment;

(c) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(d) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

The first survey filed under this subsection shall also include information for the twelve-month period immediately before first use of a tax incentive.

(3) The department may request additional information necessary to measure the results of the exemption program, to be submitted at the same time as the survey.

(4) All information collected under this section, except the amount of the tax exemption taken, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax exemption taken is not subject to the confidentiality provisions of RCW 82.32.330.

(5) If a person fails to submit an annual survey under subsection (2) of this section by the due date of the ((report)) survey or any extension under RCW 82.32.590, the department shall declare the amount of taxes exempted for the previous calendar year to be immediately due and payable. The department shall assess interest, but not penalties, on the amounts due under this section. The amount

due shall be calculated using a rate of 0.138 percent. The interest shall be assessed at the rate provided for delinquent taxes under this chapter, retroactively to the date the exemption was claimed, and shall accrue until the taxes for which the exemption was claimed are repaid. This information is not subject to the confidentiality provisions of RCW 82.32.330.

(6) The department shall use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(7) The department shall study the tax exemption authorized in RCW 82.04.4266, section 1 of this act, and section 2 of this act. The department shall submit a report to the finance committee of the house of representatives and the ways and means committee of the senate by December 1, 2011. The report shall measure the effect of the exemption on job creation, job retention, company growth, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

Sec. 6. RCW 82.74.010 and 2005 c 513 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Cold storage warehouse" means a storage warehouse ~~((used))~~ owned or operated by a wholesaler or third-party warehouse as those terms are defined in RCW 82.08.820 to store fresh and/or frozen perishable fruits or vegetables, dairy products, seafood products, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

(3) "Dairy product" means dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein.

(4) "Dairy product manufacturing" means manufacturing, as defined in RCW 82.04.120, of dairy products.

(5) "Department" means the department of revenue.

~~((4))~~ (6) "Eligible investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. The lessor or owner of a qualified building is not eligible for a deferral unless (a) the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or (b)(i) the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments, and (ii) the lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey under RCW 82.74.040. The economic benefit of the deferral to the lessee may be evidenced by any type of payment, credit, or any other financial arrangement between the lessor or owner of the qualified building and the lessee.

~~((5))~~ (7) "Fresh fruit and vegetable processing" means manufacturing as defined in RCW 82.04.120 which consists of the canning, preserving, freezing, processing, or dehydrating fresh fruits and/or vegetables.

~~((6))~~ (8)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection ~~((4))~~ (6) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection ~~((4))~~ (6) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

~~((7))~~ (9) "Person" has the meaning given in RCW 82.04.030.

~~((8))~~ (10) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage ((warehouse)) warehousing, and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, plant, or laboratory used for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development. If a building is used partly for fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

~~((9))~~ (11) "Qualified machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehouse, or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

~~((10))~~ (12) "Recipient" means a person receiving a tax deferral under this chapter.

~~((11))~~ (13) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process related to fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, or cold storage warehousing before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(14) "Seafood product" means any edible marine fish and shellfish that remains in a raw, raw frozen, or raw salted state.

(15) "Seafood product manufacturing" means the manufacturing, as defined in RCW 82.04.120, of seafood products.

Sec. 7. RCW 82.74.030 and 2005 c 513 s 6 are each amended to read as follows:

(1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes ~~((due))~~ imposed or authorized under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project if the investment project is undertaken for the purpose of fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development.

(2) This section expires July 1, 2012.

Sec. 8. RCW 82.74.040 and 2005 c 513 s 7 are each amended to read as follows:

(1)(a) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(b) Each recipient of a deferral granted under this chapter shall complete an annual survey. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.74.010~~((4))~~ (6), the lessee shall complete the annual survey and the applicant is not required to complete the annual survey. The survey is due by March 31st of the year following the calendar year in which the investment project is certified by the department as having been operationally complete and each of the seven succeeding calendar years. The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The

survey shall include the amount of tax deferred. The survey shall also include the following information for employment positions in Washington:

(i) The number of total employment positions;
 (ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(c) The department may request additional information necessary to measure the results of the deferral program, to be submitted at the same time as the survey.

(d) All information collected under this subsection, except the amount of the tax deferral taken, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax deferral taken is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(e) The department shall use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(f) The department shall also use the information to study the tax deferral program authorized under this chapter. The department shall report to the legislature by December 1, 2011. The report shall measure the effect of the program on job creation, ~~((the number of jobs created for residents of eligible areas,))~~ company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

(2)(a) If a recipient of the deferral fails to complete the annual survey required under subsection (1) of this section by the date due or any extension under RCW 82.32.590, twelve and one-half percent of the deferred tax shall be immediately due. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.74.010~~((4))~~ (6), the lessee shall be responsible for payment to the extent the lessee has received the economic benefit. The department shall assess interest, but not penalties, on the amounts due under this section. The interest shall be assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, and shall accrue until the amounts due are repaid.

(b) A recipient who must repay deferred taxes under RCW 82.74.050(2) because the department has found that an investment project is used for purposes other than fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development is no longer required to file annual surveys under this section beginning on the date an investment project is used for nonqualifying purposes.

Sec. 9. RCW 82.74.050 and 2005 c 513 s 8 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, taxes deferred under this chapter need not be repaid.

(2) If, on the basis of survey under RCW 82.74.040 or other information, the department finds that an investment project is used for purposes other than fresh fruit and vegetable processing, dairy product manufacturing, seafood product manufacturing, cold storage warehousing, or research and development at any time during the calendar year in which the investment project is certified by the department as having been operationally completed, or at any time during any of the seven succeeding calendar years, a portion of deferred taxes shall be immediately due according to the following schedule:

1	100%
2	87.5%
3	75%
4	62.5%
5	50%
6	37.5%
7	25%
8	12.5%

(3) The department shall assess interest, but not penalties, on the deferred taxes under subsection (2) of this section. The interest shall be assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, retroactively to the date of deferral, and shall accrue until the deferred taxes are repaid. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

(4) Notwithstanding subsection (2) of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

Sec. 10. RCW 82.08.820 and 1997 c 450 s 2 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Construction of a warehouse or grain elevator, including materials, and including service and labor costs, are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

(b) "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the construction began. "Construction" includes expansion if the expansion adds at least two hundred thousand square feet of additional space to an existing warehouse or additional storage capacity of at least one million bushels to an existing grain elevator. "Construction" does not include renovation, remodeling, or repair;

(c) "Department" means the department of revenue;

(d) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

(e) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product. "Finished goods" does not include logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk;

(f) "Grain elevator" means a structure used for storage and handling of grain in bulk;

(g) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repack finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling

Year in which <u>nonqualifying</u> use occurs	% of deferred taxes due
--	-------------------------

equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

(h) "Person" has the meaning given in RCW 82.04.030;

(i) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

(j) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse shall be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

(k) "Third-party warehouse" means a person taxable under RCW 82.04.280(4);

(l) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

(m) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department shall on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(4) Warehouses, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, ((82.61;)) 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not

eligible for any remittance under this section. Warehouses and grain elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

Sec. 11. RCW 82.08.820 and 2005 c 513 s 11 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Construction of a warehouse or grain elevator, including materials, and including service and labor costs, are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

(b) "Cold storage warehouse" (~~means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing~~) has the meaning provided in RCW 82.74.010;

(c) "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the construction began. "Construction" includes expansion if the expansion adds at least twenty-five thousand square feet of additional space to an existing cold storage warehouse, at least two hundred thousand square feet of additional space to an existing warehouse other than a cold storage warehouse, or additional storage capacity of at least one million bushels to an existing grain elevator. "Construction" does not include renovation, remodeling, or repair;

(d) "Department" means the department of revenue;

(e) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

(f) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product. "Finished goods" does not include logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk;

(g) "Grain elevator" means a structure used for storage and handling of grain in bulk;

(h) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repack finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal

property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

(i) "Person" has the meaning given in RCW 82.04.030;

(j) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

(k) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse shall be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

(l) "Third-party warehouse" means a person taxable under RCW 82.04.280(4);

(m) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

(n) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more, other than cold storage warehouses, and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department shall on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(4) Warehouses, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, ~~(82.61)~~ 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses and grain

elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

Sec. 12. RCW 82.08.820 and 2005 c 513 s 11 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Construction of a warehouse or grain elevator, including materials, and including service and labor costs, are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

~~(b) ("Cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing;~~

~~(c) "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the construction began. "Construction" includes expansion if the expansion adds (at least twenty-five thousand square feet of additional space to an existing cold storage warehouse;) at least two hundred thousand square feet of additional space to an existing warehouse (other than a cold storage warehouse;) or additional storage capacity of at least one million bushels to an existing grain elevator. "Construction" does not include renovation, remodeling, or repair;~~

~~(d) "Department" means the department of revenue;~~

~~(e) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;~~

~~(f) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product. "Finished goods" does not include logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk;~~

~~(g) "Grain elevator" means a structure used for storage and handling of grain in bulk;~~

~~(h) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repackage finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is~~

not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

~~((+))~~ (h) "Person" has the meaning given in RCW 82.04.030;

~~((+))~~ (i) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

~~((+))~~ (j) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse shall be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

~~((+))~~ (k) "Third-party warehouse" means a person taxable under RCW 82.04.280(4);

~~((+))~~ (l) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

~~((+))~~ (m) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more (~~(- other than cold storage warehouses,))~~ and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. (~~For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.))~~)

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department shall on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(4) Warehouses, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, (~~(82.61,))~~ 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses and grain elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

Sec. 13. RCW 82.12.820 and 2005 c 513 s 12 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators, and retailers who own or operate distribution centers, and who have paid the tax levied under RCW 82.12.020 on:

(a) Material-handling equipment and racking equipment and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Materials incorporated in the construction of a warehouse or grain elevator, are eligible for an exemption on tax paid in the form of a remittance or credit against tax owed. The amount of the remittance or credit is computed under subsection (2) of this section and is based on the state share of use tax.

(2)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.12.020 to the department. The person may then apply to the department for remittance of all or part of the tax paid under RCW 82.12.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more (~~(- other than cold storage warehouses,))~~ and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction materials, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment. (~~For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.))~~)

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses, if applicable; and construction invoices and documents.

(c) The department shall on a quarterly basis remit or credit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(3) Warehouse, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, (~~(82.61,))~~ 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Materials incorporated in warehouses and grain elevators upon which construction was initiated prior to May 20, 1997, are not eligible for a remittance under this section.

(4) The lessor or owner of the warehouse or grain elevator is not eligible for a remittance or credit under this section unless the underlying ownership of the warehouse or grain elevator and material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the exemption to the lessee in the form of reduced rent payments.

(5) The definitions in RCW 82.08.820 apply to this section.

NEW SECTION. Sec. 14. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales to persons who are subject to tax under RCW 82.04.260(12) of: (a) Materials used to package canned salmon including, but not limited to, clear wrap, boxes, tape, and box labels; and (b) glue, ink, or similar tangible personal property, that: (i) Affixes the label to the labeled product; or (ii) becomes a component of the label.

(2) The exemption is available only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

NEW SECTION. Sec. 15. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply with respect to the use by persons who are subject to tax under RCW 82.04.260(12) of: (1) Materials used to package canned salmon including, but not limited to, clear wrap, boxes, tape, and box labels; and (2) glue, ink, or similar tangible personal property, that: (a) Affixes the label to the labeled product; or (b) becomes a component of the label.

Sec. 16. RCW 82.32.600 and 2005 c 514 s 1002 are each amended to read as follows:

(1) Persons required to file surveys under RCW 82.04.4452, 82.32.610, or 82.74.040 must electronically file with the department all surveys, returns, and any other forms or information the department requires in an electronic format as provided or approved by the department (~~(unless the department grants relief under subsection (2) of this section)~~). As used in this section, "returns" has the same meaning as "return" in RCW 82.32.050.

(2) ~~(Upon request, the department may relieve a person of the obligations in subsection (1) of this section if the person's taxes have been reduced a cumulative total of less than one thousand dollars from all of the credits, exemptions, or preferential business and occupation tax rates, for which a person is required to file an annual survey under RCW 82.04.4452, 82.32.535, 82.32.545, 82.32.570, 82.32.560, 82.60.070, or 82.63.020.~~

~~(3) Persons who no longer qualify for relief under subsection (2) of this section will be notified in writing by the department and must comply with subsection (1) of this section by the date provided in the notice.~~

~~(4)) Any survey, return, or any other form or information required to be filed in an electronic format under subsection (1) of this section is not filed until received by the department in an electronic format.~~

(3) The department may waive the electronic filing requirement in subsection (1) of this section for good cause shown.

Sec. 17. RCW 82.32.590 and 2005 c 514 s 1001 are each amended to read as follows:

(1) If the department finds that the failure of a taxpayer to file an annual survey under RCW 82.04.4452, 82.32.610, or 82.74.040 by the due date was the result of circumstances beyond the control of the taxpayer, the department shall extend the time for filing the survey. Such extension shall be for a period of thirty days from the date the department issues its written notification to the taxpayer that it qualifies for an extension under this section. The department may grant additional extensions as it deems proper.

(2) In making a determination whether the failure of a taxpayer to file an annual survey by the due date was the result of circumstances beyond the control of the taxpayer, the department shall be guided by rules adopted by the department for the waiver or cancellation of penalties when the underpayment or untimely payment of any tax was due to circumstances beyond the control of the taxpayer.

NEW SECTION. Sec. 18. (1) Except as otherwise provided in this section, this act takes effect July 1, 2006.

(2) Sections 6 through 9 and 11 of this act take effect July 1, 2007.

(3) Sections 12 and 13 of this act take effect July 1, 2012.

NEW SECTION. Sec. 19. Section 10 of this act expires July 1, 2007.

NEW SECTION. Sec. 20. Section 11 of this act expires July 1, 2012."

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "amending RCW 82.04.4266, 82.32.610, 82.74.010, 82.74.030, 82.74.040, 82.74.050, 82.08.820, 82.08.820, 82.08.820, 82.12.820, 82.32.600, and 82.32.590; reenacting and amending RCW 82.04.260; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing effective dates; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 3159 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hunter and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed House Bill No. 3159, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3159, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Hasegawa - 1.

ENGROSSED HOUSE BILL NO. 3159, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1523, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.60.020 and 2004 c 25 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means a rural county as defined in RCW 82.14.370.

(4)(a) "Eligible investment project" means an investment project in an eligible area as defined in subsection (3) of this section.

(b) The lessor or owner of a qualified building is not eligible for a deferral unless:

(i) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(ii)(A) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(B) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey required under RCW 82.60.070; and

(C) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

(c) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, ~~(and)~~ the activities performed by research and development laboratories and commercial testing laboratories, and the conditioning of vegetable seeds.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The term "entire tax year" means a full-time position that is filled for a period of twelve consecutive months. The term "full-time" means at least thirty-five hours a week, four hundred fifty-five hours a quarter, or one thousand eight hundred twenty hours a year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment;

laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

NEW SECTION. Sec. 2. This act takes effect July 1, 2006."

On page 1, line 3 of the title, after "seeds;" strike the remainder of the title and insert "amending RCW 82.60.020; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1523 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives McIntire and Orcutt spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Substitute House Bill No. 1523, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1523, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 97.

Voting nay: Representative Sommers - 1.

SUBSTITUTE HOUSE BILL NO. 1523, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079. Under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Conway and Hinkle spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 3079, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3079, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 96.

Voting nay: Representatives Chandler, and Holmquist - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 3317, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.502 and 1998 c 213 s 3 are each amended to read as follows:

(1) A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(b) or (c) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if: (a) The person has four or more prior offenses within seven years as defined in RCW 46.61.5055; or (b) the person has ever previously been convicted of vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), or vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b).

Sec. 2. RCW 46.61.504 and 1998 c 213 s 5 are each amended to read as follows:

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be

0.08 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(b) or (c) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if: (a) The person has four or more prior offenses within seven years as defined in RCW 46.61.5055; or (b) the person has ever previously been convicted of vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), or vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b).

Sec. 3. RCW 46.61.5055 and 2004 c 95 s 13 are each amended to read as follows:

(1) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring

device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(2) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year and sixty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year and ninety days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(3) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or ~~(more)~~ three prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year and one hundred twenty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol

detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year and one hundred fifty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(4) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has four or more prior offenses within seven years, or who has ever previously been convicted of a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug or RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, shall be punished in accordance with chapter 9.94A RCW.

(5) If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) In any case in which the installation and use of an interlock or other device is not mandatory under RCW 46.20.720 or other law, order the use of such a device for not less than sixty days following the restoration of the person's license, permit, or nonresident driving privileges; and

(b) In any case in which the installation and use of such a device is otherwise mandatory, order the use of such a device for an additional sixty days.

~~((5))~~ (6) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers.

~~((6))~~ (7) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

~~((7))~~ (8) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered

under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

For purposes of this subsection ~~((7))~~ (8), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

~~((8))~~ (9) After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

~~((9))~~ (10)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), or (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

~~((+H))~~ (11) A court may waive the electronic home monitoring requirements of this chapter when:

- (a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system;
- (b) The offender does not reside in the state of Washington; or
- (c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-five days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-five days.

~~((+H))~~ (12) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(4).

~~((+H))~~ (13) For purposes of this section and RCW 46.61.502 and 46.61.504:

- (a) A "prior offense" means any of the following:
 - (i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;
 - (ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;
 - (iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;
 - (iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;
 - (v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;
 - (vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;
 - (vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or
 - (viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522; and
- (b) "Within seven years" means that the arrest for a prior offense occurred within seven years of the arrest for the current offense.

NEW SECTION. Sec. 4. A new section is added to chapter 9.94A RCW to read as follows:

(1) When sentencing an offender convicted of a violation of RCW 46.61.502(6) or 46.61.504(6), the court, in addition to imposing the provisions of this chapter, shall order the offender to undergo alcohol or chemical dependency treatment services during incarceration. The offender shall be liable for the cost of treatment unless the court finds the offender indigent and no third-party insurance coverage is available.

(2) The provisions under RCW 46.61.5055 (8) and (9) regarding the suspension, revocation, or denial of the offender's license, permit, or nonresident privilege to drive shall apply to an offender convicted of a violation of RCW 46.61.502(6) or 46.61.504(6).

(3) The provisions under RCW 46.20.720 and 46.61.5055(5) regarding ignition interlock devices shall apply to an offender convicted of a violation of RCW 46.61.502(6) or 46.61.504(6).

Sec. 5. RCW 9.94A.030 and 2005 c 436 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(9) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(10) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(11) "Confinement" means total or partial confinement.

(12) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(13) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(14) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(21) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(22) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(23) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(24) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), ~~(or)~~ felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(25) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(26) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(27) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(28) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(29) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1)(a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1)(a), (b), and (c)

as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(30) "Nonviolent offense" means an offense which is not a violent offense.

(31) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(32) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(33) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (33)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(34) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(35) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(36) "Public school" has the same meaning as in RCW 28A.150.010.

(37) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(38) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(39) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(40) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(41) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.070 or 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(42) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(43) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(44) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(45) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(46) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(47) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(48) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(49) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(50) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(51) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 6. RCW 9.94A.030 and 2003 c 53 s 55 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(9) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(10) "Confinement" means total or partial confinement.

(11) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(12) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(13) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(14) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(15) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(16) "Department" means the department of corrections.

(17) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(18) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(19) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(20) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(21) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(22) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(23) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), ~~(**or**)~~ felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(24) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(25) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(26) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(27) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(28) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1)(a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1)(a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)(a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1)(d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(29) "Nonviolent offense" means an offense which is not a violent offense.

(30) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(31) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(32) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate

occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (32)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(33) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(34) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(35) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(36) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(37) "Serious violent offense" is a subcategory of violent offense and means:

- (a)(i) Murder in the first degree;
- (ii) Homicide by abuse;
- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;
- (viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(38) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.070 or 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(39) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(40) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(41) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(42) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(43) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(44) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(45) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(46) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(47) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management

skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(48) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 7. RCW 9.94A.505 and 2002 c 290 s 17, 2002 c 289 s 6, and 2002 c 175 s 6 are each reenacted and amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, the court shall impose a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

(iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

(iv) RCW 9.94A.545, relating to community custody for offenders whose term of confinement is one year or less;

(v) RCW 9.94A.570, relating to persistent offenders;

(vi) RCW 9.94A.540, relating to mandatory minimum terms;

(vii) RCW 9.94A.650, relating to the first-time offender waiver;

(viii) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(ix) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(x) RCW 9.94A.712, relating to certain sex offenses;

(xi) RCW 9.94A.535, relating to exceptional sentences;

(xii) RCW 9.94A.589, relating to consecutive and concurrent sentences;

(xiii) Section 4 of this act, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; until July 1, 2000, a term of community supervision not to exceed one year and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, 9.94A.760, and 43.43.7541.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community supervision, community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

(9) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental

health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(11) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may, as part of any term of community supervision, community placement, or community custody, order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

Sec. 8. RCW 9.94A.525 and 2002 c 290 s 3 and 2002 c 107 s 3 are each reenacted and amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), prior convictions of felony driving while under the influence of intoxicating liquor or any drug, felony physical control of a vehicle while under the influence of intoxicating liquor or any drug, and serious traffic offenses shall be included in the offender score if: (i) The prior convictions were committed within five years since the last date of release from confinement (including full-time residential treatment) or entry of judgment and sentence; or (ii) the prior convictions would be considered "prior offenses within seven years" as defined in RCW 46.61.5055.

(f) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall

be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction.

(12) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

(18) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Accordingly, prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions.

Sec. 9. RCW 9.94A.640 and 1987 c 486 s 7 are each amended to read as follows:

(1) Every offender who has been discharged under RCW 9.94A.637 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may clear the record of conviction by: (a) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or (b) if the offender has been convicted after a plea of not guilty, by the court setting aside the verdict of guilty; and (c) by the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if: (a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a crime against persons as defined in RCW 43.43.830; (d) the offender has been convicted of a new crime in this state, another state, or federal court since the date of the offender's discharge under RCW 9.94A.637; (e) the offense is a class B felony and less than ten years have passed since the date the applicant was discharged under RCW 9.94A.637; ~~(and)~~ (f) the offense was a class C felony, other than a class C felony described in RCW 46.61.502(6) or 46.61.504(6), and less than five years have passed since the date the applicant was discharged under RCW 9.94A.637; or (g) the offense was a class C felony described in RCW 46.61.502(6) or 46.61.504(6) and less than seven years have passed since the applicant was discharged under RCW 9.94A.637.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications, an

offender whose conviction has been vacated may state that the offender has never been convicted of that crime. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

Sec. 10. RCW 9.94A.650 and 2002 c 175 s 9 are each amended to read as follows:

(1) This section applies to offenders who have never been previously convicted of a felony in this state, federal court, or another state, and who have never participated in a program of deferred prosecution for a felony, and who are convicted of a felony that is not:

(a) Classified as a violent offense or a sex offense under this chapter;

(b) Manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV;

(c) Manufacture, delivery, or possession with intent to deliver a methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2); ~~((or))~~

(d) The selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana; or

~~(e) Felony driving while under the influence of intoxicating liquor or any drug or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug.~~

(2) In sentencing a first-time offender the court may waive the imposition of a sentence within the standard sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include a term of community supervision or community custody as specified in subsection (3) of this section, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to the period specified in subsection (3) of this section, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the community corrections officer prior to any change in the offender's address or employment;

(e) Report as directed to a community corrections officer; or

(f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community restitution work.

(3) The terms and statuses applicable to sentences under subsection (2) of this section are:

(a) For sentences imposed on or after July 25, 1999, for crimes committed before July 1, 2000, up to one year of community supervision. If treatment is ordered, the period of community supervision may include up to the period of treatment, but shall not exceed two years; and

(b) For crimes committed on or after July 1, 2000, up to one year of community custody unless treatment is ordered, in which case the period of community custody may include up to the period of treatment, but shall not exceed two years. Any term of community custody imposed under this section is subject to conditions and sanctions as authorized in this section and in RCW 9.94A.715 (2) and (3).

(4) The department shall discharge from community supervision any offender sentenced under this section before July 25, 1999, who has served at least one year of community supervision and has completed any treatment ordered by the court.

Sec. 11. RCW 9.94A.660 and 2005 c 460 s 1 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

~~(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);~~

~~(c) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;~~

~~((e))~~ (d) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

~~((f))~~ (e) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

~~((g))~~ (f) The standard sentence range for the current offense is greater than one year; and

~~((h))~~ (g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a sentence under this section may be made by the court, the offender, or the state. If the sentencing court determines that the offender is eligible for this alternative, the court may order an examination of the offender. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from drug addiction;

(b) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;

(c) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and

(d) Whether the offender and the community will benefit from the use of the alternative.

(3) The examination report must contain:

(a) Information on the issues required to be addressed in subsection (2) of this section; and

(b) A proposed treatment plan that must, at a minimum, contain:

(i) A proposed treatment provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services;

(ii) The recommended frequency and length of treatment, including both residential chemical dependency treatment and treatment in the community;

(iii) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and

(iv) Recommended crime-related prohibitions and affirmative conditions.

(4) After receipt of the examination report, if the court determines that a sentence under this section is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under subsection (5) of this section or a residential chemical dependency treatment-based alternative under subsection (6) of this section. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

(5) The prison-based alternative shall include:

(a) A period of total confinement in a state facility for one-half of the midpoint of the standard sentence range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of

alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections;

(b) The remainder of the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services. If the department finds that conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court;

(c) Crime-related prohibitions including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.715 to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

(6) The residential chemical dependency treatment-based alternative shall include:

(a) A term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months. If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody. The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the plan under subsection (3)(b) of this section. The department may impose conditions and sanctions as authorized in RCW 9.94A.715 (2), (3), (6), and (7), 9.94A.737, and 9.94A.740. The court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;

(b) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment. At the hearing, the court may:

(i) Authorize the department to terminate the offender's community custody status on the expiration date determined under (a) of this subsection; or

(ii) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

(iii) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.715;

(c) If the court imposes a term of total confinement under (b)(iii) of this subsection, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the terms of total confinement and community custody.

(7) If the court imposes a sentence under this section, the court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court may impose any of the following conditions:

(a) Devote time to a specific employment or training;

(b) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(c) Report as directed to a community corrections officer;

(d) Pay all court-ordered legal financial obligations;

(e) Perform community restitution work;

(f) Stay out of areas designated by the sentencing court;

(g) Such other conditions as the court may require such as affirmative conditions.

(8)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the terms of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.

(9) If an offender sentenced to the prison-based alternative under subsection (5) of this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

(10) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(11) Costs of examinations and preparing treatment plans under subsections (2) and (3) of this section may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350.

Sec. 12. RCW 9.94A.690 and 2000 c 28 s 21 are each amended to read as follows:

(1)(a) An offender is eligible to be sentenced to a work ethic camp if the offender:

(i) Is sentenced to a term of total confinement of not less than twelve months and one day or more than thirty-six months;

(ii) Has no current or prior convictions for any sex offenses or for violent offenses; and

(iii) Is not currently subject to a sentence for, or being prosecuted for, a violation of felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), a violation of physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), a violation of the uniform controlled substances act, or a criminal solicitation to commit such a violation under chapter 9A.28 or 69.50 RCW.

(b) The length of the work ethic camp shall be at least one hundred twenty days and not more than one hundred eighty days.

(2) If the sentencing court determines that the offender is eligible for the work ethic camp and is likely to qualify under subsection (3) of this section, the judge shall impose a sentence within the standard sentence range and may recommend that the offender serve the sentence at a work ethic camp. In sentencing an offender to the work ethic camp, the court shall specify: (a) That upon completion of the work ethic camp the offender shall be released on community custody for any remaining time of total confinement; (b) the applicable conditions of supervision on community custody status as required by RCW 9.94A.700(4) and authorized by RCW 9.94A.700(5); and (c) that violation of the conditions may result in a return to total confinement for the balance of the offender's remaining time of confinement.

(3) The department shall place the offender in the work ethic camp program, subject to capacity, unless: (a) The department determines that the offender has physical or mental impairments that would prevent participation and completion of the program; (b) the department determines that the offender's custody level prevents placement in the program; (c) the offender refuses to agree to the terms and conditions of the program; (d) the offender has been found by the United States attorney general to be subject to a deportation

detainer or order; or (e) the offender has participated in the work ethic camp program in the past.

(4) An offender who fails to complete the work ethic camp program, who is administratively terminated from the program, or who otherwise violates any conditions of supervision, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court and shall be subject to all rules relating to earned release time.

(5) During the last two weeks prior to release from the work ethic camp program the department shall provide the offender with comprehensive transition training.

Sec. 13. RCW 9.94A.515 and 2005 c 458 s 2 and 2005 c 183 s 9 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 9A.60.050)
XV	Homicide by abuse (RCW 9A.32.055)	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Malicious explosion 1 (RCW 70.74.280(1))	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Murder 1 (RCW 9A.32.030)	Robbery 1 (RCW 9A.56.200)
XIV	Murder 2 (RCW 9A.32.050)	Sexual Exploitation (RCW 9.68A.040)
	Trafficking 1 (RCW 9A.40.100(1))	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
XIII	Malicious explosion 2 (RCW 70.74.280(2))	VIII Arson 1 (RCW 9A.48.020)
	Malicious placement of an explosive 1 (RCW 70.74.270(1))	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 9A.60.050)
XII	Assault 1 (RCW 9A.36.011)	Manslaughter 2 (RCW 9A.32.070)
	Assault of a Child 1 (RCW 9A.36.120)	Promoting Prostitution 1 (RCW 9A.88.070)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))	Theft of Ammonia (RCW 69.55.010)
	Rape 1 (RCW 9A.44.040)	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
	Rape of a Child 1 (RCW 9A.44.073)	VII Burglary 1 (RCW 9A.52.020)
	Trafficking 2 (RCW 9A.40.100(2))	Child Molestation 2 (RCW 9A.44.086)
XI	Manslaughter 1 (RCW 9A.32.060)	Civil Disorder Training (RCW 9A.48.120)
	Rape 2 (RCW 9A.44.050)	Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
	Rape of a Child 2 (RCW 9A.44.076)	Drive-by Shooting (RCW 9A.36.045)
X	Child Molestation 1 (RCW 9A.44.083)	Homicide by Watercraft, by disregard for the safety of others (RCW 9A.60.050)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
	Kidnapping 1 (RCW 9A.40.020)	Introducing Contraband 1 (RCW 9A.76.140)
	Leading Organized Crime (RCW 9A.82.060(1)(a))	Malicious placement of an explosive 3 (RCW 70.74.270(3))
	Malicious explosion 3 (RCW 70.74.280(3))	Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
	Sexually Violent Predator Escape (RCW 9A.76.115)	Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
IX	Assault of a Child 2 (RCW 9A.36.130)	Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
	Explosive devices prohibited (RCW 70.74.180)	Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
	Hit and Run--Death (RCW 46.52.020(4)(a))	Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
		VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
		Bribery (RCW 9A.68.010)

- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of dependent person 1 (RCW 9A.42.060)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(3))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Willful Failure to Return from Furlough (RCW 72.66.060)

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| <p>III Abandonment of dependent person 2 (RCW 9A.42.070)</p> <p>Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))</p> <p>Assault of a Child 3 (RCW 9A.36.140)</p> <p>Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))</p> <p>Burglary 2 (RCW 9A.52.030)</p> <p>Communication with a Minor for Immoral Purposes (RCW 9.68A.090)</p> <p>Criminal Gang Intimidation (RCW 9A.46.120)</p> <p>Criminal Mistreatment 2 (RCW 9A.42.030)</p> <p>Custodial Assault (RCW 9A.36.100)</p> <p>Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))</p> <p>Escape 2 (RCW 9A.76.120)</p> <p>Extortion 2 (RCW 9A.56.130)</p> <p>Harassment (RCW 9A.46.020)</p> <p>Intimidating a Public Servant (RCW 9A.76.180)</p> <p>Introducing Contraband 2 (RCW 9A.76.150)</p> <p>Malicious Injury to Railroad Property (RCW 81.60.070)</p> <p>Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)</p> <p>Patronizing a Juvenile Prostitute (RCW 9.68A.100)</p> <p>Perjury 2 (RCW 9A.72.030)</p> <p>Possession of Incendiary Device (RCW 9.40.120)</p> <p>Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)</p> <p>Promoting Prostitution 2 (RCW 9A.88.080)</p> <p>Securities Act violation (RCW 21.20.400)</p> <p>Tampering with a Witness (RCW 9A.72.120)</p> <p>Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))</p> <p>Theft of Livestock 2 (RCW 9A.56.083)</p> <p>Trafficking in Stolen Property 2 (RCW 9A.82.055)</p> <p>Unlawful Imprisonment (RCW 9A.40.040)</p> <p>Unlawful possession of firearm in the second degree (RCW 9.41.040(2))</p> | <p>Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)</p> <p>Willful Failure to Return from Work Release (RCW 72.65.070)</p> <p>II Computer Trespass 1 (RCW 9A.52.110)</p> <p>Counterfeiting (RCW 9.16.035(3))</p> <p>Escape from Community Custody (RCW 72.09.310)</p> <p>Health Care False Claims (RCW 48.80.030)</p> <p>Identity Theft 2 (RCW 9.35.020(3))</p> <p>Improperly Obtaining Financial Information (RCW 9.35.010)</p> <p>Malicious Mischief 1 (RCW 9A.48.070)</p> <p>Possession of Stolen Property 1 (RCW 9A.56.150)</p> <p>Theft 1 (RCW 9A.56.030)</p> <p>Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))</p> <p>Trafficking in Insurance Claims (RCW 48.30A.015)</p> <p>Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))</p> <p>Unlawful Practice of Law (RCW 2.48.180)</p> <p>Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))</p> <p>I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)</p> <p>False Verification for Welfare (RCW 74.08.055)</p> <p>Forgery (RCW 9A.60.020)</p> <p>Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)</p> <p>Malicious Mischief 2 (RCW 9A.48.080)</p> <p>Mineral Trespass (RCW 78.44.330)</p> <p>Possession of Stolen Property 2 (RCW 9A.56.160)</p> <p>Reckless Burning 1 (RCW 9A.48.040)</p> <p>Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)</p> <p>Theft 2 (RCW 9A.56.040)</p> <p>Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))</p> |
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Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 14. RCW 9.94A.411 and 2000 c 119 s 28 and 2000 c 28 s 17 are each reenacted and amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

(i) It has not been enforced for many years; and

(ii) Most members of society act as if it were no longer in existence; and

(iii) It serves no deterrent or protective purpose in today's society; and

(iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimis Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society. Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

(a) STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.670.

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

- Aggravated Murder
- 1st Degree Murder
- 2nd Degree Murder
- 1st Degree Manslaughter
- 2nd Degree Manslaughter
- 1st Degree Kidnapping
- 2nd Degree Kidnapping
- 1st Degree Assault
- 2nd Degree Assault
- 3rd Degree Assault
- 1st Degree Assault of a Child

2nd Degree Assault of a Child
 3rd Degree Assault of a Child
 1st Degree Rape
 2nd Degree Rape
 3rd Degree Rape
 1st Degree Rape of a Child
 2nd Degree Rape of a Child
 3rd Degree Rape of a Child
 1st Degree Robbery
 2nd Degree Robbery
 1st Degree Arson
 1st Degree Burglary
 1st Degree Extortion
 2nd Degree Extortion
 Indecent Liberties
 Incest
 Vehicular Homicide
 Vehicular Assault
 1st Degree Child Molestation
 2nd Degree Child Molestation
 3rd Degree Child Molestation
 1st Degree Promoting Prostitution
 Intimidating a Juror
 Communication with a Minor
 Intimidating a Witness
 Intimidating a Public Servant
 Bomb Threat (if against person)
 Unlawful Imprisonment
 Promoting a Suicide Attempt
 Riot (if against person)
 Stalking
 Custodial Assault
 Domestic Violence Court Order Violation (RCW 10.99.040,
 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070,
 or 74.34.145)

Counterfeiting (if a violation of RCW 9.16.035(4))

Felony Driving a Motor Vehicle While Under the Influence of
 Intoxicating Liquor or Any Drug (RCW 46.61.502(6))

Felony Physical Control of a Motor Vehicle While Under the
 Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))

CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson
 1st Degree Escape
 2nd Degree Escape
 2nd Degree Burglary
 1st Degree Theft
 2nd Degree Theft
 1st Degree Perjury
 2nd Degree Perjury
 1st Degree Introducing Contraband
 2nd Degree Introducing Contraband
 1st Degree Possession of Stolen Property
 2nd Degree Possession of Stolen Property
 Bribery
 Bribing a Witness
 Bribe received by a Witness
 Bomb Threat (if against property)
 1st Degree Malicious Mischief
 2nd Degree Malicious Mischief
 1st Degree Reckless Burning
 Taking a Motor Vehicle without Authorization
 Forgery
 2nd Degree Promoting Prostitution
 Tampering with a Witness
 Trading in Public Office
 Trading in Special Influence
 Receiving/Granting Unlawful Compensation
 Bigamy
 Eluding a Pursuing Police Vehicle
 Willful Failure to Return from Furlough
 Escape from Community Custody
 Riot (if against property)

1st Degree Theft of Livestock
 2nd Degree Theft of Livestock

ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

(i) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

(A) Will significantly enhance the strength of the state's case at trial; or

(B) Will result in restitution to all victims.

(ii) The prosecutor should not overcharge to obtain a guilty plea.

Overcharging includes:

(A) Charging a higher degree;

(B) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

(b) GUIDELINES/COMMENTARY:

(i) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

(A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

(B) The completion of necessary laboratory tests; and

(C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

(ii) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

(A) Probable cause exists to believe the suspect is guilty; and

(B) The suspect presents a danger to the community or is likely to flee if not apprehended; or

(C) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

(iii) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

(A) Polygraph testing;

(B) Hypnosis;

(C) Electronic surveillance;

(D) Use of informants.

(iv) Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

(v) Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

Sec. 15. RCW 13.40.0357 and 2004 c 117 s 1 are each amended to read as follows:

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
			E Possession/Consumption of Alcohol (66.44.270)	E
			C Illegally Obtaining Legend Drug (69.41.020)	D
			C + Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D +
			E Possession of Legend Drug (69.41.030(2)(b))	E
			B + Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B +
			C Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C
			E Possession of Marihuana <40 grams (69.50.4014)	E
			C Fraudulently Obtaining Controlled Substance (69.50.403)	C
			C + Sale of Controlled Substance for Profit (69.50.410)	C +
			E Unlawful Inhalation (9.47A.020)	E
			B Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B
			C Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C
			C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	C
			C Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C
			Firearms and Weapons	
			B Theft of Firearm (9A.56.300)	C
			B Possession of Stolen Firearm (9A.56.310)	C
			E Carrying Loaded Pistol Without Permit (9.41.050)	E
			C Possession of Firearms by Minor (<18) (9.41.040(2)(a)(iii))	C
			D + Possession of Dangerous Weapon (9.41.250)	E
			D Intimidating Another Person by use of Weapon (9.41.270)	E
			Homicide	
			A + Murder 1 (9A.32.030)	A
			A + Murder 2 (9A.32.050)	B +
			B + Manslaughter 1 (9A.32.060)	C +
			C + Manslaughter 2 (9A.32.070)	D +
			B + Vehicular Homicide (46.61.520)	C +
			Kidnapping	
Arson and Malicious Mischief				
A	Arson 1 (9A.48.020)	B +		
B	Arson 2 (9A.48.030)	C		
C	Reckless Burning 1 (9A.48.040)	D		
D	Reckless Burning 2 (9A.48.050)	E		
B	Malicious Mischief 1 (9A.48.070)	C		
C	Malicious Mischief 2 (9A.48.080)	D		
D	Malicious Mischief 3 (9A.48.090(2) (a) and (c))	E		
E	Malicious Mischief 3 (9A.48.090(2)(b))	E		
E	Tampering with Fire Alarm Apparatus (9.40.100)	E		
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E		
A	Possession of Incendiary Device (9.40.120)	B +		
Assault and Other Crimes Involving Physical Harm				
A	Assault 1 (9A.36.011)	B +		
B +	Assault 2 (9A.36.021)	C +		
C +	Assault 3 (9A.36.031)	D +		
D +	Assault 4 (9A.36.041)	E		
B +	Drive-By Shooting (9A.36.045)	C +		
D +	Reckless Endangerment (9A.36.050)	E		
C +	Promoting Suicide Attempt (9A.36.060)	D +		
D +	Coercion (9A.36.070)	E		
C +	Custodial Assault (9A.36.100)	D +		
Burglary and Trespass				
B +	Burglary 1 (9A.52.020)	C +		
B	Residential Burglary (9A.52.025)	C		
B	Burglary 2 (9A.52.030)	C		
D	Burglary Tools (Possession of) (9A.52.060)	E		
D	Criminal Trespass 1 (9A.52.070)	E		
E	Criminal Trespass 2 (9A.52.080)	E		
C	Mineral Trespass (78.44.330)	C		
C	Vehicle Prowling 1 (9A.52.095)	D		
D	Vehicle Prowling 2 (9A.52.100)	E		
Drugs				

A	Kidnap 1 (9A.40.020)	B +	B +	Robbery 2 (9A.56.210)	C +
B +	Kidnap 2 (9A.40.030)	C +	B +	Extortion 1 (9A.56.120)	C +
C +	Unlawful Imprisonment (9A.40.040)	D +	C +	Extortion 2 (9A.56.130)	D +
	Obstructing Governmental Operation		C	Identity Theft 1 (9.35.020(2))	D
D	Obstructing a Law Enforcement Officer (9A.76.020)	E	D	Identity Theft 2 (9.35.020(3))	E
E	Resisting Arrest (9A.76.040)	E	D	Improperly Obtaining Financial Information (9.35.010)	E
B	Introducing Contraband 1 (9A.76.140)	C	B	Possession of Stolen Property 1 (9A.56.150)	C
C	Introducing Contraband 2 (9A.76.150)	D	C	Possession of Stolen Property 2 (9A.56.160)	D
E	Introducing Contraband 3 (9A.76.160)	E	D	Possession of Stolen Property 3 (9A.56.170)	E
B +	Intimidating a Public Servant (9A.76.180)	C +	C	Taking Motor Vehicle Without Permission 1 and 2 (9A.56.070 and 9A.56.075)	D
B +	Intimidating a Witness (9A.72.110)	C +			
	Public Disturbance			Motor Vehicle Related Crimes	
C +	Riot with Weapon (9A.84.010(2)(b))	D +	E	Driving Without a License (46.20.005)	E
D +	Riot Without Weapon (9A.84.010(2)(a))	E	B +	Hit and Run - Death (46.52.020(4)(a))	C +
E	Failure to Disperse (9A.84.020)	E	C	Hit and Run - Injury (46.52.020(4)(b))	D
E	Disorderly Conduct (9A.84.030)	E	D	Hit and Run-Attended (46.52.020(5))	E
	Sex Crimes		E	Hit and Run-Unattended (46.52.010)	E
A	Rape 1 (9A.44.040)	B +	C	Vehicular Assault (46.61.522)	D
A-	Rape 2 (9A.44.050)	B +	C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
C +	Rape 3 (9A.44.060)	D +	E	Reckless Driving (46.61.500)	E
A-	Rape of a Child 1 (9A.44.073)	B +	D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
B +	Rape of a Child 2 (9A.44.076)	C +	<u>B+</u>	<u>Felony Driving While Under the Influence (46.61.502(6))</u>	<u>B</u>
B	Incest 1 (9A.64.020(1))	C	<u>B+</u>	<u>Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))</u>	<u>B</u>
C	Incest 2 (9A.64.020(2))	D	E	Other	
D +	Indecent Exposure (Victim <14) (9A.88.010)	E	B	Animal Cruelty 1 (16.52.205)	C
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E	B	Bomb Threat (9.61.160)	C
B +	Promoting Prostitution 1 (9A.88.070)	C +	C	Escape 1 ¹ (9A.76.110)	C
C +	Promoting Prostitution 2 (9A.88.080)	D +	C	Escape 2 ¹ (9A.76.120)	C
E	O & A (Prostitution) (9A.88.030)	E	D	Escape 3 (9A.76.130)	E
B +	Indecent Liberties (9A.44.100)	C +	E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A-	Child Molestation 1 (9A.44.083)	B +	A	Other Offense Equivalent to an Adult Class A Felony	B +
B	Child Molestation 2 (9A.44.086)	C +	B	Other Offense Equivalent to an Adult Class B Felony	C
	Theft, Robbery, Extortion, and Forgery		C	Other Offense Equivalent to an Adult Class C Felony	D
B	Theft 1 (9A.56.030)	C	D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
C	Theft 2 (9A.56.040)	D	E	Other Offense Equivalent to an Adult Misdemeanor	E
D	Theft 3 (9A.56.050)	E	B +		
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C			
C	Forgery (9A.60.020)	D			
A	Robbery 1 (9A.56.200)	B +			

V Violation of Order of Restitution,
Community Supervision, or Confinement
(13.40.200)²

C LS

15-36
WEEKS

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 4 weeks confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

D + LS

Local Sanctions:

0 to 30 Days

0 to 12 Months Community Supervision

0 to 150 Hours Community Restitution

D LS

\$0 to \$500 Fine

E LS

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, D, or RCW 13.40.167.

0 1 2 3 4
or more

PRIOR ADJUDICATIONS

**OPTION A
JUVENILE OFFENDER
SENTENCING GRID
STANDARD RANGE**

A + 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A-	15-36	52-65	80-100	103-129
	WEEKS	WEEKS	WEEKS	WEEKS
		S	S	S

EXCEPT
30-40
WEEKS FOR
15-17
YEAR OLDS

Current Offense Category	B + 15-36 WEEKS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
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B LOCAL SANCTIONS (LS)	15-36 WEEKS	52-65 WEEKS
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C + LS

15-36
WEEKS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B SUSPENDED DISPOSITION ALTERNATIVE

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender is:

(a) Adjudicated of an A + offense;

(b) Fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060); or

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Ordered to serve a disposition for a firearm violation under RCW 13.40.193; or

(d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

OR

OPTION C CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B + offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

OPTION D MANIFEST INJUSTICE

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 16. RCW 46.20.311 and 2005 c 314 s 308 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the alcohol or drug dependency agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of seventy-five dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of seventy-five dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the alcohol or drug dependency agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person applying for a new license. If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of seventy-five dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

Sec. 17. RCW 46.61.524 and 2001 c 64 s 7 are each amended to read as follows:

(1) A person convicted under RCW 46.61.502(6), 46.61.504(6), 46.61.520(1)(a), or 46.61.522(1)(b) shall, as a condition of community custody imposed under RCW 9.94A.545 or community placement imposed under RCW 9.94A.660, complete a diagnostic evaluation by an alcohol or drug dependency agency approved by the department of social and health services or a qualified probation department, as defined under RCW 46.61.516 that has been approved by the department of social and health services. This report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem that requires treatment, the person shall complete treatment in a program approved by the department of social and health services under chapter 70.96A RCW. If the person is found not to have an alcohol or drug problem that requires treatment, he or she shall complete a course in an information school approved by the department of social and health services under chapter 70.96A RCW. The convicted person shall pay all costs for any evaluation, education, or treatment required by this section,

unless the person is eligible for an existing program offered or approved by the department of social and health services. Nothing in chapter 348, Laws of 1991 requires the addition of new treatment or assessment facilities nor affects the department of social and health services use of existing programs and facilities authorized by law.

(2) As provided for under RCW 46.20.285, the department shall revoke the license, permit to drive, or a nonresident privilege of a person convicted of vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522. The department shall determine the eligibility of a person convicted of vehicular homicide under RCW 46.61.520(1)(a) or vehicular assault under RCW 46.61.522(1)(b) to receive a license based upon the report provided by the designated alcoholism treatment facility or probation department, and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified.

Sec. 18. RCW 46.61.5152 and 1998 c 41 s 9 are each amended to read as follows:

In addition to penalties that may be imposed under RCW 46.61.5055, the court may require a person who is convicted of a nonfelony violation of RCW 46.61.502 or 46.61.504 or who enters a deferred prosecution program under RCW 10.05.020 based on a nonfelony violation of RCW 46.61.502 or 46.61.504, to attend an educational program focusing on the emotional, physical, and financial suffering of victims who were injured by persons convicted of driving while under the influence of intoxicants.

Sec. 19. RCW 46.61.5151 and 1995 c 332 s 15 are each amended to read as follows:

A sentencing court may allow ~~((persons))~~ a person convicted of ~~((violating))~~ a nonfelony violation of RCW 46.61.502 or 46.61.504 to fulfill the terms of the sentence provided in RCW 46.61.5055 in nonconsecutive or intermittent time periods. However, any mandatory minimum sentence under RCW 46.61.5055 shall be served consecutively unless suspended or deferred as otherwise provided by law.

NEW SECTION. **Sec. 20.** Section 5 of this act expires July 1, 2006.

NEW SECTION. **Sec. 21.** Section 6 of this act takes effect July 1, 2006."

On page 1, line 3 of the title, after "drug;" strike the remainder of the title and insert "amending RCW 46.61.502, 46.61.504, 46.61.5055, 9.94A.030, 9.94A.030, 9.94A.640, 9.94A.650, 9.94A.660, 9.94A.690, 13.40.0357, 46.20.311, 46.61.524, 46.61.5152, and 46.61.5151; reenacting and amending RCW 9.94A.505, 9.94A.525, 9.94A.515, and 9.94A.411; adding a new section to chapter 9.94A RCW; prescribing penalties; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 3317 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Ahern and Lantz spoke in favor the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be final passage of House Bill No. 3317, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3317, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Straw, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 3317, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010,
- SUBSTITUTE HOUSE BILL NO. 1523,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672,
- HOUSE BILL NO. 2409,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507,
- SUBSTITUTE HOUSE BILL NO. 2569,
- SUBSTITUTE HOUSE BILL NO. 2576,
- SECOND SUBSTITUTE HOUSE BILL NO. 2583,
- HOUSE BILL NO. 2612,
- SUBSTITUTE HOUSE BILL NO. 2640,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884,
- SECOND SUBSTITUTE HOUSE BILL NO. 3070,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079,
- SECOND SUBSTITUTE HOUSE BILL NO. 3115,
- ENGROSSED HOUSE BILL NO. 3159,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 3316,
- HOUSE BILL NO. 3317,

REPORT OF CONFERENCE COMMITTEE

March 7, 2006

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 6241, making 2006 supplemental transportation appropriations, have had the same under consideration and we recommend that:

all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"2005-07 BIENNIUM

Sec. 1. 2005 c 313 s 1 (uncodified) is amended to read as follows:

(1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2007.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2006" or "FY 2006" means the fiscal year ending June 30, 2006.

(b) "Fiscal year 2007" or "FY 2007" means the fiscal year ending June 30, 2007.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. **Sec. 101.** A new section is added to 2005 c 313 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account--State Appropriation \$217,000

Sec. 102. 2005 c 313 s 102 (uncodified) is amended to read as follows:

FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State Approp(~~\$390,000~~)
\$394,000

The appropriation in this section is subject to the following conditions and limitations: To address its growing caseload, the marine employees commission shall develop a plan for prioritizing cases to schedule for hearings. The commission shall report back to the transportation committees of the legislature on its case prioritization plan by December 15, 2005.

Sec. 103. 2005 c 313 s 104 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation (~~\$329,000~~)
\$330,000

The appropriation in this section is subject to the following conditions and limitations: (~~\$329,000~~) \$330,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

Sec. 104. 2005 c 313 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account--State Appropriation (~~\$200,000~~)
\$487,000

The appropriation in this section is subject to the following conditions and limitations:

(1) (~~If Second Substitute Senate Bill No. 5056 is not enacted by June 30, 2005, the entire appropriation shall lapse.~~

~~(2) The entire~~) \$200,000 of the motor vehicle account--state appropriation is for additional staffing costs to be dedicated to state

transportation activities. Furthermore, any staff hired to support transportation activities must have practical experience with complex construction projects.

(2) \$236,000 of the motor vehicle account--state appropriation is provided solely for legal expenses related to the Lower Elwha Klallam Tribe v. Washington (graving dock) case.

(3) \$51,000 of the motor vehicle account--state appropriation is provided solely for a pilot project testing remote sensing technology in archeological investigations and surveys for transportation projects.

NEW SECTION. Sec. 105. A new section is added to 2005 c 313 (uncodified) to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account--State Appropriation \$50,000

The appropriation in this section is subject to the following conditions and limitations: The total appropriation is provided solely for an evaluation of the current business needs of the legislative transportation fiscal committee staffs with respect to the transportation executive information system (TEIS). The committee shall work with the staffs of the transportation committees, the office of financial management, and the department of transportation to perform the evaluation. Results of the evaluation, including any recommendation for system improvements and usability, shall be submitted to the transportation committees of the legislature and the office of financial management by December 1, 2006.

GENERAL GOVERNMENT AGENCIES--CAPITAL

Sec. 106. 2005 c 313 s 106 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS

Motor Vehicle Account--State Appropriation \$1,400,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,300,000 of the motor vehicle account--state appropriation is a one-time appropriation and is provided solely for the SR 14 interchange and bridge portion of the Beacon Rock state park entrance road project. Any portion of the appropriation not expended by June 30, 2007, shall revert to the motor vehicle account--state.

(2) \$100,000 of the appropriation is provided solely for road work on state route 20 at Deception Pass state park.

TRANSPORTATION AGENCIES--OPERATING

Sec. 201. 2005 c 313 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation . . . ~~(\$2,135,000)~~
\$2,145,000
Highway Safety Account--Federal Appropriation ~~(\$15,828,000)~~
\$15,833,000
School Zone Safety Account--State Appropriation . . . \$3,300,000
Bicycle and Pedestrian Safety Account--State Appropriation \$40,000
TOTAL APPROPRIATION ~~(\$21,303,000)~~
\$21,318,000

The appropriations in this section are subject to the following conditions and limitations: The Washington traffic safety commission shall contract with the Washington state institute for public policy to conduct a study of the impact of state programs concerning the reduction of DUI recidivism. The study must include, on a prioritized basis to the extent federal funds are made available for the study, the following components: (1) The state's existing deferred prosecution program; (2) the state's vehicle impound program; and (3) other states' programs that restrict a person's access to the vehicle, or suspend the vehicle license and registration, upon arrest or conviction.

The completed study must be submitted to the appropriate legislative committees by December 1, 2006.

Sec. 202. 2005 c 313 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation . . ~~(\$821,000)~~
\$823,000
Motor Vehicle Account--State Appropriation ~~(\$1,942,000)~~
\$1,950,000
County Arterial Preservation Account--State Appropriation ~~(\$577,000)~~
\$780,000
TOTAL APPROPRIATION ~~(\$3,540,000)~~
\$3,553,000

Sec. 203. 2005 c 313 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation ~~(\$1,624,000)~~
\$1,630,000
Transportation Improvement Account--State Appropriation ~~(\$1,625,000)~~
\$1,632,000
TOTAL APPROPRIATION ~~(\$3,249,000)~~
\$3,262,000

Sec. 204. 2005 c 313 s 204 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account--State Appropriation ~~(\$417,000)~~
\$1,020,000

The appropriation in this section is subject to the following conditions and limitations: \$500,000 of the appropriation is provided solely for stipends to trainees in the training program as set forth in rules adopted by the board; however, if Engrossed Substitute Senate Bill No. 6870 (pilot trainees stipends) is enacted by June 30, 2006, then \$600,000 of the total appropriation provided in this act shall lapse and the appropriation provided in Engrossed Substitute Senate Bill No. 6870 shall govern.

Sec. 205. 2005 c 313 s 205 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation ~~(\$1,400,000)~~
\$1,679,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$200,000 of the total appropriation is provided solely for the joint transportation committee to conduct a finance study of the Washington state ferry system. The purpose of the study is to facilitate policy discussions and decisions by members of the legislature regarding the Washington state ferry system. The legislature recognizes there is a need within the Washington state ferry system for predictable cash flows, transparency, assessment of organizational structure, verification that the Washington state ferry system is operating at maximum efficiency, and better labor relations. The committee shall report the study to the house of representatives and senate transportation committees by January 1, 2007.

(b) The study must include, at a minimum, a review and evaluation of the ferry system's financial plan, including current assumptions and past studies, in the following areas:

(i) Operating program, including ridership, revenue, and cost forecasts and the accuracy of those forecasts; and

(ii) Capital program, including project scoping, prioritization and cost estimating, project changes including legislative input regarding significant project changes, and performance measures.

(c) In addition to committee members, or their designees, the governor shall appoint a representative for this study. The committee may retain consulting services to assist the committee in conducting the study, including the evaluation of financial, operating, and capital plans. The committee may also appoint other persons to assist with the study.

(2) The joint transportation committee shall conduct a study regarding the feasibility of a statewide uniform motor vehicle excise tax (MVET) depreciation schedule. In addition to committee members, the participants in the study must include at a minimum the following individuals: (a) A representative of a regional transit authority (Sound Transit); (b) a representative of a regional transportation planning organization; (c) the secretary of transportation, or his or her designee; (d) a representative of the attorney general's office; (e) a representative of the department of licensing; and (f) a representative of the financial community. The purpose of the study is to develop an MVET depreciation schedule that more accurately reflects vehicle value but does not hinder outstanding contractual obligations.

(3) Funds provided in this section are sufficient for the committee to administer a study of the most reliable and cost-effective means of providing passenger-only ferry service.

(a) The study shall be guided by a 18 member task force consisting of the chairs and ranking members of the house of representatives and senate transportation committees, a designee of the director of the office of financial management, a member of the transportation commission, a designee of the secretary of transportation, a representative of organized labor, and ten stakeholders to be appointed by the governor as follows: Six representatives of ferry user communities, two representatives of public transportation agencies, and two representatives of commercial ferry operators.

(b) The study shall examine issues including but not limited to the long-term viability of different service providers, cost to ferry passengers, the state subsidies required by each provider, and the availability of federal funding for the different service providers.

(c) By November 30, 2005, the task force shall make its recommendations to the house of representatives and senate transportation committees.

(4) \$450,000 of the motor vehicle account--state appropriation is provided solely to administer a consultant study of the long-term viability of the state's transportation financing methods and sources.

(a) At a minimum, the study must examine the following: (i) The short and long-term viability of the motor fuel tax (both state and federal) as a major source of funding for transportation projects and programs; (ii) the desirability and effectiveness of state-distributed transportation funds for the benefit of local units of government; (iii) the potential for alternative and/or emerging sources of transportation revenues, with particular emphasis on user-based fees and charges; and (iv) trends and implications of debt financing for transportation projects. The scope of work for the study may be expanded to include analysis of other financing issues relevant to the long-term viability of the state's transportation system.

(b) The findings and recommendations must be submitted to the fiscal committees of the legislature by November 1, 2006.

(5) \$75,000 of the motor vehicle account--state appropriation is provided solely for the joint transportation committee to contract for a review of existing research on programs and policies which decrease accidents by teenage drivers, including but not limited to publicly operated driver education and intermediate drivers licensing programs. The institute shall also evaluate the costs and benefits of programs and policies showing the greatest positive impact on teenage driving safety.

(6) The committee shall conduct an evaluation of the department of transportation surface transportation program enhancement grant program. The evaluation will include (a) information about the categories of projects submitted for consideration; (b) a review of the allocation of funds awarded across the categories of STP enhancement eligible activities; (c) a review of the criteria used to score projects; and (d) a finding by the committee whether certain categories of projects are disproportionately funded or unfunded.

Sec. 206. 2005 c 313 s 206 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION
 Motor Vehicle Account--State Appropriation . . . ~~(\$4,607,000)~~ \$3,954,000
 Multimodal Transportation Account--State Appropriation ~~(\$1,150,000)~~ \$1,252,000

TOTAL APPROPRIATION ~~(\$5,757,000)~~ \$5,206,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle fund account--state appropriation is provided solely for a comprehensive tolling study. The transportation commission, with the technical assistance of the department, must conduct a study of the state's transportation system to determine the feasibility of administering tolls on specific transportation facilities or a network of facilities. This study shall serve as the statewide tolling feasibility study required in Engrossed Substitute House Bill No. 1541, and shall serve as the tolling study necessary to implement toll facilities within a regional transportation investment district or its successor entity.

(a) The study must include an analysis of the only currently-authorized toll facility, the Tacoma Narrows bridge project. The study findings must include (i) the development of more uniform and equitable policies regarding the distribution of financial obligations imposed on those paying the tolls on the Tacoma Narrows bridge, and (ii) opportunities and options for reducing the outstanding indebtedness on the bridge project, including the possibility of buy-downs and other means of spreading the cost of the project more equitably.

(b) The study element for the benefit of a regional transportation investment district or regional transportation improvement authority must also address the state highway system and other transportation facilities in King, Pierce, and Snohomish counties to determine the feasibility of value pricing on a facility or network of facilities. This study element should: (i) Determine the potential for value pricing to generate revenues for needed transportation facilities; (ii) maximize the efficient operation of facilities and the transportation network; and (iii) provide economic indicators for future system investments. This element of the study must take into account congestion levels, facility and corridor capacity, time of use, economic considerations, and other factors deemed appropriate. The study must recommend any additional laws, rules, procedures, resources, studies, reports, or support infrastructure necessary or desirable before proceeding with the review, evaluation, or implementation of any toll projects or a system-wide, value priced transportation structure.

(c) The study must specifically analyze the potential for a toll facility on SR 704, the cross-base highway located in Pierce county.

(2) ~~(\$2,270,000)~~ \$1,362,000 of the motor vehicle account--state appropriation is provided solely for the transportation performance audit board. ~~(Within this amount, the transportation performance audit board shall conduct a study and make recommendations to the legislature regarding the modification RCW 47.01.012, state transportation goals and benchmarks. In conducting the study, the board shall consider at a minimum: Original recommendations of the Blue Ribbon Commission on Transportation; the current policy goals and benchmark categories; the goals outlined in Substitute House Bill No. 1969; the recent work related to benchmarks completed by the transportation commission and the Washington state department of transportation; the measures review completed by TPAB; and best practices.~~

~~The board shall submit study results, including any legislative recommendations, to the transportation committees of the legislature by January 1, 2006.)~~

(3) \$1,150,000 of the multimodal account--state appropriation is provided solely for a statewide rail capacity and needs analysis. The purpose of this study is to (a) assess the rail freight and rail passenger infrastructure needs in this state; (b) review the current powers, authorities, and interests the state has in both passenger and freight rail; (c) recommend public policies for state participation and ownership in rail infrastructure and service delivery, including but not limited to planning and governance issues; and (d) develop a rail asset management plan. The commission shall report their findings and conclusions of the study to the transportation committees of the legislature by December 1, 2006.

(4) The transportation commission shall implement tolls on the Tacoma Narrows bridge that create an incentive for electronic toll payers.

Sec. 207. 2005 c 313 s 207 (unmodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation ~~(\$664,000)~~
\$666,000

The appropriation in this section is subject to the following conditions and limitations: The board shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects funded by this act.

Sec. 208. 2005 c 313 s 208 (unmodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State Appropriation ~~(\$202,530,000)~~
\$201,063,000
State Patrol Highway Account--Federal Appropriation \$10,544,000
State Patrol Highway Account--Private/Local Appropriation \$69,000
TOTAL APPROPRIATION ~~(\$213,243,000)~~
\$211,776,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2005, on the use of agency vehicles by officers engaging in the off-duty employment specified in this subsection. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31st of each year.

(4) The state patrol highway account--state appropriation for DUI reimbursements shall only be spent for pursuit vehicle video cameras, datamaster DUI testing equipment, tire deflator equipment, and taser guns. The Washington state patrol prior to the issuance of any taser guns will train the troopers on using the equipment. The agency will provide a report to the transportation committees of the senate and house of representatives by December 31st of each year on the occurrences where the taser guns were utilized along with any issues that have been identified.

(5) \$29,000 of the state patrol highway account--state appropriation is provided solely for the implementation of House Bill No. 1469. If House Bill No. 1469 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$5,580,000 of the total appropriation is provided solely for a 3.8% salary increase for commissioned officers effective July 1, 2005, in addition to any other salary increases provided for in this act.

~~((8))~~ (7) The Washington state patrol is authorized to use certificates of participation to fund the King Air aircraft replacement over a term of not more than ten years and an amount not to exceed \$1,900,000.

(8)(a) \$834,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) \$62,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(9) The Washington state patrol, in consultation with the department of licensing, local law enforcement agencies, and other appropriate organizations, shall study the options for implementing an inspection program for tow truck operators that are not licensed as registered tow truck operators. This study shall also evaluate prospective sources of funding and the amount of funding necessary for the program. The Washington state patrol shall report to the transportation committees of the legislature by December 1, 2006, on the options, strategies, and recommendations for implementing an inspection program for tow truck operators that are not licensed as registered tow truck operators.

(10) \$2,040,000 of the state patrol highway account--state appropriation is provided solely for eighteen additional commissioned officers in the vessel and terminal security division.

(11) The office of financial management shall conduct a review of the state patrol highway account and report its findings to the legislature by January 1, 2007.

NEW SECTION. Sec. 209. A new section is added to 2005 c 313 (unmodified) to read as follows:

FOR THE WASHINGTON STATE PATROL-- INVESTIGATIVE SERVICES BUREAU

State Patrol Highway Account--State Appropriation . . \$1,358,000

Sec. 210. 2005 c 313 s 209 (unmodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU

State Patrol Highway Account--State Appropriation ~~(\$82,748,000)~~
\$91,359,000
State Patrol Highway Account--Private/Local Appropriation ~~\$2,000,000~~
TOTAL APPROPRIATION ~~(\$84,756,000)~~
\$93,367,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1188. If Second Substitute House Bill No. 1188 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(2) The Washington state patrol is instructed to work with the risk management division in the office of financial management in compiling the state patrol data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the transportation committees of the senate and house of representatives by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

~~(3) (\$6,228,000 of the total appropriation is provided solely for automobile fuel in the 2005-2007 biennium.~~

~~(4))~~ \$8,678,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

~~((5))~~ (4) \$5,254,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

~~((6))~~ (5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the patrol.

(6)(a) \$28,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) \$2,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

Sec. 211. 2005 c 313 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State Appropriation . . .	\$3,000
Motorcycle Safety Education Account--State Appropriation	\$96,000
Wildlife Account--State Appropriation	(\$82,000)
	\$95,000
Highway Safety Account--State Appropriation . . .	(\$11,418,000)
	\$11,574,000

Motor Vehicle Account--State Appropriation	(\$7,043,000)
	\$7,381,000
DOL Services Account--State Appropriation	(\$88,000)
	\$102,000
((Biometric Security Account--State Appropriation	-\$57,000)
TOTAL APPROPRIATION	(\$18,787,000)
	\$19,251,000

The appropriations in this section are subject to the following conditions and limitations: \$1,134,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 212. 2005 c 313 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--INFORMATION SERVICES

Marine Fuel Tax Refund Account--State Appropriation . . .	\$2,000
Motorcycle Safety Education Account--State Appropriation	\$35,000
Wildlife Account--State Appropriation	\$102,000
Highway Safety Account--State Appropriation . . .	(\$20,698,000)
	\$22,632,000
Motor Vehicle Account--State Appropriation	(\$12,095,000)
	\$12,135,000
Motor Vehicle Account--Private/Local Appropriation . . .	\$500,000
DOL Services Account--State Appropriation	(\$7,825,000)
	\$5,919,000
((Biometric Security Account--State Appropriation	-\$728,000)
TOTAL APPROPRIATION	(\$41,985,000)
	\$41,325,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall submit a report to the transportation committees of the legislature, detailing the progress made in transitioning from the HP3000 system, by December 30, 2005, and each December 1st thereafter until the project is fully completed.

(2) \$357,000 of the motor vehicle account--state appropriation is provided solely for the implementation of all special license plate bills introduced during the 2005 legislative session and approved by the special license plate review board. The amount provided in this subsection shall be reduced accordingly for any of those bills that are not enacted by June 30, 2005.

(3) \$58,000 of the state wildlife account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5423. If Substitute Senate Bill No. 5423 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$145,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(5) \$8,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6287 (parking privileges for persons who are legally blind). If Substitute Senate Bill No. 6287 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(6) \$15,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2389 (parking privileges for persons with porphyria). If Substitute House Bill No. 2389 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7) \$12,000 of the highway safety account--state appropriation is provided solely for the implementation of House Bill No. 2829 (driver training schools). If House Bill No. 2829 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 213. 2005 c 313 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation . . .	\$26,000
Wildlife Account--State Appropriation	(\$626,000)
	\$627,000
Motor Vehicle Account--State Appropriation	(\$49,894,000)
	\$51,276,000
Motor Vehicle Account--Private/Local Appropriation . . .	\$872,000
DOL Services Account--State Appropriation	\$1,146,000
Highway Safety Account--State Appropriation	\$404,000
TOTAL APPROPRIATION	(\$52,968,000)
	\$54,351,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the motor vehicle account--state appropriation is provided solely for the implementation of all special license plate bills introduced during the 2005 legislative session and approved by the special license plate review board. The amount provided in this subsection shall be reduced accordingly for any of those bills that are not enacted by June 30, 2005.

(2) \$11,000 of the wildlife account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5423. If Engrossed Senate Bill No. 5423 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) \$404,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6103. If Engrossed Substitute Senate Bill No. 6103 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$37,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6287 (parking privileges for persons who are legally blind). If Substitute Senate Bill No. 6287 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) \$5,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2389 (parking privileges for persons with porphyria). If Substitute House Bill No. 2389 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(6) The department of licensing, in consultation with the department of transportation, Washington state patrol, local law enforcement agencies, and other appropriate organizations, shall study the feasibility of creating a toll-free hotline for the public to report violations of accessible parking laws, including RCW 46.16.381 and 46.61.581. A report on the findings of this study is due to the transportation committees of the legislature by December 1, 2006, and shall include recommendations on how to disseminate and publicize information to the public that explains the existence, purpose, and method of accessing such a hotline, and how to partner with appropriate law enforcement agencies in the jurisdiction in which alleged violations occurred. In making recommendations regarding the potential establishment of an accessible parking violation hotline, the department of licensing shall consider how to utilize or partner with existing statewide and regional hotlines.

Sec. 214. 2005 c 313 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--State Appropriation	(\$3,005,000)
	\$3,006,000
Highway Safety Account--State Appropriation	(\$85,051,000)
	\$87,078,000
Highway Safety Account--Federal Appropriation	\$8,000
(Biometric Security Account--State Appropriation)	(\$1,523,000)
TOTAL APPROPRIATION	(\$89,587,000)
	\$90,092,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$970,000 of the highway safety account--state appropriation is provided solely for the commercial driver license program. The department shall informally report to the transportation committees of the legislature on the progress made in addressing federal audit

findings and in implementing the federal motor carrier safety improvement act. Reports shall be made by the following dates: November 1, 2005, and each November 1st thereafter.

(2) \$412,000 of the motorcycle safety and education account--state appropriation is provided solely for the department's motorcycle safety program. The department shall informally report to the transportation committees of the legislature detailing the progress made in implementing national highway traffic safety assessment guidelines. Reports shall be made by the following dates: November 1, 2005, and each November 1st thereafter.

(3) The department of licensing, in consultation with the department of transportation and other stakeholders, shall draft legislation to bring the state into compliance with any federal legislation or rules enacted relative to identification necessary for persons crossing international borders. The department shall report to the transportation committees of the legislature by December 1, 2005, on the recommended legislation for bringing the state into compliance with federal requirements.

(4) \$738,000 of the highway safety account--state appropriation is provided solely for the implementation of House Bill No. 2829 (driver training schools). If House Bill No. 2829 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) The department shall join in any lawsuits filed by other states seeking funding to implement the provisions of Title II of P.L. 109-13, improved security for driver's license and personal identification cards (Real ID), as passed by Congress May 10, 2005, whenever the department is legally and ethically permitted to do so.

(6) The department shall coordinate with the federally designated organ procurement organization for Washington state to develop instructional materials relating to organ and tissue donation awareness education. The instructional materials shall be provided to each qualifying applicant for an instructor's license or a driver training school license. All costs associated with the development, distribution, and implementation of the instructional materials shall be the responsibility of the foundation established under RCW 46.12.510.

Sec. 215. 2005 c 313 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

Tacoma Narrows Toll Bridge Account--State Appropriation	(\$8,294,000)
	\$8,294,000

Sec. 216. 2005 c 313 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Motor Vehicle Account--State Appropriation	(\$55,941,000)
	\$56,295,000
Motor Vehicle Account--Federal Appropriation	\$1,973,000
Puget Sound Ferry Operations Account--State Appropriation	(\$8,508,000)
	\$8,572,000
Multimodal Transportation Account--State Appropriation	\$363,000
TOTAL APPROPRIATION	(\$66,835,000)
	\$67,203,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$850,000)~~ \$800,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system (TEIS). The TEIS shall be enhanced during the ~~(2005)~~ 2006 legislative interim to continue the shift towards a monitoring and reporting system capable of tracking and reporting on major project milestones and measurements. The department shall work with the legislature to identify and define meaningful milestones and measures to be used in monitoring the scope, schedule, and cost of projects. The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in TEIS. The department shall also provide updated information on six project milestones for projects

agreed to by the legislature, office of financial management, and the department, and funded with preexisting funds, on a quarterly basis in TEIS.

(2) \$350,000 of the motor vehicle account--state appropriation is provided solely for a financial and capital project system needs assessment for future automation development and enhancements. The completed assessment will identify options which shall be presented to the transportation committees of the senate and the house of representatives by December 31, 2005.

(3) The department shall consult with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(4) The department shall review its GPS network services and survey data, and evaluate the added benefits of using real-time data from a regional cooperative GPS network.

(5) The department shall report to the joint transportation committee by November 15, 2006, on the plan for the next phase of the critical applications systems replacement project.

Sec. 217. 2005 c 313 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
FACILITY MAINTENANCE, OPERATIONS AND
CONSTRUCTION--PROGRAM D--OPERATING**
Motor Vehicle Account--State Appropriation . . . ~~((33,499,000))~~
\$33,600,000

Sec. 218. 2005 c 313 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
AVIATION--PROGRAM F**
Aeronautics Account--State Appropriation ~~((5,632,000))~~
\$7,137,000
Aeronautics Account--Federal Appropriation \$2,150,000
~~((Aircraft Search and Rescue Safety and
Education Account--State Appropriation \$262,000))~~
Multimodal Transportation Account--State Appropriation \$100,000
Multimodal Transportation Account--Federal Appropriation \$800,000
TOTAL APPROPRIATION ~~((9,044,000))~~
\$10,287,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$433,000 of the aeronautics account--state appropriation is provided solely for airport pavement projects. The department's aviation division shall complete a priority airport pavement project list by January 1, 2006, to be considered by the legislature in the 2006 supplemental budget. If Substitute Senate Bill No. 5414 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~(b) ((The entire aircraft search and rescue safety and education account appropriation shall lapse if Substitute Senate Bill No. 5414 is enacted by June 30, 2005.~~

~~(c))~~ If Substitute Senate Bill No. 5414 is enacted by July 1, 2005, then the remaining unexpended fund balance in the aircraft search and rescue, safety, and education account shall be deposited into the state aeronautics account.

(2) The entire multimodal transportation account--state and federal appropriations are provided solely for implementing Engrossed Substitute Senate Bill No. 5121. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

Sec. 219. 2005 c 313 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
PROGRAM DELIVERY MANAGEMENT AND SUPPORT--
PROGRAM H**

Motor Vehicle Account--State Appropriation . . . ~~((48,961,000))~~
\$52,828,000
Motor Vehicle Account--Federal Appropriation \$500,000
Multimodal Account--State Appropriation \$250,000
TOTAL APPROPRIATION ~~((49,711,000))~~
\$53,578,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for the purposes of providing contract services to the association of Washington cities and Washington state association of counties for (a) activities of the transportation permit efficiency and accountability committee, including pilot mitigation banking activities, and (b) other permit delivery efforts.

(2) ~~((1,475,000))~~ \$1,775,000 of the motor vehicle account--state appropriation is provided solely for the staffing activities of the transportation permit efficiency and accountability committee.

(3) \$3,500,000 of the motor vehicle account--state appropriation is provided solely for consultant contracts to assist the department in the delivery of the capital construction program by identifying improvements to program delivery, program management, project controls, program and project monitoring, forecasting, and reporting. The consultants shall work with the department of information services and include department of information services' recommendations in their reports.

The consultants shall develop a capital construction strategic plan, due to the transportation committees of the house of representatives and senate and to the office of financial management, by June 30, 2006.

The consultants shall also coordinate their work with other budget and performance efforts, including Roadmap, the joint transportation committee budget study, the findings of the critical applications modernization and integration strategies study, including proposed next steps, and the priorities of government process.

The department shall report to the transportation committees of the house of representatives and senate, and the office of financial management, by July 31, 2006, on recommended capital budgeting and reporting options. Options must include appropriate project groupings for reporting purposes, and appropriate measures for reporting project progress, timeliness, cost, and criteria and processes for project transfers.

Sec.220. 2005 c 313 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
ECONOMIC PARTNERSHIPS--PROGRAM K**
Motor Vehicle Account--State Appropriation . . . ~~((1,068,000))~~
\$1,072,000

Sec. 221. 2005 c 313 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
HIGHWAY MAINTENANCE--PROGRAM M**
Motor Vehicle Account--State Appropriation . . ~~((296,648,000))~~
\$299,720,000
Motor Vehicle Account--Federal Appropriation \$1,426,000
Motor Vehicle Account--Private/Local Appropriation . \$4,315,000
TOTAL APPROPRIATION ~~((302,389,000))~~
\$305,461,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2003-05 biennium. In delivering the program, the department should concentrate on the following areas:

(a) Meeting or exceeding the target for structural bridge repair on a statewide basis;

(b) Eliminating the number of activities delivered in the "f" level of service at the region level;

(c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and

(d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

(5) The department shall develop and implement a plan to improve work zone safety on a statewide basis. As part of the strategy included in the plan, the department shall fund equipment purchases using a portion of the money from the annual OTEF equipment purchasing and replacement process. The department shall also identify and evaluate statewide equipment needs (such as work zone safety equipment) and prioritize any such needs on a statewide basis. Substitute purchasing at the statewide level, when appropriate, shall be utilized to meet those identified needs. The department must report to the transportation committees of the legislature by December 1, 2005, on the plan, and by December 1, 2006, on the status of implementing the plan.

Sec. 222. 2005 c 313 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation . . .	(\$42,811,000)
	<u>\$43,847,000</u>
Motor Vehicle Account--Federal Appropriation	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation . .	\$128,000
TOTAL APPROPRIATION	(\$44,989,000)
	<u>\$46,025,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$4,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis.

Sec. 223. 2005 c 313 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation . . .	(\$25,434,000)
	<u>\$25,516,000</u>
Motor Vehicle Account--Federal Appropriation	\$30,000
Puget Sound Ferry Operations Account--State Appropriation	\$1,021,000
Multimodal Transportation Account--State Appropriation	\$973,000
TOTAL APPROPRIATION	(\$27,758,000)
	<u>\$27,840,000</u>

Sec. 224. 2005 c 313 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation . . .	(\$22,390,000)
	<u>\$24,052,000</u>
Motor Vehicle Account--Federal Appropriation	\$16,756,000
Multimodal Transportation Account--State Appropriation	(\$2,267,000)
	<u>\$2,279,000</u>
Multimodal Transportation Account--Federal Appropriation	\$2,829,000
Multimodal Transportation Account--Private/Local Appropriation	\$100,000
Transportation Partnership Account--State Appropriation	(\$6,000,000)
	<u>\$2,300,000</u>
TOTAL APPROPRIATION	(\$50,342,000)
	<u>\$48,316,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) In order to qualify for state planning funds available to regional transportation planning organizations under this section, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau, and to any incorporated city within the region with a population in excess of eighty thousand as of July 1, 2005. Additionally, a regional transportation planning organization described under this subsection shall conduct a review of its executive board membership criteria to ensure that the criteria appropriately reflects a true and comprehensive representation of the organization's jurisdictions of significance within the region.

~~((3)) \$2,000,000 of the transportation partnership account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election and department of transportation project oversight. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID. If either Engrossed Substitute House Bill No. 2157 or Senate Bill No. 6089 are enacted by June 30, 2005, the amount provided in this subsection shall lapse. None of this appropriation may be used for election expenses for an election held before January 1, 2006.~~

~~((4))~~ (2) \$175,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports by January 2006. The amount provided in this subsection shall lapse if federal funds become available for this purpose.

~~((5))~~ (3) \$150,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1565. If Engrossed Second Substitute House Bill No. 1565 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

~~((6))~~ (4) The department of transportation shall evaluate the number of spaces available for long-haul truck parking relative to current and projected future needs. The department of transportation shall also explore options for augmenting the number of spaces available, including, but not limited to, expanding state-owned rest areas or modifying regulations governing the use of these facilities, utilizing weigh stations and park and ride lots, and encouraging the expansion of the private sector's role. Finally, the department shall explore the utility of coordinating with neighboring states on long-haul truck parking and evaluate methodologies for alleviating any air quality issues relative to the issue. The department must report to the transportation committees of the legislature by December 1, 2005, on the options, strategies, and recommendations for long-haul truck parking.

~~((7))~~ (5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for evaluating high-speed passenger transportation facilities and services, including rail or magnetic levitation transportation systems, to connect airports as a means to more efficiently utilize airport capacity, as well as connect major population and activity centers. This evaluation shall be

coordinated with the airport capacity and facilities market analysis conducted pursuant to Engrossed Substitute Senate Bill No. 5121 and results of the evaluation shall be submitted by July 1, 2007. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

(6) \$700,000 of the motor vehicle account--state appropriation is provided solely for completing funding for a route development plan of U.S. route 2.

(7) The department shall conduct a study of the resources allocated to each of the seven department regions and the corresponding workloads. Given the magnitude of the investments in the Puget Sound region, particular emphasis shall be given to reviewing the resources allocated and corresponding workloads with respect to the urban corridors region and the northwest region. Based on the results of this study, the department shall submit recommendations by December 1, 2006, to the legislature and the office of financial management regarding reallocating resources and revising regional boundaries within the department, as appropriate, in order to better coincide allocated resources with designated regional boundaries.

(8) \$750,000 of the multimodal transportation account--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 2871. If Engrossed Substitute House Bill No. 2871 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse. The regional transportation commission's duties to develop, complete, and submit a governance proposal to the 2007 legislature are highly time sensitive. As a result, the legislature finds that competitive bidding is not cost-effective or appropriate for personal service contracts entered into by the commission, and that the director of the office of financial management should, by the director's authority under RCW 39.29.011(5), exempt any such personal service contract from the competitive bidding requirements of chapter 39.29 RCW.

(9) \$2,300,000 of the transportation partnership account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) and department of transportation project oversight. The department shall provide support from its urban corridors region to assist in preparing project costs, expenditure plans, and modeling. The department shall not deduct a management reserve, nor charge management or overhead fees. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.

(10) \$100,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely to conduct an analysis of expanding the transportation concurrency requirements prescribed under the growth management act, chapter 36.70A RCW, to include development impacts on level of service standards applicable to state-owned transportation facilities, including state highways and state ferry routes. The objective of the analysis is to determine how to ensure that jurisdictional divisions do not defeat growth management act concurrency goals. The department shall convene a committee to oversee the analysis, with the committee comprised of, at a minimum, four members of the transportation committees of the legislature, four members of the appropriate land use committees of the legislature, and one member each from the association of Washington cities and the Washington state association of counties, or a designee thereof. The completed study, including recommendations, must be submitted to the appropriate standing committees of the legislature, and to the office of financial management, by December 1, 2006.

(11) The department of transportation, the Washington state economic revenue forecast council, and the office of financial management shall review and adopt a method of forecasting motor vehicle and special fuel prices, revenue, and the amount of consumption that has an increased rate of accuracy as compared to the existing method. The three agencies shall submit a report to the transportation committees of the legislature by December 1, 2006, outlining the methods researched and the criteria utilized to select and adopt the new fuel forecasting method.

(12) \$150,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

Sec. 225. 2005 c 313 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation . . .	(\$45,030,000)
	\$46,874,000
Motor Vehicle Account--Federal Appropriation	\$400,000
TOTAL APPROPRIATION	(\$45,430,000)
	\$47,274,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$31,749,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION

OF RISK MANAGEMENT FEES \$1,667,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR ~~(\$1,017,000)~~

\$1,026,000

(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION

FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES \$4,049,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL ~~(\$3,572,000)~~

\$4,548,000

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS

AND ADMINISTRATION \$31,749,000

(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION

CAPITAL PROJECTS SURCHARGE \$1,717,000

(g) FOR ARCHIVES AND RECORDS MANAGEMENT \$47,000

(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES ~~(\$1,114,000)~~

\$1,124,000

(i) FOR PAYMENT OF THE DEPARTMENT OF PERSONNEL HRMS

PAYROLL SYSTEM \$817,000

(j) FOR PAYMENT OF THE OFFICE OF FINANCIAL MANAGEMENT ROADMAP CHARGES \$12,000

(k) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT

CAPITAL BUDGET SYSTEM CHARGES \$15,000

(l) FOR PAYMENT OF DEPARTMENT OF INFORMATION SERVICES

RATE INCREASES \$5,000

Sec. 226. 2005 c 313 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Multimodal Transportation Account--State Approp	(\$63,269,000)
	\$87,233,000
Multimodal Transportation Account--Federal Appropria	\$2603,000
Multimodal Transportation Account--Private/Local Appropria	\$154,000

TOTAL APPROPRIATION (~~(\$65,027,000)~~)
\$89,991,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2003 as reported in the "Summary of Public Transportation - 2003" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. The first \$450,000 provided to King county shall be used as follows:

(i) \$320,000 shall be used to provide electric buses, instead of diesel buses, for service on Capital Hill in Seattle, Washington through June 30, 2007;

(ii) \$130,000 shall be used to provide training for blind individuals traveling through Rainier Valley and the greater Seattle area. The training is to include destination training and retraining due to the expected closure of the downtown bus tunnel and training on how to use the Sound Transit light rail system.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2003 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) (~~(\$5,000,000)~~) \$8,900,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely for the city of Seattle for the Seattle streetcar project on South Lake Union. (~~Should the city receive any state funds for this purpose during the 2003-05 or 2005-07 biennium, the amount provided in this subsection must be reduced accordingly.-)~~)

(5) \$1,200,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2124. If Engrossed Substitute House Bill No. 2124 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6)(a) \$20,000,000 of the multimodal transportation account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2006-D,

Regional Mobility Grant Program Projects as developed March 8, 2006. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(b) Pursuant to the grant program established in (~~Engrossed Substitute House Bill No. 2124~~) RCW 47.66.030, the department shall issue a call for projects and/or service proposals. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department must submit a prioritized list for funding to the transportation committees of the legislature that reflects the department's recommendation, as well as, a list of all project or service proposals received.

(7) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for new tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(8) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely to King county as a state match to obtain federal funding for a car sharing program for persons meeting certain income or employment criteria.

(9) \$750,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of the local government and regional transportation planning requirements in Engrossed Substitute Senate Bill No. 6566 (commute trip reduction). The department may use contract or temporary employees to implement the bill and shall allocate the remaining funds to regional transportation planning organizations, counties, and cities on an as needed basis. If Engrossed Substitute Senate Bill No. 6566 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) \$200,000 of the multimodal account appropriation is provided solely for up to three low-income car ownership programs. The department shall seek to leverage available federal funds from the job access and reverse commute program to augment the funding provided in this subsection. Additionally, the department shall report back to the appropriate committees of the legislature with a review of the obstacles presented by state laws on surplus property disposal to community organizations reconditioning cars and selling those cars at below market rates to low-income families.

Sec. 227. 2005 c 313 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X
Puget Sound Ferry Operations Account--State Approp. (~~\$350,454,000~~)
\$372,254,000
Multimodal Transportation Account--State Appropriation 3,660,000
TOTAL APPROPRIATION (~~(\$354,114,000)~~)
\$375,914,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$57,928,000)~~) \$75,280,000 of the total appropriation is provided solely for auto ferry vessel operating fuel in the 2005-2007 biennium.

(2) (~~The total appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2005-2007 biennium may not exceed \$222,356,000, plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$584.58 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2006 and \$584.58 a month~~)

annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2007, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2005-2007 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2:)) The maximum amount of expenditures for compensation paid to ferry employees during the 2005-2007 biennium shall not exceed \$226,455,000. This amount reflects the sole source of state funding available to support the implementation of any collective bargaining agreements or arbitration awards with respect to state ferry employee compensation, including salaries, wages, and employee benefits, during the 2005-2007 biennium, which amount includes \$6,223,000 in full satisfaction of the arbitration awards for the 2001-2003 biennium and \$1,339,000 for labor productivity gains agreements. The department's use of this expenditure authority constitutes a good faith attempt to implement such agreements and awards, including those applicable to prior biennia. It is the intent of the legislature that the expenditure authority provided in this subsection fully satisfy any agreements or awards required to be implemented during the 2005-2007 biennium, and that the provisions of Substitute House Bill No. 3178 (marine employees collective bargaining) will govern the implementation of agreements or awards effective beginning with the 2007-2009 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's state administrative and accounting manual, chapter 75.70, named under objects of expenditure "A" and "B".

(3) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(4) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semi-annual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(5) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(6) \$3,660,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle ~~((through June 30, 2007))~~ until such time as a county ferry district's assumption of the route, as authorized by Substitute Senate Bill No. 6787. Beginning September 1, 2005, ferry system management shall implement its agreement with the Inlandboatmen's Union of the Pacific and the International Organization of Masters, Mates and Pilots providing for part-time passenger-only work schedules. ((Funds may not be spent to implement the results of the passenger-only ferry study conducted by the joint transportation committee provided in section 205 of this act until approved by the legislature.))

(7) \$350,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the implementation of Substitute House Bill No. 3178 (marine employees collective bargaining). If Substitute House Bill No. 3178 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 228. 2005 c 313 s 227 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State Appropriation ~~(\$36,420,000)~~
 \$36,876,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(b) The department shall negotiate with Amtrak and Burlington Northern Santa Fe to adjust the Amtrak Cascades schedule to leave Bellingham at a significantly earlier hour.

(2) \$2,750,000 of the multimodal transportation account--state appropriation is provided solely for a new round trip rail service between Seattle and Portland beginning July 1, 2006.

(3) No AMTRAK Cascade runs may be eliminated.

(4) ~~(\$200,000)~~ \$40,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.

(5) \$500,000 of the multimodal transportation account--state appropriation is provided solely for a study of the realignment of highway and rail in the Longview industrial area (SR 432) corridor, specifically regarding whether the construction of a limited access bypass highway to reduce congestion resulting from anticipated growth in future rail and truck traffic, is a feasible alternative. In conducting the study, the department shall consult port districts, local government planning staff, and rail road companies, and other appropriate stakeholders.

(6) \$60,000 of the multimodal transportation account--state appropriation is provided solely for a study of the need for transloading capabilities in the West Plains area that could be served by the Geiger Spur, including evaluation of prospective transloader sites, potential operators and users, and the type, size, and special needs of shippers/customers. The study must also evaluate the costs associated with building and operating a transloader site and the impact to local roadways and surrounding land uses. In conducting the study, the department shall consult with Spokane County.

Sec. 229. 2005 c 313 s 228 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING
 Motor Vehicle Account--State Appropriation ~~(\$7,947,000)~~
 \$8,500,000
 Motor Vehicle Account--Federal Appropriation \$2,597,000
 Multimodal Transportation Account--State Appropriation ~~(\$211,000)~~
 \$411,000
 TOTAL APPROPRIATION ~~(\$10,755,000)~~
 \$11,508,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$211,000 of the motor vehicle account--state appropriation and ~~(\$211,000)~~ \$411,000 of the multimodal transportation account--state appropriation are provided solely for the state's contribution to county and city studies of flood hazards in association with interstate highways. First priority shall be given to threats along the I-5 corridor.

(2) \$525,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for contract services with the association of Washington cities and the Washington state association of counties for improving transportation permitting and mitigation processes.

TRANSPORTATION AGENCIES--CAPITAL

Sec. 301. 2005 c 313 s 302 (uncodified) is amended to read as follows:
FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation	(\$67,933,000)
	<u>\$64,933,000</u>
Motor Vehicle Account--State Appropriation	\$355,000
County Arterial Preservation Account--State Appropriation	(\$30,702,000)
	<u>\$32,697,000</u>
TOTAL APPROPRIATION	(\$98,680,000)
	<u>\$97,985,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$355,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.725(4).

Sec. 302. 2005 c 313 s 303 (unmodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation	(\$99,425,000)
	<u>\$101,425,000</u>
Small City Preservation and Sidewalk Account--State Appropriation	\$2,000,000
Transportation Improvement Account--State Appropriation	(\$100,601,000)
	<u>\$94,401,000</u>
TOTAL APPROPRIATION	(\$205,026,000)
	<u>\$197,826,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The transportation improvement account--state appropriation includes up to \$14,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. ~~((The transportation improvement board may authorize the use of current revenues available to the agency in lieu of bond proceeds for any part of the state appropriation.))~~
- (2) \$2,000,000 of the small city preservation and sidewalk account--state appropriation is provided to fund the provisions of chapter 83, Laws of 2005 (Substitute Senate Bill No. 5775).

Sec. 303. 2005 c 313 s 304 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION--ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation	(\$2,492,000)
	<u>\$2,328,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) ~~(\$601,000)~~ \$584,000 of the motor vehicle account--state appropriation is provided solely for ~~((the))~~ statewide administration.
 - (2) \$632,000 of the motor vehicle account--state appropriation is provided solely for regional minor projects.
 - (3) ~~(\$224,000)~~ \$305,000 of the motor vehicle account--state appropriation is provided solely for designing the replacement of the existing outdated maintenance facility in Ephrata.
 - (4) ~~(\$219,000)~~ \$239,000 of the motor vehicle account--state appropriation is provided solely for the designing of the northwest regional maintenance complex in Seattle.
 - (5) ~~(\$833,000)~~ \$568,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region headquarters project.
- (a) The department of transportation is authorized to use certificates of participation for the financing of the Olympic region project in the amount of \$34,874,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.
- (b) The Washington state department of transportation may utilize the design-build process in accordance with chapter 39.10 RCW for the Olympic region project. If the design-build process is used, it may be developed in partnership with the department of general administration.

Sec. 304. 2005 c 313 s 305 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Transportation 2003 Account(Nickel Account)--State Appropriation	(\$1,175,004,000)
	<u>\$1,190,511,000</u>
Motor Vehicle Account--State Appropriation	(\$70,359,000)
	<u>\$85,165,000</u>
Motor Vehicle Account--Federal Appropriation	(\$229,036,000)
	<u>\$395,043,000</u>
Motor Vehicle Account--Private/Local Appropriation	(\$33,893,000)
	<u>\$58,522,000</u>
Special Category C Account--State Appropriation	(\$3,419,000)
	<u>\$3,479,000</u>
Tacoma Narrows Toll Bridge Account Appropriation	(\$272,329,000)
	<u>\$274,038,000</u>
Transportation Partnership Account--State Appropriation	(\$10,786,000)
	<u>\$384,186,000</u>
Multimodal Transportation Account--State Appropriation	<u>\$1,002,000</u>
TOTAL APPROPRIATION	(\$2,303,826,000)
	<u>\$2,391,946,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1)(a) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~((2005-6))~~ 2006-1, Highway Improvement Program (I) as developed ~~((April 24, 2005))~~ March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.
- (b) Within the amounts provided in this subsection, ~~(\$5,000,000)~~ \$6,835,000 of the transportation partnership account--state appropriation ~~((is provided solely))~~, \$5,002,000 of the transportation 2003 account (nickel account)--state appropriation, and \$2,645,000 of the motor vehicle account--federal appropriation are for project ~~((109040S))~~ 109040T: I-90/Seattle to Mercer Island - Two way transit/HOV. Expenditure of these funds on construction is contingent upon the development of an access plan that provides equitable and dependable access for I-90 Mercer Island exit and entry.
- (c) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is ~~((provided solely))~~ for a west Olympia access study, to complete an access study for state route 101/west Olympia.
- (d) Within the amounts provided in this subsection, \$800,000 of the transportation partnership account--state appropriation is ~~((provided solely))~~ for an SR 534 access point decision report.
- (f) Within the amounts provided within this subsection, ~~(\$435,000,000)~~ \$6,000,000 of the transportation partnership account--state appropriation is ~~((provided solely))~~ for project 509009B: I-90 Snoqualmie Pass East - Hyak to Keechelus dam. However, if the preferred alternative selected for this project results in a lower total project cost, the remaining funds may be used for concrete rehabilitation on I-90 in the vicinity of this project.
- (g) Within the amounts provided in this subsection, \$12,841,000 of the transportation 2003 account (nickel account)--state appropriation and \$4,939,000 of the transportation partnership account--state appropriation are for construction of a new interchange on SR 522 to provide direct access to the University of Washington Bothell/Cascadia community college joint campus. This appropriation assumes an additional \$8,061,000 will be provided in the 2007-09 biennium from the transportation partnership account.
- (h) Within the amounts provided in this subsection, \$19,262,149 of the motor vehicle account--federal appropriation and \$1,873,478 of the transportation 2003 account (nickel account) appropriation are for project 154302E: SR 543 (I-5 to the international boundary).
- (2) The motor vehicle account--state appropriation includes ~~(\$53,000,000)~~ up to \$50,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. ~~((The transportation commission may authorize the use of current revenues available to~~

the department of transportation in lieu of bond proceeds for any part of the state appropriation:))

~~(3) ((The department shall not commence construction on any part of the SR 520 bridge project until agreements have been reached with the incorporated towns or cities that represent the communities affected by the SR 520 project. The agreements must provide reasonable assurance that no further degradation will occur to the citizens' current use and enjoyment of their properties as a result of repairs and improvements made to the SR 520 bridge and its connecting roadways. Such assurances may be achieved through engineering design choices, mitigation measures, or a combination of both.))~~ The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

~~(4) The transportation partnership account--state appropriation includes ~~(((\$400,000,000))~~ up to \$150,000,000 in proceeds from the sale of bonds authorized ~~(by Substitute House Bill No. 2311 (or the version as enacted into law))~~ in RCW 47.10.873. ~~((The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation:))~~~~

~~(5) The Tacoma Narrows toll bridge account--state appropriation includes up to \$257,016,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state appropriation includes ~~(((\$15,313,000))~~ up to \$17,022,000 in unexpended proceeds from the ~~((January 2003))~~ March 2005 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.~~

~~(6) The transportation 2003 account (nickel account)--state appropriation includes ~~(((\$940,000,000))~~ up to \$880,000,000 in proceeds from the sale of bonds authorized by chapter 147, Laws of 2003. ~~((The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation:))~~~~

~~((7) To manage some projects more efficiently, federal funds may be transferred from program Z to program I and replaced with state funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.~~

~~((8))~~ (7) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act ~~((and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium))~~. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

~~((9))~~ (8) The department of transportation shall conduct an analysis of the causes of traffic congestion on I-5 in the vicinity of Fort Lewis and develop recommendations for alleviating the congestion. The department must report to the transportation committees of the legislature by December 1, 2005, on its analysis

and recommendations regarding traffic congestion on I-5 in the vicinity of Fort Lewis.

~~((10))~~ (9) The department of transportation is authorized to proceed with the SR 519 Intermodal Access project if the city of Seattle has not agreed to a project configuration or design by July 1, 2006.

~~((12) \$13,000,000 of the transportation 2003 account (nickel account)--state appropriation and \$5,000,000 of the transportation partnership account--state appropriation are provided solely for construction of a new interchange on SR 522 to provide direct access to the University of Washington Bothell/Cascadia community college joint campus. This appropriation assumes an additional \$8,000,000 will be provided in the 2007-09 biennium from the transportation partnership account.))~~

~~(10) The motor vehicle account--state appropriation includes up to \$14,214,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.~~

~~(11) The special category C account--state appropriation includes up to \$1,710,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.812.~~

~~(12) The department should consider using mitigation banking on appropriate projects whenever possible, without increasing the cost to projects. The department should consider using the advanced environmental mitigation revolving account (AEMRA) for corridor and watershed based mitigation opportunities, in addition to project specific mitigation.~~

~~(13) \$500,000 of the motor vehicle account--state appropriation is provided solely for a planning study regarding congestion mitigation improvements on state route 101 in the vicinity of the city of Aberdeen.~~

~~(14) \$6,200,000 of the motor vehicle account--federal appropriation is provided solely for eastern Washington international border crossing and freight mobility projects, including pavement preservation, pavement structural strengthening, and other safety enhancements. Projects shall include funding for U.S. route 97 international border vicinity paving and improvement projects.~~

~~(15) \$3,509,738 of the motor vehicle account--federal appropriation and \$30,793 of the motor vehicle account--state appropriation are provided solely for project 100598C: I-5 Blaine Exit interchange improvements.~~

~~(16) \$250,000 of the transportation 2003 (nickel) account appropriation within the SR 520 project funding for project design is provided solely for the city of Seattle to prepare a plan for addressing the impacts of the SR 520 bridge replacement and HOV project on Seattle neighborhoods, parks, and institutions of higher education. In evaluating the project's impacts, the city shall give great weight to the concerns of neighborhoods and institutions of higher education impacted by design proposals. The mayor and council shall convene the advisory committee. The mayor and council shall have final approval of the plan. The legislature intends that the plan will allow a comprehensive approach to mitigating the impacts of the project and that the city presents the plan to the state department of transportation. The state department of transportation shall not commence construction on any part of the SR 520 bridge replacement and HOV project until agreements have been reached with the city, consistent with the 520 expansion impact plan.~~

The city must designate representation from the community council of each neighborhood impacted by the SR 520 bridge replacement and HOV project and representation from the arboretum to serve on an advisory committee to guide the planning process and plan preparation of the 520 expansion impact plan. The University of Washington shall designate a representative to serve on the advisory committee. The secretary of the state department of transportation shall designate a representative to serve on the advisory committee. The funds provided may be spent to contract with a consultant to: (a) Facilitate the activities of the advisory committee; (b) analyze impacts of alternative designs; (c) perform conceptual design work on proposals made by the advisory committee; and (d) prepare mitigation plans for alternative design concepts.

~~(17) The legislature recognizes that the finance and project implementation planning processes required for the Alaskan Way viaduct and Seattle Seawall replacement project and the SR 520~~

bridge replacement and HOV project cannot guarantee appropriate decisions unless key study assumptions are reasonable with respect to each project.

To assure appropriate finance plan and project implementation plan assumptions, an expert review panel shall be appointed to provide independent financial and technical review for development of a finance plan and project implementation plan for the projects described in this subsection.

(a) The expert review panel shall consist of five to ten members who are recognized experts in relevant fields, such as planning, engineering, finance, law, the environment, emerging transportation technologies, geography, and economics.

(b) The expert review panel shall be selected cooperatively by the chairs of the senate and house transportation committees, the secretary of the department of transportation, and the governor to assure a balance of disciplines.

(c) The chair of the expert review panel shall be designated by the governor.

(d) The expert panel shall, with respect to completion of the project alternatives as described in the draft environmental impact statement of each project:

(i) Review the finance plan for the project to ensure that it clearly identifies secured and anticipated funding sources and is feasible and sufficient;

(ii) Review the project implementation plan covering all state and local permitting and mitigation approvals that ensure the most expeditious and cost-effective delivery of the project; and

(iii) Report its findings and recommendations on the items described in (d)(i) and (ii) of this subsection to the joint transportation committee, the office of financial management, and the governor no later than September 1, 2006.

(e) Upon receipt of the expert review panel's findings and recommendations under (d)(iii) of this subsection, the governor must make a finding of whether each finance plan is feasible and sufficient to complete the project as described in the draft environmental impact statement.

(f) Nothing in this section shall be interpreted to delay construction of any of the projects referenced in this subsection.

(18)(a) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (i) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (ii) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (iii) the department must report these results for each project to the joint transportation committee.

(b) The requirements of this subsection shall not apply to (i) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (ii) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

Sec. 305. 2005 c 313 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Transportation 2003 Account (Nickel Account)--State Appropriation	.....	(\$10,622,000)
		\$1,687,000
Motor Vehicle Account--State Appropriation	...	(\$76,824,000)
		\$94,799,000
Motor Vehicle Account--Federal Appropriation		(\$404,360,000)
		\$435,310,000
Motor Vehicle Account--Private/Local Appropriation		(\$6,656,000)
		\$8,485,000

Puyallup Tribal Settlement Account--State Appropriation	\$11,000,000
Transportation Partnership Account--State Appropriation	(\$10,533,000)
	\$24,540,000
TOTAL APPROPRIATION	..... (\$648,995,000)
	\$575,821,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~((2005-6))~~ 2006-1, Highway Preservation Program (P) as developed ~~((April 24, 2005))~~ March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

~~((a) Within the amounts provided in this subsection, \$139,033,000 of the transportation partnership account--state appropriation is provided solely for implementation of structures preservation (P2) projects:~~

~~((b) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is provided solely for implementation of other facilities (P3) projects:))~~

(2) \$11,000,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/~~((Hst))~~ 11th Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. The department may use the Puyallup tribal settlement account appropriation, as well as any funds appropriated in the current biennium and planned in future biennia for the demolition and mitigation for the demolition of the bridge to rehabilitate or replace the bridge, if agreed to by the city. In no event shall the department's participation exceed \$26,500,000 and no funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provide that the payment of these funds extinguishes any real or implied agreements regarding future expenditures on the bridge.

(3) ~~(\$11,590,000)~~ \$740,000 of the motor vehicle account--state appropriation, ~~(\$95,299,000)~~ \$106,149,000 of the motor vehicle account--federal appropriation, and ~~(\$113,591,000)~~ \$130,305,000 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

(4) The motor vehicle account--state appropriation includes ~~(\$530,000)~~ up to \$735,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(5) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

~~((To manage some projects more efficiently, federal funds may be transferred from program Z to program P and replaced with state funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.~~

~~((7))~~ The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act ~~((and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium)).~~ Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to

agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(7) The motor vehicle account--state appropriation includes up to \$912,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.

(8) The motor vehicle account--state appropriation includes up to \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(9) \$4,000,000 of the motor vehicle account--federal appropriation and \$6,000,000 of the motor vehicle account--state appropriation are for expenditures on damaged state roads due to flooding, mudslides, rock fall, or other unforeseen events. Slide repair on state routes 101, 4, 107, and 105 must be funded from this amount if federal emergency funds are not available.

Sec. 306. 2005 c 313 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q-- CAPITAL

Motor Vehicle Account--State Appropriation	(\$17,519,000)
	\$17,555,000
Motor Vehicle Account--Federal Appropriation	\$15,068,000
Motor Vehicle Account--Local Appropriation	\$108,000
TOTAL APPROPRIATION	(\$32,695,000)
	\$32,731,000

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes \$11,255,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

Sec. 307. 2005 c 313 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State (\$153,184,000)	\$122,324,000
Puget Sound Capital Construction Account--Federal (\$59,067,000)	\$73,590,000
Puget Sound Capital Construction Account--Private/Local Appropriation	\$26,000
Multimodal Transportation Account--State Appropriation	\$10,249,000
Transportation 2003 Account(Nickel Account)--State Appropriation	(\$34,987,000)
	\$34,991,000
TOTAL APPROPRIATION	(\$261,413,000)
	\$244,180,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel preservation, and terminal preservation, construction, and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The Puget Sound capital construction account--state appropriation includes ~~(\$72,000,000)~~ up to \$40,950,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. ~~((The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation:))~~

(2) The multimodal transportation account--state appropriation includes up to \$10,249,000 in proceeds from the sale of bonds authorized by RCW 47.10.867. ~~((The transportation commission may authorize the use of current revenues available to the department~~

~~of transportation in lieu of bond proceeds from any part of the state appropriation:))~~

(3) \$15,617,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Eagle Harbor Terminal Preservation project.

(4) The entire transportation 2003 account (nickel account) appropriation and \$10,249,000 of the multimodal transportation account--state appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~((2005-6))~~ 2006-1, Ferries Construction Program (W) as developed ~~((April 24, 2005))~~ March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(5) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

(6) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely ~~((to implement approved recommendations of the stakeholder task force convened to study the most reliable and cost-effective means of providing passenger-only ferry service. The funds provided in this subsection shall be placed in reserve by the office of financial management. The funds may not be released until approved by the legislature))~~ for passenger-only projects. Projects may include vessel or terminal projects or costs associated with selling vessels.

(7) The multimodal transportation account--state appropriation includes up to \$1,170,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.867.

(8) \$37,117,000 of the Puget Sound capital construction account--state appropriation is for the initial procurement of four 144-vehicle auto-passenger ferry vessels using the process outlined in Substitute Senate Bill No. 6853 and is contingent upon the enactment of Substitute Senate Bill No. 6853.

Sec. 308. 2005 c 313 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State Appropriation	\$250,000
Multimodal Transportation Account--State Approp (\$67,158,000)	\$68,176,000
Multimodal Transportation Account--Private/Local App (\$14,287,000)	\$14,287,000
Multimodal Transportation Account--Federal Approp (\$14,066,000)	\$17,268,000
TOTAL APPROPRIATION	(\$88,161,000)
	\$93,981,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes up to \$33,435,000 in proceeds from the sale of bonds and up to \$830,000 in unexpended bond proceeds authorized by RCW 47.10.867. ~~((The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation:))~~

(2) If federal block grant funding for freight or passenger rail is received, the department shall consult with the transportation committees of the legislature prior to spending the funds on additional projects.

(3)(a) ~~(\$67,158,000)~~ \$68,176,000 of the multimodal transportation account--state appropriation, ~~(\$11,966,000)~~ \$17,268,000 of the multimodal transportation account--federal appropriation, \$8,287,000 of the multimodal transportation account--local appropriation, and \$250,000 of the essential rail assistance account are provided solely for the projects and activities as listed by

fund, project and amount in LEAP Transportation Document ((2005-2)) 2006-C, Rail Capital Program(Y) as developed ((April 23, 2005)) March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b) Within the amounts provided in this subsection, \$6,500,000 of the multimodal transportation account--state appropriation is ((provided solely)) for the two commuter rail projects listed in the LEAP Transportation Document ((2005-6)) 2006-C, Rail Capital Program (Y) as developed ((April 24, 2005)) March 8, 2006.

(c) The office of financial management shall negotiate the purchase of the CW line. The purchase agreement must include both the operating and capital rights of the CW line. If the office of financial management is unable to negotiate the purchase of the CW line, the office may stop all negotiations and acquire the line and operational rights through any other alternative means available. The office of financial management shall also negotiate a new operational agreement for the line, in consultation with local governments and other stakeholders.

(d) The office of financial management shall negotiate the purchase of the operating rights of the P&L and PV Hooper lines. If the office of financial management is unable to negotiate the purchase of the operating rights of the P&L and PV Hooper lines, the office may stop all negotiations and acquire the operating rights through any other alternative means available. The office of financial management shall also negotiate new operational agreement(s) for the P&L and PV Hooper lines in consultation with local governments and other stakeholders.

(e) In order to maintain the operation of the Palouse River & Coulee City rail lines, the office of financial management is authorized to negotiate an agreement wherein they may forgive all or part of the existing freight rail assistance loan to the current operator of the Palouse River & Coulee City rail lines in exchange for good and valuable consideration.

(4) If the department issues a call for projects, applications must be received by the department by November 1, 2005, and November 1, 2006.

(5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for a study of eastern Skagit county freight rail. The study shall examine the feasibility of restoring portions of freight rail line to the towns of Lyman, Hamilton, and Concrete. The study must also identify existing and potential industrial sites available for development and redevelopment, and the freight rail service needs of the identified industrial sites.

(6) The department shall finalize and issue the Amtrak Cascades long range plan update as of the effective date of this act.

(7) Funds provided for the Tacoma rail improvement project may be expended for preconstruction engineering.

(8) \$2,500,000 of the multimodal transportation account--state appropriation is provided solely for a rail loop at the Port of Walla Walla.

Sec. 309. 2005 c 313 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

Highway Infrastructure Account--State Appropriation	. \$207,000
Highway Infrastructure Account--Federal Appropriation	\$1,602,000
Motor Vehicle Account--Federal Appropriation	.. ((\$18,221,000))
	\$48,998,000
Motor Vehicle Account--State Appropriation	... ((\$6,702,000))
	\$8,340,000
Transportation Partnership Account--State Appropriation	\$2,008,000
Freight Mobility Investment Account--State Approp((\$12,000,000))	
	\$6,000,000
Passenger Ferry Account--State Appropriation	..... \$9,000,000
Multimodal Transportation Account--State Approp((\$36,002,000))	
	\$39,403,000
Transportation 2003 Account (nickel account)--State Appropriation	..... \$557,000
Freight Mobility Multimodal Account--State Appropia((\$67,700,000))	
	\$67,700,000
TOTAL APPROPRIATION	..... ((\$74,734,000))
	\$125,815,000

The appropriations in this section are subject to the following conditions and limitations:

(1) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the ((transportation commission)) office of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.

(2) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists distributed with this act, and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium, except for projects managed by the freight mobility strategic investment board. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(3) The multimodal transportation account--state appropriation includes up to \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.867. ((The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.))

(4) ((~~\$3,545,000~~)) \$1,545,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the multiphase cooperative project with the state of Oregon to dredge the Columbia River. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(5) ((~~\$274,000~~)) \$206,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(6) The motor vehicle account--state appropriation includes up to \$905,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.

(7) ((~~\$867,000~~)) \$607,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to support the safe routes to school program.

(8) ((~~\$18,221,000~~)) \$16,110,000 of the motor vehicle account-- federal appropriation is provided solely for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided solely for the respective projects: SR 397 Ainsworth Ave. Grade Crossing, ((~~\$5,180,000~~)) \$4,992,000; Colville Alternate Truck Route, ((~~\$2,000,000~~)) \$1,746,000; S. 228th Street Extension and Grade Separation, \$6,500,000; Bigelow Gulch Road-Urban Boundary to Argonne Rd., \$2,000,000; Granite Falls Alternate

Route, ~~(\$1,791,000)~~ \$122,000; and Pacific Hwy. E./Port of Tacoma Road to Alexander, \$750,000.

(9) ~~(\$3,400,000)~~ \$2,898,000 of the motor vehicle account--state appropriation is provided solely for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided solely for the respective projects: Duwamish Intelligent Transportation Systems (ITS), ~~(\$2,520,000)~~ \$2,382,000; Port of Kennewick/Piert Road, ~~(\$520,000; SR 397 Ainsworth Ave. Grade Crossing, \$360,000)~~ \$516,000.

(10) \$6,000,000 of the multimodal account--state appropriation is provided solely for the local freight 'D' street grade separation project.

(11) The department ~~((must))~~ shall issue a call for pedestrian safety projects, such as safe routes to schools and transit, and bicycle and pedestrian paths. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department shall identify cost-effective projects, and submit a prioritized list to the legislature for funding by December 15th of each year. Recommendations made to the legislature for safe routes to schools and bicycle and pedestrian path projects must, to the extent practicable based on available funding, allocate sixty percent of available funds to bicycle and pedestrian path projects and forty percent to safe routes to schools. Preference ~~((with))~~ shall be given to projects that provide a local match. ~~((The grant recipients may only be governmental entities.))~~

(12) ~~(\$19,540,000)~~ \$18,370,000 of the multimodal transportation account--state appropriation, \$6,000,000 of the freight mobility multimodal account--state appropriation, \$2,008,000 of the transportation partnership account--state appropriation, and ~~(\$12,000,000)~~ \$6,000,000 of the freight mobility investment account--state appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document ~~(2005-6)~~ 2006-1, Local Programs (Z) as developed ~~((April 24, 2005))~~ March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(13) \$870,000 of the multimodal transportation account--state appropriation is provided solely for the Yakima Avenue, 9th Street to Front Street, pedestrian safety improvement project.

(14) \$5,000,000 of the multimodal transportation account--state appropriation and \$2,000,000 of the motor vehicle account--federal appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified on the LEAP Transportation Document 2006-B, Pedestrian and Bicycle Safety Program Projects and Safe Routes to Schools Program Projects as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(15) \$9,700,000 of the motor vehicle account--federal appropriation is provided solely for the intersection and corridor safety program projects as identified on the LEAP Transportation Document 2006-A, Intersection and Corridor Safety Program Projects as developed March 8, 2006.

(16) \$19,500,000 of the motor vehicle account--federal appropriation is provided solely for rural county two-lane roadway pilot projects including \$7,500,000 already under contract. Any further allocations shall be prioritized by the department based on high-accident-corridor criteria. For purposes of this subsection, "high-accident-corridor" means a highway corridor of one mile or

more where analysis of collision history indicates that the section has higher than average collision and severity factors.

(17) \$2,500,000 of the motor vehicle account--state appropriation is provided solely for the Yakima downtown futures initiative.

(18) \$810,000 of the multimodal transportation account--state appropriation is provided solely for the projects identified in this subsection: Des Moines creek trail, \$250,000; SR 282 to Port of Ephrata connector, \$385,000; Mount Baker Ridge viewpoint, \$175,000.

(19) Regional transportation planning organizations that receive federal surface transportation program funding shall develop and adhere to a strategy for selecting projects based on regional priorities such as growth management, congestion relief, safety, economic development, or other regional priorities which support state and federal policies. The legislature further intends that the federal funds be applied to the prioritized strategic regional transportation projects rather than by formulaic distribution methods. These funds shall not be used for administrative costs. Regional transportation planning organizations shall report the results of their project selection processes to the department by November 15, 2006, specifically outlining their adopted strategy and how their selected projects support regional priorities. The department shall provide a full and transparent accounting of all federal surface transportation program funds received and expected to be received by the state under the new federal surface transportation act, and its proposed distribution, and as soon as possible make this information available to regional transportation planning organizations and the legislature. The department shall also report to the legislative transportation committees by December 31, 2006, as to how the regional project selection processes support regional priorities, and how these regionally selected projects support state and federal policies.

(20) \$688,000 of the motor vehicle account--federal appropriation is provided solely for completion of the Coal Creek Parkway project.

(21) \$9,000,000 of the passenger ferry account--state appropriation is provided solely for the implementation of the passenger-only ferry grant program created in Substitute Senate Bill No. 6787. If Substitute Senate Bill No. 6787 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2005 c 313 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation	(\$354,913,000)
	\$334,313,000
Nondebt-Limit Reimbursable Account Appropriation	(\$8,775,000)
	\$6,091,000
Ferry Bond Retirement Account Appropriation . . .	(\$39,010,000)
	\$38,241,000
Transportation Improvement Board Bond Retirement Account--State Appropriation	(\$30,899,000)
	\$30,923,000
Motor Vehicle Account--State Appropriation	(\$2,562,000)
	\$682,000
Transportation Improvement Account--State Appropriation	(\$105,000)
	\$120,000
Multimodal Transportation Account--State Appropriation	(\$303,000)
	\$370,000
Transportation 2003 Account (Nickel Account) Appropriation	(\$19,170,000)
	\$6,600,000
Transportation Partnership Account--State Appropriation	\$1,125,000
TOTAL APPROPRIATION	(\$455,744,000)
	\$418,465,000

Sec. 402. 2005 c 313 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Account--State Appropriation	(\$283,000)
	\$248,000
Transportation Improvement Account--State Appropriation	\$13,000
Multimodal Transportation Account--State Appropriation	(\$96,000)
	\$35,000
Transportation 2003 Account(Nickel Account)--State Appropriation	(\$2,400,000)
	\$2,200,000
Transportation Partnership Account--State Appropriation	(\$2,800,000)
	\$375,000
TOTAL APPROPRIATION	(\$5,592,000)
	\$2,871,000

Sec. 403. 2005 c 313 s 403 (unmodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

(1) Motor Vehicle Account--State Reappropriation: For transfer to the Tacoma Narrows toll bridge account

The department of transportation is authorized to sell up to \$257,016,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound capital construction

The department of transportation is authorized to sell up to ~~(\$72,000,000)~~ \$40,950,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

Sec. 404. 2005 c 313 s 404 (unmodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties ~~(\$450,757,000)~~ \$487,612,000

Sec. 405. 2005 c 313 s 405 (unmodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers ~~(\$820,769,000)~~ \$1,037,342,000

Sec. 406. 2005 c 313 s 406 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

(1) RV Account--State Appropriation: For transfer to the Motor Vehicle Account--State . . . \$2,000,000
(2) Motor Vehicle Account--State Appropriation: For transfer to Puget Sound Capital Construction Account ~~(\$71,000,000)~~
(3) Highway Safety Account--State Appropriation: For transfer to the Motor Vehicle Account--State ~~(\$10,000,000)~~ \$5,000,000
(4) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account ~~(\$10,085,000)~~

	\$31,000,000
(5) Motor Vehicle Account--State Appropriation: For transfer to the Transportation Partnership Account	(\$5,137,000)
	\$33,127,000
(6) Highway Safety Account--State Appropriation: For transfer to the Multimodal Transportation Account	(\$2,170,000)
	\$25,980,000
(7) Transportation Partnership Account--State Appropriation: For transfer to the Small City Pavement and Sidewalk Account--State	(\$2,000,000)
	\$1,000,000
(8) Transportation Partnership Account--State Appropriation: For transfer to the Transportation Improvement Account	(\$5,000,000)
	\$2,500,000
(9) Transportation Partnership Account--State Appropriation: For transfer to the (Rural) County Arterial (Trust) Preservation Account--State	(\$3,000,000)
	\$1,500,000
(10) License Plate Technology Account--State Appropriation: For transfer to the Motor Vehicle Account--State	\$2,500,000
((11) Motor Vehicle Account--State Appropriation: For transfer to the State Patrol Highway Account--State	\$1,406,000
(12) Motor Vehicle Account--State Appropriation: For transfer to the Transportation 2003 Account(Nickel Account)--State	-\$461,000
(13)) (11) Multimodal Transportation Account--State Appropriation: For transfer to the Transportation Partnership Account	(\$25,440,000)
	\$29,417,000
(12) Motor Vehicle Account--State Appropriation: For transfer to the Freight Mobility Multimodal Account--State, up to a maximum of	\$3,700,000
(13) Multimodal Transportation Account--State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account	\$1,300,000
(14) Multimodal Transportation Account--State Appropriation: For transfer to the Freight Mobility Multimodal Account	\$4,300,000

The transfers identified in this section are subject to the following conditions and limitations:

- (a) The department of transportation shall only transfer funds in subsection (2) of this section up to the level provided, on an as-needed basis.
- (b) The amount ~~(identified in subsection (3) of this section may not include any revenues collected as passenger fares.)~~ transferred in subsection (12) of this section shall be the same as the Union Pacific Railroad's original contribution, adjusted for earned interest and expenditures, and shall be made on June 30, 2006.
- (c) The amount transferred in subsection (14) of this section is the equivalent of the Burlington Northern Santa Fe funds advanced to the SR 519 project and shall be invested in a freight mobility project agreed to by the freight mobility strategic investment board and the BNSF railway if the final design of the SR 519 project does not include the original rail benefit.

COMPENSATION

Sec. 501. 2005 c 313 s 501 (unmodified) is amended to read as follows:

EMPLOYEE SALARY COST OF LIVING ADJUSTMENT. For those funds that support noncapital FTE employees, agency appropriations in sections 101 through 408 of this act provide funding for salary cost of living adjustments subject to the following conditions and limitations:

- (1) In addition to the purposes set forth in subsection (2) through (4) of this section, the appropriations for cost of living adjustments provide for a 3.2% increase effective July 1, 2005, for all state employees represented by a collective bargaining unit under the personnel system reform act of 2002.
- (2) The appropriations for cost of living adjustments provide for a 3.2% increase effective September 1, 2005, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees covered by the provisions of Initiative

Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable.

(3) The appropriations are also sufficient to fund a 3.2% salary increase effective September 1, 2005, for ferry system employees and for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) The appropriations for cost of living adjustments provide for a 1.6% salary increase effective July 1, 2006, until June 30, 2007, for all state employees represented by a collective bargaining unit under the personnel system reform act of 2002. In addition, appropriation is provided for a 1.6% increase effective September 1, 2006, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable. The appropriation is also sufficient to fund a 1.6% salary increase effective September 1, 2006, until June 30, 2007, for ferry system employees and for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials. This subsection shall not apply to Washington state patrol commissioned troopers and sergeants covered under sections 208(8)(a) and 210(6)(a) of this act. If a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006, this subsection shall not apply to Washington state patrol commissioned captains and lieutenants covered under sections 208(8)(b) and 210(6)(b) of this act.

(5)(a) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board or the director of personnel, as applicable.

(b) The average salary increases paid under this section to agency officials whose maximum salaries are established by the committee on agency official salaries shall not exceed the average increases provided under subsection (3) of this section.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. A new section is added to 2005 c 313 (uncodified) to read as follows:

Executive Order number 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions that issue grants or loans for capital projects shall comply with the requirements set forth in this executive order.

NEW SECTION. Sec. 602. 2005 c 313 s 602 (uncodified) is repealed.

Sec. 603. 2005 c 313 s 603 (uncodified) is amended to read as follows:

(1) The ~~((transportation commission))~~ director of the office of financial management may authorize a transfer of spending allocation within the appropriation provided and between projects funded with transportation 2003 account (nickel account) appropriations ~~((or the))~~, transportation partnership account appropriations, multimodal transportation account appropriations, freight mobility account appropriations, or freight mobility investment account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may be made if the funds allocated to the project are in excess of the amount needed to complete the project;

~~((b))~~ (c) Transfers from a project may be made if the project is experiencing unavoidable expenditure delays;

~~((e))~~ (d) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

~~((d))~~ (e) Each transfer between projects may only occur if the ~~((commission))~~ director of the office of financial management finds that any resulting change will not hinder the completion of the projects approved by the legislature; ~~(and~~

~~((e))~~ (f) Transfers may not occur to projects not identified on the applicable project list; and

~~((g))~~ (g) Transfers may not be made while the legislature is in session.

(2) ~~((A report of the transfers shall be submitted on October 1st of each fiscal year to the senate and house of representatives transportation committees.))~~ At least five working days prior to any transfer, a report of the transfers made to date shall be submitted to the legislative evaluation and accountability program (LEAP). The report must also include a list of monitored projects or transfers currently under consideration by the department, and a financial plan consistent with legislative intent. Within five working days, LEAP shall review the proposed financial plan and report to the joint transportation committee as to whether the expenditures and revenues are sufficient to deliver the projects listed on the most recent legislatively approved project list.

Sec. 604. RCW 47.29.170 and 2005 c 317 s 17 are each amended to read as follows:

Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;

(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before ~~((January 1))~~ June 30, 2007.

MISCELLANEOUS

NEW SECTION. Sec. 701. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 702. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

March 7, 2006

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 47.29.170; amending 2005 c 313 ss 1, 102, 104, 105, 106, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 501, and 603 (uncodified); adding new sections to 2005 c 313 (uncodified); making appropriations and authorizing expenditures for capital improvements; repealing 2005 c 313 s 602 (uncodified); and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Senator Haugen
Senator Jacobsen

Representative Murray
Representative Wallace

ADOPTION OF REPORT OF CONFERENCE COMMITTEE

There being no objection, the House adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6241 and advanced the bill to Final Passage.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 6241, as recommended by the Conference Committee.

Representatives Murray and Woods spoke in favor of the passage of the bill.

Representative Ericksen spoke against the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6241, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Excused - 0.

Voting yea: Representatives Ahern, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotha, Conway, Cox, Crouse, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Alexander, DeBolt, Dunn, Ericksen and Orcutt - 5.

SUBSTITUTE SENATE BILL NO. 6241, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

REPORT OF CONFERENCE COMMITTEE

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6839, Modifying Transportation Accounts and Revenue Distributions, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.68.035 and 2005 c 314 s 205 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085(~~the license fee under RCW 46.16.086, and the farm vehicle trip permit under RCW 46.16.162~~) shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder and the proceeds from the license fee under RCW 46.16.086 and the farm vehicle trip permit under RCW 46.16.162 shall be distributed as follows:

(a) ~~((24.00))~~ 22.36 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) ~~((7.8))~~ 1.375 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund;

(c) ~~((6.38))~~ 5.237 percent shall be deposited into the transportation 2003 account (nickel account); ~~(and)~~

(d) ~~((On July 1, 2006, six million dollars shall be deposited into the freight mobility investment account created in RCW 46.68.300 and beginning on July 1, 2007, and every July 1st thereafter, three million dollars shall be deposited into the freight mobility investment account created in RCW 46.68.300;))~~ 11.533 percent shall be deposited into the transportation partnership account created in RCW 46.68.290; and

(e) The remaining proceeds shall be deposited into the motor vehicle fund.

"**Sec. 2.** RCW 46.16.086 and 2005 c 314 s 203 are each amended to read as follows:

In lieu of the license tab fees provided in RCW 46.16.0621, private use single-axle trailers of two thousand pounds scale weight or less may be licensed upon the payment of a license fee in the sum of fifteen dollars, but only if the trailer is operated upon public highways. The license fee must be collected annually for each registration year or fraction of a registration year. This reduced license fee applies only to trailers operated for personal use of the owners, and not trailers held for rental to the public or used in any commercial or business endeavor. The proceeds from the fees collected under this section shall be distributed in accordance with RCW 46.68.035(2).

"**Sec. 3.** RCW 46.16.162 and 2005 c 314 s 206 are each amended to read as follows:

(1) The owner of a farm vehicle licensed under RCW 46.16.090 purchasing a monthly license under RCW 46.16.135 may, as an alternative to the first partial month of the license registration, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(2) If a monthly license previously issued has expired, the owner of a farm vehicle may, as an alternative to purchasing a full monthly

license, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(3) Each farm vehicle trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for the vehicle for the period remaining in the first month of monthly license, commencing with the day of first use. No more than four such permits may be used for any one vehicle in any twelve-month period. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The farm vehicle trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(4) Vehicles operating under authority of farm vehicle trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(5) Farm vehicle trip permits may be obtained from the department of licensing or agents and subagents appointed by the department. The fee for each farm vehicle trip permit is six dollars and twenty-five cents. Farm vehicle trip permits sold by the department's agents or subagents are subject to fees specified in RCW 46.01.140 (4)(a), (5)(b), or (6).

(6) The proceeds from farm vehicle trip permits received by the director shall be forwarded to the state treasurer to be distributed as provided in RCW 46.68.035(2).

(7) No exchange, credits, or refunds may be given for farm vehicle trip permits after they have been purchased.

(8) The department of licensing may adopt rules as it deems necessary to administer this section.

Sec. 4. RCW 46.68.135 and 2005 c 314 s 111 are each amended to read as follows:

~~((Beginning))~~ By July 1, ~~((2007))~~ 2006, and each year thereafter, the state treasurer shall transfer ~~((five))~~ two and one-half million dollars from the multimodal account to the transportation infrastructure account created under RCW 82.44.190. The funds must be distributed for rail capital improvements only.

Sec. 5. RCW 46.68.290 and 2005 c 314 s 104 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

~~(2) ((If a regional transportation plan has not been adopted by January 2007, the legislature intends to reprioritize allocation of funding for the projects identified on the 2005 transportation partnership project list so that complete and functioning transportation projects can be constructed in a reasonable time.~~

~~(3) By January 1, 2006, the transportation performance audit board must develop performance measures and benchmarks for the evaluation of the expenditures of the transportation partnership account. The board must also develop an audit plan and schedule for audits of the performance of the department of transportation's delivery of the plan as defined by project list, schedule, and budget enacted by the legislature.~~

~~((4))~~ The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

~~((5))~~ (3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

~~((6))~~ (4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

~~((7))~~ (5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

~~((8))~~ (6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

~~((9))~~ (7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance

audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

~~((+0))~~ (8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, ~~((the transportation performance audit board;))~~ the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

~~((+1))~~ (9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

~~((+2))~~ (10) For the period from July 1, 2005, until June 30, 2007, the amount of \$4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections ~~((+4))~~ (2) through ~~((+1))~~ (9) of this section.

~~((13))~~ When appointing the citizen members with performance measurement expertise to the transportation performance audit board, the governor shall appoint the state auditor, or his or her designee.

~~((14))~~ If the state auditor's financial audit of a transportation-related agency implies that a performance audit is warranted, the transportation performance audit board shall include in its annual work plan the performance audit recommended by the state auditor.

NEW SECTION. Sec. 6. A new section is added to chapter 46.68 RCW to read as follows:

(1) On July 1, 2006, and by each July 1st thereafter, the state treasurer shall transfer from the transportation partnership account created in RCW 46.68.290:

(a) One million dollars to the small city pavement and sidewalk account created in RCW 47.26.340;

(b) Two and one-half million dollars to the transportation improvement account created in RCW 47.26.084; and

(c) One and one-half million dollars to the county arterial preservation account created in RCW 46.68.090(2)(i).

(2) On July 1, 2006, the state treasurer shall transfer six million dollars from the transportation partnership account created in RCW 46.68.290 into the freight mobility investment account created in RCW 46.68.300 and by July 1, 2007, and by every July 1st thereafter, three million dollars shall be deposited into the freight mobility investment account.

NEW SECTION. Sec. 7. A new section is added to chapter 46.68 RCW to read as follows:

The freight mobility multimodal account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects identified in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

NEW SECTION. Sec. 8. A new section is added to chapter 46.68 RCW to read as follows:

(1) The regional mobility grant program account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the grants provided under RCW 47.66.030.

(2) Beginning with September 2007, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the regional mobility grant program account five million dollars.

(3) Beginning with September 2015, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the regional mobility grant program account six million two hundred fifty thousand dollars.

Sec. 9. RCW 46.17.010 and 2005 c 314 s 201 are each amended to read as follows:

(1) There shall be paid and collected annually for motor vehicles subject to the fee under RCW 46.16.0621, except motor homes, a vehicle weight fee. The amount of the fee shall be based upon the vehicle scale weight, which is correlated with vehicle size and roadway lane usage. Fees imposed under this section must be used for transportation purposes, and shall not be used for the general support of state government. The vehicle weight fee shall be that portion of the fee as reflected on the scale weight set forth in schedule B provided in RCW 46.16.070 that is in excess of the fee imposed under RCW 46.16.0621. This fee is due at the time of initial and renewal of vehicle registration.

(2) If the resultant weight according to this section is not listed in schedule B provided in RCW 46.16.070, it shall be increased to the next higher weight pursuant to chapter 46.44 RCW.

(3) For the purpose of administering this section, the department shall rely on the vehicle empty scale weights as provided by vehicle manufacturers, or other sources defined by the department, to determine the weight of each vehicle. The department shall adopt rules for determining weight for vehicles without manufacturer empty scale weights.

(4) The vehicle weight fee under this section is imposed to provide funds to mitigate the impact of vehicle loads on the state roads and highways and is separate and distinct from other vehicle license fees. Proceeds from the fee may be used for transportation purposes, or for facilities and activities that reduce the number of vehicles or load weights on the state roads and highways.

(5) The vehicle weight fee collected under this section shall be deposited as follows:

(a) On July 1, 2006, six million dollars shall be deposited into the freight mobility ~~((investment))~~ multimodal account created in ~~((RCW 46.68.300))~~ section 7 of this act, and the remainder collected from ~~((January 1, 2006))~~ the effective date of this section, through June 30, 2006, shall be deposited into the multimodal transportation account;

(b) Beginning July 1, 2007, and every July 1st thereafter, three million dollars shall be deposited into the freight mobility ~~((investment))~~ multimodal account created in ~~((RCW 46.68.300))~~ section 7 of this act, and the remainder shall be deposited into the multimodal transportation account.

Sec. 10. RCW 43.84.092 and 2005 c 514 s 1105, 2005 c 353 s 3, 2005 c 339 s 22, 2005 c 314 s 109, 2005 c 312 s 7, and 2005 c 94 s 1 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall

determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building

account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 11. RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school

fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 12. RCW 46.68.080 and 1961 c 12 s 46.68.080 are each amended to read as follows:

~~((A))~~ (1) Motor vehicle license fees ~~((and all motor vehicle))~~ collected under RCW 46.16.0621 and 46.16.070 and fuel taxes collected under RCW 82.36.025(1) and 82.38.030(1) and directly or indirectly paid by the residents of those counties composed entirely of islands and which have neither a fixed physical connection with the mainland nor any state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such ~~((motor))~~ vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

(2) One-half of ~~((all))~~ the motor vehicle license fees ~~((and motor vehicle))~~ collected under RCW 46.16.0621 and 46.16.070 and one-half of the fuel taxes collected under RCW 82.36.025(1) and 82.38.030(1) and directly or indirectly paid by the residents of those counties composed entirely of islands and which have either a fixed physical connection with the mainland or state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

(3) All funds paid to the county treasurer of the counties of either class ~~((above))~~ referred to ~~((as in this section provided))~~ in subsections (1) and (2) of this section, shall be by such county treasurer distributed and credited to the several road districts of each such county and paid to the city treasurer of each incorporated city and town within each such county, in the direct proportion that the assessed valuation of each such road district and incorporated city and town shall bear to the total assessed valuation of each such county.

(4) The amount of motor vehicle fuel tax paid by the residents of those counties composed entirely of islands shall, for the purposes of this section, be that percentage of the total amount of motor vehicle fuel tax collected in the state that the motor vehicle license fees paid by the residents of counties composed entirely of islands bears to the total motor vehicle license fees paid by the residents of the state.

(5)(a) An amount of fuel taxes shall be deposited into the Puget Sound ferry operations account. This amount shall equal the difference between the total amount of fuel taxes collected in the state under RCW 82.36.020 and 82.38.030 less the total amount of fuel taxes collected in the state under RCW 82.36.020(1) and

82.38.030(1) and be multiplied by a fraction. The fraction shall equal the amount of motor vehicle license fees collected under RCW 46.16.0621 and 46.16.070 from counties described in subsection (1) of this section divided by the total amount of motor vehicle license fees collected in the state under RCW 46.16.0621 and 46.16.070.

(b) An additional amount of fuel taxes shall be deposited into the Puget Sound ferry operations account. This amount shall equal the difference between the total amount of fuel taxes collected in the state under RCW 82.36.020 and 82.38.030 less the total amount of fuel taxes collected in the state under RCW 82.36.020(1) and 82.38.030(1) and be multiplied by a fraction. The fraction shall equal the amount of motor vehicle license fees collected under RCW 46.16.0621 and 46.16.070 from counties described in subsection (2) of this section divided by the total amount of motor vehicle license fees collected in the state under RCW 46.16.0621 and 46.16.070, and this shall be multiplied by one-half.

NEW SECTION. Sec. 13. Section 10 of this act expires July 1, 2006.

NEW SECTION. Sec. 14. Section 11 of this act takes effect July 1, 2006.

NEW SECTION. Sec. 15. Section 1 of this act applies to license fees due on or after July 1, 2006.

NEW SECTION. Sec. 16. Section 7 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect March 24, 2006."

On page 1, line 2 of the title, after "distributions;" strike the remainder of the title and insert "amending RCW 46.68.035, 46.16.086, 46.16.162, 46.68.135, 46.68.290, 46.17.010, and 46.68.080; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 46.68 RCW; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Senator Haugen
Senator Jacobsen

Representative Murray
Representative Woods
Representative Wallace

ADOPTION OF REPORT OF CONFERENCE COMMITTEE

There being no objection, the House adopted the conference committee report on ENGROSSED SUBSTITUTE SENATE BILL NO. 6839 and passed the bill as recommended by the conference committee to final passage.

FINAL PASSAGE OF BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Murray and Woods spoke in favor of the passage of the bill as recommended by the conference committee.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6839 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6839, as recommended by the

Conference Committee, and the bill passed the House by the following vote: Yeas - 92, Nays - 6, Excused - 0.

Voting yea: Representatives Ahern, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Alexander, Crouse, DeBolt, Dunn, Orcutt and Schindler - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6839, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871, and under suspension of the rules returned the bill to second reading for purpose of amendment. The Senate further adopted the following amendment and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that effective transportation planning in urbanized regions requires stronger and clearer lines of responsibility and accountability.

The legislature further finds that integrated, multimodal transportation planning will help reduce transportation congestion and improve safety, and that streamlined decision making will help reduce political congestion.

The legislature further finds that coordinated planning of, investment in, and operation of transportation systems will have significant benefit to the citizens of Washington, and that it is the will of the people to fund regional transportation solutions, including improving transit service in urbanized areas and among existing, fragmented transit agencies in the region. Although equity considerations must be respected, transportation problems are broader and deeper than the sum of geographic subareas.

It is therefore the policy of the state of Washington to create a regional transportation commission to develop a proposal for a regional transportation governing entity more directly accountable to the public, and to develop a comprehensive regional transportation finance plan for the citizens of the Puget Sound metropolitan region.

NEW SECTION. Sec. 2. (1) The regional transportation commission is established.

(2) The commission shall consist of nine voting commissioners. The commissioners shall be appointed by the governor by June 1, 2006. The governor shall appoint four commissioners from designated lists of three nominees submitted by each major party caucus of the legislature, with one commissioner to be appointed from each respective list of nominees. The governor shall appoint the additional five commissioners independent of the legislative caucus nominees. In addition, the secretary of transportation or the secretary's designee shall serve as a nonvoting member.

Appointments of commissioners must reflect geographical balance and diversity of populations within the central Puget Sound region and, to the extent possible, include commissioners with special expertise in relevant fields such as funding, planning, and construction of transportation improvement projects, structural reorganizations, and operation of transportation systems. Appointees must be citizen members who do not hold public office. Vacancies for any appointed commission seat shall be filled in the same manner as the original appointments were made.

(3) The term of office for a commissioner begins seven days following appointment by the governor. A commissioner must be a qualified elector under the state Constitution when his or her term of office begins.

(4) The commission chair presides over the commission and sets the commission agenda subject to general rules established by the commission. Except as provided otherwise in this act, the commission chair appoints all members of the committees, councils, and boards created by the rules of the commission. The commission chair shall be designated by the governor from among the commissioners appointed under subsection (2) of this section.

(5) Each member of the commission is eligible to receive compensation in an amount not to exceed two hundred fifty dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chair. A commissioner may be compensated under this subsection only if the compensation is necessarily incurred in the course of authorized business, consistent with the responsibilities of the commission established by this act.

(6) The commission may be entitled to state funding, as appropriated by the legislature, to pay for expenses incurred by the commission and the department of transportation and through contracts in carrying out the duties authorized in this act.

(7) The department of transportation shall provide staff support to the commission and, upon request of the commission, contract with other parties for staff support to the commission.

NEW SECTION. Sec. 3. The regional transportation commission has the following duties:

(1) Evaluate transportation governance in the central Puget Sound area within the jurisdiction of the Puget Sound regional council. This evaluation must include an assessment of the current roles of regional transportation agencies, including regional transportation and metropolitan planning organizations, the regional transit authority, regional transportation investment districts, county and municipal agencies operating transit services, and cities, counties, and other public agencies providing transportation services or facilities, including the state department of transportation. The commission shall assess and develop recommendations for what steps should be taken to:

(a) Consolidate governance among agencies, including changes in institutional powers, structures, and relationships and governance needed to improve accountability for transportation decisions, while enhancing the regional focus for transportation decisions and maintaining equity among citizens in the region;

(b) Improve coordination in the planning of transportation investments and services;

(c) Improve investment strategies;

(d) Coordinate transportation planning and investments with adopted land use policies within the region;

(e) Enhance efficiency and coordination in the delivery of services provided;

(f) Adjust boundaries for agencies or functions within the region to address existing and future transportation and land use issues; and

(g) Improve coordination between regional investments and federal funds, and state funding, including those administered by the transportation improvement board, the county road administration board, and the freight mobility strategic investment board;

(2) Develop options for a regional transportation governance proposal that include, at a minimum, an option providing for the formation of a regional transportation governing entity, of which all of its members must be directly elected, the revenue sources that will be available to such entity, and the scope of planning authority of

such entity. The commission shall consult with affected jurisdictions when developing a proposal under this subsection;

(3) Develop a comprehensive financing strategy and recommended revenue options for improving transportation system performance within the region through investments in transportation projects, including, but not limited to, system-wide pricing policies and network value-pricing charges;

(4) Publicize the commission's proposal referenced in subsection (2) of this section, and the list of revenue options referenced in subsection (3) of this section, by November 15, 2006, and provide at least fifteen days for public comment;

(5) Adopt the proposal referenced in subsection (2) of this section, and the list of revenue options referenced in subsection (3) of this section, and submit them to the legislature by January 1, 2007, after which time the commission shall dissolve; and

(6) Conduct public meetings to assure active public participation in the development of the recommendations, proposal, and finance plan under this section.

Sec. 4. RCW 36.120.020 and 2002 c 56 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional transportation investment district.

(2) "Department" means the Washington state department of transportation.

(3) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, its successor entity, or the legislature.

(4) "Lead agency" means a public agency that by law can plan, design, and build a transportation project and has been so designated by the district.

(5) "Regional transportation investment district" or "district" means a municipal corporation (~~whose boundaries are coterminous with two or more contiguous counties and~~) that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.

(6) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created under RCW 36.120.030 to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.

(7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.

(8) "Transportation project" means:

(a) A capital improvement or improvements to a highway that has been designated, in whole or in part, as a highway of statewide significance, including an extension, that:

(i) Adds a lane or new lanes to an existing state or federal highway; or

(ii) Repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.

(b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, and may include the following associated multimodal capital improvements:

(i) Approaches to highways of statewide significance;

(ii) High-occupancy vehicle lanes;

(iii) Flyover ramps;

(iv) Park and ride lots;

(v) Bus pullouts;

(vi) Vans for vanpools;

(vii) Buses; and

(viii) Signalization, ramp metering, and other transportation system management improvements.

(c) A capital improvement or improvements to all or a portion of a city street, county road, or existing highway or the creation of a new highway that intersects with a highway of statewide significance, if all of the following conditions are met:

(i) The project is included in a plan that makes highway improvement projects that add capacity to a highway or highways of statewide significance;

(ii) The secretary of transportation determines that the project would better relieve traffic congestion than investing that same money in adding capacity to a highway of statewide significance;

(iii) Matching money equal to ~~((one-third))~~ fifteen percent of the total cost of the project is provided by local entities, including but not limited to a metropolitan planning organization, county, city, port, or private entity in which a county participating in a plan is located. Local entities may use federal grants to meet this matching requirement;

(iv) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed ten percent of the revenues generated by the district;

(v) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed one billion dollars; and

(vi) The specific projects are included within the plan and submitted as part of the plan to a vote of the people.

(d) Except as otherwise provided in this subsection, operations, preservation, and maintenance are excluded from this definition and may not be included in a regional transportation investment plan. However, operations, preservation, and maintenance of tolled facilities where toll revenues have been pledged for the payment of contracts is expressly authorized and may be included in a regional transportation investment plan. The authority under this subsection includes operational expenses for toll enforcement.

(e) Operational expenses for traffic mitigation provided solely for transportation project construction mitigation directly related to specific projects as outlined in the plan shall be included in a regional transportation investment plan. Construction mitigation strategies may include, but are not limited to, funding for increased transit service hours, trip reduction incentives, nonmotorized mode support, and ridematching services. Prior to construction of any project, corridor mitigation plans must be developed in conjunction with the department and partner transit agencies, including local transit agencies and the regional transit authority serving the counties, with the following goals: (i) Reducing drive alone trips in affected corridors; (ii) reducing delay per person and delay per unit of goods in affected corridors; and (iii) improving levels of service that improve system performance for all transportation users in affected corridors. The regional transportation commission established under section 2 of this act, or a successor regional governing entity, shall review transit investments according to these performance measures to determine whether to continue funding for successful and effective operations after the construction period is completed.

(9) "Weighted vote" means a vote that reflects the population each board or planning committee member represents relative to the population represented by the total membership of the board or planning committee. Population will be determined using the federal 2000 census or subsequent federal census data.

Sec. 5. RCW 36.120.030 and 2002 c 56 s 103 are each amended to read as follows:

Regional transportation investment district planning committees are advisory entities that are created, convened, and empowered as follows:

(1) A county with a population over one million five hundred thousand persons and any adjoining counties with a population over five hundred thousand persons may create a regional transportation investment district and shall convene a regional transportation investment district planning committee.

(a) The boundaries of the district should include at least the contiguous areas within the regional transit authority serving the counties. The boundaries must be proposed by the planning committee and approved by the county legislative authorities by ordinance before or in conjunction with approval of a regional transportation investment plan. Boundaries must follow complete parcels of land. However, any portion of a county that is located on a peninsula shall be exempt from a regional transportation investment district in which more than one county is included if (i) the portion

of the county located on the peninsula is connected to the other portion of the county by a bridge improved under chapter 47.46 RCW, and (ii) the county has a national park and a population of more than five hundred thousand persons, but less than one million five hundred thousand persons.

(b) After voters within the district boundaries have approved a plan under RCW 36.120.070, elections to add areas to the district boundaries may be called by a resolution of the board, after consultation with the regional transportation planning organization and affected transit agencies and with the concurrence of the legislative authority of the city or town if the area is incorporated or with the concurrence of the county legislative authority if the area is unincorporated. The election may include a single ballot measure providing annexation to the district, approval of the plan, and approval of revenue sources necessary to finance the plan. The electorate are the voters voting within the proposed area to be annexed. A simple majority of the persons voting on the single ballot measure is required for approval of the measure.

(2) The members of the legislative authorities participating in planning under this chapter shall serve as the district planning committee. Members of the planning committee receive no compensation, but may be reimbursed for travel and incidental expenses as the planning committee deems appropriate.

The secretary of transportation, or the appropriate regional administrator of the department, as named by the secretary, shall serve on the committee as a nonvoting member.

(3) A regional transportation investment district planning committee may be entitled to state funding, as appropriated by the legislature, for start-up funding to pay for salaries, expenses, overhead, supplies, and similar expenses ordinarily and necessarily incurred in selecting transportation projects and funding for those transportation projects under this chapter. Upon creation of a regional transportation investment district, the district shall within one year reimburse the state for any sums advanced for these start-up costs from the state.

(4) The planning committee shall conduct its affairs and formulate a regional transportation investment plan as provided under RCW 36.120.040, except that it shall elect an executive board of seven members to discharge the duties of the planning committee and formulate a regional transportation investment plan, subject to the approval of the full committee.

(5) At its first meeting, a regional transportation investment district planning committee may elect officers and provide for the adoption of rules and other operating procedures.

(6) Governance of and decisions by a regional transportation investment district planning committee must be by a sixty-percent weighted majority vote of the total membership.

(7) The planning committee may dissolve itself at any time by a two-thirds weighted majority vote of the total membership of the planning committee.

(8) If a multicounty regional transportation investment district is not formed by December 1, 2007, through approval by the voters voting on a regional transportation investment plan, then the authority under this chapter to create a district, and to fund and construct transportation projects, shall be available to each of the eligible counties described in subsection (1) of this section on an individual and independent basis.

Sec. 6. RCW 36.120.040 and 2003 c 194 s 1 are each amended to read as follows:

(1) A regional transportation investment district planning committee shall adopt a regional transportation investment plan providing for the development, construction, and financing of transportation projects. The planning committee may consider the following factors in formulating its plan:

(a) Land use planning criteria;

(b) The input of cities located within a participating county; and

(c) The input of regional transportation planning organizations ~~((m))~~ of which a participating county is (located) a member. A regional transportation planning organization in which a participating county is located shall review its adopted regional transportation plan and submit, for the planning committee's consideration, its list of transportation improvement priorities.

(2) The planning committee may coordinate its activities with the department, which shall provide services, data, and personnel to assist in this planning as desired by the planning committee. In addition, the planning committee may coordinate its activities with affected cities, towns, and other local governments, including any regional transit authority existing within the participating counties' boundaries, that engage in transportation planning.

(3) The planning committee shall:

(a) Conduct public meetings that are needed to assure active public participation in the development of the plan;

(b) Adopt a plan proposing the:

(i) Creation of a regional transportation investment district, including district boundaries; and

(ii) Construction of transportation projects to improve mobility within each county and within the region. Operations, maintenance, and preservation of facilities or systems may not be part of the plan, except for the limited purposes provided under RCW 36.120.020(8); and

(c) Recommend sources of revenue authorized by RCW 36.120.050 and a financing plan to fund selected transportation projects. The overall plan of the district must leverage the district's financial contributions so that the federal, state, local, and other revenue sources continue to fund major congestion relief and transportation capacity improvement projects in each county and the district. A combination of local, state, and federal revenues may be necessary to pay for transportation projects, and the planning committee shall consider all of these revenue sources in developing a plan.

(4) The plan must use tax revenues and related debt for projects that generally benefit a participating county in proportion to the general level of tax revenues generated within that participating county. This equity principle applies to all modifications to the plan, appropriation of contingency funds not identified within the project estimate, and future phases of the plan. Per agreement with a regional transit authority serving the counties participating in a district, the equity principle identified under this subsection may include using the combined district and regional transit authority revenues generated within a participating county to determine the distribution that proportionally benefits the county. For purposes of the transportation subarea equity principle established under this subsection, a district may use the five subareas within a regional transit authority's boundaries as identified in an authority's system plan adopted in May 1996. During implementation of the plan, the board shall retain the flexibility to manage distribution of revenues, debt, and project schedules so that the district may effectively implement the plan. Nothing in this section should be interpreted to prevent the district from pledging district-wide tax revenues for payment of any contract or debt entered into under RCW 36.120.130.

(5) Before adopting the plan, the planning committee, with assistance from the department, shall work with the lead agency to develop accurate cost forecasts for transportation projects. This project costing methodology must be integrated with revenue forecasts in developing the plan and must at a minimum include estimated project costs in constant dollars as well as year of expenditure dollars, the range of project costs reflected by the level of project design, project contingencies, identification of mitigation costs, the range of revenue forecasts, and project and plan cash flow and bond analysis. The plan submitted to the voters must provide cost estimates for each project, including reasonable contingency costs. Plans submitted to the voters must provide that the maximum amount possible of the funds raised will be used to fund projects in the plan, including environmental improvements and mitigation, and that administrative costs be minimized. If actual revenue exceeds actual plan costs, the excess revenues must be used to retire any outstanding debt associated with the plan.

(6) If a county opts not to adopt the plan or participate in the regional transportation investment district, but two or more contiguous counties do choose to continue to participate, then the planning committee may, within ninety days, redefine the regional transportation investment plan and the ballot measure to be submitted to the people to reflect elimination of the county, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to adopt the redefined

plan and participate. This action must be completed within sixty days after receipt of the redefined plan.

(7) Once adopted by the planning committee, the plan must be forwarded to the participating county legislative authorities to initiate the election process under RCW 36.120.070. The planning committee shall at the same time provide notice to each city and town within the district, the governor, the chairs of the transportation committees of the legislature, the secretary of transportation, and each legislator whose legislative district is partially or wholly within the boundaries of the district.

(8) If the ballot measure is not approved, the planning committee may redefine the selected transportation projects, financing plan, and the ballot measure. The county legislative authorities may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at the next election or a special election. If no ballot measure is approved by the voters by the third vote, the planning committee is dissolved.

NEW SECTION. Sec. 7. A new section is added to chapter 36.120 RCW to read as follows:

The planning committee must develop and include in the regional transportation investment plan a funding proposal for the state route number 520 bridge replacement and HOV project that assures full project funding for seismic safety and corridor connectivity on state route number 520 between Interstate 5 and Interstate 405.

Sec. 8. RCW 36.120.070 and 2002 c 56 s 107 are each amended to read as follows:

(1) Beginning no sooner than the 2007 general election, two or more contiguous county legislative authorities, or a single county legislative authority as provided under RCW 36.120.030(8), upon receipt of the regional transportation investment plan under RCW 36.120.040, may ((certify the plan to the ballot, including identification of the tax options)) submit to the voters of the proposed district a single ballot measure that approves formation of the district, approves the regional transportation investment plan, and approves the revenue sources necessary to ((fund)) finance the plan. ((County legislative authorities)) For a county to participate in the plan, the county legislative authority shall, within ninety days after receiving the plan, adopt an ordinance indicating the county's participation. The planning committee may draft ((a ballot title,)) the ballot measure on behalf of the county legislative authorities, and the county legislative authorities may give notice as required by law for ballot measures, and perform other duties as required to ((put the plan before)) submit the measure to the voters of the proposed district for their approval or rejection ((as a single ballot measure that both approves formation of the district and approves the plan)). Counties may negotiate interlocal agreements necessary to implement the plan. The electorate will be the voters voting within the boundaries of the ((participating counties)) proposed district. A simple majority of the total persons voting on the single ballot measure ((to approve the plan, establish the district, and approve the taxes and fees)) is required for approval.

(2) In conjunction with RCW 81.112.030(10), at the 2007 general election the participating counties shall submit a regional transportation investment plan on the same ballot along with a proposition to support additional implementation phases of the authority's system and financing plan developed under chapter 81.112 RCW. The plan shall not be considered approved unless voters also approve the proposition to support additional implementation phases of the authority's system and financing plan.

Sec. 9. RCW 29A.36.071 and 2004 c 271 s 169 are each amended to read as follows:

(1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and (c) a question. The ballot title must conform with the requirements and be displayed substantially as provided

under RCW 29A.72.050, except that the concise description must not exceed seventy-five words; however, a concise description submitted on behalf of a proposed or existing regional transportation investment district may exceed seventy-five words. If the local governmental unit is a city or a town, the concise statement shall be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement shall be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement shall be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

(2) A referendum measure on the enactment of a unit of local government shall be advertised in the manner provided for nominees for elective office.

(3) Subsection (1) of this section does not apply if another provision of law specifies the ballot title for a specific type of ballot question or proposition.

Sec. 10. RCW 36.120.080 and 2002 c 56 s 108 are each amended to read as follows:

If the voters approve the plan, including creation of a regional transportation investment district and imposition of taxes and fees, the district will be declared formed. The county election officials of participating counties shall, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general circulation in the district declaring the district formed, and mail copies of the notice to the governor, the secretary of transportation, the executive director of the regional transit authority in which any part of the district is located, and the executive director of the regional transportation planning organization in which any part of the district is located. A party challenging the procedure or the formation of a voter-approved district must file the challenge in writing by serving the prosecuting attorney of the participating counties and the attorney general within thirty days after the final certification of the election. Failure to challenge within that time forever bars further challenge of the district's valid formation.

Sec. 11. RCW 36.120.110 and 2002 c 56 s 111 are each amended to read as follows:

(1) The governing board of the district is responsible for the execution of the voter-approved plan. The board shall:

(a) Impose taxes and fees authorized by district voters;

(b) Enter into agreements with state, local, and regional agencies and departments as necessary to accomplish district purposes and protect the district's investment in transportation projects;

(c) Accept gifts, grants, or other contributions of funds that will support the purposes and programs of the district;

(d) Monitor and audit the progress and execution of transportation projects to protect the investment of the public and annually make public its findings;

(e) Pay for services and enter into leases and contracts, including professional service contracts;

(f) Hire no more than ten employees, including a director or executive officer, a treasurer or financial officer, a project manager or engineer, a project permit coordinator, and clerical staff; and

(g) Coordinate its activities with affected cities, towns, and other local governments, including any regional transit authority existing either partially or entirely within the district area, that engage in transportation planning; and

(h) Exercise other powers and duties as may be reasonable to carry out the purposes of the district.

(2) It is the intent of the legislature that existing staff resources of lead agencies be used in implementing this chapter. A district may coordinate its activities with the department, which shall provide services, data, and personnel to assist as desired by the regional transportation investment district. Lead agencies for transportation projects that are not state facilities shall also provide staff support for the board.

(3) A district may not acquire, hold, or dispose of real property.

(4) Except for the limited purposes provided under RCW 36.120.020(8), a district may not own, operate, or maintain an ongoing facility, road, or transportation system.

(5) A district may accept and expend or use gifts, grants, or donations.

(6) It is the intent of the legislature that administrative and overhead costs of a regional transportation investment district be minimized. For transportation projects costing up to fifty million dollars, administrative and overhead costs may not exceed three percent of the total construction and design project costs per year. For transportation projects costing more than fifty million dollars, administrative and overhead costs may not exceed three percent of the first fifty million dollars in costs, plus an additional one-tenth of one percent of each additional dollar above fifty million. These limitations apply only to the district, and do not limit the administration or expenditures of the department.

(7) A district may use the design-build procedure for transportation projects developed by it. As used in this section "design-build procedure" means a method of contracting under which the district contracts with another party for that party to both design and build the structures, facilities, and other items specified in the contract. The requirements and limitations of RCW 47.20.780 and 47.20.785 do not apply to the transportation projects under this chapter.

Sec. 12. RCW 81.112.030 and 1994 c 44 s 1 are each amended to read as follows:

Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.

The authority shall be formed in the following manner:

(1) The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. The final system plan shall be adopted no later than June 30, 1993. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the plan to the county legislative authorities within the adopted service area.

(2) The legislative authorities of the counties within the service area shall decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan or by August 13, 1993, whichever comes first.

(3) Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.

(4) The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the appointments. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

(5) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.

(6) If the authority determines that major modifications to the plan are necessary before the initial ballot proposition is submitted to the voters, the authority may make those modifications with a

favorable vote of two-thirds of the entire membership. Any such modification shall be subject to the review process set forth in RCW 81.104.110. The modified plan shall be transmitted to the legislative authorities of the participating counties. The legislative authorities shall have forty-five days following receipt to act by motion or ordinance to confirm or rescind their continued participation in the authority.

(7) If any county opts to not participate in the authority, but two or more contiguous counties do choose to continue to participate, the authority's board shall be revised accordingly. The authority shall, within forty-five days, redefine the system and financing plan to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

(8) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to authorize the imposition of taxes to support the implementation of an appropriate phase of the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan approved by the authority's board before the submittal of a proposition to the voters shall contain an equity element which:

(a) Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;

(b) Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor. Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and

(c) Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.

A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the projects identified in the proposition. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993; nor may the authority issue bonds or form any local improvement district prior to July 1, 1993.

(9) If the vote on a proposition fails, the board may redefine the proposition, make changes to the authority boundaries, and make corresponding changes to the composition of the board. If the composition of the board is changed, the participating counties shall revise the membership of the board accordingly. The board may then submit the revised proposition or a different proposition to the voters. No single proposition may be submitted to the voters more than twice. Beginning no sooner than the 2007 general election, the authority may place additional propositions on the ballot to impose taxes to support additional phases of plan implementation.

(10) In conjunction with RCW 36.120.070, at the 2007 general election the authority shall submit a proposition to support additional implementation phases of the authority's system and financing plan on the same ballot along with a regional transportation investment plan developed under chapter 36.120 RCW. The proposition shall not be considered approved unless voters also approve the regional transportation investment plan.

(11) Additional phases of plan implementation may include a transportation subarea equity element which (a) identifies the combined authority and regional transportation investment district revenues anticipated to be generated by corridor and by county within the authority's boundaries, and (b) identifies the degree to which the combined authority and regional transportation investment district revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue. For purposes of the transportation subarea equity principle established under this subsection, the authority may use the five subareas within the authority's boundaries as identified in the authority's system plan adopted in May 1996.

(12) If the authority is unable to achieve a positive vote on a proposition within two years from the date of the first election on a proposition, the board may, by resolution, reconstitute the authority as a single-county body. With a two-thirds vote of the entire

membership of the voting members, the board may also dissolve the authority.

Sec. 13. RCW 36.120.050 and 2003 c 350 s 4 are each amended to read as follows:

(1) A regional transportation investment district planning committee may, as part of a regional transportation investment plan, recommend the imposition or authorization of some or all of the following revenue sources, which a regional transportation investment district may impose or authorize upon approval of the voters as provided in this chapter:

(a) A regional sales and use tax, as specified in RCW 82.14.430, of up to ~~((0.5))~~ 0.1 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district;

(b) A local option vehicle license fee, as specified under RCW 82.80.100, of up to one hundred dollars per vehicle registered in the district. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;

(c) A parking tax under RCW 82.80.030;

(d) A local motor vehicle excise tax under RCW 81.100.060 ~~((and chapter 81.104 RCW));~~

(e) A local option fuel tax under RCW 82.80.120;

(f) An employer excise tax under RCW 81.100.030; and

(g) Vehicle tolls on new or reconstructed ~~((facilities.))~~ local or regional arterials or state or federal highways within the boundaries of the district, if the following conditions are met:

(i) Any such toll must be approved by the state transportation commission or its successor statewide tolling authority;

(ii) The regional transportation investment plan must identify the facilities that may be tolled; and

(iii) Unless otherwise specified by law, the department shall administer the collection of vehicle tolls on designated facilities, and the state transportation commission, or its successor, shall be the tolling authority.

(2) Taxes, fees, and tolls may not be imposed or authorized without an affirmative vote of the majority of the voters within the boundaries of the district voting on a ballot proposition as set forth in RCW 36.120.070. Revenues from these taxes and fees may be used only to implement the plan as set forth in this chapter. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section.

(3) Existing statewide motor vehicle fuel and special fuel taxes, at the distribution rates in effect on January 1, 2001, are not intended to be altered by this chapter.

Sec. 14. RCW 81.100.080 and 1990 c 43 s 19 are each amended to read as follows:

(1) Funds collected under RCW 81.100.030 or 81.100.060 and any investment earnings accruing thereon shall be used by the county or the regional transportation investment district in a manner consistent with the regional transportation plan only for costs of collection, costs of preparing, adopting, and enforcing agreements under RCW 81.100.030(3), for construction of high occupancy vehicle lanes and related facilities, mitigation of environmental concerns that result from construction or use of high occupancy vehicle lanes and related facilities, payment of principal and interest on bonds issued for the purposes of this section, for high occupancy vehicle programs as defined in RCW 81.100.020(5), ~~((and))~~ or for commuter rail projects in accordance with RCW 81.104.120. Except for funds raised by an investment district, no funds collected under RCW 81.100.030 or 81.100.060 after June 30, 2000, may be pledged for the payment or security of the principal or interest on any bonds issued for the purposes of this section. Not more than ten percent of the funds may be used for transit agency high occupancy vehicle programs.

(2) Notwithstanding the limitations in this chapter, a regional transportation investment district may use funds collected under RCW 81.100.030 or 81.100.060 and any investment earnings accruing thereon for projects contained in a plan developed under

chapter 36.120 RCW. These expenditures shall not be limited to high occupancy vehicle systems.

(3) Priorities for construction of high occupancy vehicle lanes and related facilities shall be as follows:

~~((+))~~(a)(i) To accelerate construction of high occupancy vehicle lanes on the interstate highway system, as well as related facilities;

~~((+))~~(ii) To finance or accelerate construction of high occupancy vehicle lanes on the noninterstate state highway system, as well as related facilities.

~~((+))~~(b) To finance construction of high occupancy vehicle lanes on local arterials, as well as related facilities.

(4) Moneys received by ~~((an agency))~~ a county under this chapter shall be used in addition to, and not as a substitute for, moneys currently used by the ~~((agency))~~ county for the purposes specified in this section.

(5) Counties and investment districts may contract with cities or the state department of transportation for construction of high occupancy vehicle lanes and related facilities, and may issue general obligation bonds to fund such construction and use funds received under this chapter to pay the principal and interest on such bonds.

Sec. 15. RCW 81.100.060 and 2002 c 56 s 411 are each amended to read as follows:

A county with a population of one million or more and a county with a population of from two hundred ten thousand to less than one million that is adjoining a county with a population of one million or more, having within their boundaries existing or planned high-occupancy vehicle lanes on the state highway system, or a regional transportation investment district ~~((for capital improvements))~~, but only to the extent that the surcharge has not already been imposed by the county, may, with voter approval, impose a local surcharge of not more than three-tenths of one percent in the case of a county, or eight-tenths of one percent in the case of a regional transportation investment district, of the value on vehicles registered to a person residing within the county or investment district and not more than 13.64 percent on the state sales and use taxes paid under the rate in RCW 82.08.020(2) on retail car rentals within the county or investment district. A county may impose the surcharge only to the extent that it has not been imposed by the district. No surcharge may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.085, or 46.16.090.

Counties or investment districts imposing a ~~((tax))~~ surcharge under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, and department of revenue, as appropriate, which shall deduct ~~((am))~~ a percentage amount, as provided by contract, not to exceed two percent of the taxes, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to motor vehicle excise taxes, be applicable to surcharges imposed under this section. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW shall, insofar as they are applicable to state sales and use taxes, be applicable to surcharges imposed under this section. A surcharge imposed under this section, or a change to the surcharge, shall take effect no sooner than seventy-five days after the department of licensing or the department of revenue receives notice of the surcharge or change to the surcharge, and shall take effect only on the first day of January, April, July, or October. Unless waived by the department of licensing or the department of revenue, notice includes providing the appropriate department with digital mapping and legal descriptions of areas in which the tax will be collected.

If the tax authorized in RCW 81.100.030 is also imposed, the total proceeds from tax sources imposed under this section and RCW 81.100.030 each year shall not exceed the maximum amount which could be collected under this section.

Sec. 16. RCW 82.14.0455 and 2005 c 336 s 15 are each amended to read as follows:

(1) Subject to the provisions in RCW 36.73.065, a transportation benefit district under chapter 36.73 RCW may fix and impose a sales

and use tax in accordance with the terms of this chapter. The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the boundaries of the district. The rate of tax shall not exceed two-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. The tax may not be imposed for a period exceeding ten years. This tax may be extended for a period not exceeding ten years with an affirmative vote of the voters voting at the election.

(2) Money received from the tax imposed under this section must be spent in accordance with the requirements of chapter 36.73 RCW.

~~((3)) A district may only levy the tax under this section if the district is comprised of boundaries coextensive with the boundaries of a county, counties, city or cities, a county transportation authority or authorities, a public transportation benefit area or areas, or any combination of these jurisdictions.))~~

Sec. 17. RCW 82.14.430 and 2002 c 56 s 405 are each amended to read as follows:

(1) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a sales and use tax of up to ~~((0.5))~~ 0.1 percent of the selling price or value of the article used in the case of a use tax. The tax authorized by this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. Motor vehicles are exempt from the sales and use tax imposed under this subsection.

(2) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a tax on the use of a motor vehicle within a regional transportation investment district. The tax applies to those persons who reside within the regional transportation investment district. The rate of the tax may not exceed ~~((0.5))~~ 0.1 percent of the value of the motor vehicle. The tax authorized by this subsection is in addition to the tax authorized under RCW 82.14.030 and must be imposed and collected at the time a taxable event under RCW 82.08.020(1) or 82.12.020 takes place. All revenue received under this subsection must be deposited in the local sales and use tax account and distributed to the regional transportation investment district according to RCW 82.14.050. The following provisions apply to the use tax in this subsection:

(a) Where persons are taxable under chapter 82.08 RCW, the seller shall collect the use tax from the buyer using the collection provisions of RCW 82.08.050.

(b) Where persons are taxable under chapter 82.12 RCW, the use tax must be collected using the provisions of RCW 82.12.045.

(c) "Motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(d) "Person" has the meaning given in RCW 82.04.030.

(e) The value of a motor vehicle must be determined under RCW 82.12.010.

(f) Except as specifically stated in this subsection (2), chapters 82.12 and 82.32 RCW apply to the use tax. The use tax is a local tax imposed under the authority of chapter 82.14 RCW, and chapter 82.14 RCW applies fully to the use tax.

(3) In addition to fulfilling the notice requirements under RCW 82.14.055(1), and unless waived by the department, a regional transportation investment district shall provide the department of revenue with digital mapping and legal descriptions of areas in which the tax will be collected.

Sec. 18. RCW 82.80.120 and 2003 c 350 s 3 are each amended to read as follows:

(1) For purposes of this section:

(a) "Distributor" means every person who imports, refines, manufactures, produces, or compounds motor vehicle fuel and special

fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells or distributes the fuel into a county;

(b) "Person" has the same meaning as in RCW 82.04.030;

(c) "District" means a regional transportation investment district under chapter 36.120 RCW.

(2) A regional transportation investment district under chapter 36.120 RCW, subject to the conditions of this section, may levy additional excise taxes equal to ten percent of the statewide motor vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in RCW 82.36.010 and on each gallon of special fuel as defined in RCW 82.38.020 sold within the boundaries of the district. The additional excise tax is subject to the approval of a majority of the voters within the district boundaries. Vehicles paying an annual license fee under RCW 82.38.075 are exempt from the district's fuel excise tax. The additional excise taxes are subject to the same exceptions and rights of refund as applicable to other motor vehicle fuel and special fuel excise taxes levied under chapters 82.36 and 82.38 RCW. The proposed tax may not be levied less than one month from the date the election results are certified. The commencement date for the levy of any tax under this section will be the first day of January, April, July, or October.

(3) The local option motor vehicle fuel tax on each gallon of motor vehicle fuel and on each gallon of special fuel is imposed upon the distributor of the fuel.

(4) A taxable event for the purposes of this section occurs upon the first distribution of the fuel within the boundaries of the district to a retail outlet, bulk fuel user, or ultimate user of the fuel.

(5) All administrative provisions in chapters 82.01, 82.03, and 82.32 RCW, insofar as they are applicable, apply to local option fuel taxes imposed under this section.

(6) Before the effective date of the imposition of the fuel taxes under this section, a district shall contract with the department of ~~((revenue))~~ licensing for the administration and collection of the taxes. The contract must provide that a percentage amount, not to exceed one percent of the taxes imposed under this section, will be deposited into the local tax administration account created in the custody of the state treasurer. The department of ~~((revenue))~~ licensing may spend money from this account, upon appropriation, for the administration of the local taxes imposed under this section.

(7) The state treasurer shall distribute monthly to the district levying the tax as part of the regional transportation investment district plan, after the deductions for payments and expenditures as provided in RCW 46.68.090(1) (a) and (b).

(8) The proceeds of the additional taxes levied by a district in this section, to be used as a part of a regional transportation investment district plan, must be used in accordance with chapter 36.120 RCW, but only for those areas that are considered "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(9) A district may only levy the tax under this section if the district is comprised of boundaries identical to the boundaries of a county or counties. A district may not levy the tax in this section if a member county is levying the tax in RCW 82.80.010 or 82.80.110.

Sec. 19. RCW 47.56.076 and 2005 c 335 s 3 are each amended to read as follows:

Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, and ~~((only for the purposes authorized in RCW 36.120.050(1)(g)))~~ with the approval of the state transportation commission or its successor statewide tolling authority, a regional transportation investment district may authorize vehicle tolls on a local or regional arterial or a state (routes where improvements financed in whole or in part by a regional transportation investment district add additional lanes to, or reconstruct lanes on, a highway of statewide significance)) or federal highway within the boundaries of the district. The department shall administer the collection of vehicle tolls authorized on designated facilities unless otherwise specified in law or by contract, and the ~~((state transportation))~~ commission(s) or its successor(s) statewide tolling authority shall ((be the tolling authority)) set and impose the tolls in amounts sufficient to implement the regional transportation investment plan under RCW 36.120.020.

NEW SECTION. Sec. 20. A new section is added to chapter 47.56 RCW to read as follows:

Notwithstanding any provision to the contrary in this chapter, a regional transportation investment district may authorize vehicle tolls on either Lake Washington bridge within its boundaries to implement a regional transportation investment plan as authorized in chapter 36.120 RCW and RCW 47.56.076.

Sec. 21. RCW 43.79A.040 and 2005 c 424 s 18, 2005 c 402 s 8, 2005 c 215 s 10, and 2005 c 16 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), and the life sciences discovery fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 22. RCW 43.84.092 and 2005 c 514 s 1105, 2005 c 353 s 3, 2005 c 339 s 22, 2005 c 314 s 109, 2005 c 312 s 7, and 2005 c 94 s 1 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the real estate appraiser

commission account, ~~((the regional transportation investment district account,))~~ the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 23. RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of

financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, ~~(the regional transportation investment district account,)~~ the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express

account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 24. RCW 36.73.015 and 2005 c 336 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "District" means a transportation benefit district created under this chapter.

(2) "City" means a city or town.

(3) "Transportation improvement" means a project contained in the transportation plan of the state or a regional transportation planning organization ~~(that is of statewide or regional significance).~~ A project may include investment in new or existing highways of statewide significance, principal arterials of regional significance, high-capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance including transportation demand management. Projects may also include the operation, preservation, and maintenance of these facilities or programs. ~~((Not more than forty percent of the revenues generated by a district may be expended on city streets, county roads, existing highways other than highways of statewide significance, and the creation of a new highway that intersects with a highway of statewide significance.))~~

Sec. 25. RCW 36.73.020 and 2005 c 336 s 3 are each amended to read as follows:

(1) The legislative authority of a county or city may establish a transportation benefit district within the county or city area or within the area specified in subsection (2) of this section, for the purpose of acquiring, constructing, improving, providing, and funding a transportation improvement within the district that is consistent with any existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels. The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of

jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway. However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, highways, and transportation improvements. To the extent practicable, the district shall consider the following criteria when selecting transportation improvements:

- (a) Reduced risk of transportation facility failure and improved safety;
- (b) Improved travel time;
- (c) Improved air quality;
- (d) Increases in daily and peak period trip capacity;
- (e) Improved modal connectivity;
- (f) Improved freight mobility;
- (g) Cost-effectiveness of the investment;
- (h) Optimal performance of the system through time; and
- (i) Other criteria, as adopted by the governing body.

(2) Subject to subsection (6) of this section, the district may include area within more than one county, city, port district, county transportation authority, or public transportation benefit area, if the legislative authority of each participating jurisdiction has agreed to the inclusion as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the boundaries of the district (~~shall~~) need not include all territory within the boundaries of the participating jurisdictions comprising the district.

(3) The members of the legislative authority proposing to establish the district, acting ex officio and independently, shall constitute the governing body of the district: PROVIDED, That where a district includes area within more than one jurisdiction under subsection (2) of this section, the district shall be governed under an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the governing body shall be composed of at least five members including at least one elected official from the legislative authority of each participating jurisdiction.

(4) The treasurer of the jurisdiction proposing to establish the district shall act as the ex officio treasurer of the district, unless an interlocal agreement states otherwise.

(5) The electors of the district shall all be registered voters residing within the district.

(6) Prior to December 1, 2007, the authority under this section, regarding the establishment of or the participation in a district, shall not apply to:

- (a) Counties with a population greater than one million five hundred thousand persons and any adjoining counties with a population greater than five hundred thousand persons;
- (b) Cities with any area within the counties under (a) of this subsection; and
- (c) Other jurisdictions with any area within the counties under (a) of this subsection.

NEW SECTION. Sec. 26. A new section is added to chapter 47.01 RCW to read as follows:

The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route number 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

NEW SECTION. Sec. 27. A new section is added to chapter 47.01 RCW to read as follows:

(1) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall

replacement project, and the state route number 520 bridge replacement and HOV project: (a) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

(2) The requirements of this section shall not apply to (a) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (b) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

NEW SECTION. Sec. 28. A new section is added to chapter 47.01 RCW to read as follows:

The legislature recognizes that the finance and project implementation planning processes required for the Alaskan Way viaduct and Seattle Seawall replacement project and the state route number 520 bridge replacement and HOV project cannot guarantee appropriate decisions unless key study assumptions are reasonable with respect to each project.

To assure appropriate finance plan and project implementation plan assumptions, an expert review panel shall be appointed to provide independent financial and technical review for development of a finance plan and project implementation plan for the projects described in this section.

(1) The expert review panel shall consist of five to ten members who are recognized experts in relevant fields, such as planning, engineering, finance, law, the environment, emerging transportation technologies, geography, and economics.

(2) The expert review panel shall be selected cooperatively by the chairs of the senate and house transportation committees, the secretary of the department of transportation, and the governor to assure a balance of disciplines.

(3) The chair of the expert review panel shall be designated by the governor.

(4) The expert review panel shall, with respect to completion of the project alternatives as described in the draft environmental impact statement of each project:

(a) Review the finance plan for the project to ensure that it clearly identifies secured and anticipated funding sources and is feasible and sufficient;

(b) Review the project implementation plan covering all state and local permitting and mitigation approvals that ensure the most expeditious and cost-effective delivery of the project; and

(c) Report its findings and recommendations on the items described in (a) and (b) of this subsection to the joint transportation committee, the office of financial management, and the governor by September 1, 2006.

(5) Upon receipt of the expert review panel's findings and recommendations under subsection (4)(c) of this section, the governor must make a finding of whether each finance plan is feasible and sufficient to complete the project as described in the draft environmental impact statement.

(6) Nothing in this section shall be interpreted to delay construction of any of the projects referenced in this section.

NEW SECTION. Sec. 29. A new section is added to chapter 36.120 RCW to read as follows:

(1) The most populous city, within the three-county region eligible to create a regional transportation investment district under this chapter, shall submit an advisory ballot to the city voters at the 2006 general election regarding voter preference of the tunnel and rebuild alternatives described in the environmental impact statement relative to the Alaskan Way viaduct project. The results of the election shall be advisory only and not binding regarding the final project to be constructed.

(2) In the alternative to the provisions of subsection (1) of this section, following the report of the expert review panel's findings and recommendations completed under section 28(4)(c) of this act, the city legislative authority shall hold public hearings on the findings and recommendations. After such time, and by November 1, 2006, the city legislative authority shall adopt by ordinance a preferred alternative for the Alaskan Way viaduct and Seattle Seawall replacement project. The preferred alternative must, at a minimum, be based on a substantial project mitigation plan and a comprehensive cost estimate review using the department's cost estimate validation process.

NEW SECTION. Sec. 30. Section 22 of this act expires July 1, 2006.

NEW SECTION. Sec. 31. Section 23 of this act takes effect July 1, 2006."

On page 1, line 1 of the title, after "governance;" strike the remainder of the title and insert "amending RCW 36.120.020, 36.120.030, 36.120.040, 36.120.070, 29A.36.071, 36.120.080, 36.120.110, 81.112.030, 36.120.050, 81.100.080, 81.100.060, 82.14.0455, 82.14.430, 82.80.120, 47.56.076, 36.73.015, and 36.73.020; reenacting and amending RCW 43.79A.040, 43.84.092, and 43.84.092; adding new sections to chapter 36.120 RCW; adding a new section to chapter 47.56 RCW; adding new sections to chapter 47.01 RCW; creating new sections; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Murray, Jarrett, Woods, Dickerson, Upthegrove, Campbell and Flannigan spoke in favor the passage of the bill.

Representative Armstrong spoke against the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2871, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2871, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 70, Nays - 28, Excused - 0.

Voting yea: Representatives Anderson, Appleton, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cox, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Sullivan, B., Takko,

Talcott, Tom, Upthegrove, Wallace, Walsh, Williams Woods, and Mr. Speaker - 70.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Green, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McCune, Orcutt, Ormsby, Pearson, Roach, Schindler, Serben, Strow, Sullivan, P., Sump and Wood - 28.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871, as amended by the Senate, having received the constitutional majority, was declared passed.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6566, By Senate Committee on Transportation (originally sponsored by Senators Eide, Esser, Swecker, Haugen, Prentice and McAuliffe; by request of Department of Transportation)

Revising commute trip reduction provisions.

The bill was read the second time.

With the consent of the House, amendment (1171) was withdrawn.

Representative Murray moved the adoption of amendment (1193):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.94.524 and 1991 c 202 s 11 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "A major employer" means a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for at least twelve continuous months during the year.

(2) "Major worksite" means a building or group of buildings that are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights of way, and at which there are one hundred or more full-time employees (~~of one or more employers~~), who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays, for at least twelve continuous months.

(3) (~~"Commute trip reduction zones" mean areas, such as census tracts or combinations of census tracts, within a jurisdiction that are characterized by similar employment density, population density, level of transit service, parking availability, access to high occupancy vehicle facilities, and other factors that are determined to affect the level of single occupancy vehicle commuting.~~

~~(4)) "Major employment installation" means a military base or federal reservation, excluding tribal reservations, at which there are one hundred or more full-time employees, who begin their regular workday between 6:00 a.m. and 9:00 a.m. on weekdays, for at least twelve continuous months during the year.~~

(4) "Person hours of delay" means the daily person hours of delay per mile in the peak period of 6:00 a.m. to 9:00 a.m., as calculated using the best available methodology by the department of transportation.

(5) "Commute trip" means trips made from a worker's home to a worksite during the peak period of 6:00 a.m. to 9:00 a.m. on weekdays.

~~((5))~~ (6) "Proportion of single-occupant vehicle commute trips" means the number of commute trips made by single-occupant automobiles divided by the number of full-time employees.

~~((6))~~ (7) "Commute trip vehicle miles traveled per employee" means the sum of the individual vehicle commute trip lengths in miles over a set period divided by the number of full-time employees during that period.

~~((7))~~ (8) "Base year" means the ~~((year January 1, 1992, through December 31, 1992, on which goals for vehicle miles traveled and single-occupant vehicle trips shall be based. Base year goals may be determined using the 1990 journey-to-work census data projected to the year 1992 and shall be consistent with the growth management act. The task force shall establish a method to be used by jurisdictions to determine reductions of vehicle miles traveled))~~ twelve-month period commencing when a major employer is determined to be participating by the local jurisdiction, on which commute trip reduction goals shall be based.

(9) "Growth and transportation efficiency center" means a defined, compact, mixed-use urban area that contains jobs or housing and supports multiple modes of transportation. For the purpose of funding, a growth and transportation efficiency center must meet minimum criteria established by the commute trip reduction board under RCW 70.94.537, and must be certified by a regional transportation planning organization as established in RCW 47.80.020.

(10)(a) "Affected urban growth area" means:

(i) An urban growth area, designated pursuant to RCW 36.70A.110, whose boundaries contain a state highway segment exceeding the one hundred person hours of delay threshold calculated by the department of transportation, and any contiguous urban growth areas; and

(ii) An urban growth area, designated pursuant to RCW 36.70A.110, containing a jurisdiction with a population over seventy thousand that adopted a commute trip reduction ordinance before the year 2000, and any contiguous urban growth areas.

(b) Affected urban growth areas will be listed by the department of transportation in the rules for this act using the criteria identified in (a) of this subsection.

(11) "Certification" means a determination by a regional transportation planning organization that a locally designated growth and transportation efficiency center program meets the minimum criteria developed in a collaborative regional process and the rules established by the department of transportation.

Sec. 2. RCW 70.94.527 and 1997 c 250 s 2 are each amended to read as follows:

(1) Each county ~~((with a population over one hundred fifty thousand, and each city or town within those counties containing a major employer shall, by October 1, 1992, adopt by ordinance and implement a commute trip reduction plan for all major employers. The plan shall be developed in cooperation with local transit agencies, regional transportation planning organizations as established in RCW 47.80.020, major employers, and the owners of and employers at major worksites))~~ containing an urban growth area, designated pursuant to RCW 36.70A.110, and each city within an urban growth area with a state highway segment exceeding the one hundred person hours of delay threshold calculated by the department of transportation, as well as those counties and cities located in any contiguous urban growth areas, shall adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area by a date specified by the commute trip reduction board. Jurisdictions located within an urban growth area with a population greater than seventy thousand that adopted a commute trip reduction ordinance before the year 2000, as well as any jurisdiction within contiguous urban growth areas, shall also adopt a commute trip reduction plan and ordinance for major employers in the affected urban growth area by a date specified by the commute trip reduction board. Jurisdictions containing a major employment installation in a county with an affected growth area, designated pursuant to RCW 36.70A.110, shall adopt a commute trip reduction plan and ordinance for major employers in the major employment installation by a date specified by the commute trip reduction board. The ordinance shall establish the requirements for major employers and provide an

appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of the ordinance, may obtain waiver or modification of those requirements. The plan shall be designed to achieve reductions in the proportion of single-occupant vehicle commute trips and ~~((the commute trip vehicle miles traveled per employee by employees of major public and private sector employers in the jurisdiction))~~ be consistent with the rules established by the department of transportation. The county, city, or town shall submit its adopted plan to the regional transportation planning organization. The county, city, or town plan shall be included in the regional commute trip reduction plan for regional transportation planning purposes, consistent with the rules established by the department of transportation in RCW 70.94.537.

(2) All other counties, ~~((and))~~ cities, and towns ~~((in those counties,))~~ may adopt and implement a commute trip reduction plan consistent with department of transportation rules established under RCW 70.94.537. Tribal governments are encouraged to adopt a commute trip reduction plan for their lands. State investment in voluntary commute trip reduction plans shall be limited to those areas that meet criteria developed by the commute trip reduction board.

(3) The department of ecology may, after consultation with the department of transportation, as part of the state implementation plan for areas that do not attain the national ambient air quality standards for carbon monoxide or ozone, require municipalities other than those identified in subsection (1) of this section to adopt and implement commute trip reduction plans if the department determines that such plans are necessary for attainment of said standards.

(4) A commute trip reduction plan shall be consistent with the ~~((guidelines))~~ rules established under RCW 70.94.537 and shall include but is not limited to (a) goals for reductions in the proportion of single-occupant vehicle commute trips ~~((and the commute trip vehicle miles traveled per employee))~~ consistent with the state goals established by the commute trip reduction board under RCW 70.94.537 and the regional commute trip reduction plan goals established in the regional commute trip reduction plan; (b) ~~((designation of commute trip reduction zones; (c)))~~ a description of the requirements for major public and private sector employers to implement commute trip reduction programs; ~~((d))~~ (c) a commute trip reduction program for employees of the county, city, or town; ~~((e))~~ (d) a review of local parking policies and ordinances as they relate to employers and major worksites and any revisions necessary to comply with commute trip reduction goals and guidelines; (f) an appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain waiver or modification of those requirements; and ~~((g))~~ and (d) means, consistent with rules established by the department of transportation, for determining base year values ~~((of the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee))~~ and progress toward meeting commute trip reduction plan goals ~~((on an annual basis. Goals which are established shall take into account existing transportation demand management efforts which are made by major employers. Each jurisdiction shall ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year. The goals for miles traveled per employee for all major employers shall not be less than a fifteen percent reduction from the worksite base year value or the base year value for the commute trip reduction zone in which their worksite is located by January 1, 1995, twenty percent reduction from the base year values by January 1, 1997, twenty-five percent reduction from the base year values by January 1, 1999, and a thirty-five percent reduction from the base year values by January 1, 2005.~~

(5) A county, city, or town may, as part of its commute trip reduction plan, require commute trip reduction programs for employers with ten or more full-time employees at major worksites in federally designated nonattainment areas for carbon monoxide and ozone. The county, city or town shall develop the programs in cooperation with affected employers and provide technical assistance to the employers in implementing such programs). The plan shall be developed in consultation with local transit agencies, the applicable

regional transportation planning organization, major employers, and other interested parties.

~~((6))~~ (5) The commute trip reduction plans adopted by counties, cities, and towns under this chapter shall be consistent with and may be incorporated in applicable state or regional transportation plans and local comprehensive plans and shall be coordinated, and consistent with, the commute trip reduction plans of counties, cities, or towns with which the county, city, or town has, in part, common borders or related regional issues. Such regional issues shall include assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction. Counties, cities, ~~((or))~~ and towns adopting commute trip reduction plans may enter into agreements through the interlocal cooperation act or by resolution or ordinance as appropriate with other jurisdictions, local transit agencies, transportation management associations or other private or nonprofit providers of transportation services, or regional transportation planning organizations to coordinate the development and implementation of such plans. Transit agencies shall work with counties, cities, and towns as a part of their six-year transit development plan established in RCW 35.58.2795 to take into account the location of major employer worksites when planning and prioritizing transit service changes or the expansion of public transportation services, including rideshare services. Counties, cities, or towns adopting a commute trip reduction plan shall review it annually and revise it as necessary to be consistent with applicable plans developed under RCW 36.70A.070. Regional transportation planning organizations shall review the local commute trip reduction plans during the development and update of the regional commute trip reduction plan.

(6) Each affected regional transportation planning organization shall adopt a commute trip reduction plan for its region consistent with the rules and deadline established by the department of transportation under RCW 70.94.537. The plan shall include, but is not limited to: (a) Regional program goals for commute trip reduction in urban growth areas and all designated growth and transportation efficiency centers; (b) a description of strategies for achieving the goals; (c) a sustainable financial plan describing projected revenues and expenditures to meet the goals; (d) a description of the way in which progress toward meeting the goals will be measured; and (e) minimum criteria for growth and transportation efficiency centers. (i) Regional transportation planning organizations shall review proposals from local jurisdictions to designate growth and transportation efficiency centers and shall determine whether the proposed growth and transportation efficiency center is consistent with the criteria defined in the regional commute trip reduction plan. (ii) Growth and transportation efficiency centers certified as consistent with the minimum requirements by the regional transportation planning organization shall be identified in subsequent updates of the regional commute trip reduction plan. These plans shall be developed in collaboration with all affected local jurisdictions, transit agencies, and other interested parties within the region. The plan will be reviewed and approved by commute trip reduction board as established under RCW 70.94.537. Regions without an approved regional commute trip reduction plan shall not be eligible for state commute trip reduction program funds.

The regional commute trip reduction plan shall be consistent with and incorporated into transportation demand management components in the regional transportation plan as required by RCW 47.80.030.

(7) Each ~~((county, city, or town))~~ regional transportation planning organization implementing a regional commute trip reduction program shall, ~~((within thirty days submit a summary of its plan along with certification of adoption))~~ consistent with the rules and deadline established by the department of transportation, submit its plan as well as any related local commute trip reduction plans and certified growth and transportation efficiency center programs, to the commute trip reduction ~~((task force))~~ board established under RCW 70.94.537. The commute trip reduction board shall review the regional commute trip reduction plan and the local commute trip reduction plans. The regional transportation planning organization shall collaborate with the commute trip reduction board to evaluate the consistency of local commute trip reduction plans with the regional commute trip reduction plan. Local and regional plans must

be approved by the commute trip reduction board in order to be eligible for state funding provided for the purposes of this chapter.

(8) Each ~~((county, city, or town))~~ regional transportation planning organization implementing a regional commute trip reduction program shall submit an annual progress report to the commute trip reduction ~~((task force))~~ board established under RCW 70.94.537. The report shall be due ~~((July 1, 1994, and each July 1st thereafter through July 1, 2006))~~ at the end of each state fiscal year for which the program has been implemented. The report shall describe progress in attaining the applicable commute trip reduction goals ~~((for each commute trip reduction zone))~~ and shall highlight any problems being encountered in achieving the goals. The information shall be reported in a form established by the commute trip reduction ~~((task force))~~ board.

(9) Any waivers or modifications of the requirements of a commute trip reduction plan granted by a jurisdiction shall be submitted for review to the commute trip reduction ~~((task force))~~ board established under RCW 70.94.537. The commute trip reduction ~~((task force))~~ board may not deny the granting of a waiver or modification of the requirements of a commute trip reduction plan by a jurisdiction but they may notify the jurisdiction of any comments or objections.

(10) ~~((Each county, city, or town implementing a commute trip reduction program shall count commute trips eliminated through work-at-home options or alternate work schedules as one and two-tenths vehicle trips eliminated for the purpose of meeting trip reduction goals.~~

~~((11))~~ Each county, city, or town implementing a commute trip reduction program shall ensure that employers that have modified their employees' work schedules so that some or all employees are not scheduled to arrive at work between 6:00 a.m. and 9:00 a.m. are provided credit when calculating single-occupancy vehicle use and vehicle miles traveled at that worksite. This credit shall be awarded if implementation of the schedule change was an identified element in that worksite's approved commute trip reduction program or if the schedule change occurred because of impacts associated with chapter 36.70A RCW, the growth management act.

~~((12))~~ Plans implemented under this section shall not apply to commute trips for seasonal agricultural employees.

~~((13))~~ (11) Plans implemented under this section shall not apply to construction worksites when the expected duration of the construction project is less than two years.

(12) If an affected urban growth area has not previously implemented a commute trip reduction program and the state has funded solutions to state highway deficiencies to address the area's exceeding the person hours of delay threshold, the affected urban growth area shall be exempt from the duties of this section for a period not exceeding two years.

NEW SECTION. Sec. 3. A new section is added to chapter 70.94 RCW to read as follows:

Nothing in this act preempts the ability of state employees to collectively bargain over commute trip reduction issues, including parking fees under chapter 41.80 RCW, or the ability of private sector employees to collectively bargain over commute trip reduction issues if previously such issues were mandatory subjects of collective bargaining.

NEW SECTION. Sec. 4. A new section is added to chapter 70.94 RCW to read as follows:

(1) A county, city, or town may, as part of its commute trip reduction plan, designate existing activity centers listed in its comprehensive plan or new activity centers as growth and transportation efficiency centers and establish a transportation demand management program in the designated area.

(a) The transportation demand management program for the growth and transportation efficiency center shall be developed in consultation with local transit agencies, the applicable regional transportation planning organization, major employers, and other interested parties.

(b) In order to be eligible for state funding provided for the purposes of this section, designated growth and transportation efficiency centers shall be certified by the applicable regional

transportation organization to: (i) Meet the minimum land use and transportation criteria established in collaboration among local jurisdictions, transit agencies, the regional transportation planning organization, and other interested parties as part of the regional commute trip reduction plan; and (ii) have established a transportation demand management program that includes the elements identified in (c) of this subsection and is consistent with the rules established by the department of transportation in RCW 70.94.537(2). If a designated growth and transportation efficiency center is denied certification, the local jurisdiction may appeal the decision to the commute trip reduction board.

(c) Transportation demand management programs for growth and transportation efficiency centers shall include, but are not limited to: (i) Goals for reductions in the proportion of single-occupant vehicle trips that are more aggressive than the state program goal established by the commute trip reduction board; (ii) a sustainable financial plan demonstrating how the program can be implemented to meet state and regional trip reduction goals, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing techniques consistent with chapter 47.29 RCW, including public/private partnerships, to finance needed facilities, services, and programs; (iii) a proposed organizational structure for implementing the program; (iv) a proposal to measure performance toward the goal and implementation progress; and (v) an evaluation to which local land use and transportation policies apply, including parking policies and ordinances, to determine the extent that they complement and support the trip reduction investments of major employers. Each of these program elements shall be consistent with the rules established under RCW 70.94.537.

(d) A designated growth and transportation efficiency center shall be consistent with the land use and transportation elements of the local comprehensive plan.

(e) Transit agencies, local governments, and regional transportation planning organizations shall identify certified growth and transportation efficiency centers as priority areas for new service and facility investments in their respective investment plans.

(2) A county, city, or town that has established a growth and transportation efficiency center program shall support vehicle trip reduction activities in the designated area. The implementing jurisdiction shall adopt policies, ordinances, and funding strategies that will lead to attainment of program goals in those areas.

Sec. 5. RCW 70.94.531 and 1997 c 250 s 3 are each amended to read as follows:

(1) State agency worksites are subject to the same requirements under this section and RCW 70.94.534 as private employers.

(2) Not more than ~~(six months)~~ ninety days after the adoption of ~~(the)~~ a jurisdiction's commute trip reduction plan ~~(by a jurisdiction)~~, each major employer in that jurisdiction shall perform a baseline measurement consistent with the rules established by the department of transportation under RCW 70.94.537. Not more than ninety days after receiving the results of the baseline measurement, each major employer shall develop a commute trip reduction program and shall submit a description of that program to the jurisdiction for review. The program shall be implemented not more than ~~(six months)~~ ninety days after ~~(submission to)~~ approval by the jurisdiction.

~~((2))~~ (3) A commute trip reduction program of a major employer shall consist of, at a minimum (a) designation of a transportation coordinator and the display of the name, location, and telephone number of the coordinator in a prominent manner at each affected worksite; (b) regular distribution of information to employees regarding alternatives to single-occupant vehicle commuting; (c) ~~(an annual)~~ a regular review of employee commuting and reporting of progress toward meeting the single-occupant vehicle reduction goals to the county, city, or town consistent with the method established in the commute trip reduction plan and the rules established by the department of transportation under RCW 70.94.537; and (d) implementation of a set of measures designed to achieve the applicable commute trip reduction goals adopted by the jurisdiction. Such measures may include but are not limited to:

(i) Provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles;

(ii) Instituting or increasing parking charges for single-occupant vehicles;

(iii) Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;

(iv) Provision of subsidies for transit fares;

(v) Provision of vans for van pools;

(vi) Provision of subsidies for car pooling or van pooling;

(vii) Permitting the use of the employer's vehicles for car pooling or van pooling;

(viii) Permitting flexible work schedules to facilitate employees' use of transit, car pools, or van pools;

(ix) Cooperation with transportation providers to provide additional regular or express service to the worksite;

(x) Construction of special loading and unloading facilities for transit, car pool, and van pool users;

(xi) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;

(xii) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facility;

(xiii) Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their homes;

(xiv) Establishment of a program of alternative work schedules such as compressed work week schedules which reduce commuting; and

(xv) Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi services.

~~((3))~~ (4) Employers or owners of worksites may form or utilize existing transportation management associations or other transportation-related associations authorized by RCW 35.87A.010 to assist members in developing and implementing commute trip reduction programs.

~~((4))~~ (5) Employers shall make a good faith effort towards achievement of the goals identified in RCW 70.94.527(4)~~((g))~~ (d).

Sec. 6. RCW 70.94.534 and 1997 c 250 s 4 are each amended to read as follows:

(1) Each jurisdiction implementing a commute trip reduction plan under this chapter or as part of a plan or ordinance developed under RCW 36.70A.070 shall review each employer's initial commute trip reduction program to determine if the program is likely to meet the applicable commute trip reduction goals. The employer shall be notified by the jurisdiction of its findings. If the jurisdiction finds that the program is not likely to meet the applicable commute trip reduction goals, the jurisdiction will work with the employer to modify the program as necessary. The jurisdiction shall complete review of each employer's initial commute trip reduction program within ~~(three months)~~ ninety days of receipt.

(2) Employers implementing commute trip reduction programs are expected to undertake good faith efforts to achieve the goals outlined in RCW 70.94.527(4). Employers are considered to be making a good faith effort if the following conditions have been met:

(a) The employer has met the minimum requirements identified in RCW 70.94.531; ~~(and)~~

(b) The employer has notified the jurisdiction of its intent to substantially change or modify its program and has either received the approval of the jurisdiction to do so or has acknowledged that its program may not be approved without additional modifications;

(c) The employer has provided adequate information and documentation of implementation when requested by the jurisdiction; and

(d) The employer is working collaboratively with its jurisdiction to continue its existing program or is developing and implementing program modifications likely to result in improvements to the program over an agreed upon length of time.

(3) Each jurisdiction shall ~~(annually)~~ review at least once every two years each employer's progress and good faith efforts toward meeting the applicable commute trip reduction goals. If an employer makes a good faith effort, as defined in this section, but is not likely to meet the applicable commute trip reduction goals, the jurisdiction

shall work collaboratively with the employer to make modifications to the commute trip reduction program. Failure of an employer to reach the applicable commute trip reduction goals is not a violation of this chapter.

(4) If an employer fails to make a good faith effort and fails to meet the applicable commute trip reduction goals, the jurisdiction shall work collaboratively with the employer to propose modifications to the program and shall direct the employer to revise its program within thirty days to incorporate those modifications or modifications which the jurisdiction determines to be equivalent.

(5) Each jurisdiction implementing a commute trip reduction plan pursuant to this chapter may impose civil penalties, in the manner provided in chapter 7.80 RCW, for failure by an employer to implement a commute trip reduction program or to modify its commute trip reduction program as required in subsection (4) of this section. No major employer may be held liable for civil penalties for failure to reach the applicable commute trip reduction goals. No major employer shall be liable for civil penalties under this chapter if failure to achieve a commute trip reduction program goal was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith.

(6) Jurisdictions shall notify major employers of the procedures for applying for goal modification or exemption from the commute trip reduction requirements based on the guidelines established by the commute trip reduction ~~((task force))~~ board authorized under RCW 70.94.537.

Sec. 7. RCW 70.94.537 and 1997 c 250 s 5 are each amended to read as follows:

(1) A ~~((twenty-eight))~~ sixteen member state commute trip reduction ~~((task force))~~ board is established as follows:

(a) The secretary of the department of transportation or the secretary's designee who shall serve as chair;

~~((The director of the department of ecology or the director's designee;~~

~~(c) The director of the department of community, trade, and economic development or the director's designee;~~

~~(d) The director of the department of general administration or the director's designee;~~

~~(e) Three representatives from))~~ One representative from the office of the governor or the governor's designee;

(c) The director or the director's designee of one of the following agencies, to be determined by the governor:

(i) Department of general administration;

(ii) Department of ecology;

(iii) Department of community, trade, and economic development;

(d) Three representatives from cities and towns or counties appointed by the governor for staggered four-year terms from a list ((of at least six)) recommended by the association of Washington cities or the Washington state association of counties;

~~((Three representatives from cities and towns appointed by the governor from a list of at least six recommended by the association of Washington cities;~~

~~(g) Three))~~ (e) Two representatives from transit agencies appointed by the governor for staggered four-year terms from a list ~~((of at least six))~~ recommended by the Washington state transit association;

~~((Twelve))~~ (f) Two representatives from participating regional transportation planning organizations appointed by the governor for staggered four-year terms;

(g) Four representatives of employers at or owners of major worksites in Washington, or transportation management associations, business improvement areas, or other transportation organizations representing employers, appointed by the governor ~~((from a list recommended by the association of Washington business or other statewide business associations representing major employers, provided that every affected county shall have at least one representative; and~~

~~(i) Three))~~ for staggered four-year terms; and

(h) Two citizens appointed by the governor for staggered four-year terms.

Members of the commute trip reduction ~~((task force))~~ board shall serve without compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members appointed by the governor shall be compensated in accordance with RCW 43.03.220. The ~~((task force))~~ board has all powers necessary to carry out its duties as prescribed by this chapter. ~~((The task force shall be dissolved on July 1, 2006.))~~

(2) By March 1, ~~((1992))~~ 2007, the ~~((commute trip reduction task force))~~ department of transportation shall establish ~~((guidelines))~~ rules for commute trip reduction plans and implementation procedures. The commute trip reduction board shall advise the department on the content of the rules. The ~~((guidelines))~~ rules are intended to ensure consistency in commute trip reduction plans and goals among jurisdictions while fairly taking into account differences in employment and housing density, employer size, existing and anticipated levels of transit service, special employer circumstances, and other factors the ~~((task force))~~ board determines to be relevant. The ~~((guidelines))~~ rules shall include:

(a) Guidance criteria for ((establishing commute trip reduction zones)) growth and transportation efficiency centers;

(b) ((Methods and information requirements for determining base year values of the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee)) Data measurement methods and procedures for determining the efficacy of commute trip reduction activities and progress toward meeting commute trip reduction plan goals;

(c) Model commute trip reduction ordinances;

(d) Methods for assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction;

(e) An appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain a waiver or modification of those requirements and criteria for determining eligibility for waiver or modification;

(f) ((Methods to ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year;

~~(g) Alternative commute trip reduction goals for major employers which cannot meet the goals of this chapter because of the unique nature of their business;~~

~~(h) Alternative commute trip reduction goals for major employers whose worksites change and who contribute substantially to traffic congestion in a trip reduction zone; and~~

~~(i) Methods to insure that employers receive credit for scheduling changes enacted pursuant to the criteria identified in RCW 70.94.527(11);~~

~~(3))~~ Establishment of a process for determining the state's affected areas, including criteria and procedures for regional transportation planning organizations in consultation with local jurisdictions to propose to add or exempt urban growth areas;

(g) Listing of the affected areas of the program to be done every four years as identified in subsection (5) of this section;

(h) Establishment of a criteria and application process to determine whether jurisdictions that voluntarily implement commute trip reduction are eligible for state funding;

(i) Guidelines and deadlines for creating and updating local commute trip reduction plans, including guidance to ensure consistency between the local commute trip reduction plan and the transportation demand management strategies identified in the transportation element in the local comprehensive plan, as required by RCW 36.70A.070.

(j) Guidelines for creating and updating regional commute trip reduction plans, including guidance to ensure the regional commute trip reduction plan is consistent with and incorporated into transportation demand management components in the regional transportation plan;

(k) Methods for regional transportation planning organizations to evaluate and certify that designated growth and transportation efficiency center programs meet the minimum requirements and are eligible for funding;

(l) Guidelines for creating and updating growth and transportation efficiency center programs; and

(m) Establishment of statewide program goals. The goals shall be designed to achieve substantial reductions in the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee, at a level that is projected to improve the mobility of people and goods by increasing the efficiency of the state highway system.

(3) The board shall create a state commute trip reduction plan that shall be updated every four years as discussed in subsection (5) of this section. The state commute trip reduction plan shall include, but is not limited to: (a) Statewide commute trip reduction program goals that are designed to substantially improve the mobility of people and goods; (b) identification of strategies at the state and regional levels to achieve the goals and recommendations for how transportation demand management strategies can be targeted most effectively to support commute trip reduction program goals; (c) performance measures for assessing the cost-effectiveness of commute trip reduction strategies and the benefits for the state transportation system; and (d) a sustainable financial plan. The board shall review and approve regional commute trip reduction plans, and work collaboratively with regional transportation planning organizations in the establishment of the state commute trip reduction plan.

(4) The ((task force)) board shall work with affected jurisdictions, major employers, and other parties to develop and implement a public awareness campaign designed to increase the effectiveness of local commute trip reduction programs and support achievement of the objectives identified in this chapter.

((4) The task force shall assess the commute trip reduction options available to employers other than major employers and make recommendations to the legislature by October 1, 1992. The recommendations shall include the minimum size of employer who shall be required to implement trip reduction programs and the appropriate methods those employers can use to accomplish trip reduction goals.))

(5) The board shall evaluate and update the commute trip reduction program plan and recommend changes to the rules every four years, with the first assessment report due July 1, 2011, to ensure that the latest data methodology used by the department of transportation is incorporated into the program and to determine which areas of the state should be affected by the program. The board shall review the definition of a major employer no later than December 1, 2009. The board shall regularly identify urban growth areas that are projected to be affected by this act in the next four-year period and may provide advance planning support to the potentially affected jurisdictions.

(6) The ((task force)) board shall review progress toward implementing commute trip reduction plans and programs and the costs and benefits of commute trip reduction plans and programs and shall make recommendations to the legislature and the governor by December 1, ((1995, December 1, 1999, December 1, 2001, December 1, 2003, and December 1, 2005)) 2009, and every two years thereafter. In assessing the costs and benefits, the ((task force)) board shall consider the costs of not having implemented commute trip reduction plans and programs with the assistance of the transportation performance audit board authorized under chapter 44.75 RCW. The ((task force)) board shall examine other transportation demand management programs nationally and incorporate its findings into its recommendations to the legislature. The recommendations shall address the need for continuation, modification, or termination or any or all requirements of this chapter. ((The recommendations made December 1, 1995, shall include recommendations regarding extension of the requirements of this chapter to employers with fifty or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous months.))

(7) The board shall invite personnel with appropriate expertise from state, regional, and local government, private, public, and nonprofit providers of transportation services, and employers or owners of major worksites in Washington to act as a technical advisory group. The technical advisory group shall advise the board on the

implementation of local and regional commute trip reduction plans and programs, program evaluation, program funding allocations, and state rules and guidelines.

Sec. 8. RCW 70.94.541 and 1996 c 186 s 515 are each amended to read as follows:

(1) ((A technical assistance team shall be established under the direction of the department of transportation and include representatives of the department of ecology.)) The ((team)) department of transportation shall provide staff support to the commute trip reduction ((task force)) board in carrying out the requirements of RCW 70.94.537 ((and to the department of general administration in carrying out the requirements of RCW 70.94.551)).

(2) The ((team)) department of transportation shall provide technical assistance to regional transportation planning organizations, counties, cities, and towns, the department of general administration, other state agencies, and other employers in developing and implementing commute trip reduction plans and programs. The technical assistance shall include: (a) Guidance in ((determining base and subsequent year values of single-occupant vehicle commuting proportion and commute trip reduction vehicle miles traveled to be used in determining progress in attaining plan goals)) single measurement methodology and practice to be used in determining progress in attaining plan goals; (b) developing model plans and programs appropriate to different situations; and (c) providing consistent training and informational materials for the implementation of commute trip reduction programs. Model plans and programs, training, and informational materials shall be developed in cooperation with representatives of regional transportation planning organizations, local governments, transit agencies, and employers.

(3) In carrying out this section the department of transportation may contract with statewide associations representing cities, towns, and counties to assist cities, towns, and counties in implementing commute trip reduction plans and programs.

Sec. 9. RCW 70.94.544 and 2001 c 74 s 1 are each amended to read as follows:

A portion of the funds made available for the purposes of this chapter shall be used to fund the commute trip reduction ((task force)) board in carrying out the responsibilities of RCW ((70.94.541)) 70.94.537, and the ((interagency technical assistance team)) department of transportation, including the activities authorized under RCW 70.94.541(2), and to assist regional transportation planning organizations, counties, cities, and towns implementing commute trip reduction plans. The commute trip reduction board shall determine the allocation of program funds made available for the purposes of this chapter to regional transportation planning organizations, counties, cities, and towns implementing commute trip reduction plans. If state funds for the purposes of this chapter are provided to those jurisdictions implementing voluntary commute trip reduction plans, the funds shall be disbursed based on criteria established by the commute trip reduction board under RCW 70.94.537.

Sec. 10. RCW 70.94.547 and 1991 c 202 s 18 are each amended to read as follows:

The legislature hereby recognizes the state's crucial leadership role in establishing and implementing effective commute trip reduction programs. Therefore, it is the policy of the state that the department of general administration and other state agencies, including institutions of higher education, shall aggressively develop substantive programs to reduce commute trips by state employees. Implementation of these programs will reduce energy consumption, congestion in urban areas, and air and water pollution associated with automobile travel.

Sec. 11. RCW 70.94.551 and 1997 c 250 s 6 are each amended to read as follows:

(1) The director of ((general administration, with the concurrence of an interagency task force established for the purposes of this section, shall coordinate a commute trip reduction plan for state agencies which are phase 1 major employers by January 1,

~~1993)) the department of general administration may coordinate an interagency board for the purpose of developing policies or guidelines that promote consistency among state agency commute trip reduction programs required by RCW 70.94.527 and 70.94.531. The ((task force)) board shall include representatives of the departments of transportation ((and)), ecology, and community, trade, and economic development and such other departments and interested groups as the director of the department of general administration determines to be necessary ((to be generally representative of state agencies. The state agency plan shall be consistent with the requirements of RCW 70.94.527 and 70.94.531 and shall be developed in consultation with state employees, local and regional governments, local transit agencies, the business community, and other interested groups. The plan shall consider and recommend)). Policies and guidelines shall be applicable to all state agencies including but not limited to policies and guidelines regarding parking and parking charges, employee incentives for commuting by other than single-occupant automobiles, flexible and alternative work schedules, alternative worksites, and the use of state-owned vehicles for car and van pools and guaranteed rides home. The ((plan)) policies and guidelines shall also consider the costs and benefits to state agencies of achieving commute trip reductions and consider mechanisms for funding state agency commute trip reduction programs. ((The department shall, within thirty days, submit a summary of its plan along with certification of adoption to the commute trip reduction task force established under RCW 70.94.537-))~~

~~(2) ((Not more than three months after the adoption of the commute trip reduction plan, each state agency shall, for each facility which is a major employer, develop a commute trip reduction program. The program shall be designed to meet the goals of the commute trip reduction plan of the county, city, or town or, if there is no local commute trip reduction plan, the state. The program shall be consistent with the policies of the state commute trip reduction plan and RCW 70.94.531. The agency shall submit a description of that program to the local jurisdiction implementing a commute trip reduction plan or, if there is no local commute trip reduction plan, to the department of general administration. The program shall be implemented not more than three months after submission to the department. Annual reports required in RCW 70.94.531(2)(c) shall be submitted to the local jurisdiction implementing a commute trip reduction plan and to the department of general administration. An agency which is not meeting the applicable commute trip reduction goals shall, to the extent possible, modify its program to comply with the recommendations of the local jurisdiction or the department of general administration.~~

~~—((3)) State agencies sharing a common location ((may)) in affected urban growth areas where the total number of state employees is one hundred or more shall, with assistance from the department of general administration, develop and implement a joint commute trip reduction program ((or may delegate the development and implementation of the commute trip reduction program to the department of general administration)). The worksite shall be treated as specified in RCW 70.94.531 and 70.94.534.~~

~~—((4)) (3) The department of general administration ((in consultation with the state technical assistance team)) shall review the initial commute trip reduction program of each state agency subject to the commute trip reduction plan for state agencies to determine if the program is likely to meet the applicable commute trip reduction goals and notify the agency of any deficiencies. If it is found that the program is not likely to meet the applicable commute trip reduction goals, the ((team)) department of general administration will work with the agency to modify the program as necessary.~~

~~—((5) For each agency subject to the state agency commute trip reduction plan, the department of general administration in consultation with the technical assistance team shall annually review progress toward meeting the applicable commute trip reduction goals. If it appears an agency is not meeting or is not likely to meet the applicable commute trip reduction goals, the team shall work with the agency to make modifications to the commute trip reduction program.~~

~~—((6)) (4) Each state agency implementing a commute trip reduction plan shall report at least once per year to its agency director on the performance of the agency's commute trip reduction program~~

as part of the agency's quality management, accountability, and performance system as defined by RCW 43.17.385. The reports shall assess the performance of the program, progress toward state goals established under RCW 70.94.537, and recommendations for improving the program.

(5) The department of general administration shall review the agency performance reports defined in subsection (4) of this section and submit ((an annual progress)) a biennial report for state agencies subject to ((the state agency commute trip reduction plan to the commute trip reduction task force established under RCW 70.94.537. The report shall be due April 1, 1993, and each April 1st through 2006. The report shall report progress in attaining the applicable commute trip reduction goals for each commute trip reduction zone and shall highlight any problems being encountered in achieving the goals)) this chapter to the governor and incorporate the report in the commute trip reduction board report to the legislature as directed in RCW 70.94.537(6). The report shall include, but is not limited to, an evaluation of the most recent measurement results, progress toward state goals established under RCW 70.94.537, and recommendations for improving the performance of state agency commute trip reduction programs. The information shall be reported in a form established by the commute trip reduction ((task force)) board."

Correct the title.

Representatives Murray and Woods spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Murray and Woods spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6566, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6566, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Erickson, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6566, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6800 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 6800 was returned to second reading for purpose of amendment.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6800, By Senate Committee on Transportation (originally sponsored by Senators Haugen, Jacobsen and Rockefeller; by request of Governor Gregoire)

Refining the roles of the transportation commission and department of transportation.

Representative Woods moved the adoption of amendment (1191):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.01.051 and 1977 ex.s. c 151 s 5 are each amended to read as follows:

There is hereby created a transportation commission, which shall consist of seven voting members appointed by the governor, with the consent of the senate. The present five members of the highway commission shall serve as five initial members of the transportation commission until their terms of office as highway commission members would have expired. The additional two members provided herein for the transportation commission shall be appointed for initial terms to expire on June 30, 1982, and June 30, 1983. Thereafter all terms shall be for six years. No elective state official (~~or~~), state officer, or state employee shall be a member of the commission (~~and not more than four members of the commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party. At the time of appointment or thereafter during their respective terms of office, four members of the commission shall reside in the western part of the state and three members shall reside in the eastern part of the state as divided north and south by the summit of the Cascade mountains. No more than two members of the commission shall reside in the same county~~); however, the governor, or his or her designee, shall serve as a nonvoting member of the commission. Commission appointments should reflect both a wide range of transportation interests and a balanced statewide geographic representation. Commissioners (shall not be removed from office by the governor before the expiration of their terms unless for a disqualifying change of residence or for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the superior court of the state of Washington in and for Thurston county upon petition and show cause proceedings duly brought therefor in said court and directed to the commissioner in question. No member shall be appointed for more than two consecutive terms) may be removed from office by the governor before the expiration of their terms for cause.

Sec. 2. RCW 47.01.061 and 2005 c 319 s 4 are each amended to read as follows:

(1) The commission shall meet at such times as it deems advisable but at least (~~once every month~~) on a quarterly basis with

meetings to be held in different parts of the state. It may adopt its own rules and regulations and may establish its own procedure. It shall act collectively in harmony with recorded resolutions or motions adopted by majority vote of at least four members. The commission may appoint an (~~administrative secretary~~) executive director, and shall elect one of its members (~~chairman~~) chair for a term of one year. The (~~chairman shall be able to~~) chair may vote on all matters before the commission. The commission may from time to time retain planners, consultants, and other technical personnel to advise it in the performance of its duties.

(2) The commission shall submit to each regular session of the legislature held in an odd-numbered year its own budget proposal necessary for the commission's operations separate from that proposed for the department.

(3) Each member of the commission shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested by a majority vote of the commission or by the secretary of transportation, but in no event shall (~~a commissioner be compensated in any year for more than one hundred twenty days, except the chairman of the commission who may be paid compensation for not more than one hundred fifty days~~) the entire commission membership be compensated for more than one thousand two hundred thirty days combined. Service on the commission shall not be considered as service credit for the purposes of any public retirement system.

(4) Each member of the commission shall disclose any actual or potential conflict of interest, if applicable under the circumstance, regarding any commission business.

Sec. 3. RCW 47.01.071 and 2005 c 319 s 5 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate the policies shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Propose a transportation policy for the state;

(d) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature;

(e) To integrate the statewide transportation plan with the needs of the elderly and handicapped, and to coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(3) In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(4) To prepare a comprehensive and balanced statewide transportation plan which shall be based on the transportation policy adopted by the governor and the legislature, and applicable state and federal laws. The plan must reflect the priorities of government developed by the office of financial management and address regional needs, including multimodal transportation planning. The plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation, prior to each regular session of the legislature during an even-numbered year thereafter.

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(5) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

~~(6) (To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;~~

~~(7)) To adopt such rules (regulations, and policy directives)) as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;~~

~~((8)) (7) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;~~

~~(8) To conduct transportation-related studies and policy analysis to the extent directed by the legislature or governor in the biennial transportation budget act, or as otherwise provided in law, and subject to the availability of amounts appropriated for this specific purpose; and~~

(9) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

Sec. 4. RCW 47.01.075 and 2005 c 319 s 6 are each amended to read as follows:

(1) The transportation commission shall provide a public forum for the development of transportation policy in Washington state to include coordination with regional transportation planning organizations, transportation stakeholders, counties, cities, and citizens. It may recommend to the secretary of transportation, the governor, and the legislature means for obtaining appropriate citizen and professional involvement in all transportation policy formulation and other matters related to the powers and duties of the department. It may further hold hearings and explore ways to improve the mobility of the citizenry. At least every five years, the commission shall convene regional forums to gather citizen input on transportation issues.

(2) Every two years, in coordination with the development of the state biennial budget, the commission shall prepare the statewide multimodal transportation progress report ~~((that outlines the))~~ and propose to the office of financial management transportation priorities ~~((of))~~ for the ensuing biennium. The report must:

(a) Consider the citizen input gathered at the forums;

(b) Be developed with the assistance of state transportation-related agencies and organizations;

(c) Be developed with the input from state, local, and regional jurisdictions, transportation service providers, ~~((and))~~ key transportation stakeholders, and the office of financial management;

(d) Be considered by the secretary of transportation and other state transportation-related agencies in preparing proposed agency budgets and executive request legislation;

(e) Be submitted by the commission to the governor and the legislature by October 1st of each even-numbered year for consideration by the governor.

(3) In fulfilling its responsibilities under this section, the commission may create ad hoc committees or other such committees of limited duration as necessary.

(4) In order to promote a better transportation system, the commission shall offer policy guidance and make recommendations to the governor and the legislature in key issue areas, including but not limited to:

(a) Transportation finance;

(b) Preserving, maintaining, and operating the statewide transportation system;

(c) Transportation infrastructure needs;

(d) Promoting best practices for adoption and use by transportation-related agencies and programs;

(e) Transportation efficiencies that will improve service delivery and/or coordination;

(f) Improved planning and coordination among transportation agencies and providers; ~~((and))~~

(g) Use of intelligent transportation systems and other technology-based solutions; and

(h) Reporting of performance against goals, targets, and benchmarks.

Sec. 5. RCW 47.01.091 and 1977 ex.s. c 151 s 9 are each amended to read as follows:

The secretary shall establish such advisory councils as are necessary to carry out the purposes of this ~~((1977 amendatory act))~~ title, and to insure adequate public participation in the planning and development of transportation facilities. Members of such councils shall serve at the pleasure of the secretary and may receive per diem and necessary expenses, in accordance with RCW 43.03.050 and 43.03.060, as now or hereafter amended.

Sec. 6. RCW 47.01.101 and 2005 c 319 s 7 are each amended to read as follows:

The secretary shall have the authority and it shall be his or her duty:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district, region, or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules that are subject to the adoption procedures contained in the state administrative procedure act, except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide, under contract or interagency agreement, ~~((full))~~ staff support to the commission, including long-term technical and administrative support as needed, to assist it in carrying out its functions, powers, and duties;

(8) To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation;

(9) To advise the governor and the legislature with respect to matters under the jurisdiction of the department; and

(10) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

Sec. 7. RCW 47.01.280 and 2005 c 319 s 121 are each amended to read as follows:

(1) Upon receiving an application for improvements to an existing state highway or highways pursuant to RCW 43.160.074 from the community economic revitalization board, the ~~((transportation commission))~~ department shall, in a timely manner, determine whether or not the proposed state highway improvements:

(a) Meet the safety and design criteria of the department of transportation;

(b) Will impair the operational integrity of the existing highway system; and

(c) Will affect any other improvements planned by the department; and

~~(d) Will be consistent with its policies developed pursuant to RCW 47.01.071).~~

(2) Upon completion of its determination of the factors contained in subsection (1) of this section and any other factors it deems pertinent, the ~~((transportation commission))~~ department shall forward its approval, as submitted or amended or disapproval of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed development. If the ~~((transportation commission))~~ department disapproves any proposed improvements, it shall specify its reasons for disapproval.

(3) Upon notification from the board of an application's approval pursuant to RCW 43.160.074, the ~~((transportation commission))~~ department shall ~~((direct the department of transportation to))~~ carry out the improvements in coordination with the applicant.

Sec. 8. RCW 47.05.021 and 2005 c 319 s 8 are each amended to read as follows:

(1) The department shall conduct periodic analyses of the entire state highway system ~~(;) and~~ report to the ~~((commission))~~ office of financial management and the chairs of the transportation committees of the senate and house of representatives, any subsequent recommendations to subdivide, classify, and subclassify all designated state highways into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial statewide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) The ~~((transportation commission))~~ department shall adopt a functional classification of highways. The ~~((commission))~~ department shall consider ~~((the recommendations of the department and testimony))~~ comments from the public and local municipalities. The ~~((commission))~~ department shall give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of the route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service which shall include public transportation;

(h) Reasonable spacing depending upon population density; and

(i) System continuity.

(3) The ~~((transportation commission))~~ department or the legislature shall designate state highways of statewide significance

under RCW 47.06.140. If the ~~((commission))~~ department designates a state highway of statewide significance, it shall submit a list of such facilities for adoption by the legislature. This statewide system shall include at a minimum interstate highways and other statewide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The ~~((transportation commission))~~ department shall designate a freight and goods transportation system. This statewide system shall include state highways, county roads, and city streets. The ~~((commission))~~ department, in cooperation with cities and counties, shall review and make recommendations to the legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods.

Sec. 9. RCW 36.57A.191 and 2003 c 363 s 304 are each amended to read as follows:

As a condition of receiving state funding, a public transportation benefit area authority shall submit a maintenance and preservation management plan for certification by the department of transportation ~~((commission or its successor entity))~~. The plan must inventory all transportation system assets within the direction and control of the authority, and provide a preservation plan based on lowest life-cycle cost methodologies.

Sec. 10. RCW 36.78.121 and 2003 c 363 s 307 are each amended to read as follows:

The county road administration board, or its successor entity, shall establish a standard of good practice for maintenance of transportation system assets. This standard must be implemented by all counties no later than December 31, 2007. The board shall develop a model maintenance management system for use by counties. The board shall develop rules to assist the counties in the implementation of this system. Counties shall annually submit their maintenance plans to the board. The board shall compile the county data regarding maintenance management and annually submit it to the ~~((transportation commission or its successor entity))~~ office of financial management.

Sec. 11. RCW 36.79.120 and 1988 c 26 s 6 are each amended to read as follows:

Counties receiving funds from the rural arterial trust account for construction of arterials and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas shall provide such matching funds as established by rules recommended by the board, subject to review, revision, and final approval by the ~~((state transportation commission))~~ office of financial management. Matching requirements shall be established after appropriate studies by the board, taking into account financial resources available to counties to meet arterial needs.

Sec. 12. RCW 36.79.130 and 1983 1st ex.s. c 49 s 13 are each amended to read as follows:

Not later than November 1st of each even-numbered year the board shall prepare and present to the ~~((state transportation commission))~~ office of financial management a recommended budget for expenditures from the rural arterial trust account during the ensuing biennium. The budget shall contain an estimate of the revenues to be credited to the rural arterial trust account.

The ~~((state transportation commission))~~ office of financial management shall review the budget as recommended, revise the budget as it deems proper, and include the budget as revised as a separate section of the transportation budget which it shall submit to the governor pursuant to chapter 43.88 RCW.

Sec. 13. RCW 36.120.020 and 2002 c 56 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional transportation investment district.

(2) "Department" means the Washington state department of transportation.

(3) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, (~~its successor entity~~) the department, or the legislature.

(4) "Lead agency" means a public agency that by law can plan, design, and build a transportation project and has been so designated by the district.

(5) "Regional transportation investment district" or "district" means a municipal corporation whose boundaries are coextensive with two or more contiguous counties and that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.

(6) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created under RCW 36.120.030 to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.

(7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.

(8) "Transportation project" means:

(a) A capital improvement or improvements to a highway that has been designated, in whole or in part, as a highway of statewide significance, including an extension, that:

(i) Adds a lane or new lanes to an existing state or federal highway; or

(ii) Repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.

(b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, and may include the following associated multimodal capital improvements:

(i) Approaches to highways of statewide significance;

(ii) High-occupancy vehicle lanes;

(iii) Flyover ramps;

(iv) Park and ride lots;

(v) Bus pullouts;

(vi) Vans for vanpools;

(vii) Buses; and

(viii) Signalization, ramp metering, and other transportation system management improvements.

(c) A capital improvement or improvements to all or a portion of a city street, county road, or existing highway or the creation of a new highway that intersects with a highway of statewide significance, if all of the following conditions are met:

(i) The project is included in a plan that makes highway improvement projects that add capacity to a highway or highways of statewide significance;

(ii) The secretary of transportation determines that the project would better relieve traffic congestion than investing that same money in adding capacity to a highway of statewide significance;

(iii) Matching money equal to one-third of the total cost of the project is provided by local entities, including but not limited to a metropolitan planning organization, county, city, port, or private entity in which a county participating in a plan is located. Local entities may use federal grants to meet this matching requirement;

(iv) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed ten percent of the revenues generated by the district;

(v) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed one billion dollars; and

(vi) The specific projects are included within the plan and submitted as part of the plan to a vote of the people.

(d) Operations, preservation, and maintenance are excluded from this definition and may not be included in a regional transportation investment plan.

(9) "Weighted vote" means a vote that reflects the population each board or planning committee member represents relative to the population represented by the total membership of the board or planning committee. Population will be determined using the federal 2000 census or subsequent federal census data.

Sec. 14. RCW 43.10.101 and 2005 c 319 s 104 are each amended to read as follows:

The attorney general shall prepare annually a report to the transportation committees of the legislature, the governor, the department of transportation, and the transportation commission(~~and the transportation performance audit board~~) comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

(1) A summary of the factual background of the case;

(2) Identification of the attorneys representing the state and the opposing parties;

(3) A synopsis of the legal theories asserted and the defenses presented;

(4) Whether the case was tried, settled, or dismissed, and in whose favor;

(5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and

(6) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

Sec. 15. RCW 46.44.042 and 1996 c 116 s 1 are each amended to read as follows:

Subject to the maximum gross weights specified in RCW 46.44.041, it is unlawful to operate any vehicle upon the public highways with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of six hundred pounds per inch width of such tire. An axle manufactured after July 31, 1993, carrying more than ten thousand pounds gross weight must be equipped with four or more tires. (~~Effective January 1, 1997,~~) An axle carrying more than ten thousand pounds gross weight must have four or more tires, regardless of date of manufacture. Instead of the four or more tires per axle requirements of this section, an axle may be equipped with two tires limited to five hundred pounds per inch width of tire. This section does not apply to vehicles operating under oversize or overweight permits, or both, issued under RCW 46.44.090, while carrying a nonreducible load.

The following equipment may operate at six hundred pounds per inch width of tire: (1) A nonliftable steering axle or axles on the power unit; (2) a tiller axle on fire fighting apparatus; (3) a rear booster trailing axle equipped with two tires on a ready-mix concrete transit truck; and (4) a straddle trailer manufactured before January 1, 1996, equipped with single-tire axles or a single axle using a walking beam supported by two in-line single tires and used exclusively for the transport of fruit bins between field, storage, and processing. A straddle trailer manufactured after January 1, 1996, meeting this use criteria may carry five hundred fifteen pounds per inch width of tire on sixteen and one-half inch wide tires.

For the purpose of this section, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this section, the width of tires in case of pneumatic tires shall be the maximum overall normal inflated width as stipulated by the manufacturer when inflated to the pressure specified and without load thereon.

The department of transportation, (~~under rules adopted by the transportation commission~~) by rule with respect to state highways, and a local authority, with respect to a public highway under its jurisdiction, may extend the weight table in RCW 46.44.041 to one hundred fifteen thousand pounds. However, the extension must be in compliance with federal law, and vehicles operating under the extension must be in full compliance with the 1997 axle and tire requirements under this section.

Sec. 16. RCW 46.44.080 and 1977 ex.s. c 151 s 29 are each amended to read as follows:

Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any

other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: PROVIDED, That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: PROVIDED FURTHER, That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated ~~((by the transportation commission as forming))~~ a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the department of transportation.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The department shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state highways. The department shall give public notice of closure or restriction. The department may issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage.

Sec. 17. RCW 46.44.090 and 2001 c 262 s 1 are each amended to read as follows:

The department of transportation, pursuant to its rules ~~((adopted by the transportation commission))~~ with respect to state highways, and local authorities, with respect to public highways under their jurisdiction, may, upon application in writing and good cause being shown therefor, issue a special permit in writing, or electronically, authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle, or load exceeding the maximum set forth in RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, and 46.44.041 upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

Sec. 18. RCW 46.44.092 and 1989 c 398 s 2 are each amended to read as follows:

Special permits may not be issued for movements on any state highway outside the limits of any city or town in excess of the following widths:

On two-lane highways, fourteen feet;

On multiple-lane highways where a physical barrier serving as a median divider separates opposing traffic lanes, twenty feet;

On multiple-lane highways without a physical barrier serving as a median divider, thirty-two feet.

These limits apply except under the following conditions:

(1) In the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Controlled vehicular traffic shall be maintained in one direction at all times; (b) the maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when the department of transportation ~~((pursuant to general rules adopted by the transportation commission;))~~ determines a hardship would result, this limitation may be exceeded

upon approval of the department of transportation; (c) prior to issuing a permit a qualified transportation department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made;

(2) Permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations;

(3) Permits may be issued for vehicles with a total outside width, including the load, of nine feet or less when the vehicle is equipped with a mechanism designed to cover the load pursuant to RCW 46.61.655;

(4) These limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is a necessary movement or action: PROVIDED FURTHER, That in the judgment of the department of transportation the structures and highway surfaces on the routes involved are capable of sustaining widths in excess of such limitation;

(5) These limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed eighty thousand pounds and the overall width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the department of transportation or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 19. RCW 46.44.096 and 1996 c 92 s 1 are each amended to read as follows:

In determining fees according to RCW 46.44.0941, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of transportation, and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Special permits issued under RCW 46.44.047, 46.44.0941, or 46.44.095, may be obtained from offices of the department of transportation, ports of entry, or other agents appointed by the department.

The department may appoint agents for the purposes of selling special motor vehicle permits, temporary additional tonnage permits, and log tolerance permits. Agents so appointed may retain three dollars and fifty cents for each permit sold to defray expenses incurred in handling and selling the permits. If the fee is collected by the department of transportation, the department shall certify the fee so collected to the state treasurer for deposit to the credit of the motor vehicle fund.

The department may select a third party contractor, by means of competitive bid, to perform the department's permit issuance function, as provided under RCW 46.44.090. Factors the department shall consider, but is not limited to, in the selection of a third party contractor are economic benefit to both the department and the motor carrier industry, and enhancement of the overall level of permit service. For purposes of this section, "third party contractor" means

a business entity that is authorized by the department to issue special permits. The ~~department of transportation ((commission))~~ may adopt rules specifying the criteria that a business entity must meet in order to qualify as a third party contractor under this section.

Fees established in RCW 46.44.0941 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets, or highways for which that political body is responsible. When a movement involves a combination of state highways, county roads, and/or city streets the fee shall be paid to the ~~((state))~~ department of transportation. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing that the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

Sec. 20. RCW 46.61.450 and 1977 ex.s. c 151 s 39 are each amended to read as follows:

It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel, or underpass is sign posted as hereinafter provided. The secretary of transportation, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The secretary or the governing body or authorities of any county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: PROVIDED, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the department of transportation ((commission)) as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall not be enforceable at any speed, weight, or size less than the maximum allowed by law, unless with the approval in writing of the secretary. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass.

Sec. 21. RCW 46.68.113 and 2003 c 363 s 305 are each amended to read as follows:

During the 2003-2005 biennium, cities and towns shall provide to the transportation commission, or its successor entity, preservation

rating information on at least seventy percent of the total city and town arterial network. Thereafter, the preservation rating information requirement shall increase in five percent increments in subsequent biennia. The rating system used by cities and towns must be based upon the Washington state pavement rating method or an equivalent standard approved by the department of transportation ((commission or its successor entity)). Beginning January 1, 2007, the preservation rating information shall be submitted to the department.

Sec. 22. RCW 47.28.010 and 1977 ex.s. c 151 s 59 are each amended to read as follows:

Whenever the general route of any state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the ~~((transportation commission))~~ department shall determine the particular route to be followed by said state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such state highway, the whole or any part of any existing public highway previously designated as a county road, primary road, or secondary road or now or hereafter classified as a county road. The ~~((commission))~~ department need not select and adopt the entire routes for such state highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable. Where a state highway is designated as passing by way of a certain point, this shall not require the ~~((commission))~~ department to cause such state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The department ~~((of transportation))~~ is empowered to construct as a part of any state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a bypass section either through or around any such incorporated city or town.

Sec. 23. RCW 47.28.170 and 1990 c 265 s 1 are each amended to read as follows:

(1) Whenever the department finds that as a consequence of accident, natural disaster, or other emergency, an existing state highway is in jeopardy or is rendered impassible in one or both directions and the department further finds that prompt reconstruction, repair, or other work is needed to preserve or restore the highway for public travel, the department may obtain at least three written bids for the work without publishing a call for bids, and the secretary of transportation may award a contract forthwith to the lowest responsible bidder.

The department shall notify any association or organization of contractors filing a request to regularly receive notification. Notification to an association or organization of contractors shall include: (a) The location of the work to be done; (b) the general anticipated nature of the work to be done; and (c) the date determined by the department as reasonable in view of the nature of the work and emergent nature of the problem after which the department will not receive bids.

(2) Whenever the department finds it necessary to protect a highway facility from imminent damage or to perform emergency work to reopen a highway facility, the department may contract for such work on a negotiated basis not to exceed force account rates for a period not to exceed thirty working days.

(3) The secretary shall review any contract exceeding ~~((two))~~ seven hundred thousand dollars awarded under subsection (1) or (2) of this section with the ~~((transportation commission at its next regularly scheduled meeting))~~ office of financial management within thirty days of the contract award.

(4) Any person, firm, or corporation awarded a contract for work must be prequalified pursuant to RCW 47.28.070 and may be required to furnish a bid deposit or performance bond.

Sec. 24. RCW 47.38.060 and 1996 c 172 s 1 are each amended to read as follows:

The ~~((transportation commission))~~ department may designate interstate safety rest areas, as appropriate, as locations for memorial signs to prisoners of war and those missing in action. The ~~((commission))~~ department shall adopt policies for the placement of memorial signs on interstate safety rest areas and may disapprove any

memorial sign that it determines to be inappropriate or inconsistent with the policies. The policies shall include, but are not limited to, guidelines for the size and location of and inscriptions on memorial signs. The secretary shall adopt rules for administering this program. Nonprofit associations may have their name identified on a memorial sign if the association bears the cost of supplying and maintaining the memorial sign.

Sec. 25. RCW 47.52.133 and 1987 c 200 s 2 are each amended to read as follows:

Except as provided in RCW 47.52.134, the ~~((transportation commission))~~ department and the highway authorities of the counties and incorporated cities and towns, with regard to facilities under their respective jurisdictions, prior to the establishment of any limited access facility, shall hold a public hearing within the county, city, or town wherein the limited access facility is to be established to determine the desirability of the plan proposed by such authority. Notice of such hearing shall be given to the owners of property abutting the section of any existing highway, road, or street being established as a limited access facility, as indicated in the tax rolls of the county, and in the case of a state limited access facility, to the county and/or city or town. Such notice shall be by United States mail in writing, setting forth a time for the hearing, which time shall be not less than fifteen days after mailing of such notice. Notice of such hearing also shall be given by publication not less than fifteen days prior to such hearing in one or more newspapers of general circulation within the county, city, or town. Such notice by publication shall be deemed sufficient as to any owner or reputed owner or any unknown owner or owner who cannot be located. Such notice shall indicate a suitable location where plans for such proposal may be inspected.

Sec. 26. RCW 47.52.145 and 1981 c 95 s 2 are each amended to read as follows:

Whenever after the final adoption of a plan for a limited access highway by the ~~((transportation commission))~~ department, an additional design public hearing with respect to the facility or any portion thereof is conducted pursuant to federal law resulting in a revision of the design of the limited access plan, the ~~((commission))~~ department may modify the previously adopted limited access plan to conform to the revised design without further public hearings providing the following conditions are met:

(1) As compared with the previously adopted limited access plan, the revised plan will not require additional or different right of way with respect to that section of highway for which the design has been revised, in excess of five percent by area; and

(2) If the previously adopted limited access plan was modified by a board of review convened at the request of a county, city, or town, the legislative authority of the county, city, or town shall approve any revisions of the plan which conflict with modifications ordered by the board of review.

Sec. 27. RCW 47.52.210 and 1981 c 95 s 3 are each amended to read as follows:

(1) Whenever the ~~((transportation commission))~~ department adopts a plan for a limited access highway to be constructed within the corporate limits of a city or town which incorporates existing city or town streets, title to such streets shall remain in the city or town, and the provisions of RCW 47.24.020 as now or hereafter amended shall continue to apply to such streets until such time that the highway is operated as either a partially or fully controlled access highway. Title to and full control over that portion of the city or town street incorporated into the limited access highway shall be vested in the state upon a declaration by the secretary of transportation that such highway is operational as a limited access facility, but in no event prior to the acquisition of right of way for such highway including access rights, and not later than the final completion of construction of such highway.

(2) Upon the completion of construction of a state limited access highway within a city or town, the department of transportation may relinquish to the city or town streets constructed or improved as a functional part of the limited access highway, slope easements, landscaping areas, and other related improvements to be maintained

and operated by the city or town in accordance with the limited access plan. Title to such property relinquished to a city or town shall be conveyed by a deed executed by the secretary of transportation and duly acknowledged. Relinquishment of such property to the city or town may be expressly conditioned upon the maintenance of access control acquired by the state and the continued operation of such property as a functional part of the limited access highway.

Sec. 28. RCW 81.112.086 and 2003 c 363 s 306 are each amended to read as follows:

As a condition of receiving state funding, a regional transit authority shall submit a maintenance and preservation management plan for certification by the department of transportation ~~((commission or its successor entity))~~. The plan must inventory all transportation system assets within the direction and control of the transit authority, and provide a plan for preservation of assets based on lowest life-cycle cost methodologies.

Sec. 29. RCW 36.56.121 and 2003 c 363 s 303 are each amended to read as follows:

As a condition of receiving state funding, a county that has assumed the transportation functions of a metropolitan municipal corporation shall submit a maintenance and preservation management plan for certification by the ~~((transportation commission or its successor entity))~~ department of transportation. The plan must inventory all transportation system assets within the direction and control of the county, and provide a preservation plan based on lowest life-cycle cost methodologies.

Sec. 30. RCW 36.57A.070 and 1985 c 6 s 5 are each amended to read as follows:

The comprehensive transit plan adopted by the authority shall be reviewed by the state department of transportation ~~((commission))~~ to determine:

(1) The completeness of service to be offered and the economic viability of the transit system proposed in such comprehensive transit plan;

(2) Whether such plan integrates the proposed transportation system with existing transportation modes and systems that serve the benefit area;

(3) Whether such plan coordinates that area's system and service with nearby public transportation systems;

(4) Whether such plan is eligible for matching state or federal funds;

~~After reviewing the comprehensive transit plan, the state transportation commission shall have sixty days in which to approve such plan and to certify to the state treasurer that such public transportation benefit area shall be eligible to receive the motor vehicle excise tax proceeds authorized pursuant to RCW 35.58.273, as now or hereafter amended in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended. To be approved a plan shall provide for coordinated transportation planning, the integration of such proposed transportation program with other transportation systems operating in areas adjacent to, or in the vicinity of the proposed public transportation benefit area, and be consistent with the public transportation coordination criteria adopted pursuant to the urban mass transportation act of 1964 as amended as of July 1, 1975. In the event such comprehensive plan is disapproved and ruled ineligible to receive motor vehicle tax proceeds, the state transportation commission shall provide written notice to the authority within thirty days as to the reasons for such plan's disapproval and such ineligibility. The authority may resubmit such plan upon reconsideration and correction of such deficiencies in the plan cited in such notice of disapproval).~~

Sec. 31. RCW 47.10.861 and 2003 c 147 s 1 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of selected projects or improvements that are identified as transportation 2003 projects or improvements in the omnibus transportation budget, there shall be issued and sold upon the request of the secretary of the department of transportation

((~~commission~~)) a total of two billion six hundred million dollars of general obligation bonds of the state of Washington.

Sec. 32. RCW 47.10.862 and 2003 c 147 s 2 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ((~~commission~~)), as appropriate, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds in RCW 47.10.861 through 47.10.866 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.861 through 47.10.866 shall be sold in the manner, at time or times, in amounts, and at the price as the state finance committee shall determine. No bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 33. RCW 47.10.843 and 1998 c 321 s 16 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of state and local highway improvements, there shall be issued and sold upon the request of the ((~~Washington state~~)) secretary of the department of transportation ((~~commission~~)) a maximum of one billion nine hundred million dollars of general obligation bonds of the state of Washington.

Sec. 34. RCW 47.10.844 and 1998 c 321 s 17 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ((~~commission~~)), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.843 through 47.10.848 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.843 through 47.10.848 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 35. RCW 47.10.834 and 1995 2nd sp.s. c 15 s 2 are each amended to read as follows:

In order to provide funds necessary to implement the public-private transportation initiatives authorized by chapter 47.46 RCW, there shall be issued and sold upon the request of the ((~~Washington state~~)) secretary of the department of transportation ((~~commission~~)) a total of twenty-five million six hundred twenty-five thousand dollars of general obligation bonds of the state of Washington.

Sec. 36. RCW 47.10.835 and 1994 c 183 s 3 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ((~~commission~~)), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.834 through 47.10.841 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.834 through 47.10.841 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. In making such appropriation of the net proceeds of the sale of the bonds, the legislature shall specify what portion of the appropriation is provided for possible loans and what portion of the appropriation is provided for other forms of cash contributions to projects.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 37. RCW 47.10.819 and 1993 c 432 s 1 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of selected interstate and other highway improvements, there shall be issued and sold upon the request of the ((~~Washington state~~)) secretary of the department of transportation ((~~commission~~)) a total of one hundred million dollars of general obligation bonds of the state of Washington for the following purposes and specified sums:

(1) Not to exceed twenty-five million dollars to pay the state's and local governments' share of matching funds for the ten demonstration projects identified in the Intermodal Surface Transportation Efficiency Act of 1991.

(2) Not to exceed fifty million dollars to temporarily pay the regular federal share of construction in advance of federal-aid apportionments as authorized by this section.

(3) Not to exceed twenty-five million dollars for loans to local governments to provide the required matching funds to take advantage of available federal funds. These loans shall be on such terms and conditions as determined by the ((~~Washington state~~)) secretary of the department of transportation ((~~commission~~)), but in no event may the loans be for a period of more than ten years. The interest rate on the loans authorized under this subsection shall be equal to the interest rate on the bonds sold for such purposes.

Sec. 38. RCW 47.10.820 and 1993 c 432 s 2 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ((~~commission~~)), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.819 through 47.10.824 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.819 through 47.10.824 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 39. RCW 47.02.120 and 1990 c 293 s 1 are each amended to read as follows:

For the purpose of providing funds for the acquisition of headquarters facilities for district 1 of the department of transportation and costs incidental thereto, together with all improvements and equipment required to make the facilities suitable for the department's use, there shall be issued and sold upon the request of the ((~~Washington transportation commission~~)) secretary of the department of transportation a total of fifteen million dollars of general obligation bonds of the state of Washington.

Sec. 40. RCW 47.02.140 and 1990 c 293 s 3 are each amended to read as follows:

Upon the request of the secretary of the department of transportation ((~~commission~~)), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.02.120 through 47.02.190 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.02.120 through 47.02.190 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. Except for the purpose of repaying the loan from the motor vehicle fund, no such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 41. RCW 47.17.132 and 1997 c 308 s 1 are each amended to read as follows:

A state highway to be known as state route number 35 is established as follows:

Beginning at the Washington-Oregon boundary line thence northerly to a junction with state route number 14 in the vicinity of White Salmon (~~however, until such time as a bridge across the Columbia River is constructed at a location adopted by the transportation commission no existing route may be maintained or improved by the transportation commission as a temporary route for state route number 35~~).

Sec. 42. RCW 47.24.010 and 1998 c 245 s 97 are each amended to read as follows:

The department of transportation (~~commission~~) shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the department (~~of transportation~~) shall identify by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the department (~~of transportation~~) from any state funds available therefor: PROVIDED, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the department (~~of transportation~~) to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: PROVIDED FURTHER, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the department that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the department and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year.

Sec. 43. RCW 43.88.030 and 2005 c 386 s 3 and 2005 c 319 s 108 are each reenacted and amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The biennial budget document or documents shall also describe performance indicators that demonstrate measurable progress towards priority results. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues

and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

~~(Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.)~~

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, and agency;

(f) The expenditures that include nonbudgeted, nonappropriated accounts outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments, and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter

41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) The governor's operating budget document or documents shall reflect the statewide priorities as required by RCW 43.88.090.

(4) The governor's operating budget document or documents shall identify activities that are not addressing the statewide priorities.

(5) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

(k) Estimated ensuing biennium costs;

(l) Estimated costs beyond the ensuing biennium;

(m) Estimated construction start and completion dates;

(n) Source and type of funds proposed;

(o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(q) Such other information bearing upon capital projects as the governor deems to be useful;

(r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;

(s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (5), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative evaluation and accountability program committee, and office of financial management.

(6) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

NEW SECTION. Sec. 44. A new section is added to chapter 47.01 RCW to read as follows:

(1) The transportation commission may review the performance and outcome measures of transportation-related agencies. The purpose of these reviews is to ensure that the legislature and the governor have the means to adequately and accurately assess the performance and outcomes of those agencies and departments.

(2) The performance and outcome measures and benchmarks of each transportation-related agency or department may be reviewed at the discretion of the transportation commission, or at the request of the legislature or the governor. In setting the schedule and the extent of performance reviews, the commission shall consider the timing and results of other recent state, federal, and independent reviews and audits, the seriousness of past findings, any inadequate remedial action taken by an agency or department, whether an agency or department lacks performance and outcome measures, and the desirability to include a diverse range of agencies or programs each year. The commission shall avoid duplication of effort in conducting performance reviews by coordinating with the state auditor, joint legislative audit and review committee, the citizen advisory board, and the governor's performance review process.

(3) The reviews may include, but are not limited to:

(a) A determination of whether the performance and outcome measures are consistent with legislative mandates, strategic plans, mission statements, and goals and objectives, and whether the legislature has established clear mandates, strategic plans, mission statements, and goals and objectives that lend themselves to performance and outcome measurement;

(b) An examination of how agency management uses the measures to manage resources in an efficient and effective manner;

(c) An assessment of how performance benchmarks are established for the purpose of assessing overall performance compared to external standards and benchmarks;

(d) An examination of how an analysis of the measurement data is used to make planning and operational improvements;

(e) A determination of how performance and outcome measures are used in the budget planning, development, and allotment processes and the extent to which the agency is in compliance with its responsibilities under RCW 43.88.090;

(f) A review of how performance data are reported to and used by the legislature both in policy development and resource allocation;

(g) An assessment of whether the performance measure data are reliable and collected in a uniform and timely manner;

(h) A determination whether targeted funding investments and established priorities of government actually produce the intended and expected services and benefits; and

(i) Recommendations as necessary or appropriate.

(4) For the purposes of this section, "transportation-related agencies" means any state or local agency, board, special purpose district, or commission that receives or generates funding primarily for transportation-related purposes. At a minimum, the department of transportation, the Washington state patrol, the department of licensing, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies.

(5) The state auditor, legislative auditor, governor, and director of the office of financial management shall report to the transportation commission on an annual basis concerning their

performance improvement efforts to ensure coordination and avoid duplication of effort.

Sec. 45. RCW 47.05.030 and 2005 c 319 s 9 are each amended to read as follows:

The ~~department of transportation ((commission))~~ shall ~~((adopt))~~ develop a comprehensive ten-year investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. The adopted ten-year investment program must be forwarded as a recommendation to the governor and the legislature. In the specification of investment program objectives and performance measures, the ~~((transportation commission, in consultation with the Washington state))~~ department of transportation~~((;))~~ shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The analysis process must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. ~~((The investment program must be revised based on directions by the office of financial management.))~~ The investment program must be based upon the needs identified in the state-owned highway component of the statewide comprehensive transportation plan ~~((as defined in RCW 47.01.071(3))).~~

(1) The preservation program consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The preservation program must require use of the most cost-effective pavement surfaces, considering:

- (a) Life-cycle cost analysis;
- (b) Traffic volume;
- (c) Subgrade soil conditions;
- (d) Environmental and weather conditions;
- (e) Materials available; and
- (f) Construction factors.

The comprehensive ten-year investment program for preservation must identify projects for two years and an investment plan for the remaining eight years.

(2) The improvement program consists of investments needed to address identified deficiencies on the state highway system to increase mobility, address congestion, and improve safety, support for the economy, and protection of the environment. The ten-year investment program for improvements must identify projects for two years and major deficiencies proposed to be addressed in the ten-year period giving consideration to relative benefits and life cycle costing. The department of transportation ((commission)) program shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate.

The department of transportation shall submit the ten-year investment program to the transportation commission ((shall)). The transportation commission shall review, approve, and present the comprehensive ten-year investment program to the governor and the legislature as directed by the office of financial management.

Sec. 46. RCW 47.05.035 and 2005 c 319 s 10 are each amended to read as follows:

(1) The department shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in.

(3) In developing program objectives and performance measures, the department shall evaluate investment trade-offs

between the preservation and improvement programs. In making these investment trade-offs, the department shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.

(4) The department shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

- (a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;
- (b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;
- (c) The continuity of future transportation development with those improvements previously programmed; and
- (d) The availability of dedicated funds for a specific type of work.

(5) The ~~((commission shall review the results of the department's findings and shall consider those))~~ department shall consider the findings in this section in the development of the ten-year investment program.

Sec. 47. RCW 47.05.051 and 2005 c 319 s 11 are each amended to read as follows:

~~((+))~~ The comprehensive ten-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide ~~((multimodal))~~ comprehensive transportation plan ~~((as defined in RCW 47.01.071(4)))~~ and priority selection systems that incorporate the following criteria:

~~((+))~~ (1) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

~~((+))~~ (a) Extending the service life of the existing highway system, including using the most cost-effective pavement surfaces, considering:

- ~~((+))~~ (i) Life-cycle cost analysis;
- ~~((+))~~ (ii) Traffic volume;
- ~~((+))~~ (iii) Subgrade soil conditions;
- ~~((+))~~ (iv) Environmental and weather conditions;
- ~~((+))~~ (v) Materials available; and
- ~~((+))~~ (vi) Construction factors;
- ~~((+))~~ (b) Ensuring the structural ability to carry loads imposed upon highways and bridges; and

~~((+))~~ (c) Minimizing life-cycle costs. ~~((The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the ten-year program.~~

~~((+))~~ (2) Priority programming for the improvement program must be based primarily upon the following, not necessarily in order of importance:

- ~~((+))~~ (a) Traffic congestion, delay, and accidents;
- ~~((+))~~ (b) Location within a heavily traveled transportation corridor;

~~((+))~~ (c) Except for projects in cities having a population of less than five thousand persons, synchronization with other potential transportation projects, including transit and multimodal projects, within the heavily traveled corridor; and

~~((+))~~ (d) Use of benefit/cost analysis wherever feasible to determine the value of the proposed project.

~~((+))~~ (3) Priority programming for the improvement program may also take into account:

- ~~((+))~~ (a) Support for the state's economy, including job creation and job preservation;
- ~~((+))~~ (b) The cost-effective movement of people and goods;
- ~~((+))~~ (c) Accident and accident risk reduction;
- ~~((+))~~ (d) Protection of the state's natural environment;
- ~~((+))~~ (e) Continuity and systematic development of the highway transportation network;
- ~~((+))~~ (f) Consistency with local comprehensive plans developed under chapter 36.70A RCW including the following if they have been included in the comprehensive plan:

~~((+))~~ (i) Support for development in and revitalization of existing downtowns;

~~((B))~~ (ii) Extent that development implements local comprehensive plans for rural and urban residential and nonresidential densities;

~~((C))~~ (iii) Extent of compact, transit-oriented development for rural and urban residential and nonresidential densities;

~~((D))~~ (iv) Opportunities for multimodal transportation; and

~~((E))~~ (v) Extent to which the project accommodates planned growth and economic development;

~~((F))~~ (g) Consistency with regional transportation plans developed under chapter 47.80 RCW;

~~((G))~~ (h) Public views concerning proposed improvements;

~~((H))~~ (i) The conservation of energy resources;

~~((I))~~ (j) Feasibility of financing the full proposed improvement;

~~((J))~~ (k) Commitments established in previous legislative sessions;

~~((K))~~ (l) Relative costs and benefits of candidate programs.

~~((d)) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.~~

~~((c)) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.~~

~~((2)) The commission may depart from the priority programming established under subsection (1) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.~~

~~((3)) The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.))~~

Sec. 48. RCW 47.29.010 and 2005 c 317 s 1 are each amended to read as follows:

(1) The legislature finds that the public-private ~~((transportation))~~ transportation initiatives act created under chapter 47.46 RCW has not met the needs and expectations of the public or private sectors for the development of transportation projects. The legislature intends to phase out chapter 47.46 RCW coincident with the completion of the Tacoma Narrows Bridge - SR 16 public-private partnership. From July 24, 2005, this chapter will provide a more desirable and effective approach to developing transportation projects in partnership with the private sector by applying lessons learned from other states and from this state's ten-year experience with chapter 47.46 RCW.

(2) It is the legislature's intent to achieve the following goals through the creation of this new approach to public-private partnerships:

(a) To provide a well-defined mechanism to facilitate the collaboration between public and private entities in transportation;

(b) To bring innovative thinking from the private sector and other states to bear on public projects within the state;

(c) To provide greater flexibility in achieving the transportation projects; and

(d) To allow for creative cost and risk sharing between the public and private partners.

(3) The legislature intends that the powers granted in this chapter to the commission or department are in addition to any powers granted under chapter 47.56 RCW.

(4) It is further the intent of the legislature that ~~((the commission shall be responsible for receiving, reviewing, and approving proposals with technical support of the department, rule making, and for oversight of contract execution. The department shall be responsible for evaluating proposals and negotiating contracts))~~ an expert review panel be established for each project developed under this act. Expert review panels shall be responsible for reviewing selected proposals, analyzing and reviewing tentative agreements, and making recommendations to the governor and the transportation commission on the advisability of executing agreements under this act.

NEW SECTION. Sec. 49. A new section is added to chapter 47.29 RCW to read as follows:

(1) The department shall establish an expert review panel to review, analyze, and make recommendations to the governor and the transportation commission on whether to approve, reject, or continue negotiations on a proposed project agreement under this chapter. The department shall provide staff to support the expert review panel, if requested by the panel. The expert review panel may utilize any of the consultants under contract for the department, and the expert review panel may contract for consulting expertise in specific areas as it deems necessary to ensure a thorough and critical review of any proposed project agreement.

(2) The governor shall appoint members of an expert review panel that have experience in large capital project delivery, public-private partnerships, public financing of infrastructure improvements, or other areas of expertise that will benefit the panel. The panel shall consist of no less than three, but no more than five members, as determined by the governor.

NEW SECTION. Sec. 50. A new section is added to chapter 47.29 RCW to read as follows:

Upon receiving the recommendations of the expert review panel as provided in section 49 of this act, and upon consultation with the governor, the transportation commission shall either execute the proposed project agreement, reject the proposed project agreement, or continue further negotiations between the state and a private partner. The execution of any agreement or the rejection of any agreement shall constitute a final action for legal or administrative purposes.

NEW SECTION. Sec. 51. The following acts or parts of acts are each repealed:

- RCW 44.75.010 (Intent) and 2003 c 362 s 1;
- RCW 44.75.020 (Definitions) and 2005 c 319 s 16 & 2003 c 362 s 2;
- RCW 44.75.030 (Board created--Membership) and 2005 c 319 s 17 & 2003 c 362 s 3;
- RCW 44.75.040 (Procedures, compensation, support) and 2005 c 319 s 18 & 2003 c 362 s 4;
- RCW 44.75.050 (Reviews of transportation-related agencies) and 2005 c 319 s 19 & 2003 c 362 s 5;
- RCW 44.75.060 (Review methodology) and 2003 c 362 s 6;
- RCW 44.75.070 (Scope of reviews) and 2003 c 362 s 7;
- RCW 44.75.080 (Direction of audit) and 2005 c 319 s 20 & 2003 c 362 s 8;
- RCW 44.75.090 (Professional experts) and 2005 c 319 s 21 & 2003 c 362 s 9;
- RCW 44.75.100 (Audit reports) and 2005 c 319 s 22 & 2003 c 362 s 10;
- RCW 44.75.110 (Scope of audit) and 2005 c 319 s 23 & 2003 c 362 s 11;
- RCW 44.75.120 (Contents of report) and 2005 c 319 s 24 & 2003 c 362 s 12;
- RCW 44.75.800 (Department of transportation audit) and 2003 c 362 s 15;
- RCW 44.75.900 (Captions--2003 c 362) and 2003 c 362 s 18; and
- RCW 44.75.901 (Effective date--2003 c 362) and 2003 c 362 s 19.

NEW SECTION. Sec. 52. This act takes effect July 1, 2006."

Correct the title.

Representative Woods moved the adoption of amendment (1194) to amendment (1191):

Beginning on page 1, line 3 of the amendment, strike all of section 1 and insert the following:

"**Sec. 1.** RCW 47.01.051 and 1977 ex.s. c 151 s 5 are each amended to read as follows:

There is hereby created a transportation commission, which shall consist of seven voting members appointed by the governor, with the consent of the senate. The present five members of the highway commission shall serve as five initial members of the transportation commission until their terms of office as highway commission members would have expired. The additional two members provided herein for the transportation commission shall be appointed for initial terms to expire on June 30, 1982, and June 30, 1983. Thereafter all terms shall be for six years. No elective state official (~~(or)~~ state officer, or state employee shall be a member of the commission ~~(, and not more than four members of the commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party))~~). At the time of appointment or thereafter during their respective terms of office, four members of the commission shall reside in the western part of the state and three members shall reside in the eastern part of the state as divided north and south by the summit of the Cascade mountains. No more than two members of the commission shall reside in the same county; however, the governor, or his or her designee, shall serve as a nonvoting member of the commission. Commission appointments should reflect both a wide range of transportation interests and a balanced statewide geographic representation. Commissioners (~~shall not~~) may be removed from office by the governor before the expiration of their terms (~~(unless for a disqualifying change of residence or for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the superior court of the state of Washington in and for Thurston county upon petition and show cause proceedings duly brought therefor in said court and directed to the commissioner in question))~~) for cause. No member shall be appointed for more than two consecutive terms."

On page 4, line 15 of the amendment, after "thereafter." insert "The plan shall be subject to the approval of the legislature in the biennial transportation budget act."

Beginning on page 38, line 19 of the amendment, strike all of section 45 and insert the following:

"**Sec. 45.** RCW 47.05.030 and 2005 c 319 s 9 are each amended to read as follows:

The transportation commission shall (~~adopt~~) develop a comprehensive ten-year investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. The adopted ten-year investment program must be forwarded as a recommendation to the governor and the legislature, and is subject to the approval of the legislature in the biennial transportation budget act. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The analysis process must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. (~~The investment program must be revised based on directions by the office of financial management.~~) The investment program must be based upon the needs identified in the state-owned highway component of the statewide comprehensive transportation plan (as defined in RCW 47.01.071(3)).

(1) The preservation program consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The preservation program must require use of the most cost-effective pavement surfaces, considering:

- (a) Life-cycle cost analysis;
- (b) Traffic volume;
- (c) Subgrade soil conditions;
- (d) Environmental and weather conditions;
- (e) Materials available; and
- (f) Construction factors.

The comprehensive ten-year investment program for preservation must identify projects for two years and an investment plan for the remaining eight years.

(2) The improvement program consists of investments needed to address identified deficiencies on the state highway system to increase mobility, address congestion, and improve safety, support for the economy, and protection of the environment. The ten-year investment program for improvements must identify projects for two years and major deficiencies proposed to be addressed in the ten-year period giving consideration to relative benefits and life cycle costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate.

~~((The transportation commission shall approve and present the comprehensive ten-year investment program to the governor and the legislature as directed by the office of financial management.))"~~

Representatives Woods and Wallace spoke in favor of the adoption of the amendment (1194) to amendment (1191).

The amendment to amendment (1191) was adopted.

Amendment (1191) as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wallace and Woods spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6800, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6800, as amended by the House, and the bill passed the House by the following vote: Yeas - 83, Nays - 15, Excused - 0. Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Blake, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Conway, Cox, Darneille, DeBolt, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 83.

Voting nay: Representatives Ahern, Armstrong, Buck, Condotta, Crouse, Curtis, Dunn, Ericksen, Hinkle, Kretz, Kristiansen, Orcutt, Pearson, Schindler and Serben - 15.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6800, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6787, By Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller, Poulsen, Haugen and Oke)

Providing funding for local government passenger ferry service.

The bill was read the second time.

With the consent of the House, amendment (1189) was withdrawn.

Representative Woods moved the adoption of amendment (1181):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.60 RCW to read as follows:

The legislature finds and declares that there is a compelling need for passenger-only ferry service on Puget Sound. The Bremerton to Seattle, Southworth to Seattle, Vashon to Seattle, and Kingston to Seattle routes are the routes currently in need of funding. As other routes become viable for passenger-only ferry service, funding may be provided to those routes as well.

It is the intent of the legislature to provide funding to passenger-only ferry systems operated by Washington state ferries or local governments through the sale or disposition of existing Washington state ferries' passenger-only vessels. Until the funds provided by the sale or disposition of these vessels become available, it is the intent of the legislature to fund passenger-only ferry systems from other available funds.

Sec. 2. RCW 47.60.645 and 1995 2nd sp.s. c 14 s 558 are each amended to read as follows:

(1) There is hereby established in the transportation fund the passenger ferry account. Money in the account shall be used for ~~((capital improvements for passenger ferry projects including, but not limited to, pedestrian and transit facilities at ferry terminals and passenger-only ferry vessels))~~ grants for passenger-only ferry systems operated by Washington state ferries and for passenger-only ferry systems operated or contracted for by local governments. Moneys in the account shall be expended with legislative appropriation.

(2) The transportation commission shall administer this ferry grant program subject to the availability of amounts appropriated for this specific purpose.

(3) In providing grants under this section, the transportation commission may enter into multiple-year contracts with a stipulation that allocations for future years are subject to the availability of funding as provided by legislative appropriation.

NEW SECTION. Sec. 3. A new section is added to chapter 47.60 RCW to read as follows:

By January 1, 2007, the department shall sell or otherwise dispose of the Washington state ferries Snohomish and Chinook for market value and deposit the proceeds of the sales into the passenger ferry account established under RCW 47.60.645.

NEW SECTION. Sec. 4. A new section is added to chapter 47.60 RCW to read as follows:

(1) Passenger-only ferry systems operated or contracted for by local governments on the Bremerton to Seattle, Southworth to Seattle, and Kingston to Seattle routes are eligible for the grants provided in RCW 47.60.645.

(2) As a condition of receiving the grants provided in RCW 47.60.645, the passenger-only ferry systems operated or contracted for by local governments shall coordinate their schedules with the schedules of any Washington state ferries' auto ferries operating on the same route so as to complement the auto ferry service rather than compete against it.

NEW SECTION. Sec. 5. A new section is added to chapter 47.60 RCW to read as follows:

The Washington state ferries and any passenger-only ferry systems operated or contracted for by local governments that express interest shall, in good faith, negotiate a mutually agreeable and reasonable agreement regarding the shared use of Washington state ferries' facilities at Colman dock by September 1, 2006.

NEW SECTION. Sec. 6. A new section is added to chapter 47.60 RCW to read as follows:

The department shall maintain the level of service existing on January 1, 2006, for the Vashon to Seattle passenger-only ferry route until the earlier of July 1, 2007, or when the legislature approves assumption of the route as authorized in section 7 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 47.60 RCW to read as follows:

(1) A county with a population greater than one million persons and having a boundary on Puget Sound, a county to the west of Puget Sound with a population greater than two hundred thirty thousand, but less than three hundred thousand persons, or Washington state ferries may assume a passenger-only ferry route between Vashon and Seattle, including an expansion of that route to include Southworth after submitting a complete business plan to the transportation commission. The transportation commission shall review any business plans submitted and recommend to the legislature the most viable business plan.

(2) The business plan must, at a minimum, include hours of operation, vessel needs, labor needs, proposed routes, passenger terminal facilities, passenger rates, anticipated federal and local funding, coordination with the Washington state ferry system, coordination with existing transit providers, long-term operation and maintenance needs, and a long-term financial plan.

(3) In order to be considered for assuming the route, operations must begin by July 1, 2007.

(4) For the purposes of this section, Puget Sound is considered as extending north to Admiralty Inlet."

Correct the title.

Representative Woods spoke in favor of the adoption of the amendment.

Representative McDermott spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 46 - YEAS; 52 -NAYS.

The amendment was not adopted.

Representative Cody moved the adoption of amendment (1185):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.60.645 and 1995 2nd sp.s. c 14 s 558 are each amended to read as follows:

There is hereby established in the transportation fund the passenger ferry account. Money in the account shall be used for ~~((capital improvements for passenger ferry projects including, but not limited to, pedestrian and transit facilities at ferry terminals and passenger-only ferry vessels))~~ operating or capital grants for ferry

systems as provided in chapters 36.54 and 36.57A RCW. Moneys in the account shall be expended with legislative appropriation.

NEW SECTION. Sec. 2. By October 31, 2006, the department of transportation shall have an independent appraisal of the market value of the Washington state ferries Snohomish and Chinook and present it to the transportation committees of the legislature and the governor by November 1, 2006. The department of transportation shall sell or otherwise dispose of the Washington state ferries Snohomish and Chinook for market value and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645 as soon as practicable upon approval by the governor of the business plan described in RCW 36.54.110(5).

NEW SECTION. Sec. 3. A new section is added to chapter 47.60 RCW to read as follows:

The department shall maintain the level of service existing on January 1, 2006, for the Vashon to Seattle passenger-only ferry route until such time as the legislature approves a county ferry district's assumption of the route, as authorized under RCW 36.54.110(5), providing a level of service at or exceeding the state level.

NEW SECTION. Sec. 4. A new section is added to chapter 47.01 RCW to read as follows:

(1) The department of transportation shall establish a ferry grant program subject to availability of amounts appropriated for this specific purpose. The purpose of the grant program is to provide operating or capital grants for ferry systems as provided in chapters 36.54 and 36.57A RCW to operate passenger-only ferry service.

(2) In providing grants under this section, the department may enter into multiple year contracts with the stipulation that future year allocations are subject to the availability of funding as provided by legislative appropriation.

(3) Priority shall be given to grant applications that provide continuity of existing passenger-only service and the provision of local or federal matching funds.

NEW SECTION. Sec. 5. A new section is added to chapter 47.60 RCW to read as follows:

The Washington state ferry system shall collaborate with new and potential passenger-only ferry service providers, as described in RCW 36.54.110(5), for terminal operations at its existing terminal facilities.

NEW SECTION. Sec. 6. A new section is added to chapter 47.01 RCW to read as follows:

The office of financial management shall contract to develop a back-up plan for operating the Vashon to Seattle passenger-only ferry route existing on January 1, 2006, that does not include operations by state government.

Sec. 7. RCW 36.54.110 and 2003 c 83 s 301 are each amended to read as follows:

(1) The legislative authority of a county ~~((with a population over one million persons and having a boundary on Puget Sound))~~ may adopt an ordinance creating a ferry district in all or a portion of the area of the county, including the area within the corporate limits of any city or town within the county. The ordinance may be adopted only after a public hearing has been held on the creation of a ferry district, and the county legislative authority makes a finding that it is in the public interest to create the district. ~~((A ferry district is limited to providing passenger-only ferry service.))~~

(2) A ferry district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(3) A ferry district is a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(4) The members of the county legislative authority, acting ex officio and independently, shall compose the governing body of any

ferry district that is created within the county. The voters of a ferry district must be registered voters residing within the boundaries of the district.

(5) ~~((For the purposes of this section, Puget Sound is considered as extending north as far as the Canadian border and west as far as Port Angeles.))~~ A county with a population greater than one million persons and having a boundary on Puget Sound, or a county to the west of Puget Sound with a population greater than two hundred thirty thousand but less than three hundred thousand persons, proposing to create a ferry district to assume a passenger-only ferry route between Vashon and Seattle, including an expansion of that route to include Southworth, shall first receive approval from the governor after submitting a complete business plan to the governor and the legislature by November 1, 2006. The business plan must, at a minimum, include hours of operation, vessel needs, labor needs, proposed routes, passenger terminal facilities, passenger rates, anticipated federal and local funding, coordination with Washington state ferry system, coordination with existing transit providers, long-term operation and maintenance needs, and long-term financial plan. The business plan may include provisions regarding coordination with an appropriate county to participate in a joint ferry under RCW 36.54.030 through 36.54.070. In order to be considered for assuming the route, the ferry district shall ensure that the route will be operated only by the ferry district and not contracted out to a private entity, all existing labor agreements will be honored, and operations will begin no later than July 1, 2007. If the route is to be expanded to include serving Southworth, the ferry district shall enter into an interlocal agreement with the public transportation benefit area serving the Southworth ferry terminal within thirty days of beginning Southworth ferry service. For the purposes of this subsection, Puget Sound is considered as extending north to Admiralty Inlet.

NEW SECTION. Sec. 8. A new section is added to chapter 36.57A RCW to read as follows:

A public transportation benefit area seeking funding for a passenger-only ferry route between Kingston and Seattle shall first receive approval from the governor after submitting a complete business plan to the governor and the legislature by November 1, 2006. The business plan must, at a minimum, include hours of operation, vessel needs, labor needs, proposed routes, passenger terminal facilities, passenger rates, anticipated federal and local funding, coordination with Washington state ferry system, coordination with existing transit providers, long-term operation and maintenance needs, and long-term financial plan.

Sec. 9. RCW 36.54.130 and 2003 c 83 s 303 are each amended to read as follows:

(1) To carry out the purposes for which ferry districts are created, the governing body of a ferry district may levy each year an ad valorem tax on all taxable property located in the district not to exceed seventy-five cents per thousand dollars of assessed value. The levy must be sufficient for the provision of ferry services as shown to be required by the budget prepared by the governing body of the ferry district.

(2) A tax imposed under this section may be used only for providing ~~((passenger-only))~~ ferry services, including the purchase, lease, or rental of ~~((passenger-only))~~ ferry vessels and dock facilities, the operation and maintenance of ~~((passenger-only))~~ ferry vessels and dock facilities, and related personnel costs.

Sec. 10. RCW 36.54.050 and 1963 c 4 s 36.54.050 are each amended to read as follows:

The joint commission is authorized to transact all business necessary in carrying out the purposes of RCW 36.54.030 through 36.54.070 and its acts shall be binding upon the two counties, and one-half of all bills and obligations created by the commission shall be binding and a legal charge against the road fund of each county and the claims therefor shall be allowed and paid out of the county road fund the same as other claims against said fund are allowed and paid, unless otherwise provided in an agreement between the two counties.

Sec. 11. RCW 81.84.020 and 2005 c 313 s 609 and 2005 c 121 s 7 are each reenacted and amended to read as follows:

(1) Upon the filing of an application the commission shall give reasonable notice to the department, affected cities, counties, and public transportation benefit areas and any common carrier which might be adversely affected, of the time and place for hearing on such application. The commission shall have power after notice and an opportunity for a hearing, to issue the certificate as prayed for, or to refuse to issue it, or to issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require; but the commission shall not have power to grant a certificate to operate between districts and/or into any territory prohibited by RCW 47.60.120 or already served by an existing certificate holder, unless such existing certificate holder has failed or refused to furnish reasonable and adequate service, has failed to provide the service described in its certificate or tariffs after the time period allowed to initiate service has elapsed, or has not objected to the issuance of the certificate as prayed for: PROVIDED, A certificate shall be granted when it shall appear to the satisfaction of the commission that the commercial ferry was actually operating in good faith over the route for which such certificate shall be sought, on January 15, 1927: PROVIDED, FURTHER, That in case two or more commercial ferries shall upon said date have been operating vessels upon the same route, or between the same districts the commission shall determine after public hearing whether one or more certificates shall issue, and in determining to whom a certificate or certificates shall be issued, the commission shall consider all material facts and circumstances including the prior operation, schedules, and services rendered by either of the ferries, and in case more than one certificate shall issue, the commission shall fix and determine the schedules and services of the ferries to which the certificates are issued to the end that duplication of service be eliminated and public convenience be furthered.

(2) Before issuing a certificate, the commission shall determine that the applicant has the financial resources to operate the proposed service for at least twelve months, based upon the submission by the applicant of a pro forma financial statement of operations. Issuance of a certificate shall be determined upon, but not limited to, the following factors: Ridership and revenue forecasts; the cost of service for the proposed operation; an estimate of the cost of the assets to be used in providing the service; a statement of the total assets on hand of the applicant that will be expended on the proposed operation; and a statement of prior experience, if any, in such field by the applicant. The documentation required of the applicant under this section shall comply with the provisions of RCW 9A.72.085.

(3) Subsection (2) of this section does not apply to an application for a certificate that is pending as of July 25, 1993.

(4) In granting a certificate for passenger-only ferries and determining what conditions to place on the certificate, the commission shall consider and give substantial weight to the effect of its decisions on public agencies operating, or eligible to operate, passenger-only ferry service.

(5) Until July 1, (~~2006~~) 2007, the commission shall not accept or consider an application for passenger-only ferry service serving any county in the Puget Sound area with a population of over one million people. Applications for passenger-only ferry service serving any county in the Puget Sound area with a population of over one million pending before the commission as of May 9, 2005, shall be held in abeyance and not considered before July 1, (~~2006~~) 2007."

Correct the title.

Representative Cody spoke in favor of the adoption of the amendment.

Representative Woods spoke against the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Woods spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6787, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6787, as amended by the House, and the bill passed the House by the following vote: Yeas - 61, Nays - 37, Excused - 0.

Voting yea: Representatives Appleton, Blake, Buck, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Williams, Wood, Woods and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott and Walsh - 37.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6787, as amended by the House, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Murray: "Thank you, Mr. Speaker. For those of you who aren't on Transportation, I know sometimes we feel like we are in a parallel universe and we have as I have learned over the eleven years that I have served in the House incredible nonpartisan staff. And incredible staff in both caucuses. You see before you some of the best and the brightest. Every time you ask me about a project, every time you ask me about a proviso I immediately pick up the phone or email one of these people. The fact that we have been able to produce over the last four years historic transportation budgets and incredible legislation is because of the hard work of the people you see in front of you. Actually their families are seeing them for the first time in weeks on TVW right now. That is exactly how hard they work. I would like to mention each of them but I certainly want to acknowledge our director, Beth Redfield and our budget lead Gary Lebow who has taught me so much about transportation and who is really the person who has taught me what the word "no" means. I hope we can salute these incredible employees."

POINT OF PERSONAL PRIVILEGE

Representative Woods: "Thank you, Mr. Speaker. I rise in such gratitude and thanks to this group of people in front of

you today. The incredible hours that they work, the number of punching that they do, it is truly remarkable. For the caucus staff, Mary and Jay who also put in such very long hours working on our behalf. I can't say enough about this group of folks. I have to say something about Gary Lebow – when we sit around Representative Murray's table, he does tell us "no". He does tell us what will and won't work – I so appreciate that. And Beth Redfield for all of her coordination of all the work; just everyone who has worked so hard this year and last year. You are truly appreciated. We thank you very much."

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2644, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.16.0497 and 2001 c 214 s 13 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Base credit" means the maximum amount of credit against the tax imposed by this chapter that each light and power business or gas distribution business may take each fiscal year as calculated by the department. The base credit is equal to the proportionate share that the total grants received by each light and power business or gas distribution business in the prior fiscal year bears to the total grants received by all light and power businesses and gas distribution businesses in the prior fiscal year multiplied by five million five hundred thousand dollars for fiscal year 2007, and two million five hundred thousand dollars for all other fiscal years before and after fiscal year 2007.

(b) "Billing discount" means a reduction in the amount charged for providing service to qualifying persons in Washington made by a light and power business or a gas distribution business. Billing discount does not include grants received by the light and power business or a gas distribution business.

(c) "Grant" means funds provided to a light and power business or gas distribution business by the department of community, trade, and economic development or by a qualifying organization.

(d) "Low-income home energy assistance program" means energy assistance programs for low-income households as defined on December 31, 2000, in the low-income home energy assistance act of 1981 as amended August 1, 1999, 42 U.S.C. Sec. 8623 et seq.

(e) "Qualifying person" means a Washington resident who applies for assistance and qualifies for a grant regardless of whether that person receives a grant.

(f) "Qualifying contribution" means money given by a light and power business or a gas distribution business to a qualifying organization, exclusive of money received in the prior fiscal year from its customers for the purpose of assisting other customers.

(g) "Qualifying organization" means an entity that has a contractual agreement with the department of community, trade, and economic development to administer in a specified service area low-income home energy assistance funds received from the federal government and such other funds that may be received by the entity.

(2) Subject to the limitations in this section, a light and power business or a gas distribution business may take a credit each fiscal year against the tax imposed under this chapter.

(a)(i) A credit may be taken for qualifying contributions if the dollar amount of qualifying contributions for the fiscal year in which the tax credit is taken is greater than one hundred twenty-five percent of the dollar amount of qualifying contributions given in fiscal year 2000.

(ii) If no qualifying contributions were given in fiscal year 2000, a credit shall be allowed for the first fiscal year that qualifying contributions are given. Thereafter, credit shall be allowed if the

qualifying contributions given exceed one hundred twenty-five percent of qualifying contributions given in the first fiscal year.

(iii) The amount of credit shall be fifty percent of the dollar amount of qualifying contributions given in the fiscal year in which the tax credit is taken.

(b)(i) A credit may be taken for billing discounts if the dollar amount of billing discounts for the fiscal year in which the tax credit is taken is greater than one hundred twenty-five percent of the dollar amount of billing discounts given in fiscal year 2000.

(ii) If no billing discounts were given in fiscal year 2000, a credit shall be allowed in the first fiscal year that billing discounts are given. Thereafter, credit shall be allowed if the dollar amount of billing discounts given exceeds one hundred twenty-five percent of billing discounts given in the first fiscal year.

(iii) The amount of credit shall be fifty percent of the dollar amount of the billing discounts given in the fiscal year in which the tax credit is taken.

(c) The total amount of credit that may be taken for qualifying contributions and billing discounts in a fiscal year is limited to the base credit for the same fiscal year.

(3)(a)(i) Except as provided in (a)(ii) of this subsection, the total amount of credit, statewide, that may be taken in any fiscal year shall not exceed two million five hundred thousand dollars.

(ii) The total amount of credit, statewide, that may be taken in fiscal year 2007 shall not exceed five million five hundred thousand dollars.

(b) By May 1st of each year starting in 2002, the department of community, trade, and economic development shall notify the department of revenue in writing of the grants received in the current fiscal year by each light and power business and gas distribution business.

(4)(a) Not later than June 1st of each year beginning in 2002, the department shall publish the base credit for each light and power business and gas distribution business for the next fiscal year.

(b) Not later than July 1st of each year beginning in 2002, application for credit must be made to the department including but not limited to the following information: Billing discounts given by the applicant in fiscal year 2000; qualifying contributions given by the applicant in the prior fiscal year; the amount of money received in the prior fiscal year from customers for the purpose of assisting other customers; the base credit for the next fiscal year for the applicant; the qualifying contributions anticipated to be given in the next fiscal year; and billing discounts anticipated to be given in the next fiscal year. No credit under this section will be allowed to a light and power business or gas distribution business that does not file the application by July 1st.

(c) Not later than August 1st of each year beginning in 2002, the department shall notify each applicant of the amount of credit that may be taken in that fiscal year.

(d) The balance of base credits not used by other light and power businesses and gas distribution businesses shall be ratably distributed to applicants under the formula in subsection (1)(a) of this section. The total amount of credit that may be taken by an applicant is the base credit plus any ratable portion of unused base credit.

(5) The credit taken under this section is limited to the amount of tax imposed under this chapter for the fiscal year. The credit must be claimed in the fiscal year in which the billing reduction is made. Any unused credit expires. Refunds shall not be given in place of credits.

(6) No credit may be taken for billing discounts made before July 1, 2001. Within two weeks of May 8, 2001, the department of community, trade, and economic development shall notify the department of revenue in writing of the grants received in fiscal year 2001 by each light and power business and gas distribution business. Within four weeks of May 8, 2001, the department of revenue shall publish the base credit for each light and power business and gas distribution business for fiscal year 2002. Within eight weeks of May 8, 2001, application to the department must be made showing the information required in subsection (4)(b) of this section. Within twelve weeks of May 8, 2001, the department shall notify each applicant of the amount of credit that may be taken in fiscal year 2002.

NEW SECTION. Sec. 2. This act takes effect July 1, 2006."

On page 1, line 2 of the title, after "RCW 82.16.0497;" strike the remainder of the title and insert "amending RCW 82.16.0497; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

MOTION

Representative Hunter moved that the House concur in the Senate amendment to HOUSE BILL NO. 2644 and advance the bill as amended by the Senate to final passage.

Representative Hunter spoke in favor of the motion.

Representative Orcutt spoke against the motion.

The motion was adopted.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives McIntire and Orcutt spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 2644, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2644, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2644, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2671, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.32.045 and 2003 1st sp.s. c 13 s 8 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW, along with reports and returns on forms prescribed by the department, are due monthly within (~~twenty~~) twenty-five days after the end of the month in which the taxable activities occur.

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. For these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(4) Notwithstanding subsections (1) and (2) of this section, the department may relieve any person of the requirement to file returns if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than twenty-eight thousand dollars per year;

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than twenty-four thousand dollars per year; and

(c) The person is not required to collect or pay to the department of revenue any other tax or fee which the department is authorized to collect.

Sec. 2. RCW 82.23B.020 and 2003 1st sp.s. c 13 s 9 are each amended to read as follows:

(1) An oil spill response tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge at the rate of one cent per barrel of crude oil or petroleum product received.

(2) In addition to the tax imposed in subsection (1) of this section, an oil spill administration tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge at the rate of four cents per barrel of crude oil or petroleum product.

(3) The taxes imposed by this chapter shall be collected by the marine terminal operator from the taxpayer. If any person charged with collecting the taxes fails to bill the taxpayer for the taxes, or in the alternative has not notified the taxpayer in writing of the imposition of the taxes, or having collected the taxes, fails to pay them to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the taxes. Payment of the taxes by the owner to a marine terminal operator shall relieve the owner from further liability for the taxes.

(4) Taxes collected under this chapter shall be held in trust until paid to the department. Any person collecting the taxes who appropriates or converts the taxes collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. The taxes required by this chapter to be collected shall be stated separately from other charges made by the marine terminal operator in any invoice or other statement of account provided to the taxpayer.

(5) If a taxpayer fails to pay the taxes imposed by this chapter to the person charged with collection of the taxes and the person charged with collection fails to pay the taxes to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the taxes.

(6) The taxes shall be due from the marine terminal operator, along with reports and returns on forms prescribed by the department, within ~~((twenty))~~ twenty-five days after the end of the month in which the taxable activity occurs.

(7) The amount of taxes, until paid by the taxpayer to the marine terminal operator or to the department, shall constitute a debt from the taxpayer to the marine terminal operator. Any person required to collect the taxes under this chapter who, with intent to violate the provisions of this chapter, fails or refuses to do so as required and any taxpayer who refuses to pay any taxes due under this chapter, shall be guilty of a misdemeanor as provided in chapter 9A.20 RCW.

(8) Upon prior approval of the department, the taxpayer may pay the taxes imposed by this chapter directly to the department. The department shall give its approval for direct payment under this section whenever it appears, in the department's judgment, that direct payment will enhance the administration of the taxes imposed under this chapter. The department shall provide by rule for the issuance of a direct payment certificate to any taxpayer qualifying for direct payment of the taxes. Good faith acceptance of a direct payment certificate by a terminal operator shall relieve the marine terminal operator from any liability for the collection or payment of the taxes imposed under this chapter.

(9) All receipts from the tax imposed in subsection (1) of this section shall be deposited into the state oil spill response account. All receipts from the tax imposed in subsection (2) of this section shall be deposited into the oil spill prevention account.

(10) Within forty-five days after the end of each calendar quarter, the office of financial management shall determine the balance of the oil spill response account as of the last day of that calendar quarter. Balance determinations by the office of financial management under this section are final and shall not be used to challenge the validity of any tax imposed under this chapter. The office of financial management shall promptly notify the departments of revenue and ecology of the account balance once a determination is made. For each subsequent calendar quarter, the tax imposed by subsection (1) of this section shall be imposed during the entire calendar quarter unless:

(a) Tax was imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than nine million dollars; or

(b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than eight million dollars.

Sec. 3. RCW 82.27.060 and 2003 1st sp.s. c 13 s 10 are each amended to read as follows:

The taxes levied by this chapter shall be due for payment monthly and remittance therefor shall be made within ~~((twenty))~~ twenty-five days after the end of the month in which the taxable activity occurs. The taxpayer on or before the due date shall make out a signed return, setting out such information as the department of revenue may require, including the gross measure of the tax, any deductions, credits, or exemptions claimed, and the amount of tax due for the preceding monthly period, which amount shall be transmitted to the department along with the return.

The department may relieve any taxpayer from the obligation of filing a monthly return and may require the return to cover other periods, but in no event may periodic returns be filed for a period greater than one year. In such cases tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

Sec. 4. RCW 82.32.085 and 1990 c 69 s 3 are each amended to read as follows:

(1) "Electronic funds transfer" means any transfer of funds, other than a transaction originated by check, drafts, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account.

((The electronic funds transfer is to be completed so that the state receives collectible funds on or before the next banking day following the due date.))

(2)(a) Except as provided in (b) of this subsection, the electronic funds transfer is to be completed so that the state receives collectible funds on or before the next banking day following the due date.

(b) A remittance made using the automated clearinghouse debit method will be deemed to be received on the due date if the electronic funds transfer is initiated on or before 11:59 p.m. pacific time on the due date with an effective payment date on or before the next banking day following the due date.

(3)(a) The department shall adopt rules necessary to implement the provisions of RCW 82.32.080 and this section. The rules shall include but are not limited to: ~~((+))~~ (i) Coordinating the filing of tax returns with payment by electronic funds transfer; ~~((+))~~ (ii) form and content of electronic funds transfer; ~~((+))~~ (iii) voluntary use of electronic funds transfer with permission of the department; ~~((+))~~ (iv) use of commonly accepted means of electronic funds transfer; ~~((+))~~ (v) means of crediting and recording proof of payment; and ~~((+))~~ (vi) means of correcting errors in transmission.

(b) Any changes in the threshold of tax shall be implemented with a separate rule-making procedure.

NEW SECTION. Sec. 5. (1) The legislature recognizes the following with respect to the payment of excise taxes to the department of revenue by electronic funds transfer:

(a) Taxpayers required to pay their taxes by electronic funds transfer must do so through the use of either the automated clearinghouse debit method or automated clearinghouse credit method;

(b) For a remittance by electronic funds transfer to be considered timely, the transfer must be completed so that the state receives collectible funds on or before the next banking day following the due date;

(c) For the state to receive collectible funds on or before the next banking day following the due date, taxpayers using the automated clearinghouse debit method must initiate the transfer before 5:00 p.m. pacific time on the due date;

(d) The department of revenue receives information identifying the precise date and time the electronic funds transfer is initiated when a taxpayer uses the debit method; and

(e) The department receives information identifying only the date that the state receives collectible funds when a taxpayer uses the automated clearinghouse credit method.

(2) The legislature therefore finds that a remittance made using the automated clearinghouse debit method should be deemed to be received on the due date if the transfer is initiated on or before 11:59 p.m. pacific time on the due date with an effective payment date on or before the next banking day following the due date. The legislature further finds that because the department does not receive information about when an electronic funds transfer is initiated when a taxpayer uses the automated clearinghouse credit method, such transfers must be completed so that the state receives collectible funds on or before the next banking day following the due date.

Sec. 6. RCW 82.32.090 and 2003 1st sp.s. c 13 s 13 are each amended to read as follows:

(1) If payment of any tax due on a return to be filed by a taxpayer is not received by the department of revenue by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received on or before the last day of the month following the due date, there shall be assessed a total penalty of fifteen percent of the amount of the tax under this subsection; and if the tax is not received on or before the last day of the second month following the due date, there shall be assessed a total penalty of twenty-five percent of the amount of the tax under this subsection. No penalty so added shall be less than five dollars.

(2) If the department of revenue determines that any tax ~~((is due))~~ has been substantially underpaid, there shall be assessed a penalty of five percent of the amount of the tax determined by the department to be due ~~((and))~~. If payment of any tax determined by the department to be due is not received by the department by the due date specified in the notice, or any extension thereof, there shall be assessed a total penalty of fifteen percent of the amount of the tax under this subsection; and if ~~((the))~~ payment of any tax determined by the department to be due is not received on or before the thirtieth

day following the due date specified in the notice of tax due, or any extension thereof, there shall be assessed a total penalty of twenty-five percent of the amount of the tax under this subsection. No penalty so added shall be less than five dollars. As used in this section, "substantially underpaid" means that the taxpayer has paid less than eighty percent of the amount of tax determined by the department to be due for all of the types of taxes included in, and for the entire period of time covered by, the department's examination, and the amount of underpayment is at least one thousand dollars.

(3) If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of ten percent of the amount of the tax, but not less than ten dollars.

(4) If the department finds that a person has engaged in any business or performed any act upon which a tax is imposed under this title and that person has not obtained from the department a registration certificate as required by RCW 82.32.030, the department shall impose a penalty of five percent of the amount of tax due from that person for the period that the person was not registered as required by RCW 82.32.030. The department shall not impose the penalty under this subsection (4) if a person who has engaged in business taxable under this title without first having registered as required by RCW 82.32.030, prior to any notification by the department of the need to register, obtains a registration certificate from the department.

(5) If the department finds that all or any part of a deficiency resulted from the disregard of specific written instructions as to reporting or tax liabilities, the department shall add a penalty of ten percent of the amount of the additional tax found due because of the failure to follow the instructions. A taxpayer disregards specific written instructions when the department of revenue has informed the taxpayer in writing of the taxpayer's tax obligations and the taxpayer fails to act in accordance with those instructions unless the department has not issued final instructions because the matter is under appeal pursuant to this chapter or departmental regulations. The department shall not assess the penalty under this section upon any taxpayer who has made a good faith effort to comply with the specific written instructions provided by the department to that taxpayer. Specific written instructions may be given as a part of a tax assessment, audit, determination, or closing agreement, provided that such specific written instructions shall apply only to the taxpayer addressed or referenced on such documents. Any specific written instructions by the department of revenue shall be clearly identified as such and shall inform the taxpayer that failure to follow the instructions may subject the taxpayer to the penalties imposed by this subsection.

(6) If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.

(7) The penalties imposed under subsections (1) through (4) of this section can each be imposed on the same tax found to be due. This subsection does not prohibit or restrict the application of other penalties authorized by law.

(8) The department of revenue may not impose both the evasion penalty and the penalty for disregarding specific written instructions on the same tax found to be due.

(9) For the purposes of this section, "return" means any document a person is required by the state of Washington to file to satisfy or establish a tax or fee obligation that is administered or collected by the department of revenue, and that has a statutorily defined due date.

NEW SECTION. Sec. 7. (1) Sections 1 through 3 of this act apply to returns due after July 31, 2006.

(2) Section 4 of this act applies to payments due after July 31, 2006.

(3) Section 6 of this act only applies to assessments originally issued after June 30, 2006.

NEW SECTION. Sec. 8. This act does not affect any existing right acquired or liability or obligation incurred under the sections amended in this act or under any rule or order adopted under those

sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. Sec. 9. (1) Sections 1 through 4 of this act take effect August 1, 2006.

(2) Sections 6 and 7 of this act take effect July 1, 2006."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

MOTION

Representative McIntire moved that the House concur in the Senate amendment to HOUSE BILL NO. 2671 and advance the bill as amended by the Senate to final passage.

Representative McIntire spoke in favor of the motion.

Representative Orcutt spoke against the motion.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 56 - YEAS; 42 -NAYS.

The motion was adopted.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives McIntire and Orcutt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 2671, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2671, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

HOUSE BILL NO. 2671, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 2006

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127, and under suspension of the rules the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. The legislature further finds that students and schools benefit from increased parental, guardian, and community involvement in education and increased knowledge of and input regarding the delivery of public education. The legislature further finds that increased community involvement with, knowledge of, and input regarding the public education system is particularly needed in low-income and ethnic minority communities.

The legislature finds that the center for the improvement of student learning, created by the legislature in 1993 under the auspices of the superintendent of public instruction, has not been allocated funding since the 2001-2003 biennium, and in effect no longer exists. It is the intent of the legislature to reactivate the center for the improvement of student learning, and to create an educational ombudsman to increase parent, guardian, and community involvement in public education and to serve as a resource for parents and students and as an advocate for students in the public education system.

Sec. 2. RCW 28A.300.130 and 1999 c 388 s 401 are each amended to read as follows:

(1) ~~((Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible.))~~ To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall establish the center for the improvement of student learning. ~~((The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW 28A.630.885.))~~ The center shall work in conjunction with ~~((the academic achievement and accountability commission))~~ parents, educational service districts, institutions of higher education, and education, parent, community, and business organizations.

(2) The center, in conjunction with other staff in the office of the superintendent of public instruction, shall:

(a) ~~((Serve as a clearinghouse for the completed work and activities of the academic achievement and accountability commission;~~

~~—(b))~~ Serve as a clearinghouse for information regarding successful educational improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational improvement initiatives in Washington schools and districts;

~~((c))~~ (b) Provide best practices research ~~((and advice))~~ that can be used to help schools develop and implement: Programs and practices to improve instruction ~~((of the essential academic learning requirements under section 701 of this act));~~ systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and

community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

~~((d) Develop and distribute, in conjunction with the academic achievement and accountability commission, parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;~~

~~—(e) Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;~~

~~—(f))~~ (c) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

~~((g) Take other actions to increase public awareness of the importance of parental and community involvement in education;~~

~~—(h))~~ (d) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available and the broadened school board powers under RCW 28A.320.015;

~~((i))~~ (e) Provide training and consultation services, including conducting regional summer institutes;

~~((j) Address methods for improving the success rates of certain ethnic and racial student groups))~~ (f) Identify strategies for improving the success rates of ethnic and racial student groups with disproportionate academic achievement;

(g) Work with parents, teachers, and school districts in establishing a model absentee notification procedure that will properly notify parents when their student has not attended a class or has missed a school day. The office of the superintendent of public instruction shall consider various types of communication with parents including, but not limited to, electronic mail, phone, and postal mail; and

~~((k))~~ (h) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction ~~((after consultation with the academic achievement and accountability commission,))~~ shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The office of the superintendent of public instruction shall report to the legislature by September 1, 2007, and thereafter biennially, regarding the effectiveness of the center for improvement of student learning, how the services provided by the center for improvement of student learning have been used and by whom, and recommendations to improve the accessibility and application of knowledge and information that leads to improved student learning and greater family and community involvement in the public education system.

NEW SECTION. Sec. 3. (1) There is hereby created the office of the education ombudsman within the office of the governor for the purposes of providing information to parents, students, and others regarding their rights and responsibilities with respect to the state's public elementary and secondary education system, and advocating on behalf of elementary and secondary students.

(2)(a) The governor shall appoint an ombudsman who shall be a person of recognized judgment, independence, objectivity, and integrity and shall be qualified by training or experience or both in the following areas:

- (i) Public education law and policy in this state;
- (ii) Dispute resolution or problem resolution techniques, including mediation and negotiation; and
- (iii) Community outreach.

(b) The education ombudsman may not be an employee of any school district, the office of the superintendent of public instruction, or the state board of education while serving as an education ombudsman.

(3) Before the appointment of the education ombudsman, the governor shall share information regarding the appointment to a six-person legislative committee appointed and comprised as follows:

(a) The committee shall consist of three senators and three members of the house of representatives from the legislature.

(b) The senate members of the committee shall be appointed by the president of the senate. Two members shall represent the majority caucus and one member the minority caucus.

(c) The house of representatives members of the committee shall be appointed by the speaker of the house of representatives. Two members shall represent the majority caucus and one member the minority caucus.

(4) If sufficient appropriations are provided, the education ombudsman shall delegate and certify regional education ombudsmen. The education ombudsman shall ensure that the regional ombudsmen selected are appropriate to the community in which they serve and hold the same qualifications as in subsection (2)(a) of this section. The education ombudsman may not contract with the superintendent of public instruction, or any school, school district, or current employee of a school, school district, or the office of the superintendent of public instruction for the provision of regional ombudsman services.

NEW SECTION. Sec. 4. The education ombudsman shall have the following powers and duties:

(1) To develop parental involvement materials, including instructional guides developed to inform parents of the essential academic learning requirements required by the superintendent of public instruction. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(2) To provide information to students, parents, and interested members of the public regarding this state's public elementary and secondary education system;

(3) To identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(4) To identify and recommend strategies for improving the success rates of ethnic and racial student groups with disproportionate academic achievement;

(5) To refer complainants and others to appropriate resources, agencies, or departments;

(6) To facilitate the resolution of complaints made by parents and students with regard to the state's public elementary and secondary education system;

(7) To perform such other functions consistent with the purpose of the education ombudsman; and

(8) To consult with representatives of the following organizations and groups regarding the work of the office of the education ombudsman, including but not limited to:

- (a) The state parent teacher association;
- (b) Certificated and classified school employees;
- (c) School and school district administrators;
- (d) Parents of special education students;
- (e) Parents of English language learners;
- (f) The Washington state commission on Hispanic affairs;

(g) The Washington state commission on African-American affairs;

(h) The Washington state commission on Asian Pacific American affairs; and

(i) The governor's office of Indian affairs.

NEW SECTION. Sec. 5. (1) Neither the education ombudsman nor any regional educational ombudsmen are liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against any student or employee of any school district, the office of the superintendent of public education, or the state board of education, for any communication made, or information given or disclosed, to aid the education ombudsman in carrying out his or her duties and responsibilities, unless the same was done without good faith or maliciously. This subsection is not intended to infringe upon the rights of a school district to supervise, discipline, or terminate an employee for other reasons or to discipline a student for other reasons.

(3) All communications by the education ombudsman or the ombudsman's staff or designee, if reasonably related to the education ombudsman's duties and responsibilities and done in good faith, are privileged and that privilege shall serve as a defense to any action in libel or slander.

NEW SECTION. Sec. 6. The education ombudsman shall treat all matters, including the identities of students, complainants, and individuals from whom information is acquired, as confidential, except as necessary to enable the education ombudsman to perform the duties of the office. Upon receipt of information that by law is confidential or privileged, the ombudsman shall maintain the confidentiality of such information and shall not further disclose or disseminate the information except as provided by applicable state or federal law.

NEW SECTION. Sec. 7. The education ombudsman shall report on the work and accomplishment of the office and advise and make recommendations to the governor, the legislature, and the state board of education annually. The initial report to the governor, the legislature, and the state board of education shall be made by September 1, 2007, and there shall be annual reports by September 1st each year thereafter. The annual reports shall provide at least the following information:

(1) How the education ombudsman's services have been used and by whom;

(2) Methods for the education ombudsman to increase and enhance family and community involvement in public education;

(3) Recommendations to eliminate barriers and obstacles to meaningful family and community involvement in public education; and

(4) Strategies to improve the educational opportunities for all students in the state, including recommendations from organizations and groups provided in section 4(8) of this act.

NEW SECTION. Sec. 8. Sections 3 through 7 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act and section 2 of this act, referencing this act and section 2 of this act by bill or chapter number and section number, is not provided by June 30, 2006, in the omnibus appropriations act, section 2 of this act is null and void."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.300.130; adding a new chapter to Title 43 RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Santos and Talcott spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 3127, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3127, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 60, Nays - 38, Excused - 0.

Voting yea: Representatives Appleton, Blake, Buck, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Walsh, Williams, Wood and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kretz, Kristiansen, McCune, McDonald, Newhouse, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump, Talcott, Tom and Woods - 38.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 8, 2006

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6581,
SENATE CONCURRENT RESOLUTION NO. 8423,
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 8, 2006

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:
SUBSTITUTE SENATE BILL NO. 6257,
SUBSTITUTE SENATE BILL NO. 6533,
SECOND SUBSTITUTE SENATE BILL NO. 6793,
SUBSTITUTE SENATE BILL NO. 6874,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 8, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 6652, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 8, 2006

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5385,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5535,
SUBSTITUTE SENATE BILL NO. 6223,
SUBSTITUTE SENATE BILL NO. 6225,
SENATE BILL NO. 6364,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6428,
SUBSTITUTE SENATE BILL NO. 6439,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6896,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

INTRODUCTION & FIRST READING

ESSB 6230 by Senate Committee on Ways & Means (originally sponsored by Senators Parlette, Doumit, Zarelli, Prentice, Rasmussen and Mulliken)

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

E2SSB 6581 by Senate Committee on Ways & Means (originally sponsored by Senators Poulsen and Delvin)

AN ACT Relating to a study of the instream flows of the Hanford Reach; and amending 2005 c 488 s 330 (uncodified).

SCR 8423 by Senator Fairley

Creating a homeowners' association act committee.

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 6230 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6581 was read the first time, the rules were suspended and the bill was placed on the Second Reading calendar.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8423 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

MESSAGE FROM THE SENATE

March 7, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2673, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"PART I
INTENT AND DEFINITIONS**

NEW SECTION. Sec. 101. INTENT. The legislature recognizes that the state as a whole benefits from investment in public infrastructure because it promotes community and economic development. Public investment stimulates business activity and helps create jobs; stimulates the redevelopment of brownfields and blighted areas in the inner city; lowers the cost of housing; and promotes efficient land use. The legislature finds that these activities generate revenue for the state and that it is in the public interest to invest in these projects through a credit against the state sales and use tax and an allocation of property tax revenue to those sponsoring local governments that can demonstrate the expected returns to the state.

NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means five million dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Base year" means the first calendar year following the creation of a revenue development area. For a local government that meets the requirements of section 202(2) of this act, "base year" is the calendar year after it amends its ordinance as provided in section 202(2) of this act.

(4) "Board" means the community economic revitalization board under chapter 43.160 RCW.

(5) "Demonstration project" means one of the following projects:

- (a) Bellingham waterfront redevelopment project;
- (b) Spokane river district project at Liberty Lake; and
- (c) Vancouver riverwest project.

(6) "Department" means the department of revenue.

(7) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(8) "Local excise taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030 at the tax rate that was in effect at the time the revenue development area was created, except that if a local government reduces the rate of such tax after the revenue development area was created, "local excise taxes" means the local revenues derived from the imposition of the sales and use taxes authorized in RCW 82.14.030 at the lower tax rate.

(9) "Local excise tax allocation revenue" means the amount of local excise taxes received by the local government during the measurement year from taxable activity within the revenue development area over and above the amount of local excise taxes received by the local government during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government creates a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred in the twelve months immediately preceding the creation of the revenue development area within the boundaries of the area that became the revenue development area, "local excise tax allocation revenue" means the entire amount of local excise taxes received by the sponsoring local government during a calendar year period beginning with the calendar year immediately following the creation of the revenue development area and continuing with each measurement year thereafter; and

(b) For revenue development areas created in calendar year 2006 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state by July 1, 2006, that adopts the sourcing provisions of the streamlined sales and use tax agreement, "local excise tax allocation revenue" means the amount of local excise taxes received by the sponsoring local government during the measurement year from taxable activity within the revenue

development area over and above an amount of local excise taxes received by the sponsoring local government during the 2007 base year adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective July 1, 2007. The amount of base year adjustment determined by the department is final.

(10) "Local government" means any city, town, county, port district, and any federally recognized Indian tribe.

(11) "Local infrastructure financing" means the use of revenues received from local excise tax allocation revenues, local property tax allocation revenues, dedicated revenues from local public sources, and revenues received from the local option sales and use tax authorized in section 401 of this act to pay the principal and interest on bonds authorized under section 501 of this act.

(12) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local infrastructure financing.

(13) "Revenues from local public sources" means federal and private monetary contributions, amounts of local excise tax allocation revenues, and amounts of local property tax allocation revenues dedicated by participating taxing districts and participating local governments for local infrastructure financing.

(14) "Low-income housing" means residential housing for low-income persons or families who lack the means which is necessary to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding. For the purposes of this subsection, "low income" means income that does not exceed eighty percent of the median family income for the standard metropolitan statistical area in which the revenue development area is located.

(15) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure state and local excise tax allocation revenues.

(16) "Ordinance" means any appropriate method of taking legislative action by a local government.

(17) "Participating local government" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in section 206 of this act to allow the use of all or some of its local excise tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(18) "Participating taxing district" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in section 206 of this act to allow the use of some or all of its local property tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(19)(a) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revenue development area resulting from the placement of new construction, improvements, or both to property on the assessment rolls after the revenue development area is created, where the new construction or improvements occur entirely after the revenue development area is created.

(b) If any new construction added to the assessment rolls consists of entire buildings, "property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of the buildings in the years following their initial placement on the assessment rolls.

(c) "Property tax allocation revenue value" does not include any increase in the assessed value of improvements to property or new construction that do not consist of an entire building, occurring after their initial placement on the assessment rolls.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revenue development area has not increased due to new construction or improvements to property occurring after the revenue development area is created.

(20) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revenue development area.

(21) "Public improvements" means:

(a) Infrastructure improvements within the revenue development area that include:

- (i) Street, bridge, and road construction and maintenance, including highway interchange construction;
 - (ii) Water and sewer system construction and improvements, including wastewater reuse facilities;
 - (iii) Sidewalks, traffic controls, and streetlights;
 - (iv) Parking, terminal, and dock facilities;
 - (v) Park and ride facilities of a transit authority;
 - (vi) Park facilities and recreational areas, including trails; and
 - (vii) Storm water and drainage management systems;
- (b) Expenditures for facilities and improvements that support affordable housing as defined in RCW 43.63A.510.

(22) "Public improvement costs" means the cost of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) the local government's portion of relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the property tax allocation revenue base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; and (f) administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local infrastructure financing to fund the costs of the public improvements.

(23) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(24) "Property tax allocation revenue base value" means the assessed value of real property located within a revenue development area for taxes levied in the year in which the revenue development area is created for collection in the following year, plus one hundred percent of any increase in the assessed value of real property located within a revenue development area that is placed on the assessment rolls after the revenue development area is created, less the property tax allocation revenue value.

(25) "Relocating a business" means the closing of a business and the reopening of that business, or the opening of a new business that engages in the same activities as the previous business, in a different location within a one-year period, when an individual or entity has an ownership interest in the business at the time of closure and at the time of opening or reopening. "Relocating a business" does not include the closing and reopening of a business in a new location where the business has been acquired and is under entirely new ownership at the new location, or the closing and reopening of a business in a new location as a result of the exercise of the power of eminent domain.

(26) "Revenue development area" means the geographic area created by a sponsoring local government from which local excise and property tax allocation revenues are derived for local infrastructure financing.

(27) "Small business" has the same meaning as provided in RCW 19.85.020.

(28) "Sponsoring local government" means a city, town, or county, and for the purpose of this chapter a federally recognized

Indian tribe or any combination thereof, that creates a revenue development area and applies to the board to use local infrastructure financing.

(29) "State contribution" means the lesser of:

- (a) One million dollars;
- (b) The state excise tax allocation revenue and state property tax allocation revenue received by the state during the preceding calendar year;

(c) The amount of local excise tax allocation revenues, local property tax allocation revenues, and revenues from local public sources, that are dedicated by a sponsoring local government in the preceding calendar year to the payment of principal and interest on bonds issued under section 501 of this act; or

(d) The amount of project award granted by the board in the notice of approval to use local infrastructure financing under section 202 of this act.

(30) "State excise taxes" means revenues derived from state retail sales and use taxes under chapters 82.08 and 82.12 RCW, less the amount of tax distributions from all local retail sales and use taxes imposed on the same taxable events that are credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW.

(31) "State excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above the amount of state excise taxes received by the state during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government creates a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred in the twelve months immediately preceding the creation of the revenue development area within the boundaries of the area that became the revenue development area, "state excise tax allocation revenue" means the entire amount of state excise taxes received by the state during a calendar year period beginning with the calendar year immediately following the creation of the revenue development area and continuing with each measurement year thereafter; and

(b) For revenue development areas created in calendar year 2006 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state by July 1, 2006, that adopts the sourcing provisions of the streamlined sales and use tax agreement, "state excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above an amount of state excise taxes received by the state during the 2007 base year adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective July 1, 2007. The amount of base year adjustment determined by the department is final.

(32) "State property tax allocation revenue" means those tax revenues derived from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value.

PART II LOCAL INFRASTRUCTURE FINANCING TOOL

NEW SECTION. Sec. 201. CREATION OF THE LOCAL INFRASTRUCTURE FINANCING TOOL PROGRAM. The local infrastructure financing tool program is created to assist local governments in financing authorized public infrastructure projects designed to promote economic development in the jurisdiction. The local infrastructure financing tool program is not created to enable existing Washington-based businesses from outside a revenue development area to relocate into a revenue development area.

NEW SECTION. Sec. 202. LOCAL INFRASTRUCTURE FINANCING TOOL PROGRAM APPLICATION. (1) Prior to applying to the board to use local infrastructure financing, a sponsoring local government shall:

- (a) Designate a revenue development area within the limitations in section 204 of this act;
- (b) Certify that the conditions in section 205 of this act are met;

- (c) Complete the process in section 206 of this act;
- (d) Provide public notice as required in section 208 of this act;

and

(e) Pass an ordinance adopting the revenue development area as required in section 207 of this act.

(2) Any local government that has created an increment area under chapter 39.89 RCW that has not issued bonds to finance any public improvement shall be considered a revenue development area under this chapter without creating a new increment area under sections 207 and 208 of this act if it amends its ordinance to comply with section 207(1) of this act and otherwise meets the conditions and limitations under this chapter.

(3) As a condition to imposing a sales and use tax under section 401 of this act, a sponsoring local government, including any cosponsoring local government seeking authority to impose a sales and use tax under section 401 of this act, must apply to the board and be approved for a project award amount. The application shall be in a form and manner prescribed by the board and include but not be limited to information establishing that the applicant is an eligible candidate to impose the local sales and use tax under section 401 of this act, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. The board shall make available forms to be used for this purpose. As part of the application, each applicant must provide to the board a copy of the ordinance or ordinances creating the revenue development area as required in section 207 of this act. A notice of approval to use local infrastructure financing shall contain a project award that represents the maximum amount of state contribution that the applicant, including any cosponsoring local governments, can earn each year that local infrastructure financing is used. The total of all project awards shall not exceed the annual state contribution limit. The determination of a project award shall be made based on information contained in the application and the remaining amount of annual state contribution limit to be awarded. Determination of a project award by the board is final.

(4) Sponsoring local governments, and any cosponsoring local governments, must submit completed applications to the board no later than July 1, 2007. By September 15, 2007, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve qualified projects, up to the annual state contribution limit. Except as provided in section 203 of this act, approvals shall be based on the following criteria:

- (a) The project potential to enhance the sponsoring local government's regional and/or international competitiveness;
- (b) The project's ability to encourage mixed use development and the redevelopment of a geographic area;
- (c) Achieving an overall distribution of projects statewide that reflect geographic diversity;
- (d) The estimated wages and benefits for the project is greater than the average labor market area;
- (e) The estimated state and local net employment change over the life of the project;
- (f) The estimated state and local net property tax change over the life of the project; and
- (g) The estimated state and local sales and use tax increase over the life of the project.

(5) A revenue development area is considered created when the sponsoring local government, including any cosponsoring local government, has adopted an ordinance creating the revenue development area and the board has approved the sponsoring local government to use local infrastructure financing. If a sponsoring local government receives approval from the board after the fifteenth day of October to use local infrastructure financing, the revenue development area is considered created in the calendar year following the approval. Once the board has approved the sponsoring local government, and any cosponsoring local governments, to use local infrastructure financing, notification shall be sent to the sponsoring local government, and any cosponsoring local governments, authorizing the sponsoring local government, and any cosponsoring local governments, to impose the local sales and use tax authorized

under section 401 of this act, subject to the conditions in section 401 of this act.

NEW SECTION. Sec. 203. In addition to a competitive process, demonstration projects are provided to determine the feasibility of the local infrastructure financing tool. Notwithstanding section 202 of this act, the board shall approve each demonstration project before approving any other application. The Bellingham waterfront redevelopment project award shall not exceed one million dollars per year, the Spokane river district project award shall not exceed one million dollars per year, and the Vancouver riverwest project award shall not exceed five hundred thousand dollars per year.

NEW SECTION. Sec. 204. LIMITATIONS ON REVENUE DEVELOPMENT AREAS. The designation of a revenue development area is subject to the following limitations:

(1) The taxable real property within the revenue development area boundaries may not exceed one billion dollars in assessed value at the time the revenue development area is designated;

(2) The average assessed value per square foot of taxable land within the revenue development area boundaries may not exceed seventy dollars at the time the revenue development area is designated;

(3) No more than one revenue development area may be created in a county;

(4) A revenue development area is limited to contiguous tracts, lots, pieces, or parcels of land without the creation of islands of property not included in the revenue development area;

(5) The boundaries may not be drawn to purposely exclude parcels where economic growth is unlikely to occur;

(6) The public improvements financed through local infrastructure financing must be located in the revenue development area;

(7) A revenue development area cannot comprise an area containing more than twenty-five percent of the total assessed value of the taxable real property within the boundaries of the sponsoring local government, including any cosponsoring local government, at the time the revenue development area is designated;

(8) The boundaries of the revenue development area shall not be changed for the time period that local infrastructure financing is used; and

(9) A revenue development area cannot include any part of an increment area created under chapter 39.89 RCW, except those increment areas created prior to January 1, 2006.

NEW SECTION. Sec. 205. CONDITIONS. The use of local infrastructure financing under this chapter is subject to the following conditions:

(1) No funds may be used to finance, design, acquire, construct, equip, operate, maintain, remodel, repair, or reequip public facilities funded with taxes collected under RCW 82.14.048;

(2)(a) Except as provided in (b) of this subsection no funds may be used for public improvements other than projects identified within the capital facilities, utilities, housing, or transportation element of a comprehensive plan required under chapter 36.70A RCW;

(b) Funds may be used for public improvements that are historical preservation activities as defined in RCW 39.89.020;

(3) The public improvements proposed to be financed in whole or in part using local infrastructure financing are expected to encourage private development within the revenue development area and to increase the fair market value of real property within the revenue development area;

(4) A sponsoring local government, participating local government, or participating taxing district has entered or expects to enter into a contract with a private developer relating to the development of private improvements within the revenue development area or has received a letter of intent from a private developer relating to the developer's plans for the development of private improvements within the revenue development area;

(5) Private development that is anticipated to occur within the revenue development area, as a result of the public improvements, will be consistent with the countywide planning policy adopted by

the county under RCW 36.70A.210 and the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW;

(6) The governing body of the sponsoring local government, and any cosponsoring local government, must make a finding that local infrastructure financing:

(a) Is not expected to be used for the purpose of relocating a business from outside the revenue development area, but within this state, into the revenue development area; and

(b) Will improve the viability of existing business entities within the revenue development area;

(7) The governing body of the sponsoring local government, and any cosponsoring local government, finds that the public improvements proposed to be financed in whole or in part using local infrastructure financing are reasonably likely to:

(a) Increase private residential and commercial investment within the revenue development area;

(b) Increase employment within the revenue development area;

(c) Improve the viability of any existing communities that are based on mixed-use development within the revenue development area; and

(d) Generate, over the period of time that the local option sales and use tax will be imposed under section 401 of this act, state excise tax allocation revenues and state property tax allocation revenues derived from the revenue development area that are equal to or greater than the respective state contributions made under this chapter;

(8) The sponsoring local government may only use local infrastructure financing in areas deemed in need of economic development or redevelopment within boundaries of the sponsoring local government.

NEW SECTION. Sec. 206. PROCESS. Before adopting an ordinance creating the revenue development area, a sponsoring local government must:

(1) Obtain written agreement from any participating local government and participating taxing district to use dedicated amounts of local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources in whole or in part, for local infrastructure financing authorized under this chapter. The agreement to opt into the local infrastructure financing public improvement project must be authorized by the governing body of such participating local government and participating taxing district;

(2) Estimate the impact of the revenue development area on small business and low-income housing and develop a mitigation plan for the impacted businesses and housing. In analyzing the impact of the revenue development area, the sponsoring local government must develop:

(a) An inventory of existing low-income housing units, and businesses and retail activity within the revenue development area;

(b) A reasonable estimate of the number of low-income housing units, small businesses, and other commercial activity that may be vulnerable to displacement within the revenue development area;

(c) A reasonable estimate of projected net job growth and net housing growth caused by creation of the revenue development area when compared to the existing jobs or housing balance for the area; and

(d) A reasonable estimate of the impact of net housing growth on the current housing price mix.

NEW SECTION. Sec. 207. ORDINANCE. (1) To create a revenue development area, a sponsoring local government, and any cosponsoring local government, must adopt an ordinance establishing the revenue development area that:

(a) Describes the public improvements proposed to be made in the revenue development area;

(b) Describes the boundaries of the revenue development area, subject to the limitations in section 204 of this act;

(c) Estimates the cost of the proposed public improvements and the portion of these costs to be financed by local infrastructure financing;

(d) Estimates the time during which local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources are to be used for local infrastructure financing;

(e) Provides the date when the use of local excise tax allocation revenues and local property tax allocation revenues will commence; and

(f) Finds that the conditions in section 205 of this act are met and the findings in section 206 of this act are complete.

(2) The sponsoring local government, and any cosponsoring local government, must hold a public hearing on the proposed financing of the public improvements in whole or in part with local infrastructure financing at least thirty days before passage of the ordinance establishing the revenue development area. The public hearing may be held by either the governing body of the sponsoring local government and the governing body of any cosponsoring local government, or by a committee of those governing bodies that includes at least a majority of the whole governing body or bodies. The public hearing is subject to the notice requirements in section 208 of this act.

(3) The sponsoring local government, and any cosponsoring local government, shall deliver a certified copy of the adopted ordinance to the county treasurer, the governing body of each participating local government and participating taxing district within which the revenue development area is located, the board, and the department.

NEW SECTION. Sec. 208. NOTICE REQUIREMENTS. Prior to adopting the ordinance creating the revenue development area and to meet the requirements of section 501(1)(b) of this act, a sponsoring local government and any cosponsoring local government must provide public notice.

(1) Notice of the public hearing must be published in a legal newspaper of general circulation within the proposed revenue development area at least ten days before the public hearing and posted in at least six conspicuous public places located in the proposed revenue development area.

(2) Notice must also be sent by United States mail to the property owners, all identifiable community-based organizations with involvement in the proposed revenue development area, and the business enterprises located within the proposed revenue development area at least thirty days prior to the hearing. In implementing provisions under this chapter, the local governing body may also consult with community-based groups, business organizations, including the local chamber of commerce, and the office of minority and women's business enterprises to assist with providing appropriate notice to business enterprises and property owners for whom English is a second language.

(3) Notices must describe the contemplated public improvements, estimate the public improvement costs, describe the portion of the public improvement costs to be borne by local infrastructure financing, describe any other sources of revenue to finance the public improvements, describe the boundaries of the proposed revenue development area, estimate the impact that the public improvements will have on small businesses and low-income housing, and estimate the period during which local infrastructure financing is contemplated to be used.

(4) Notices must inform the public where to obtain the information that shows how the limitations, conditions, and findings required in sections 204 through 206 of this act are met.

(5) The sponsoring local government and any cosponsoring local government shall deliver a certified copy of the proposed ordinance to the county treasurer, the governing body of each participating local government and participating taxing district within which the revenue development area is located, the board, and the department.

PART III TAX ALLOCATION REVENUES

NEW SECTION. Sec. 301. LOCAL EXCISE TAX ALLOCATION REVENUES. (1) A sponsoring local government or participating local government that has received approval by the board to use local infrastructure financing may use annually its local

excise tax allocation revenues to finance public improvements in the revenue development area financed in whole or in part by local infrastructure financing. The use of local excise tax allocation revenues dedicated by participating local governments must cease when such allocation revenues are no longer necessary or obligated to pay bonds issued to finance the public improvements in the revenue development area. Any participating local government is authorized to dedicate local excise tax allocation revenues to the sponsoring local government as authorized in section 206(1) of this act.

(2) A sponsoring local government shall provide the board accurate information describing the geographical boundaries of the revenue development area at the time of application. The information shall be provided in an electronic format or manner as prescribed by the department. The sponsoring local government shall ensure that the boundary information provided to the board and department is kept current.

(3) In the event a city annexes a county area located within a county-sponsored revenue development area, the city shall remit to the county the portion of the local excise tax allocation revenue that the county would have received had the area not been annexed to the county. The city shall remit such revenues until such time as the bonds issued under section 501 of this act are retired.

NEW SECTION. Sec. 302. LOCAL PROPERTY TAX ALLOCATION REVENUES. (1) Commencing in the second calendar year following the passage of the ordinance creating a revenue development area and authorizing the use of local infrastructure financing, the county treasurer shall distribute receipts from regular taxes imposed on real property located in the revenue development area as follows:

(a) Each participating taxing district and the sponsoring local government shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the property tax allocation revenue base value for that local infrastructure financing project in the taxing district, or upon the total assessed value of real property in the taxing district, whichever is smaller; and

(b) The sponsoring local government shall receive an additional portion of the regular property taxes levied by it and by or for each participating taxing district upon the property tax allocation revenue value within the revenue development area. However, if there is no property tax allocation revenue value, the sponsoring local government shall not receive any additional regular property taxes under this subsection (1)(b). The sponsoring local government may agree to receive less than the full amount of the additional portion of regular property taxes under this subsection (1)(b) as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the participating taxing districts that levied regular property taxes, or have regular property taxes levied for them, in the revenue development area for collection that year in proportion to their regular tax levy rates for collection that year. The sponsoring local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the sponsoring local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by local infrastructure financing.

(2) The county assessor shall allocate any increase in the assessed value of real property occurring in the revenue development area to the property tax allocation revenue value and property tax allocation revenue base value as appropriate. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The apportionment of increases in assessed valuation in a revenue development area, and the associated distribution to the sponsoring local government of receipts from regular property taxes that are imposed on the property tax allocation revenue value, must cease when property tax allocation revenues are no longer necessary or obligated to pay the costs of the public improvements. Any excess

local property tax allocation revenues derived from regular property taxes and earnings on these tax allocation revenues, remaining at the time the allocation of tax receipts terminates, must be returned to the county treasurer and distributed to the participating taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the revenue development area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(4) The allocation to the revenue development area of portions of the local regular property taxes levied by or for each taxing district upon the property tax allocation revenue value within that revenue development area is declared to be a public purpose of and benefit to each such taxing district.

(5) The allocation of local property tax allocation revenues pursuant to this section shall not affect or be deemed to affect the rate of taxes levied by or within any taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

(6) This section does not apply to those revenue development areas that include any part of an increment area created under chapter 39.89 RCW.

PART IV STATE CONTRIBUTIONS

NEW SECTION. Sec. 401. A new section is added to chapter 82.14 RCW to read as follows:

SALES AND USE TAX. (1) A sponsoring local government, and any cosponsoring local government, that has been approved by the board to use local infrastructure financing may impose a sales and use tax in accordance with the terms of this chapter and subject to the criteria set forth in this section. Except as provided in this section, the tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the sponsoring local government or cosponsoring local government. The rate of tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The rate of tax may be changed only on the first day of a fiscal year as needed. Notice of rate changes must be provided to the department on the first day of March to be effective on July 1st of the next fiscal year.

(2) The tax authorized under subsection (1) of this section shall be credited against the state taxes imposed under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the sponsoring local government or cosponsoring local government at no cost to the sponsoring local government or cosponsoring local government and shall remit the taxes as provided in RCW 82.14.060.

(3)(a) No tax may be imposed under this section:

(i) Before July 1, 2008;

(ii) Before approval by the board under section 202 of this act;

and

(iii) Except as provided in (b) of this subsection, unless the sponsoring local government has received and dedicated to the payment of bonds authorized in section 501 of this act, in whole or in part, both local excise tax allocation revenues and local property tax allocation revenues during the preceding calendar year.

(b) The requirement to receive local property tax allocation revenues under (a) of this subsection is waived if the revenue development area coincides with or is contained entirely within the boundaries of an increment area adopted by a local government under the authority of chapter 39.89 RCW for the purposes of utilizing community revitalization financing.

(c) The tax imposed under this section shall expire when the bonds issued under the authority of section 501 of this act are retired, but not more than twenty-five years after the tax is first imposed.

(4) An ordinance adopted by the legislative authority of a sponsoring local government or cosponsoring local government imposing a tax under this section shall provide that:

(a) The tax shall first be imposed on the first day of a fiscal year;

(b) The cumulative amount of tax received by the sponsoring local government, and any cosponsoring local government, in any fiscal year shall not exceed the amount of the state contribution;

(c) The tax shall cease to be distributed for the remainder of any fiscal year in which either:

(i) The amount of tax received by the sponsoring local government, and any cosponsoring local government, equals the amount of the state contribution;

(ii) The amount of revenue from taxes imposed under this section by all sponsoring and cosponsoring local governments equals the annual state contribution limit; or

(iii) The amount of tax received by the sponsoring local government equals the amount of project award granted in the approval notice described in section 202 of this act;

(d) Except when the requirement to receive local property tax allocation revenues is waived as provided in subsection (3)(b) of this section, neither the local excise tax allocation revenues nor the local property tax allocation revenues can be more than eighty percent of the total local funds as described in section 102(29)(c) of this act;

(e) The tax shall be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(f) Any revenue generated by the tax in excess of the amounts specified in (c) of this subsection shall belong to the state of Washington.

(5) If a county and city cosponsor a revenue development area, the combined rates of the city and county tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The combined amount of distributions received by both the city and county may not exceed the state contribution.

(6) The department shall determine the amount of tax receipts distributed to each sponsoring local government, and any cosponsoring local government, imposing sales and use tax under this section and shall advise a sponsoring or cosponsoring local government when tax distributions for the fiscal year equal the amount of state contribution for that fiscal year as provided in subsection (8) of this section. Determinations by the department of the amount of tax distributions attributable to each sponsoring or cosponsoring local government are final and shall not be used to challenge the validity of any tax imposed under this section. The department shall remit any tax receipts in excess of the amounts specified in subsection (4)(c) of this section to the state treasurer who shall deposit the money in the general fund.

(7) If a sponsoring or cosponsoring local government fails to comply with section 403 of this act, no tax may be distributed in the subsequent fiscal year until such time as the sponsoring or cosponsoring local government complies and the department calculates the state contribution amount for such fiscal year.

(8) Each year, the amount of taxes approved by the department for distribution to a sponsoring or cosponsoring local government in the next fiscal year shall be equal to the state contribution and shall be no more than the total local funds as described in section 102(29)(c) of this act. The department shall consider information from reports described in section 403 of this act when determining the amount of state contributions for each fiscal year. A sponsoring or cosponsoring local government shall not receive, in any fiscal year, more revenues from taxes imposed under the authority of this section than the amount approved annually by the department. The department shall not approve the receipt of more distributions of sales and use tax under this section to a sponsoring or cosponsoring local government than is authorized under subsection (4) of this section.

(9) The amount of tax distributions received from taxes imposed under the authority of this section by all sponsoring and cosponsoring local governments is limited annually to not more than five million dollars. The tax distributions shall be available to the sponsoring local government, and any cosponsoring local government, imposing a tax under this section only as long as the sponsoring local government has outstanding indebtedness under section 501 of this act.

(10) The definitions in section 102 of this act apply to this section unless the context clearly requires otherwise.

(11) If a sponsoring local government is a federally recognized Indian tribe, the distribution of the sales and use tax authorized under this section shall be authorized through an interlocal agreement pursuant to chapter 39.34 RCW.

NEW SECTION. Sec. 402. USE OF FUNDS. Money collected from the taxes imposed under section 401 of this act shall be used only for the purpose of principal and interest payments on bonds issued under the authority of section 501 of this act.

NEW SECTION. Sec. 403. REPORTING REQUIREMENTS. (1) A sponsoring local government shall provide a report to the board and the department by March 1st of each year. The report shall contain the following information:

(a) The amount of local excise tax allocation revenues, and local property tax allocation revenues, taxes under section 401 of this act, and revenues from local public sources received by the sponsoring local government during the preceding calendar year that were dedicated to pay the public improvements financed in whole or in part with local infrastructure financing, and a summary of how these revenues were expended;

(b) The names of any businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(c) The total number of permanent jobs created in the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(d) The average wages and benefits received by all employees of businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing; and

(e) That the sponsoring local government is in compliance with section 205 of this act.

(2) The board shall make a report available to the public and the legislature by June 1st of each year. The report shall include a list of public improvements undertaken by sponsoring local governments and financed in whole or in part with local infrastructure financing and it shall also include a summary of the information provided to the department by sponsoring local governments under subsection (1) of this section.

PART V BOND AUTHORIZATION

NEW SECTION. Sec. 501. BOND ISSUANCE. (1) A sponsoring local government that has designated a revenue development area and been authorized the use of local infrastructure financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from tax allocation revenues it receives, subject to the following requirements:

(a) The ordinance adopted by the sponsoring local government and authorizing the use of local infrastructure financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The sponsoring local government includes this statement of the intent in all notices required by section 207 of this act.

(2)(a) Except as provided in (b) of this subsection, the general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(b) A sponsoring local government that issues bonds under this section shall not pledge any money received from the state of Washington for the payment of such bonds, other than the local sales

and use taxes imposed under the authority of section 401 of this act and collected by the department.

(3) In addition to the requirements in subsection (1) of this section, a sponsoring local government designating a revenue development area and authorizing the use of local infrastructure financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the revenue development area.

(4) Bonds issued under this section shall be authorized by ordinance of the governing body of the sponsoring local government and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered as provided in RCW 39.46.030, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption with or without premium, be secured in such manner, and have such other characteristics, as may be provided by such ordinance or trust indenture or mortgage issued pursuant thereto.

(5) The sponsoring local government may annually pay into a fund to be established for the benefit of bonds issued under this section a fixed proportion or a fixed amount of any local excise tax allocation revenues and local property tax allocation revenues derived from property or business activity within the revenue development area containing the public improvements funded by the bonds, such payment to continue until all bonds payable from the fund are paid in full. The local government may also annually pay into the fund established in this section a fixed proportion or a fixed amount of any revenues derived from taxes imposed under section 401 of this act, such payment to continue until all bonds payable from the fund are paid in full. Revenues derived from taxes imposed under section 401 of this act are subject to the use restriction in section 402 of this act.

(6) In case any of the public officials of the sponsoring local government whose signatures appear on any bonds or any coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued under this chapter are fully negotiable.

(7) Notwithstanding subsections (4) through (6) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

NEW SECTION. Sec. 502. USE OF TAX REVENUE FOR BOND REPAYMENT. A sponsoring local government that issues bonds under section 501 of this act to finance public improvements may pledge for the payment of such bonds all or part of any local excise tax allocation revenues and all or part of any local property tax allocation revenues dedicated by the sponsoring local government, any participating local government, or participating taxing district. The sponsoring local government may also pledge all or part of any revenues derived from taxes imposed under section 401 of this act and held in connection with the public improvements. All of such tax revenues are subject to the use restrictions in sections 202 through 205 of this act, and the process requirements in section 206(1) of this act.

NEW SECTION. Sec. 503. BONDS ISSUED NOT AN OBLIGATION OF THE STATE OF WASHINGTON. The bonds issued by a sponsoring local government under section 501 of this act to finance public improvements shall not constitute an obligation of the state of Washington, either general or special.

NEW SECTION. Sec. 504. GENERAL INDEBTEDNESS--SECURITY. (1) A sponsoring local government designating a revenue development area and authorizing the use of local infrastructure financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from local excise tax

allocation revenues and local property tax allocation revenues it receives, subject to the following requirements:

(a) The ordinance adopted by the sponsoring local government creating the revenue development area and authorizing the use of local infrastructure financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The sponsoring local government includes this statement of the intent in all notices required by sections 205 and 206 of this act.

(2) The general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the sponsoring local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the sponsoring local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(3) In addition to the requirements in subsection (1) of this section, a sponsoring local government designating a revenue development area and authorizing the use of local infrastructure financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the revenue development area.

NEW SECTION. Sec. 505. REVENUE BONDS. (1) A sponsoring local government may issue revenue bonds to fund revenue-generating public improvements, or portions of public improvements, that are located within a revenue development area. Whenever revenue bonds are to be issued, the legislative authority of the sponsoring local government shall create or have created a special fund or funds from which, along with any reserves created pursuant to RCW 39.44.140, the principal and interest on these revenue bonds shall exclusively be payable. The legislative authority of the sponsoring local government may obligate the sponsoring local government to set aside and pay into the special fund or funds a fixed proportion or a fixed amount of the revenues from the public improvements that are funded by the revenue bonds. This amount or proportion is a lien and charge against these revenues, subject only to operating and maintenance expenses. The sponsoring local government shall have due regard for the cost of operation and maintenance of the public improvements that are funded by the revenue bonds, and shall not set aside into the special fund or funds a greater amount or proportion of the revenues that in its judgment will be available over and above the cost of maintenance and operation and the amount or proportion, if any, of the revenue previously pledged. The sponsoring local government may also provide that revenue bonds payable out of the same source or sources of revenue may later be issued on a parity with any revenue bonds being issued and sold.

(2) Revenue bonds issued pursuant to this section are not an indebtedness of the sponsoring local government issuing the bonds, and the interest and principal on the bonds shall only be payable from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The owner or bearer of a revenue bond or any interest coupon issued pursuant to this section shall not have any claim against the sponsoring local government arising from the bond or coupon except for payment from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The substance of the limitations included in this subsection shall be plainly printed, written, or engraved on each bond issued pursuant to this section.

(3) Revenue bonds with a maturity in excess of twenty-five years shall not be issued. The legislative authority of the sponsoring local government shall by resolution determine for each revenue bond issue the amount, date, form, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, and covenants including the refunding of existing revenue bonds. Facsimile signatures may be used on the bonds and any coupons. Refunding revenue bonds may be issued in the same manner as revenue bonds are issued.

(4) Notwithstanding subsections (1) through (3) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

**PART VI
JOINT LEGISLATIVE AUDIT AND REVIEW
COMMITTEE REPORTS**

NEW SECTION. Sec. 601. JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE REPORTS. Beginning September 1, 2013, and continuing every five years thereafter, the joint legislative audit and review committee shall submit a report to the appropriate committees of the legislature.

(1) The report shall, at a minimum, evaluate the effectiveness of the local infrastructure financing tool program, including a project-by-project review. The report shall evaluate the project's interim results based on the selection criteria. The report shall also measure:

- (a) Employment changes in the revenue development area;
- (b) Property tax changes in the revenue development area;
- (c) Sales and use tax changes in the revenue development area;
- (d) Property value changes in the revenue development area; and
- (e) Changes in housing and existing commercial activities based on the impact analysis and mitigation plan required in section 206(2) of this act.

(2) The report that is due September 1, 2028, should also include any recommendations regarding whether or not the program should be expanded statewide and what impact the expansion would have on economic development in Washington.

**PART VII
MISCELLANEOUS**

NEW SECTION. Sec. 701. PERIODIC EVALUATION. The department of revenue and the community economic revitalization board shall evaluate and periodically report on the implementation of the local infrastructure financing program to the governor and legislature as the department and the board deems appropriate and recommend such amendments, changes in, and modifications of this act as seem proper.

NEW SECTION. Sec. 702. GOVERNANCE AND SELECTION CRITERIA STUDY. The office of financial management shall contract with the appropriate vendor to study and report on similar programs in other states. The report shall include an overview of the programs in other states, including project selection criteria and program governance. The report shall include recommendations regarding project selection and governance that address Washington's unique needs. The report shall also include recommendations for reporting information on future projects. The report is due to the governor and the legislature by December 1, 2006.

NEW SECTION. Sec. 703. CAPTIONS. Captions and part headings used in this act are not any part of the law.

NEW SECTION. Sec. 704. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 705. PORT DISTRICTS. Nothing in this act shall be construed to give port districts the authority to impose a sales or use tax under chapter 82.14 RCW.

NEW SECTION. Sec. 706. EFFECTIVE DATE. This act takes effect July 1, 2006.

NEW SECTION. Sec. 707. EXPIRATION DATE. This act expires June 30, 2039.

NEW SECTION. Sec. 708. NEW CHAPTER. Sections 101 through 302 and 402 through 601 of this act constitute a new chapter in Title 39 RCW."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new section to chapter 82.14 RCW; adding a new chapter to Title 39 RCW; creating new sections; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2673 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives McIntire, Orcutt and Linville spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2673, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2673, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 92, Nays - 6, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Bailey, Blake, Buck, Buri, Campbell, Chandler, Clements, Clibborn, Cody, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 92.

Voting nay: Representatives Armstrong, Chase, Condotta, Cox, Kristiansen, and Pearson - 6.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2673, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 2006

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.39A RCW to read as follows:

(1) To the extent funds are appropriated for this purpose, the department shall establish a capital add-on rate, not less than the July 1, 2005, capital add-on rate established by the department, for those assisted living facilities contracting with the department that have a medicaid occupancy percentage of sixty percent or greater.

(2) Effective for July 1, 2006, and for each July 1st rate-setting period thereafter, the department shall determine the facility's medicaid occupancy percentage using the last six months' medicaid resident days from the preceding calendar year divided by the product of all its licensed boarding home beds irrespective of use, times calendar days for the six-month period. For the purposes of this section, medicaid resident days include those clients who are enrolled in a medicaid managed long-term care program, including but not limited to the program for all inclusive care and the medicaid integration project.

(3) The medicaid occupancy percentage established beginning on July 1, 2006, and for each July 1st thereafter, shall be used to determine whether an assisted living facility qualifies for the capital add-on rate under this section. Those facilities that qualify for the capital add-on rate shall receive the capital add-on rate throughout the applicable fiscal year.

NEW SECTION. Sec. 2. This act takes effect July 1, 2006."

On page 1, line 2 of the title, after "greater;" strike the remainder of the title and insert "adding a new section to chapter 74.39A RCW; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Santos and Hinkle spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2925, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2925, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson,

Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925, as amended by the Senate, having received the constitutional majority, was declared passed.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6230, By Senate Committee on Ways & Means (originally sponsored by Senators Parlette, Doumit, Zarelli, Prentice, Rasmussen and Mulliken)

Extending the state sales and use tax credit for certain public facilities districts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Armstrong spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6230.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6230 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6230, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6581, By Senate Committee on Ways & Means (originally sponsored by Senators Poulsen and Delvin)

Regarding water resource management in the Columbia river basin. (REVISED FOR PASSED

LEGISLATURE: Regarding a study of the instream flows of the Hanford Reach.)

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Newhouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6581.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6581 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6581, having received the necessary constitutional majority, was declared passed.

SENATE CONCURRENT RESOLUTION NO. 8423, By Senator Fairley**Creating a homeowners' association act committee.**

The concurrent resolution was read the second time.

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

Representatives Lantz and Nixon spoke in favor of passage of the concurrent resolution.

The Speaker stated the question before the House to be the final passage of Senate Concurrent Resolution No. 8423.

SENATE CONCURRENT RESOLUTION NO. 8423 was adopted.

MESSAGES FROM THE SENATE

March 8, 2006

Mr. Speaker:

The Senate has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6386, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.
Brad Hendrickson, Deputy Secretary

March 8, 2006

Mr. Speaker:

The Senate has adopted the report of Conference Committee on SUBSTITUTE SENATE BILL NO. 6241, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 8, 2006

Mr. Speaker:

The Senate has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6839, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 8, 2006

Mr. Speaker:

The Senate has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6384, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 8, 2006

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6366,
SUBSTITUTE SENATE BILL NO. 6519,
SENATE BILL NO. 6680,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6566,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6787,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

SUBSTITUTE HOUSE BILL NO. 2416,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572,
HOUSE BILL NO. 2644,
HOUSE BILL NO. 2671,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2673,
SUBSTITUTE HOUSE BILL NO. 2695,
ENGROSSED HOUSE BILL NO. 2716,
SECOND SUBSTITUTE HOUSE BILL NO. 2799,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871,
SUBSTITUTE HOUSE BILL NO. 2880,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3098,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127,
ENGROSSED HOUSE BILL NO. 3261,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5385,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5535,
SUBSTITUTE SENATE BILL NO. 6223,
SUBSTITUTE SENATE BILL NO. 6225,
SENATE BILL NO. 6364,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6428,
SUBSTITUTE SENATE BILL NO. 6439,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6896,

RESOLUTION

HOUSE RESOLUTION NO. 2006-4722, by Representatives Armstrong, Ahern, Alexander, Anderson, Appleton, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Chopp, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Woods

WHEREAS, Representative Gigi Talcott has served the people of the 28th Legislative District as a distinguished and respected member of the Washington State House of Representatives since 1993; and

WHEREAS, Representative Gigi Talcott's district includes the communities of DuPont, Fircrest, Lakewood, Steilacoom, Tillicum, University Place, West Tacoma, and Anderson, Day, Ketron, and McNeil Islands; and

WHEREAS, Representative Gigi Talcott holds a bachelor's degree in biology and a master's degree in education; and

WHEREAS, Representative Gigi Talcott, as a career educator, taught both at the elementary school level and at Clover Park Technical College; and

WHEREAS, Representative Gigi Talcott has since established herself as a statewide leader on education issues and is recognized and respected for her dedication to achieving excellence in education for the children of our state; and

WHEREAS, Representative Gigi Talcott is known for her quiet, meticulous work on tough issues; and

WHEREAS, Representative Gigi Talcott's calm, thoughtful, and deliberate manner will be greatly missed by her House colleagues; and

WHEREAS, Representative Gigi Talcott, during her legislative career, served in leadership as Majority Whip from 1994 to 1998, and as chair of the House Education Committee; and

WHEREAS, Representative Gigi Talcott has received several awards, including Team McChord's Teaching Excellence Award in 1992, the President's Recognition Award in 1998-99 from the Association of Washington School Principals, the National Senior Citizen Hall of Fame Award in 1994, and Person of the Year in 1998 from the Metropolitan Development Council; and

WHEREAS, Representative Gigi Talcott works closely with Habitat for Humanity, United Way, Red Cross, and her church; and

WHEREAS, Representative Gigi Talcott and her husband, Ron, a Boeing pilot and retired military, have two sons and six grandchildren; and

WHEREAS, Representative Gigi Talcott plans to spend much more time with her family after retiring, in addition to lots of traveling;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State House of Representatives

and staff express our deep appreciation to Representative Gigi Talcott for her commitment and dedicated service to the people of the 28th Legislative District and to all the people of Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Representative Gigi Talcott.

Representative Armstrong moved adoption of the resolution.

Representatives Anderson, Quall, Sommers, Santos, Schindler, Dickerson, Armstrong, Flannigan, Shabro, Haigh, Green, Ericksen and Bailey spoke in favor of adoption of the resolution.

HOUSE RESOLUTION NO. 4722 was adopted.

POINT OF PERSONAL PRIVILEGE

Representative Talcott: "Thank you, Mr. Speaker. I knew this time was coming. We are part of such an exclusive club. Those photographs in the hallway – there are individual photos and there are some faces that have been up there for many years, in fact decades as our good Chair of Appropriations. You just never know the time is coming. I want to thank Representative Upthegrove because until about ten minutes ago, I was totally focused on House Bill 2582 and couldn't go to dinner, couldn't go to the Governor's Mansion because it was in a melt down over in the Senate. We found out that it was a Senate staffer that had called back to a House staffer to a written amendment that was drafted to the wrong bill. Hopefully now it will be on a cutoff resolution and we'll be taking action on that still before we Sine Die here. But my heart is totally filled with gratitude. Gratitude to the people -- I am afraid I might leave an island out if I named them alphabetically right now -- the people of the 28th District that bestowed this tremendous honor on me. I am also just filled with gratitude for the founding fathers of this land. This is an amazing experiment that happened decades ago. It is an experiment still, we are a very young country compared to the history of China. But it only works because of the sacrifices the people in this room are making. My heart is just filled with the gratitude that you are willing to continue on. The class of 1992 had twelve members in it. It was one of those tidewaves for the Democrats. Twelve of us came, seven of us chose to leave on their own. Three chose to move to the Senate and one – Dale Fuhrman – who sought the Governorship and was defeated. I'm number 12 on my side of the aisle for the class of 1992 and I'm choosing to leave now. I don't want to be one of those gray haired Pierce County legislators that people are talking about their backs and saying they're not as sharp as they were before. Now the good gentleman knows I was speaking of the feminine side of Pierce County. I am filled with the gratitude for the sacrifices – not just the ones our founding fathers made – but you are making and will continue to make and that your families are making. No one outside of this exclusive club recognizes the sacrifices that you are making; it is profound and it is deep, and it lasts beyond this institution. So I thank you for that and I wish God's blessing on each of you and your families."

SPEAKER'S PRIVILEGE

Speaker Chopp: "Representative Talcott, I want to add my words as well for all your years of service, right up to today

when you were helping Representative Upthegrove on his bill on high school completion. Thank you very much. I really appreciate it."

MESSAGE FROM THE SENATE

March 8, 2006

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8419, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTION & FIRST READING

ESCR 8419 by Senator Carrell

Exempting HB 3317 from the cutoff resolution.

There being no objection, ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8419 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

SECOND READING

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8419, By Senator Carrell

Exempting HB 3317 from the cutoff resolution.

The concurrent resolution was read the second time.

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

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

The Speaker stated the question before the House to be the final passage of Engrossed Senate Concurrent Resolution No. 8419.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8419 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2006-4723, by Representatives Armstrong, Ahern, Alexander, Anderson, Appleton, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Chopp, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia,

Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, B. Sullivan, P. Sullivan, Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood and Woods

WHEREAS, Representative Don Cox has served the people of the 9th Legislative District as a distinguished and respected member of the Washington State House of Representatives since 1999; and

WHEREAS, Representative Don Cox's district includes all or parts of Adams, Franklin, Asotin, south Spokane, and Whitman Counties; and

WHEREAS, Representative Don Cox became an educator more than thirty years ago beginning his career as a teacher where he taught at the elementary and high school levels, as well as becoming a high school counselor; and

WHEREAS, Representative Don Cox also worked several years on the administrative side of education serving as a vice-principal and principal in various school districts before he became Superintendent of Colfax School District; and

WHEREAS, Representative Don Cox has since established himself as a statewide leader on education issues and is recognized and respected for his dedication to achieving excellence in education for the children of our state; and

WHEREAS, Representative Don Cox's career in education has given him unique first hand knowledge, experience, and expertise of our state's education system which he was able to utilize as a member of the House Education Committee and as ranking Republican member of the Higher Education Committee, as well as his service on the prestigious Appropriations Committee; and

WHEREAS, Representative Don Cox, in addition to his legislative responsibilities, is an Adjunct Professor at Washington State University, teaching the WSU school superintendents certificate of mastery; and

WHEREAS, Representative Don Cox and his wife, Sherry, live in Colfax, where they own a family farm and are the proud parents of a grown son and daughter and grandparents to seven grandchildren, six who are living; and

WHEREAS, Representative Don Cox has a reputation for being a "class act," dignified, "voice of reason," statesman, "calm-in-the-midst-of-the-storm" gentleman legislator;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State House of Representatives and staff express our deep appreciation to Representative Don Cox for his commitment and dedicated service to the people of the 9th Legislative District and to all the people of Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Representative Don Cox.

Representative Armstrong moved adoption of the resolution.

Representatives Priest, Fromhold, Sump, Kenney, Clements, Lovick, Alexander, Ormsby, Armstrong, Hunt, Buri, Eickmeyer, Hunter, Jarrett, Quall and Strow spoke in favor of adoption of the resolution.

HOUSE RESOLUTION NO. 4723 was adopted.

POINT OF PERSONAL PRIVILEGE

Representative Cox: "Mr. Speaker, thank you for this opportunity and thank you so much for those kind words. That was really special. I would want to rebut, Representative Armstrong in particular, about my lack of intelligence in asking Mr. Clements to be on the Education Committee. I thought it was a stroke of genius. I asked two other people to be on the Education Committee that year, Representative Clements and Representative Buck. And after sitting through 2 hearings of college presidents and higher education coordinating board staff analyze some of the issues we were facing in that session, and it was a particularly difficult session, Representative Buck said "what do I have to do to get off this committee?" And I said "if you wrote me a campaign check for \$100,000 I might be able to arrange it." And he did it. Now, that was a stroke of genius!

But I really learned from some of the best here. I remember my first day – I couldn't even get into the parking lot. I was appointed a little after the session began and I came here on a rainy morning, stopped out at the booth in the Freshman flag circle and told them I was a new representative and I needed to know where to park. The man at the booth opened the window and looks out at me and he said "who in the hell are you?" And so I explained it again and he said "look – they've been here 3 weeks – do you have another story for me?" So, my first day I parked out at the Diagonal and went out and fed the meters. That didn't end it all. In the afternoon, I ran into Kathy Haigh and she asked me some questions and I told her I thought I was going to be on the Education Committee. And she said "we're just having a meeting; you come with me." And so I did. I went with Kathy and sat there next to her and she told me what to expect. As soon as the hearing started, 2 of the biggest dogs in this whole place got into the damdest fight in front of the Education Committee over policy and I looked at Kathy and I said "boy, this Democrat-Republican stuff gets pretty intense." And Kathy smiled and says "they're both Republicans."

Seriously, I've learned so much from every one of you. None of us know why God would chose any one of us to represent the people in our districts. We never now why that comes about and what's involved in that but I can tell you that from a person from the outside – from me watching so many of you – I can see the qualities that make any legislature and particularly this body really something special. To be a part of that for any period of time is truly humbling and it truly helps you put in perspective that issue is not about me. It's not about me; it's about the service and the relationship with people and the relationship with God that causes you to want to serve. And I see that demonstrated over and over in energy and passion and so many other things.

When people used to ask me why I ran the first time, I had a great answer for them – it wouldn't be any good now but then I thought it was a great answer – and it was "I ran so Representative Dunshee could ride his bike through the Palouse all summer long knocking on one door after another, 10 miles apart while he tried to hit every house. He is in such good physical shape I should get the credit for it."

It's just been not only an honor to work with you, it's been fun. I am going to pray for you. I am going to pray that God's blessing is on everyone of you. I'll be as close as the phone. I wish you all the very best and the greatest success in the years to come. Thank you for this honor."

SPEAKER'S PRIVILEGE

Speaker Chopp: "Representative Cox, I owe you an apology because I think I'm the one who suggested that

Representative Dunshee doorbell in your district. That was a hopeless cause if ever there was one, and then when I finally meet you, I couldn't believe we even had anybody run against you. Thank you for all your years of gracious service. This body will truly miss you."

MESSAGES FROM THE SENATE

March 8, 2006

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010,
 SUBSTITUTE HOUSE BILL NO. 1523,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1672,
 HOUSE BILL NO. 2409,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2507,
 SUBSTITUTE HOUSE BILL NO. 2569,
 SUBSTITUTE HOUSE BILL NO. 2576,
 SECOND SUBSTITUTE HOUSE BILL NO. 2583,
 HOUSE BILL NO. 2612,
 SUBSTITUTE HOUSE BILL NO. 2640,
 HOUSE BILL NO. 2644,
 HOUSE BILL NO. 2671,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2673,
 SECOND SUBSTITUTE HOUSE BILL NO. 2799,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2871,
 SUBSTITUTE HOUSE BILL NO. 2880,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2884,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925,
 SECOND SUBSTITUTE HOUSE BILL NO. 3070,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3079,
 SECOND SUBSTITUTE HOUSE BILL NO. 3115,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3127,
 ENGROSSED HOUSE BILL NO. 3159,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3316,
 HOUSE BILL NO. 3317,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SPEAKER'S GIFT PRESENTATION

Representatives Murray and Armstrong the Speaker with a portrait of his daughter, Ellie on behalf of all members and in recognition of his leadership during the past biennium.

SPEAKER'S PRIVILEGE

Mr. Speaker: "Thank you so much. I was all prepared not to tear up because I just wanted to get through this. I am, like all of you, very tired right now. I really appreciate this. This means a lot to me. It's a lot better than the last one you gave me which was helping a lamb roast go on so this is going to be even more memorable for me. I will have it up in my office.

You don't see me up here much because there is someone who does this a lot and for the first time I heard John Lovick complain tonight when he said he had a sore back from being up here in his speech honoring Representative Cox. Will you please join me in a standing ovation for John Lovick. I would also like to thank Jeff Morris for stepping in as well.

A lot of people are going to say a lot about this Session but in many ways it was historic with the landmark agreements in many things and also because this is the first session back-to-back that we got our work done early in State history. That is only because everyone worked together, got organized and got the job done. In particular because we are so well served by the people we work with, our co-workers. I would like to have the folks from the Workroom and Chief Clerk's offices come out and get some recognition. I tell you – they are running around doing all this work while we are out here pontificating. Did I just impugn myself? Would you please acknowledge them?

Guess what? We have two more bills to do tonight so here you go John."

The Speaker called upon Representative Lovick to preside.

MESSAGE FROM THE SENATE

March 8, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2688, with the following amendment:

On page 2, after line 10, strike section 2.

On page 3, after line 31, insert the following:

"(5) The joint task force will evaluate the June 30, 2000 suspension of employer and member contributions in the law enforcement officers' and fire fighters' retirement system plan I. The joint task force shall make its recommendations regarding employer and member contributions utilizing the most recent valuation study for the plan."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, on line 2 of the title, after "41.26.100", strike " and 41.26.080".

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2688 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Fromhold spoke in favor the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 2688, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2688, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 75, Nays - 23, Excused - 0.

Voting yea: Representatives Ahern, Appleton, Armstrong, Blake, Buck, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Green, Haigh, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Serben, Shabro, Simpson,

Sommers, Springer, Sullivan, B., Sullivan, P., Sump, Takko, Tom, Upthegrove, Wallace, Williams, Wood, Woods and Mr. Speaker - 75.

Voting nay: Representatives Alexander, Anderson, Bailey, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Grant, Haler, Kretz, Kristiansen, Newhouse, Pearson, Schindler, Skinner, Strow, Talcott and Walsh - 23.

SUBSTITUTE HOUSE BILL NO. 2688, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 2688, as amended by the Senate.

JIM BUCK, 24th District

SIGNED BY THE SPEAKER

The Speaker signed SUBSTITUTE HOUSE BILL NO. 2688.

MESSAGE FROM THE SENATE

March 8, 2006

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2778, with the following amendment:

On page 1, line 11, after "quasi-municipal corporation," insert "federally recognized Indian tribe,"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2778 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Murray and Kristiansen spoke in favor the passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 2778, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2778, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi,

Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 98.

SUBSTITUTE HOUSE BILL NO. 2778, as amended by the Senate, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker signed SUBSTITUTE HOUSE BILL NO. 2778.

RESOLUTION

HOUSE RESOLUTION NO. 2006-4724, By Representatives Kessler and Armstrong

WHEREAS, It is necessary to provide for the continuation of the work of the House of Representatives after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee is hereby created by this resolution and shall consist of three members of the majority caucus and two members of the minority caucus, to be named by the Speaker of the House of Representatives and Minority Leader, respectively; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee may assign subject matters, bills, memorials, and resolutions to authorized committees of the House of Representatives for study during the interim, and the Speaker of the House of Representatives may create special and select committees as may be necessary to carry out the functions, including interim legislative studies, institutional strategic planning activities, matters brought forth under the terms of House rules and policies and use of facilities, of the House of Representatives in an orderly manner and shall appoint members to such committees with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of House of Representatives appropriations; and

BE IT FURTHER RESOLVED, That, during the interim, the schedules of and locations for all meetings of any committee or subcommittee shall be approved by the Executive Rules Committee, and those committees or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That, during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the

2006 Regular Session of the Fifty-Ninth Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may approve vouchers of the members of the House of Representatives, covering expenses incurred during the interim for official business of the Legislature in accordance with policies set by the Executive Rules Committee, at the per diem rate provided by law and established by the Executive Rules Committee, for each day or major portion of a day, plus mileage at the rate provided by law and established by the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall, during the interim, and as authorized by the Speaker of the House of Representatives, retain or hire any necessary employees and order necessary supplies, equipment, and printing to enable the House of Representatives to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefilled bills, memorials, and resolutions as directed by the Rules of the House of Representatives and by Joint Rules of the Legislature; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall execute the necessary vouchers upon which warrants are drawn for all legislative expenses and expenditures of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Speaker of the House of Representatives and the Chief Clerk of the House of Representatives may authorize the attendance of members and employees at conferences and meetings in accordance with the policies adopted by the Executive Rules Committee and may authorize the expenditure of registration or other fees and reimbursement for subsistence and travel for such purpose; and

BE IT FURTHER RESOLVED, That members and employees of the Legislature be reimbursed for expenses incurred in attending conferences and meetings at the rate provided by law and established by the Executive Rules Committee, plus mileage to and from the conferences and meetings at the rate provided by law and established by the Executive Rules Committee, which reimbursement shall be paid on vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That, during the interim, the use of the House of Representatives Chamber, any of its committee rooms, or any of the furniture or furnishings in them is permitted upon such terms and conditions as the Chief Clerk of the House of Representatives shall deem appropriate; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may express the sympathy of the House of Representatives by sending flowers and correspondence when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the interim between sessions of the Fifty-Ninth Legislature, as well as any committee assembly.

HOUSE RESOLUTION NO. 4724 was adopted.

MESSAGE FROM THE SENATE

March 8, 2006

Mr. Speaker:
The Senate has passed:

SENATE CONCURRENT RESOLUTION NO. 8425,
SENATE CONCURRENT RESOLUTION NO. 8426,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

INTRODUCTION & FIRST READING

SCR 8425 By Senators Brown and Hewitt

Returning bills to their house of origin.

SCR 8426 By Senators Eide and Esser

Adjourning SINE DIE.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8425 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8426 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

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

SECOND READING

**SENATE CONCURRENT RESOLUTION NO. 8425,
By Senators Brown and Hewitt**

Returning bills to their house of origin.

The concurrent resolution was read the second time.

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

SENATE CONCURRENT RESOLUTION NO. 8425 was adopted.

**SENATE CONCURRENT RESOLUTION NO. 8426,
By Senators Eide and Esser**

Adjourning SINE DIE.

The concurrent resolution was read the second time.

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

SENATE CONCURRENT RESOLUTION NO. 8426 was adopted.

MESSAGES FROM THE SENATE

March 8, 2006

Mr. Speaker:

The President has signed:
SUBSTITUTE HOUSE BILL NO. 2416,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2572,
SUBSTITUTE HOUSE BILL NO. 2695,
ENGROSSED HOUSE BILL NO. 2716,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3098,
ENGROSSED HOUSE BILL NO. 3261,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 8, 2006

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 6800, and passed the bills as amended by the House, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 8, 2006

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6230,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6475,
SUBSTITUTE SENATE BILL NO. 6512,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6581,
SUBSTITUTE SENATE BILL NO. 6874,
SENATE CONCURRENT RESOLUTION NO. 8425,
SENATE CONCURRENT RESOLUTION NO. 8426,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 8, 2006

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6241,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6384,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6386,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6839,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 8, 2006

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2688,
SUBSTITUTE HOUSE BILL NO. 2778,
as the same are herewith transmitted.

Thomas Hoemann, Secretary

March 8, 2006

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5179,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5305,
ENGROSSED SENATE BILL NO. 5330,
SUBSTITUTE SENATE BILL NO. 5654,
SUBSTITUTE SENATE BILL NO. 6144,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6151,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6175,
SECOND SUBSTITUTE SENATE BILL NO. 6193,
ENGROSSED SENATE BILL NO. 6194,
SUBSTITUTE SENATE BILL NO. 6196,
SECOND SUBSTITUTE SENATE BILL NO. 6197,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6239,
SUBSTITUTE SENATE BILL NO. 6257,
SUBSTITUTE SENATE BILL NO. 6287,
SUBSTITUTE SENATE BILL NO. 6323,
SUBSTITUTE SENATE BILL NO. 6325,
SECOND SUBSTITUTE SENATE BILL NO. 6326,
SUBSTITUTE SENATE BILL NO. 6330,

SUBSTITUTE SENATE BILL NO. 6362,
 SUBSTITUTE SENATE BILL NO. 6365,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6366,
 SENATE BILL NO. 6368,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6391,
 SENATE BILL NO. 6415,
 SUBSTITUTE SENATE BILL NO. 6519,
 SUBSTITUTE SENATE BILL NO. 6528,
 SUBSTITUTE SENATE BILL NO. 6533,
 SUBSTITUTE SENATE BILL NO. 6540,
 SENATE BILL NO. 6541,
 SUBSTITUTE SENATE BILL NO. 6552,
 SECOND SUBSTITUTE SENATE BILL NO. 6558,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6566,
 SUBSTITUTE SENATE BILL NO. 6597,
 SUBSTITUTE SENATE BILL NO. 6618,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6630,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6635,
 SUBSTITUTE SENATE BILL NO. 6671,
 SUBSTITUTE SENATE BILL NO. 6676,
 SENATE BILL NO. 6680,
 SUBSTITUTE SENATE BILL NO. 6686,
 SENATE BILL NO. 6731,
 ENGROSSED SENATE BILL NO. 6741,
 SUBSTITUTE SENATE BILL NO. 6775,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6787,
 SECOND SUBSTITUTE SENATE BILL NO. 6793,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6800,
 SUBSTITUTE SENATE BILL NO. 6806,
 SENATE BILL NO. 6826,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6839,
 SUBSTITUTE SENATE BILL NO. 6851,
 ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8419,
 SENATE CONCURRENT RESOLUTION NO. 8423,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

ENGROSSED SENATE BILL NO. 5179,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5305,
 ENGROSSED SENATE BILL NO. 5330,
 SUBSTITUTE SENATE BILL NO. 5654,
 SUBSTITUTE SENATE BILL NO. 6144,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6151,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6175,
 SECOND SUBSTITUTE SENATE BILL NO. 6193,
 ENGROSSED SENATE BILL NO. 6194,
 SUBSTITUTE SENATE BILL NO. 6196,
 SECOND SUBSTITUTE SENATE BILL NO. 6197,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6230,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6239,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6241,
 SUBSTITUTE SENATE BILL NO. 6257,
 SUBSTITUTE SENATE BILL NO. 6287,
 SUBSTITUTE SENATE BILL NO. 6323,
 SUBSTITUTE SENATE BILL NO. 6325,
 SECOND SUBSTITUTE SENATE BILL NO. 6326,
 SUBSTITUTE SENATE BILL NO. 6330,
 SUBSTITUTE SENATE BILL NO. 6362,
 SUBSTITUTE SENATE BILL NO. 6365,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6366,
 SENATE BILL NO. 6368,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6384,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6386,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6391,
 SENATE BILL NO. 6415,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6475,
 SUBSTITUTE SENATE BILL NO. 6512,
 SUBSTITUTE SENATE BILL NO. 6519,
 SUBSTITUTE SENATE BILL NO. 6528,
 SUBSTITUTE SENATE BILL NO. 6533,
 SUBSTITUTE SENATE BILL NO. 6540,
 SENATE BILL NO. 6541,
 SUBSTITUTE SENATE BILL NO. 6552,
 SECOND SUBSTITUTE SENATE BILL NO. 6558,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6566,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6581,
 SUBSTITUTE SENATE BILL NO. 6597,
 SUBSTITUTE SENATE BILL NO. 6618,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6630,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6635,
 SUBSTITUTE SENATE BILL NO. 6671,
 SUBSTITUTE SENATE BILL NO. 6676,
 SENATE BILL NO. 6680,
 SUBSTITUTE SENATE BILL NO. 6686,
 SENATE BILL NO. 6731,
 ENGROSSED SENATE BILL NO. 6741,
 SUBSTITUTE SENATE BILL NO. 6775,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6787,
 SECOND SUBSTITUTE SENATE BILL NO. 6793,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6800,
 SUBSTITUTE SENATE BILL NO. 6806,
 SENATE BILL NO. 6826,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6839,
 SUBSTITUTE SENATE BILL NO. 6851,
 SUBSTITUTE SENATE BILL NO. 6874,
 ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8419,
 SENATE CONCURRENT RESOLUTION NO. 8423,
 SENATE CONCURRENT RESOLUTION NO. 8425,
 SENATE CONCURRENT RESOLUTION NO. 8426,

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8425, the following bills were returned to the Senate:

SENATE BILL NO. 5106,
 SUBSTITUTE SENATE BILL NO. 5126,
 SUBSTITUTE SENATE BILL NO. 5141,
 ENGROSSED SENATE BILL NO. 5160,
 SUBSTITUTE SENATE BILL NO. 5318,
 ENGROSSED SENATE BILL NO. 5319,
 SENATE BILL NO. 5325,
 SENATE BILL NO. 5329,
 SECOND SUBSTITUTE SENATE BILL NO. 5333,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5360,
 ENGROSSED SENATE BILL NO. 5462,
 ENGROSSED SENATE BILL NO. 5527,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5551,
 ENGROSSED SENATE BILL NO. 5609,
 SUBSTITUTE SENATE BILL NO. 5611,
 SENATE BILL NO. 5636,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5849,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5913,
 SECOND ENGROSSED SENATE BILL NO. 6010,
 SUBSTITUTE SENATE BILL NO. 6025,
 SUBSTITUTE SENATE BILL NO. 6133,
 SENATE BILL NO. 6162,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6166,
 SUBSTITUTE SENATE BILL NO. 6171,
 SENATE BILL NO. 6187,
 SUBSTITUTE SENATE BILL NO. 6192,
 SECOND SUBSTITUTE SENATE BILL NO. 6195,
 SUBSTITUTE SENATE BILL NO. 6201,
 SUBSTITUTE SENATE BILL NO. 6221,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6232,
 SUBSTITUTE SENATE BILL NO. 6262,
 SUBSTITUTE SENATE BILL NO. 6292,
 SUBSTITUTE SENATE BILL NO. 6305,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6315,
 SUBSTITUTE SENATE BILL NO. 6322,
 SENATE BILL NO. 6334,
 SUBSTITUTE SENATE BILL NO. 6336,
 ENGROSSED SENATE BILL NO. 6342,
 SENATE BILL NO. 6344,
 SUBSTITUTE SENATE BILL NO. 6367,
 SENATE BILL NO. 6379,
 SUBSTITUTE SENATE BILL NO. 6385,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6409,
 ENGROSSED SENATE BILL NO. 6433,
 SENATE BILL NO. 6454,
 SUBSTITUTE SENATE BILL NO. 6464,
 SUBSTITUTE SENATE BILL NO. 6465,
 SUBSTITUTE SENATE BILL NO. 6478,
 SENATE BILL NO. 6479,
 SENATE BILL NO. 6493,
 SECOND SUBSTITUTE SENATE BILL NO. 6497,
 SUBSTITUTE SENATE BILL NO. 6500,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6501,
 SUBSTITUTE SENATE BILL NO. 6502,
 ENGROSSED SENATE BILL NO. 6522,
 SENATE BILL NO. 6536,

SECOND SUBSTITUTE SENATE BILL NO. 6542,
 SECOND SUBSTITUTE SENATE BILL NO. 6557,
 SUBSTITUTE SENATE BILL NO. 6594,
 SECOND SUBSTITUTE SENATE BILL NO. 6604,
 SUBSTITUTE SENATE BILL NO. 6625,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6646,
 SENATE BILL NO. 6656,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6660,
 SUBSTITUTE SENATE BILL NO. 6697,
 SUBSTITUTE SENATE BILL NO. 6699,
 SENATE BILL NO. 6704,
 SUBSTITUTE SENATE BILL NO. 6728,
 SUBSTITUTE SENATE BILL NO. 6785,
 SUBSTITUTE SENATE BILL NO. 6794,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6821,
 SUBSTITUTE SENATE BILL NO. 6830,
 SUBSTITUTE SENATE BILL NO. 6853,
 SUBSTITUTE SENATE BILL NO. 6898,
 SENATE JOINT MEMORIAL NO. 8039,
 SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8417,
 SENATE CONCURRENT RESOLUTION NO. 8418,

MESSAGE FROM THE SENATE

March 8, 2006

Mr. Speaker:

Under the provisions of the SENATE CONCURRENT RESOLUTION NO. 8425, the following House Bills were returned to the House of Representatives:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1071,
 SUBSTITUTE HOUSE BILL NO. 1120,
 HOUSE BILL NO. 1131,
 HOUSE BILL NO. 1145,
 HOUSE BILL NO. 1184,
 ENGROSSED HOUSE BILL NO. 1276,
 SUBSTITUTE HOUSE BILL NO. 1279,
 HOUSE BILL NO. 1331,
 SUBSTITUTE HOUSE BILL NO. 1341,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1343,
 SUBSTITUTE HOUSE BILL NO. 1348,
 SECOND SUBSTITUTE HOUSE BILL NO. 1359,
 HOUSE BILL NO. 1361,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1395,
 ENGROSSED HOUSE BILL NO. 1429,
 SECOND SUBSTITUTE HOUSE BILL NO. 1430,
 ENGROSSED HOUSE BILL NO. 1466,
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1484,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1488,
 SUBSTITUTE HOUSE BILL NO. 1614,
 HOUSE BILL NO. 1717,
 HOUSE BILL NO. 1742,
 HOUSE BILL NO. 1763,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1765,
 HOUSE BILL NO. 1813,
 THIRD SUBSTITUTE HOUSE BILL NO. 1815,
 SUBSTITUTE HOUSE BILL NO. 1827,
 SECOND SUBSTITUTE HOUSE BILL NO. 1834,
 ENGROSSED HOUSE BILL NO. 1849,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1865,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,
 SUBSTITUTE HOUSE BILL NO. 1944,
 HOUSE BILL NO. 1964,
 SUBSTITUTE HOUSE BILL NO. 1986,
 SUBSTITUTE HOUSE BILL NO. 2219,
 SUBSTITUTE HOUSE BILL NO. 2325,
 HOUSE BILL NO. 2331,
 HOUSE BILL NO. 2332,
 SUBSTITUTE HOUSE BILL NO. 2335,
 SUBSTITUTE HOUSE BILL NO. 2337,
 SUBSTITUTE HOUSE BILL NO. 2339,
 SUBSTITUTE HOUSE BILL NO. 2341,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2349,
 HOUSE BILL NO. 2358,
 HOUSE BILL NO. 2375,
 SUBSTITUTE HOUSE BILL NO. 2389,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2393,
 SUBSTITUTE HOUSE BILL NO. 2395,
 HOUSE BILL NO. 2398,
 SUBSTITUTE HOUSE BILL NO. 2401,

SUBSTITUTE HOUSE BILL NO. 2404,
 SUBSTITUTE HOUSE BILL NO. 2405,
 HOUSE BILL NO. 2408,
 SUBSTITUTE HOUSE BILL NO. 2420,
 SECOND SUBSTITUTE HOUSE BILL NO. 2422,
 SUBSTITUTE HOUSE BILL NO. 2423,
 SUBSTITUTE HOUSE BILL NO. 2432,
 SUBSTITUTE HOUSE BILL NO. 2437,
 SUBSTITUTE HOUSE BILL NO. 2439,
 SUBSTITUTE HOUSE BILL NO. 2447,
 SUBSTITUTE HOUSE BILL NO. 2452,
 HOUSE BILL NO. 2453,
 SECOND SUBSTITUTE HOUSE BILL NO. 2462,
 SUBSTITUTE HOUSE BILL NO. 2463,
 ENGROSSED HOUSE BILL NO. 2478,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2489,
 SUBSTITUTE HOUSE BILL NO. 2493,
 SUBSTITUTE HOUSE BILL NO. 2495,
 SUBSTITUTE HOUSE BILL NO. 2527,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2534,
 SUBSTITUTE HOUSE BILL NO. 2539,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2540,
 SUBSTITUTE HOUSE BILL NO. 2545,
 SUBSTITUTE HOUSE BILL NO. 2546,
 HOUSE BILL NO. 2551,
 SUBSTITUTE HOUSE BILL NO. 2563,
 HOUSE BILL NO. 2564,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565,
 SUBSTITUTE HOUSE BILL NO. 2571,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2574,
 HOUSE BILL NO. 2580,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2582,
 HOUSE BILL NO. 2587,
 SUBSTITUTE HOUSE BILL NO. 2590,
 SUBSTITUTE HOUSE BILL NO. 2591,
 SECOND SUBSTITUTE HOUSE BILL NO. 2593,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2594,
 SECOND SUBSTITUTE HOUSE BILL NO. 2595,
 HOUSE BILL NO. 2597,
 SUBSTITUTE HOUSE BILL NO. 2601,
 HOUSE BILL NO. 2615,
 HOUSE BILL NO. 2622,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2630,
 HOUSE BILL NO. 2632,
 HOUSE BILL NO. 2643,
 SECOND SUBSTITUTE HOUSE BILL NO. 2645,
 SUBSTITUTE HOUSE BILL NO. 2646,
 HOUSE BILL NO. 2655,
 SUBSTITUTE HOUSE BILL NO. 2656,
 SUBSTITUTE HOUSE BILL NO. 2658,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2668,
 SUBSTITUTE HOUSE BILL NO. 2669,
 HOUSE BILL NO. 2682,
 HOUSE BILL NO. 2687,
 SUBSTITUTE HOUSE BILL NO. 2689,
 HOUSE BILL NO. 2693,
 SUBSTITUTE HOUSE BILL NO. 2694,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2706,
 HOUSE BILL NO. 2710,
 HOUSE BILL NO. 2717,
 HOUSE BILL NO. 2718,
 HOUSE BILL NO. 2720,
 SUBSTITUTE HOUSE BILL NO. 2733,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2738,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2740,
 SUBSTITUTE HOUSE BILL NO. 2749,
 HOUSE BILL NO. 2765,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2785,
 ENGROSSED HOUSE BILL NO. 2801,
 SUBSTITUTE HOUSE BILL NO. 2815,
 HOUSE BILL NO. 2825,
 SUBSTITUTE HOUSE BILL NO. 2833,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2842,
 SUBSTITUTE HOUSE BILL NO. 2843,
 SUBSTITUTE HOUSE BILL NO. 2846,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2850,
 SUBSTITUTE HOUSE BILL NO. 2863,
 SUBSTITUTE HOUSE BILL NO. 2881,
 ENGROSSED HOUSE BILL NO. 2889,
 SUBSTITUTE HOUSE BILL NO. 2893,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2895,
 HOUSE BILL NO. 2900,

SECOND SUBSTITUTE HOUSE BILL NO. 2912,
 SECOND SUBSTITUTE HOUSE BILL NO. 2914,
 SUBSTITUTE HOUSE BILL NO. 2934,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2942,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2943,
 SUBSTITUTE HOUSE BILL NO. 2946,
 HOUSE BILL NO. 2957,
 HOUSE BILL NO. 2960,
 SUBSTITUTE HOUSE BILL NO. 2979,
 HOUSE BILL NO. 2981,
 HOUSE BILL NO. 2983,
 SUBSTITUTE HOUSE BILL NO. 2989,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2998,
 SUBSTITUTE HOUSE BILL NO. 3003,
 HOUSE BILL NO. 3016,
 HOUSE BILL NO. 3028,
 HOUSE BILL NO. 3057,
 SUBSTITUTE HOUSE BILL NO. 3059,
 HOUSE BILL NO. 3073,
 HOUSE BILL NO. 3078,
 SUBSTITUTE HOUSE BILL NO. 3082,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3089,
 SUBSTITUTE HOUSE BILL NO. 3093,
 HOUSE BILL NO. 3099,
 SUBSTITUTE HOUSE BILL NO. 3102,
 HOUSE BILL NO. 3106,
 SUBSTITUTE HOUSE BILL NO. 3109,
 HOUSE BILL NO. 3111,
 HOUSE BILL NO. 3114,
 HOUSE BILL NO. 3157,
 HOUSE BILL NO. 3172,
 SUBSTITUTE HOUSE BILL NO. 3180,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3186,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3207,
 HOUSE BILL NO. 3215,
 HOUSE BILL NO. 3237,
 SUBSTITUTE HOUSE BILL NO. 3238,
 HOUSE BILL NO. 3258,
 HOUSE BILL NO. 3275,
 HOUSE BILL NO. 3285,
 SECOND SUBSTITUTE HOUSE BILL NO. 3287,
 SUBSTITUTE HOUSE BILL NO. 3293,
 ENGROSSED HOUSE BILL NO. 3310,
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4003,
 HOUSE JOINT MEMORIAL NO. 4026,
 HOUSE JOINT RESOLUTION NO. 4202,
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4205,

MOTIONS

On motion of Representative Kessler, the reading of the Journal of the 59th Day of the 2006 Regular Session of the 59th Legislature was dispensed with and ordered to stand approved.

On motion of Representative Kessler, the 2006 Regular Session of the 59th Legislature was adjourned SINE DIE.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

HOUSE LEGISLATIVE LEADERS

Fifty-Ninth Legislature
2006 Regular Session

DEMOCRATIC LEADERSHIP

Frank Chopp	Speaker
John Lovick	Speaker Pro Tempore
Lynn Kessler	Majority Leader
Bill Grant	Majority Caucus Chair
Sharon Tomiko Santos	Majority Whip
Sam Hunt	Majority Floor Leader
Jeannie Darneille	Majority Caucus Vice Chair
Zack Hudgins	Assistant Majority Floor Leader
Sherry Appleton	Assistant Majority Whip
Tami Green	Assistant Majority Whip
Larry Springer	Assistant Majority Whip

REPUBLICAN LEADERSHIP

Richard Debolt	Minority Leader
Mike Armstrong	Deputy Minority Leader
Jan Shabro	Minority Caucus Chair
Jim Clements	Minority Whip
Doug Ericksen	Minority Floor Leader
Mary Skinner	Minority Caucus Vice Chair
Daniel Newhouse	Assistant Minority Floor Leader
Jay Rodne	Assistant Minority Floor Leader
David Buri	Assistant Minority Whip
Richard Curtis	Assistant Minority Whip
John Serben	Assistant Minority Whip

ROSTER OF MEMBERS

MEMBER	D	P	COUNTIES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION	PREVIOUS YRS. SERVED
Ahern, John	6	R	Spokane (P)	3615 S Lincoln Dr Spokane, WA 99203	1934 - Montana	Janco Products	2001-2005
Alexander, Gary	20	R	Lewis, Thurston (P)	7915 Lorna Dr SE Olympia, WA 98503	1944 - Washington	Deputy Auditor, Finance	1996-2005
Anderson, Glenn	5	R	King (P)	PO Box 1682 Issaquah, WA 98027	1958 - Alabama	Business Consultant	2001-2005
Appleton, Sherry	23	D	Kitsap (P)	PO Box 2112 Poulsbo, WA 98370	1942 - Rhode Island	Legislator	2005
Armstrong, Mike	12	R	Chelan, Douglas, Grant (P), Okanogan (P)	PO Box 40600 Olympia, WA 98504	1957 - Washington	Chelan PUD	2001-2005
Bailey, Barbara	10	R	Island, Skagit (P), Snohomish (P)	PO Box 40600 Olympia, WA 98504	1944 - Missouri	Mgmt / Training Consultant	2003-2005
Blake, Brian	19	D	Cowlitz (P), Grays Harbor (P), Pacific, Wahkiakum	PO Box 40600 Olympia, WA 98504	1960 - Washington	Environmental Specialist	Appt. 12/17/02, 2004-2005
Buck, Jim	24	R	Clallam, Grays Harbor (P), Jefferson	PO Box 40600 Olympia, WA 98504	1948 - New Jersey	Engineer	1995-2005
Buri, David	9	R	Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	P.O. Box 40600 Olympia, WA 98504	1962 - Washington	Banker	2005
Campbell, Tom	2	R	Pierce (P), Thurston (P)	PO Box 40600 Olympia, WA 98504	1954 - New York	Chiropractic Physician	1993-1996, 1999-2005
Chandler, Bruce	15	R	Clark (P), Klickitat, Skamania, Yakima (P)	PO Box 40600 Olympia, WA 98504	1952 - Washington	Orchardist	1999-2005
Chase, Maralyn	32	D	King (P), Snohomish (P)	PO Box 40600 Olympia, WA 98504	1942 - Washington	Legislator	Appt. 1/7/2002; 2003-2005
Chopp, Frank	43	D	King (P)	4209 Sunnyside Ave N Seattle, WA 98103	1953 - Washington	Executive Director	1995-2005
Clements, Jim	14	R	Yakima (P)	PO Box 548 Selah, WA 98942	1944 - Washington	Orchardist	1995-2005
Clibborn, Judy	41	D	King (P)	PO Box 40600 Olympia, WA 98504	1943 - Oklahoma	Chamber of Commerce Exec. Dir.	2003-2005
Cody, Eileen	34	D	King (P)	5209 36th Ave SW Seattle, WA 98126	1954 - Iowa	Registered Nurse	Appt. 6/2/94; 1995-2005
Condotta, Cary	12	R	Chelan, Douglas, Grant (P), Okanogan (P)	3012 G.S. Center Rd Ste D Wenatchee, WA 98801	1957 - Washington	Self-Empl. Motor Sports Dealer	2003-2005

MEMBER	D	P	COUNTIES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION	PREVIOUS YRS. SERVED
Conway, Steve	29	D	Pierce (P)	PO Box 40600 Olympia, WA 98504	1944 - Oregon	Labor Relations Specialist	Appt. 1/26/93; 1994-2005
Cox, Don	9	R	Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	710 S Crestview Colfax, WA 99111	1939 - Texas	Educational Administration	Appt. 1/28/99; 2000-2005
Crouse, Larry	4	R	Spokane (P)	PO Box 40600 Olympia, WA 98504	1944 - Washington	Legislator	1995-2005
Curtis, Richard	18	R	Clark (P), Cowlitz (P)	P.O. Box 1805 La Center, WA 98629	1959 - New Mexico	Fire Captain/Paramedic	2005
Darneille, Jeannie	27	D	Pierce (P)	PO Box 7753 Tacoma, WA 98406	1949 - Alaska	Executive Director	2001-2005
DeBolt, Richard	20	R	Lewis, Thurston (P)	PO Box 40600 Olympia, WA 98504	1965 - Washington	Public Relations	1997-2005
Dickerson, Mary Lou	36	D	King (P)	2208 NW Market St Ste 310 Seattle, WA 98107	1946 - Oregon	Program Manager	Appt. 11/28/94; 1995-2005
Dunn, Jim	17	R	Clark (P)	13215 C-8 SE Mill Plain Bd 362 Vancouver, WA 98684	1942 - Alaska	Retired	1997-2002; 2005
Dunshee, Hans	44	D	Snohomish (P)	506 10th St Snohomish, WA 98290	1954 - California	Septic Designer	1993-94; 1997-2005
Eickmeyer, William "Ike"	35	D	Grays Harbor (P), Kitsap (P), Mason, Thurston (P)	E 183 Coulter Creek Rd. S Belfair, WA 98528	1939 - Washington	Exec. Director	1998-2005
Ericks, Mark	1	D	King (P), Snohomish (P)	21721 35th Ave. SE Bothell, WA 98021	1951 - Washington	Chief of Police (Ret.)	2005
Ericksen, Doug	42	R	Whatcom (P)	PO Box 40600 Olympia, WA 98504	1969 - Washington	Sales Representative	1999-2005
Flannigan, Dennis	27	D	Pierce (P)	1521 N 5th St Tacoma, WA 98403	1939 - Washington	Observer	2003-2005
Fromhold, Bill	49	D	Clark (P)	PO Box 40600 Olympia, WA 98504	1942 - Washington	Retired	2001-2005
Grant, Bill	16	D	Benton (P), Columbia, Franklin (P), Walla Walla	527 Boyer Avenue Walla Walla, WA 99362	1937 - Washington	Farmer	1987-2005
Green, Tami	28	D	Pierce (P)	10316 93rd St. SW Tacoma, WA 98498	1959 - Nebraska	RN/Healthcare Organizer	2005
Haigh, Kathy	35	D	Grays Harbor (P), Kitsap (P), Mason, Thurston (P)	81 SE Walker Park Rd Shelton, WA 98584	1950 - Ohio	Veterinarian	1999-2005
Haler, Larry	8	R	Benton (P)	P.O. Box 1319 Richland, WA 99352	1951 - Iowa	Technical Trainer	2005

ROSTER OF MEMBERS

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MEMBER	D	P	COUNTIES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION	PREVIOUS YRS. SERVED
Hankins, Shirley	8	R	Benton (P)	1637 Mowry Sq Richland, WA 99354	Kansas	Retired (Hanford Employee)	1981-9/19/90; 1995-2005
Hasegawa, Bob	11	D	King (P)	PO Box 84331 Seattle, WA 98124	1952 - Washington	Teamster Leader (Ret.)	2005
Hinkle, Bill	13	R	Grant (P), Kittitas, Yakima (P)	311 Anderson Ln Cle Elum, WA 98922	1956 - Washington	Proj Dev & Mrkting Consultant	2003-2005
Holmquist, Janéa	13	R	Grant (P), Kittitas, Yakima (P)	PO Box 40600 Olympia, WA 98504	1974 - Alaska	Self Employed	Appt. 12/7/01, 2003-2005
Hudgins, Zack	11	D	King (P)	P.O. Box 40600 Olympia, WA 98504	1968 - Texas	High Technology Manager	Appt. 12/09/02, 2003-2005
Hunt, Sam	22	D	Thurston (P)	4030 San Mar Dr NE Olympia, WA 98506	1942 - Montana	Retired	2001-2005
Hunter, Ross	48	D	King (P)	PO Box 40600 Olympia, WA 98504	1961 - Pennsylvania	Retired Software Executive	2003-2005
Jarrett, Fred	41	R	King (P)	2949-1 81st Pl SE Mercer Island, WA 98040	1949 - Montana	Project Mgr Boeing	2001-2005
Kagi, Ruth	32	D	King (P), Snohomish (P)	PO Box 40600 Olympia, WA 98504	1945 - Washington	Commercial Real Estate	1999-2005
Kenney, Phyllis	46	D	King (P)	12345 30th Ave NE Ste E Seattle, WA 98125	Montana	Consultant, Community Relation	Appt. 1/13/97, 1998-2005
Kessler, Lynn	24	D	Clallam, Grays Harbor (P), Jefferson	PO Box 40600 Olympia, WA 98504	1941 - Washington	Legislator	1993-2005
Kilmer, Derek	26	D	Kitsap (P), Pierce (P)	P.O. Box 40600 Olympia, WA 98504	1974 - Washington	Economic Development Manager	2005
Kirby, Steve	29	D	Pierce (P)	9415 Tacoma Ave S Tacoma, WA 98444	1951 - Washington	Finance Director	2001-2005
Kretz, Joel	7	R	Ferry, Lincoln, Okanogan (P), Pend Oreille, Spokane (P), Stevens	1014 Toroda Creek Rd Wayconda, WA 98859	1957 - Washington	Rancher	2005
Kristiansen, Dan	39	R	King (P), Skagit (P), Snohomish (P), Whatcom (P)	PO Box 2007 Snohomish, WA 98291	1962 - Washington	Rep. of Wholesale Firm	2003-2005
Lantz, Patricia	26	D	Kitsap (P), Pierce (P)	PO Box 40600 Olympia, WA 98504	1938 - Washington	Attorney	1997-2005
Linville, Kelli	42	D	Whatcom (P)	3113 Eldridge Ave Bellingham, WA 98225	1948 - Washington	Representative/Small Business	1993-2005
Lovick, John	44	D	Snohomish (P)	PO Box 40600 Olympia, WA 98504	1951 - Louisiana	Legislator	1999-2005
McCoy, John	38	D	Snohomish (P)	PO Box 40600 Olympia, WA 98504	1943 - Washington	General Manager	2003-2005

MEMBER	D	P	COUNTIES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION	PREVIOUS YRS. SERVED
McCune, Jim	2	R	Pierce (P), Thurston (P)	P.O. Box 40600 Olympia, WA 98504	1950 - Washington	Copper Riv Salmon Prod Prvdr	1998; 2005
McDermott, Joe	34	D	King (P)	PO Box 16254 Seattle, WA 98116	1967 - Washington	Senior Budget Analyst	2001-2005
McDonald, Joyce	25	R	Pierce (P)	PO Box 1225 Puyallup, WA 98371	1952 - Scotland	Legislator	1997-1998, 2003-2005
McIntire, Jim	46	D	King (P)	7318 54th Ave NE Seattle, WA 98115	1953 - Ohio	Sr. Lecture, Univ. of WA	1999-2005
Miloscia, Mark	30	D	King (P)	30720 19th Ave S Federal Way, WA 98003	1958 - Mississippi	Legislator	1999-2005
Moeller, Jim	49	D	Clark (P)	PO Box 40600 Olympia, WA 98504	1955 - Washington	Substance Abuse Counselor	2003-2005
Morrell, Dawn	25	D	Pierce (P)	2106 Manorwood Dr SE Puyallup, WA 98374	1949 - Idaho	Registered Nurse	2003-2005
Morris, Jeff	40	D	San Juan, Skagit (P), Whatcom (P)	1004 Commercial Ave #303 Anacortes, WA 98221	1964 - Washington	Public Relations Consultant	1997-2005
Murray, Ed	43	D	King (P)	324 15th Ave E Ste 103 Seattle, WA 98112	1955 - Washington	Legislator	Appt. 11/4/95, 1997-2005
Newhouse, Daniel	15	R	Clark (P), Klickitat, Skamania, Yakima (P)	2521 S Emerald Rd Sunnyside, WA 98944	1955 - Washington	Self-Employed Farmer	2003-2005
Nixon, Toby	45	R	King (P)	12113 NE 141st St Kirkland, WA 98034	1959 - California	Software Architect	2001-2005
O'Brien, Al	1	D	King (P), Snohomish (P)	PO Box 40600 Olympia, WA 98504	1943 - Washington	Retired Seattle Police Dept.	1997-2005
Orcutt, Ed	18	R	Clark (P), Cowlitz (P)	PO Box 1280 Kalama, WA 98625	1963 - Maine	Professional Forester	Appt. 1/4/02, 2003-2005
Ormsby, Timm	3	D	Spokane (P)	P.O. Box 40600 Olympia, WA 98504	1959 - Washington	Cement Mason	Appt. 9/30/03-2005
Pearson, Kirk	39	R	King (P), Skagit (P), Snohomish (P), Whatcom (P)	105 Pearson Ln Monroe, WA 98272	1958 - Washington	Former Congressional Aide	2001-2005
Pettigrew, Eric	37	D	King (P)	PO Box 28660 Seattle, WA 98118	1960 - California	Director of Urban Development	2003-2005
Priest, Skip	30	R	King (P)	PO Box 40600 Olympia, WA 98504	1950 - New York	Land Mgmt. & Bus. Consultant	2003-2005
Quall, Dave	40	D	San Juan, Skagit (P), Whatcom (P)	P O Box 1142 Mount Vernon, WA 98273	1936 - Washington	Counselor	1993-2005
Roach, Dan	31	R	King (P), Pierce (P)	5914 Graham St. Suite 101 Sumner, WA 98390	1972 - California	Mortgage Broker	2001-2005

ROSTER OF MEMBERS

MEMBER	D	P	COUNTIES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION	PREVIOUS YRS. SERVED
Roberts, Mary Helen	21	D	Snohomish (P)	6710 128th St SW Edmonds, WA 98026	1947 - Oregon	Small Business Owner	2005
Rodne, Jay	5	R	King (P)	PO Box 40600 Olympia, WA 98504	1966 - Minnesota	Attorney	Appt. 1/20/04; 2005
Santos, Sharon Tomiko	37	D	King (P)	PO Box 40600 Olympia, WA 98504	1961 - California	Legislator	1999-2005
Schindler, Lynn	4	R	Spokane (P)	19919 E Crestwood Lane Otis Orchards, WA 99027	1944 - Wisconsin	Property Mgr./Investments	Appt: 6/1/98, 1999-2005
Schual-Berke, Shay	33	D	King (P)	PO Box 40600 Olympia, WA 98504	1952 - New York	Cardiologist (Retired)	1999-2005
Sells, Mike	38	D	Snohomish (P)	2812 Lombard Ave. Rm 210 Everett, WA 98201	1945 - Washington	Labor Official	2005
Serben, John	6	R	Spokane (P)	P.O. Box 684 Mead, WA 99021	1968 - Washington	Insurance Agent	2005
Shabro, Jan	31	R	King (P), Pierce (P)	3421 204th Avenue Ct E Sumner, WA 98390	1940 - Washington	Former Teacher	2003-2005
Simpson, Geoff	47	D	King (P)	16624 SE 254th Pl Covington, WA 98042	1962 - Washington	Fire Fighter	2001-2005
Skinner, Mary	14	R	Yakima (P)	420 Aero View Yakima, WA 98908	1945 - California	Teacher/Community Volunteer	1995-2005
Sommers, Helen	36	D	King (P)	PO Box 40600 Olympia, WA 98504	1932 - New Jersey	Legislator	1973-2005
Springer, Larry	45	D	King (P)	700 20th Ave West Kirkland, WA 98033	1947 - Washington	Retail Store Owner	2005
Strow, Chris	10	R	Island, Skagit (P), Snohomish (P)	P.O. Box 40600 Olympia, WA 98504	1969 - United Kingdom	Former Congressional Aide	2005
Sullivan, Brian	21	D	Snohomish (P)	PO Box 40600 Olympia, WA 98504	1958 - Montana	Small Business Owner	2002-2005
Sullivan, Pat	47	D	King (P)	26513 168th Pl SE Covington, WA 98042	1962 - Minnesota	Legislator	2005
Sump, Bob	7	R	Ferry, Lincoln, Okanogan (P), Pend Oreille, Spokane (P), Stevens	PO Box 40600 Olympia, WA 98504	1941 - Texas	Mining Industry	1997-2005
Takko, Dean	19	D	Cowlitz (P), Grays Harbor (P), Pacific, Wahkiakum	P.O. Box 40600 Olympia, WA 98504	1950 - Washington	Retired	Appt. 12/21/04; 2005
Talcott, Gigi	28	R	Pierce (P)	1320 Sunset Dr S Tacoma, WA 98465	1944 - California	Educator	1993-2005
Tom, Rodney	48	R	King (P)	PO Box 594 Medina, WA 98039	1963 - Washington	Real Estate Agent	2003-2005

MEMBER	D	P	COUNTIES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION	PREVIOUS YRS. SERVED
Upthegrove, Dave	33	D	King (P)	21925 7th Ave S Apt 119 Des Moines, WA 98198	1971 - Washington	Legislator	Appt. 1/7/02, 2003-2005
Wallace, Deb	17	D	Clark (P)	14010 NE 6th St Vancouver, WA 98684	1957 - Washington	Economic Development Director	2003-2005
Walsh, Maureen	16	R	Benton (P), Columbia, Franklin (P), Walla Walla	1227 Murphy Lane SE College Place, WA 99324	1960 - Ohio	Small Business Owner	2005
Williams, Brendan	22	D	Thurston (P)	P.O. Box 40600 Olympia, WA 98504	1968 - Oregon	Attorney	2005
Wood, Alex	3	D	Spokane (P)	935 W Glass Ave Apt 103 Spokane, WA 99205	1946 - Canada	State Legislator	1997-2005
Woods, Beverly	23	R	Kitsap (P)	PO Box 2466 Poulsbo, WA 98370	1950 - California	Co-owner JR Woods Company	Appt. 12/2/99, 2000-2005

BILLS PASSED BY THE LEGISLATURE
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* indicates multiple effective dates

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V	Trade corps fellowship prgm	SSB 6330	
V	Small water systems	SSB 6369	
V	Collective bargaining	SB 6411	
V	Superior court judges	SB 6412	
V	Environmental remediation	SSB 6781	
3	Low-income home energy asst	SHB 2370	1/12/2006
4	Human rights commission	ESHB 2661	6/7/2006
5	Lieutenant governors	SHB 2419	2/7/2006
6	Columbia river basin	E2SHB 2860	7/1/2006**
7	Tax exemption/farm fuel	HB 2424	3/6/2006
8	Health care liability reform	2SHB 2292	6/7/2006
9	Home care agency workers	SHB 2333	7/1/2006
10	WWU collective bargaining	SHB 2976	3/7/2006
11	Credit union & state charter	HB 2364	6/7/2006*
12	Unemployment insurance	EHB 3278	6/7/2006
13	Unemployment insurance	ESSB 6885	6/7/2006
14	Tobacco product sampling	ESB 5048	6/7/2006
15	Turkey tags	ESB 5232	6/7/2006
16	Group fishing permits	SSB 6161	6/7/2006
17	Tacoma Narrows bridge	SB 6674	6/7/2006
18	On-site sewage/marine areas	3SHB 1458	6/7/2006
19	Mortgage brokers	EHB 2340	1/1/2007
20	Superior court judges	SHB 2344	6/7/2006
21	Mortgage lending fraud acct	HB 2338	6/7/2006
22	Tribal police officers	HB 2367	1/1/2007
23	Hunter education	SHB 2372	6/7/2006
24	Cost-sharing/medical program	SHB 2376	6/7/2006
25	Insurance statutes	HB 2406	6/7/2006*
26	VFF&RO's relief & pension	SHB 2608	6/7/2006
27	Emergency vehicles	HB 1305	6/7/2006
28	Abandoned vehicle auctions	SHB 1504	6/7/2006
29	Vessel registration	HB 1641	6/7/2006
30	Sexual assault advocates	HB 2454	6/7/2006
31	Warrants/chapter 49.17 RCW	SHB 2538	6/7/2006
32	Interlocal agreements	HB 2676	6/7/2006
33	Vesting after 5 years	SHB 2684	6/7/2006
34	Small manufacturers	SHB 2726	6/7/2006
35	Transfer of real property	SHB 2759	6/7/2006
36	Home heating fuel	SHB 2776	6/7/2006
37	Design-build/trans projects	HB 2874	6/7/2006
38	Sound & video recordings	SHB 2876	6/7/2006
39	LEOFFRS disability allowance	HB 2932	3/14/2006
40	Firearms training	ESHB 2951	6/7/2006
41	Payment of claims	HB 3056	6/7/2006
42	Public lands statutes	SHB 3085	6/7/2006
43	Sale of wine	SHB 3128	6/7/2006
44	Retail sale of beer	HB 3154	6/7/2006
45	Gubernatorial appointees	SB 5439	6/7/2006
46	Session law publication	SB 6208	6/7/2006
47	Unemplmnt contribution rate	SSB 6359	3/14/2006*
48	Limited liability companies	SB 6463	6/7/2006
49	Shipment of wine	ESB 6537	6/7/2006
50	Commercial vehicles	SB 6549	6/7/2006
51	Landlord-tenant act	SSB 6572	6/7/2006
52	Washington corporations	SB 6596	6/7/2006
53	Pilotage training program	ESSB 6870	3/14/2006

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54	Family child care providers	E2SHB 2353	6/7/2006*
55	Breast & cervical cancer	2ESB 5714	6/7/2006
56	State funding stabilization	ESSB 6896	3/15/2006*
57	Fishing for albacore tuna	SB 6159	6/7/2006
58	Homeowners' associations	ESB 6169	6/7/2006
59	Family & medical leave act	SSB 6185	6/7/2006
60	Hospital billing information	ESSB 6189	6/7/2006
61	Private air ambulances	SB 6231	6/7/2006
62	Property tax exemptions	SB 6338	6/7/2006
63	Pandemic influenza	ESSB 6366	6/7/2006
64	Boarding homes	SB 6373	6/7/2006
65	Pyramid promotional schemes	SB 6416	6/7/2006
66	Dental hygienist license	SB 6418	6/7/2006
67	Community-based health care	E2SSB 6459	6/7/2006
68	Edu interpreters for hearing	ESB 6606	6/7/2006
69	Mental health counselors	SB 6658	6/7/2006
70	Train speeds	ESSB 6679	6/7/2006
71	National guard scholarship	SB 6766	6/7/2006
72	Volunteer medical worker	ESHB 1850	6/7/2006
73	DUI penalties	HB 3317	7/1/2007
74	Mental health services	HB 2501	3/15/2006
75	Animal information	ESHB 2651	6/7/2006*
76	Interoperability exec comm	SHB 2715	6/7/2006
77	Real estate disclosure	SHB 2723	6/7/2006
78	Student regents & trustees	HB 2857	6/7/2006
79	Environmental education	EHB 2910	6/7/2006
80	Military status/defendants	EHB 3074	6/7/2006
81	Course materials/colleges	SHB 3087	6/7/2006
82	Tort claims against govt	SHB 3120	6/7/2006
83	State route 169	HB 3266	6/7/2006
84	Semiconductor cluster	SHB 3190	6/7/2006**
85	Alcoholic beverage licenses	SB 6539	6/7/2006
86	Native American information	SB 6429	7/1/2006
87	Business development	SSB 6168	6/7/2006
88	Property owners	EHB 3192	6/7/2006
89	Wage payment requirements	SHB 3185	6/7/2006
90	Tribal foster care licensing	SHB 3182	6/7/2006
91	Low-income persons	HB 3156	6/7/2006
92	Wine industry	SHB 3150	6/7/2006
93	Kinship caregivers	HB 3139	6/7/2006
94	State patrol officers	SHB 3137	6/7/2006*
95	Child protective services	HB 3122	6/7/2006
96	Family support act	HB 3048	6/7/2006
97	Voter registration	HB 3041	6/7/2006
98	Limousine	HB 3001	11/1/2006
99	Health profession discipline	SHB 2974	6/7/2006*
100	Community rates/health plans	HB 2972	6/7/2006**
101	Caterer's liquor license	HB 2897	6/7/2006
102	Missing persons	2SHB 2805	6/7/2006**
103	Health info technology	SHB 2573	6/7/2006
104	Health carrier information	SHB 2500	6/7/2006
105	Cluster-based economic dev	2SHB 2498	6/7/2006
106	Individual providers	ESHB 2475	3/17/2006
107	Financial literacy	SHB 2394	1/1/2007
108	Health care declarations	2SHB 2342	6/7/2006
109	Insanity defense	HB 2328	6/7/2006
110	Motorcycle insurance	SHB 1257	6/7/2006
111	Hospital benefit zones	SHB 2670	7/1/2006
112	Customized work force	2SSB 6326	6/7/2006
113	Educational assessments	EHB 2579	6/7/2006
114 PV	Career & tech high school	SHB 2973	6/7/2006
115	Cert of academic achievement	ESSB 6475	6/7/2006**
116 PV	Education	ESHB 3127	6/7/2006
117	Student-centered planning	ESSB 6255	6/7/2006**

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118	K-12 skill centers	2SSB 5717	6/7/2006
119	School district levies	SHB 2812	6/7/2006
120	Reading achievement account	SHB 2836	6/7/2006
121	School district contracting	SHB 2446	6/7/2006
122	Sex offense/special verdict	HB 3277	3/20/2006*
123	Crime with sexual motivation	2SSB 6460	7/1/2006**
124	Assault of child/second deg	SSB 6406	7/1/2006*
125	Criminal trespass/children	SSB 6775	3/20/2006
126	Sex/kidnapping offenders	HB 2409	6/7/2006***
127	Sex offender registration	SSB 6144	9/1/2006
128	Sex offender registration	2SSB 6319	6/7/2006***
129	Sex offender registration	SSB 6519	6/7/2006*
130	Monitoring sex offenders	SHB 2407	6/7/2006
131	Sex offender residences	SSB 6325	6/7/2006
132	Statute of limits/felonies	SSB 5042	6/7/2006
133	Sex offenders	HB 3252	6/7/2006
134	Sex offender treatment	SHB 2654	6/7/2006
135	Sex & kidnapping offenders	ESSB 6580	6/7/2006**
136	Sex offender information	SB 6576	6/7/2006
137	Sex offender information	SSB 6320	6/7/2006**
138	Sexual assault victims	SHB 2576	6/7/2006
139	Sex offenders	2SSB 6172	6/7/2006***
140	Recreational vehicles	SB 6364	6/7/2006*
141	State park fees	SHB 2416	4/9/2006
142	Vegetable seeds	SHB 1523	7/1/2006
143	Crab pot buoy tag program	HB 2330	6/7/2006
144	Commercial geoduck harvest	HB 2386	6/7/2006
145	Insuring victims of crimes	SHB 2481	6/7/2006
146	Island county boundaries	SHB 2908	6/7/2006
147	Agricultural lands	SHB 2917	6/7/2006
148	Nontoxic shot	SHB 2958	6/7/2006
149	Affordable housing incentive	ESHB 2984	6/7/2006
150	Animal identification	SHB 3033	6/7/2006
151	Livestock manure	ESHB 3222	7/1/2006
152	Invasive species council	ESSB 5385	6/7/2006
153	Derelict/abandoned vehicles	SSB 6223	6/7/2006
154	Disability pension options	SB 6264	6/7/2006
155	Dead animal disposal	SB 6371	6/7/2006
156	Livestock inspection fees	ESB 6376	6/1/2006
157	Milk sales	SSB 6377	6/7/2006
158	Bovine handling facilities	SHB 2382	6/7/2006
159	Coastal crab fisheries	SSB 6439	6/7/2006
160	Milwaukee road trail	SSB 6527	6/7/2006
161	Apprenticeship opportunities	2SHB 2789	4/1/2006
162	Cosmetology apprenticeship	SHB 2596	6/7/2006
163	Compensation for disability	HB 3134	6/7/2006
164	State ferry employees	SHB 3178	3/21/2006*
165	Safe patient handling	ESHB 1672	6/7/2006
166	WSU Tri-Cities	SHB 2867	6/7/2006
167	General obligation bonds	ESHB 3316	3/22/2006
168	Aquifer levels	ESSB 6151	3/22/2006
169	Columbia river basin	E2SSB 6581	6/7/2006
170	Domestic water users	SB 6861	6/7/2006
171	Energy freedom program	E3SHB 2939	6/7/2006*
172	Tax relief/farm machinery	SHB 2457	7/1/2006
173	Security guard licenses	SSB 6257	6/7/2006
174	Equine industry	SSB 6382	6/7/2006
175	Academic assessment system	SHB 2414	6/7/2006
176	Joint operating agencies	2SHB 1384	6/7/2006
177	Tax relief for aerospace	HB 2466	7/1/2006*
178	Biotechnology product	SHB 2640	7/1/2006
179	Access to higher education	SHB 3113	6/7/2006*
180	Higher edu/technology	SHB 2817	6/7/2006
181 PV	Local infrastructure	E2SHB 2673	7/1/2006

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183	PV Electronic product recycling	ESSB 6428	7/1/2006
184	Wind turbine facilities	SSB 6141	6/7/2006
185	Domestic water pumping syst	SSB 6225	6/7/2006
186	Charter licenses	SSB 6401	6/7/2006
187	Victim of uninsured motorist	SHB 2415	6/7/2006
188	Methamphetamine precursors	HB 2567	6/7/2006
189	Retirement for justices	SHB 2691	1/1/2007
190	Driver's exam/interpreters	SB 6415	6/7/2006
191	Sexual conduct with animal	SSB 6417	6/7/2006
192	Court filing fees	SSB 6670	6/7/2006
193	Sale of telephone records	ESSB 6776	6/7/2006
194	Energy efficiency	SSB 6840	6/7/2006
195	Renewable energy	ESHB 1010	6/7/2006
196	Electrical transmission	ESHB 1020	6/7/2006
197	Audits of tax preferences	EHB 1069	6/7/2006
198	Authentication of documents	HB 1471	6/7/2006
199	State publications	SHB 2155	6/7/2006
200	Fire protection services	SHB 2345	6/7/2006
201	Net metering	ESHB 2352	6/7/2006
202	Privileged communications	HB 2366	6/7/2006
203	Nonprobate assets under will	HB 2379	6/7/2006
204	Transfers to minors act	HB 2380	7/1/2007
205	Energy facilities	SHB 2402	6/7/2006
206	Election laws	HB 2477	6/7/2006
207	Voting equipment	ESHB 2479	6/7/2006
208	Ballot notice requirements	SHB 2695	6/7/2006
209	Public disclosure law	HB 2520	7/1/2006
210	911 advisory committee	SHB 2543	6/7/2006
211	Volunteer fire personnel	HB 2606	6/7/2006
212	Off-road vehicles	HB 2617	6/7/2006
213	Public utility tax credit	HB 2644	7/1/2006
214	Additional service credit	HB 2690	7/1/2006
215	Ballot measures	SHB 2713	6/7/2006
216	Payroll deductions	SHB 2780	1/1/2007
217	Distributing communications	SHB 2898	6/7/2006
218	Solar hot water	2SHB 2799	7/1/2006
219	Driver training schools	HB 2829	3/24/2006
220	State securities act	HB 2975	6/7/2006
221	Foster care health unit	SHB 2985	6/7/2006
222	Metropolitan park districts	HB 2991	6/7/2006
223	Phosphorus in dish detergent	EHB 2322	6/7/2006
224	Electrical trainees	SHB 1841	6/7/2006
225	Flavored malt beverage	HB 2562	6/7/2006
226	Nonprofit schools/tax exempt	SHB 2804	6/7/2006
227	Air pollution control boards	ESSB 6802	6/7/2006
228	Dependent persons	ESHB 1080	6/7/2006
229	Tuition waiver for veterans	SHB 2233	6/7/2006
230	Prevailing wage program	SSB 5236	7/1/2007
231	Mercury-containing vaccines	ESSB 5305	6/7/2006
232	Optometry	ESSB 5535	6/7/2006
233	Hepatitis C treatments	SSB 5838	6/7/2006
234	False college degrees	ESHB 2507	6/7/2006
235	Health info/law enforcement	ESSB 6106	3/27/2006
236	Health profession work force	2SSB 6193	6/7/2006*
237	Multicultural edu/health	ESB 6194	6/7/2006
238	State board of health	SSB 6196	6/7/2006
239	Health disparities council	2SSB 6197	6/7/2006
240	Campaign finance disclosure	SSB 6323	6/7/2006
241	Nursing facility bed tax	SB 6368	7/1/2007
242	Long-term care settings	ESSB 6391	6/7/2006
243	Sick leave/part-time faculty	ESSB 6396	6/7/2006
244	Minimum monthly benefit	SB 6453	7/1/2006
245	Syrup taxes	SSB 6533	7/1/2006

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247	Motion picture industry	2SSB 6558	6/7/2006
248	Adoption	ESSB 6635	6/7/2006
249	Adult family home providers	SB 6637	6/7/2006
250	Sellers of travel	SB 6731	6/7/2006
251	Services to children	ESB 6741	6/7/2006
252	Veteran homeownership	SHB 2471	6/7/2006
253	National guard	SHB 2497	6/7/2006
254	Workers' comp applications	SHB 2537	6/7/2006
255	Small employer health ins	E2SHB 2572	6/7/2006
256	Excise tax relief	HB 2671	6/7/2006*
257	TERS service credit	ESHB 2680	1/1/2007
258	Nursing facility payment	EHB 2716	7/1/2006
259	Domestic violence info	ESHB 2848	6/7/2006
260	Assisted living facility	ESHB 2925	7/1/2006
261	Schools/public works project	SHB 3024	6/7/2006
262	Nonprofit housing	2SHB 3070	6/7/2006
263	State board of education	E2SHB 3098	6/7/2006*
264 PV	Health care services	ESHB 3079	6/7/2006
265	Department of early learning	2SHB 2964	7/1/2006
266	Foster care support services	2SHB 2002	6/7/2006
267	Comm on offender programs	SSB 6308	6/7/2006
268	Failure to secure a load	HB 2612	6/7/2006
269	Children with disabilities	SHB 1107	6/7/2006*
270	Citations and infractions	SHB 1650	6/7/2006
271	Identity theft	HB 1966	6/7/2006
272	Municipal b & o taxation	SHB 2033	1/1/2008
273	Public works board projects	HB 2544	3/28/2006
274	Service contracts	SHB 2553	10/1/2006
275	Property tax deferral prgrm	SHB 2569	6/7/2006
276	Pollutn liability ins agency	SHB 2678	6/7/2006
277	Organized retail theft	HB 2704	6/7/2006
278	Insurance premiums tax	SHB 2880	3/28/2006
279	Reclaimed water	ESHB 2884	6/7/2006
280	Charter counties	HB 3019	6/7/2006
281	Personal prop tax exemption	SHB 3164	1/1/2007**
282	Conditional release	HB 3205	6/7/2006
283	Chattel liens	ESSB 5204	10/1/2006
284 PV	Insurance fraud program	SSB 6234	7/1/2006
285	Comprehensive plans	ESSB 6427	6/7/2006
286	Distraint of personal prprty	SSB 6441	6/7/2006
287	Animal fighting	SB 6568	6/7/2006
288	Retail installment contracts	SSB 6570	6/7/2006
289	Motor vehicle dealers	SSB 6571	6/7/2006
290	Internet gambling	SSB 6613	6/7/2006
291	Vehicle reports of sale	SSB 6676	6/7/2006
292	Driver's licenses	SB 6680	6/7/2006
293	Criminal background checks	SSB 6717	6/7/2006
294	Criminal history record info	SB 6720	6/7/2006
295	Domestic violence	SSB 6806	6/7/2006
296	Mobile/manufactured homes	SSB 6851	6/7/2006
297	Vehicle gross weight	SHB 2987	6/7/2006
298	Public facilities districts	ESSB 6230	6/7/2006
299	Health savings account	EHB 1383	6/7/2006
300	Timber tax incentives	SSB 6874	7/1/2006***
301	Professional employer org	SSB 6671	7/1/2006
302	Distribution of beer & wine	2SSB 6823	4/14/2006*
303	Threatening individuals	E2SSB 6630	6/7/2006
304	Investing in youth program	4SHB 1483	7/1/2006
305	Prpry tx exmptn/nonprofits	SHB 1510	6/7/2006
306	Vehicle equipment standards	HB 2465	6/7/2006
307 PV	Health technology assessment	E2SHB 2575	6/7/2006**
308	Comm & tech college employee	2SHB 2583	6/7/2006
309	Public safety employees' ret	ESHB 2685	3/29/2006

<u>Chapter</u>	<u>Description</u>	<u>Bill</u>	<u>Effective Date</u>
310	Convention/tourism promotion	SHB 2778	6/7/2006
311	Regional trans governance	ESHB 2871	6/7/2006*
312	Real estate excise tax	HB 2879	3/29/2006
313 PV	Sentence review board	EHB 3261	6/7/2006
314	Economic development grants	ESB 5330	6/7/2006
315	Public disclosure violations	ESB 6152	6/7/2006
316	Oil spill prevention	ESSB 6244	6/7/2006
317	Lieutenant governor	SSB 6246	6/7/2006
318	Local motor vehicle tax	SSB 6247	6/7/2006
319	Nonprofits/property tax	SB 6280	6/7/2006
320	Voter registration	SSB 6362	6/7/2006
321	Apprenticeship utilization	E2SSB 6480	6/7/2006
322	Public hospital districts	SB 6504	6/7/2006
323	Truck stop air quality	SSB 6512	6/7/2006
324	Roadside tire chain business	SSB 6528	6/7/2006
325	Limited liability companies	SB 6531	6/7/2006
326	Vehicle license plates	SB 6545	6/7/2006
327	Commercial driver's licenses	SSB 6552	6/7/2006
328 PV	Special purpose districts	SSB 6555	6/7/2006
329	Commute trip reduction	ESSB 6566	6/7/2006
330	Beer commission	ESB 6661	6/7/2006*
331	Hazards to motorcycles	SB 6762	6/7/2006
332	Passenger ferry service	ESSB 6787	6/7/2006
333	Persons with mental disorder	2SSB 6793	7/1/2006*
334	Transportation governance	ESSB 6800	7/1/2006
335	Cemetery districts	SB 6816	6/7/2006
336	Public transit services	SB 6826	6/7/2006
337	Transportation accounts	ESSB 6839	6/7/2006*
338	Renewable fuel	ESSB 6508	7/1/2006
339	Controlled substances	E2SSB 6239	6/7/2006***
340	State geological survey	SHB 2384	6/7/2006
341	Surface mining	E2SSB 6175	6/7/2006*
342	Forest health study	ESB 5179	6/7/2006**
343	Veterans innovations program	2SHB 2754	6/7/2006
344	Election dates & deadlines	ESB 6236	1/1/2007*
345	LEOFFRS killed at work	SB 6723	6/7/2006
346	Utilities & transportatn com	SHB 2426	6/7/2006
347	Telecommunications companies	SSB 6473	6/7/2006
348	Campaign contribution limits	3SHB 1226	6/7/2006
349 PV	Affordable housing	E2SHB 2418	6/7/2006
350 PV	LEOFFRS plan 1	SHB 2688	7/1/2006
351	LEOFFRS death benefit	SHB 2933	6/7/2006
352	High school assessments	SSB 6618	6/7/2006
353 PV	Foster care critical support	2SHB 3115	6/7/2006
354 PV	Excise tax on food products	EHB 3159	7/1/2006*
355	Criminal justice officials	SSB 5654	6/7/2006
356	Sick leave pools	SB 6059	7/1/2007
357	Parking for legally blind	SSB 6287	6/7/2006
358	Weighing & measuring devices	SSB 6365	7/1/2006*
359	Processing liquor licenses	SSB 6540	6/7/2006
360	Trusts and estates	SSB 6597	6/7/2006
361	Local sales and use tax	SSB 6686	6/7/2006
362	Ferries/liquor licenses	SSB 6791	6/7/2006
363 PV	Electronic & web-based bids	HB 1439	6/7/2006
364	Recreational vehicle shows	ESHB 2056	6/7/2006
365	Retirement contribution rate	HB 2681	7/1/2009
366	Hood Canal account	SHB 3282	6/7/2006
367	Prostate cancer screening	SSB 6188	6/7/2006
368	Drainage & diking works	SB 6248	6/7/2006
369	Farms plans	SSB 6617	6/7/2006*
370PV	Trans budget 2006 supp	SSB 6241	3/31/2006
371PV	Capital budget 2006 supp	ESSB 6384	3/31/2006*
372PV	Operating budget 2006	ESSB 6386	3/31/2006*

**MEMORIALS & RESOLUTIONS
PASSED BY THE LEGISLATURE**

HJM 4023	Kidney care quality act	H Filed Sec/St
HJM 4031	Marine mammal protection act	H Filed Sec/St
HJM 4038	Diabetes educators	H Filed Sec/St
HJR 4223	Personal prop tax exemption	H Filed Sec/St
HCR 4412	Gov notified/ leg organized	H Filed Sec/St
HCR 4413	Reintroduction of bills	H Filed Sec/St
HCR 4414	State of the state address	H Filed Sec/St
HCR 4415	Names of state facilities	H Filed Sec/St
HCR 4417	State medal of valor	H Filed Sec/St
ESJM 8019	Federal-state intl trade	S Filed Sec/St
SCR 8414	Cutoff dates 2006 session	S Filed Sec/St
ESCR 8419	Cutoff exemption HB 3317	S Filed Sec/St
SCR 8423	Homeowners' assoc committee	S Filed Sec/St
SCR 8425	Bills to house of origin	S Filed Sec/St
SCR 8426	Adjourning Sine Die	S Filed Sec/St

GOVERNOR'S VETO MESSAGES

March 30, 2006

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 4, 5 and 6, House Bill No. 1439 entitled:

"AN ACT Relating to electronic and web-based bidding."

The Department of General Administration (Department) generally awards contracts through a competitive, formal, sealed bid process. Under House Bill No. 1439 the Department would be allowed to receive bids electronically or through the web. This is a step in the right direction. I support changes that will make the existing, complicated procurement process easier to manage and use.

However, Sections 4, 5, and 6 of the bill restrict cancellation of the bidding process and re-bidding on public works, personal service, and information technology related contracts. This bill takes cancellation language related to purchased goods and services contract bidding procedures and tries to apply it to other types of contracts, like public works contracts. Yet, there are significant differences between these contracting procedures. While the sealed bid process for purchased goods and services contracts focuses primarily on price, public works and personal service contracts address several factors including price, ability to do the work, vendor qualifications, and prior vendor experience. I am therefore concerned about the impact of Sections 4, 5 and 6.

I do not look favorably on agencies irresponsibly canceling all bids after bid opening and commencing a re-bidding process. Contractors spend too much time and effort on preparing bids to have them cancelled simply because an agency is trying to "price" a project. This is too important an issue to be addressed through language that does not comprehensively address the complex differences between our contracting processes.

As such, I am vetoing Sections 4, 5, and 6. I urge the Legislature to revisit this issue with input from all stakeholders, cities, counties, and the business community, and to propose cancellation language appropriate for our state's contracting system.

For these reasons, I have vetoed Sections 4, 5 and 6 of House Bill No. 1439.

With the exception of Sections 4, 5 and 6 of House Bill No. 1439 is approved.

Respectfully submitted,
Christine O. Gregoire
Governor

March 28, 2006

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval, House Bill No. 2381 entitled:

"AN ACT Relating to allowing the reintroduction of beavers into the historic habitat of the species."

House Bill 2381 would require Washington State's Department of Fish and Wildlife (WDFW) to issue a permit to individuals for the capture of live beavers in areas of the state where beaver populations are considered a nuisance. The permit also allows the transport and release of beavers within the state on property owned by the permit holder.

I understand that some landowners wish to have beavers released on their property, and that beavers can contribute positively to stream restoration and wildlife habitat. Certainly, in circumstances where relocation can be achieved without causing harm to adjacent properties, WDFW should be responsive, and should exercise its existing authority to trap beavers in problem areas and relocate them. The issue that House Bill 2381 addresses is not about the need for legislative authority so much as it is about receiving priority attention within WDFW.

While I am vetoing this bill, I have secured a commitment from WDFW to take three steps to be more responsive to landowner requests for beaver relocation.

WDFW has committed in writing to:

1. Instruct WDFW field staff to work more aggressively with interested landowners to relocate beavers on appropriate private properties where the benefits clearly outweigh the potential risks associated with future beaver-related damage;
2. The WDFW's Director will work with senior WDFW enforcement staff to identify a point person responsible for development and implementation of an effective beaver relocation process, and;
3. The WDFW will deliver to the Office of the Governor and all relevant legislative committees of the Washington State House and Senate, a report on beaver relocation activity conducted during 2006. The report will be delivered by January 1, 2007, and shall include information on the number of landowner requests for beavers, the number of requests that were filled, and the number of beavers actually relocated.

I believe these steps will address the underlying frustration behind House Bill No. 2381. I look forward to tracking WDFW's performance according to above-noted measures.

For these reasons, I have vetoed House Bill No. 2381 in its entirety.

Respectfully submitted,
Christine O. Gregoire
Governor

March 30, 2006

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 9, 10 and 14, Engrossed Second Substitute House Bill No. 2418 entitled:

"AN ACT Relating to affordable housing."

The Department of Community, Trade, and Economic Development (CTED) is required in Section 9 of the bill to conduct a study to evaluate the potential development of a voluntary statewide, low-income housing waiting list database. The database would include information on all low-income households requesting housing assistance, for the purpose of connecting such households with appropriate housing opportunities. CTED is also required in Section 10 to create or purchase, and implement by December 31, 2009, a master affordable housing database that includes specific information about existing affordable rental housing stock in the state of Washington. The activities outlined in Sections 9 and 10 of the bill are likely to create funding pressures for future biennial budgets.

Section 14 requires specific funding to be transferred from the General Fund to the Washington Housing Trust Fund by June 30, 2006, or the Act will be null and void. However, the transfer authorized by the Legislature in the Operating Budget bill occurs after June 30, 2006.

As funding provided in the Operating Budget related to this bill is insufficient, CTED will not be able to implement all of the activities contemplated. Notwithstanding this, CTED should do all that it can with the funding available to achieve the objectives of this bill.

For these reasons, I have vetoed Sections 9, 10 and 14 of Engrossed Second Substitute House Bill No. 2418.

With the exception of Sections 9, 10 and 14, Engrossed Second Substitute House Bill No. 2418 is approved.

Respectfully submitted,
Christine O. Gregoire
Governor

March 29, 2006

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 6, Engrossed Second Substitute House Bill No. 2575 entitled:

"AN ACT Relating to establishing a state health technology assessment program."

I strongly support E2SHB 2575 and particularly its inclusion of language that protects an individual's right to appeal. Section 5(4) of the bill states that "nothing in this act diminishes an individual's right under existing law to appeal an action or decision of a participating agency regarding a state purchased health care program. Appeals shall be governed by state and federal law applicable to participating agency

decisions." This is an important provision and one that I support whole-heartedly.

I am, however, vetoing Section 6 of this bill, which establishes an additional appeals process for patients, providers, and other stakeholders who disagree with the coverage determinations of the Health Technology Clinical Committee. The health care provider expertise on the clinical committee and the use of an evidence-based practice center should lend sufficient confidence in the quality of decisions made. Where issues may arise, I believe the individual appeal process highlighted above is sufficient to address them, without creating a duplicative and more costly process.

In the implementation of this bill, I expect the Health Care Authority, with the cooperation of participating agencies, to facilitate a timely and transparent process, to prioritize and manage the review of technologies within appropriated funds, and to meaningfully consider stakeholder feedback regarding the program and appeals processes. I further expect that the implementation of the Health Technology Assessment Program will be consistent with sound methods of assessment and the principles of evidence-based medicine.

I appreciate the Legislature's passage of this bill and have full confidence that it will help ensure that Washingtonians receive health care services that are safe and effective.

For these reasons, I have vetoed Section 6 of Engrossed Second Substitute House Bill No. 2575.

With the exception of Section 6, Engrossed Second Substitute House Bill No. 2575 is approved.

Respectfully submitted,
Christine O. Gregoire
Governor

March 23, 2006

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 702, Engrossed Second Substitute House Bill No. 2673 entitled:

"AN ACT Relating to creating the local infrastructure financing tool demonstration program."

The Office of Financial Management (OFM) is required in Section 702 to conduct a study of governance and selection criteria for the Local Infrastructure Financing Tool (LIFT) program. Section 702 reflects discussions that were underway before the Legislature passed the final version of the bill. In earlier discussions, before the Community Economic Revitalization Board (CERB) was identified as the lead agency, legislators considered having a study of governance issues underway while the projects in the LIFT program's project list were being developed. In the final version of the bill, however, governance and project selection criteria are identified, making the OFM study moot. In addition, the budget does not provide funding for the OFM study and OFM is not the lead agency on the LIFT program.

For these reasons, I have vetoed Section 702 of Engrossed Second Substitute House Bill No. 2673.

With the exception of Section 702, Engrossed Second Substitute House Bill No. 2673 is approved.

Respectfully submitted,
Christine O. Gregoire
Governor

March 30, 2006

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 2, Substitute House Bill No. 2688 entitled:

"AN ACT Relating to the law enforcement officers' and fire fighters' retirement system plan 1."

Local governments face challenges in providing health care benefits for retired members of the Law Enforcement Officers' and Firefighters' Retirement System Plan 1 (LEOFF 1). The cost of these benefits can be significant, especially for smaller jurisdictions. It is sensible for the state to assist local governments in their search for ways to address this obligation in the most efficient way possible. However, a thorough and careful review of options will take longer than provided in the bill, and will need to include a broader range of possibilities. The bill also charges a task force to study the use of excess pension assets to provide health care coverage. Notwithstanding potential legal barriers to this use of pension assets, the current financial situation of the LEOFF 1 pension plan clearly does not support this option.

While I am vetoing Section 2, I am directing the Department of Retirement Systems and the Health Care Authority to lay the groundwork for study of this issue, and to consult plan members and representatives of local governments in their work.

For these reasons, I have vetoed Section 2 Substitute House Bill No. 2688

With the exception of Section 2, Substitute House Bill No. 2688 is approved.

Respectfully submitted,
Christine O. Gregoire
Governor

March 20, 2006

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 5, Substitute House Bill No. 2973 entitled:

"AN ACT Relating to creating a career and technical high school graduation option for students meeting state standards in fundamental academic content areas."

This bill authorizes local school boards to develop approval processes for high school course equivalencies. Requirements are established for students in career and technical education programs who may earn whole or partial academic credits. Further, the State Board of Education is directed to reevaluate the graduation requirements for students enrolled in vocational and technical education courses. Topics of the evaluation are enumerated. Findings and any recommendations are to be reported by December 1, 2007.

I have vetoed Section 5, which provides for the development of objective alternative assessments for career and technical education programs. The provisions and language of this Section are duplicative of provisions for alternative assessments for career and technical education programs found in SB 6475.

For this reason, I have vetoed Section 5 of Substitute House Bill No. 2973.

With the exception of Section 5, Substitute House Bill No. 2973 is approved.

Respectfully submitted,
Christine O. Gregoire
Governor

March 27, 2006

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 3, Engrossed Substitute House Bill No. 3079 entitled:

"AN ACT Relating to health care services."

I support ESHB 3079, an act providing information about our Basic Health Plan and Medical Assistance programs. I am, however, vetoing section 3 of this act, which includes an unnecessary null and void clause.

In signing ESHB 3079, I express a cautionary note as to the interpretation of the reports that it requires to be developed. The employer information to be provided by the Health Care Authority (HCA) and the Department of Social and Health Services (DSHS) is not a requirement for enrollment or eligibility. Consequently, data contained in the reports will have been provided on a voluntary basis, and will be unverified. The two reports - an employer-specific report and an aggregated report - will originate from separate sources. Therefore, they will not be comparable. The reports will also be based on a point-in-time data collection and will therefore not reflect changes in employment status. These data limitations must be considered when interpreting the reports.

It is equally important to note that the Joint Legislative Audit and Review Committee (JLARC) study due in July 2006 will report Basic Health employment status and employer

information in more detail than the aggregated report required by this bill.

It is my hope that the information collected and provided to the Legislature in accordance with ESHB 3079 will not be misconstrued to portray beneficiaries of our Basic Health and Medicaid programs in a negative light. These programs are designed to provide health care services to eligible, often working, enrollees. I am confident that they are meeting that intent.

For these reasons, I have vetoed Section 3 of Engrossed Substitute House Bill No. 3079.

With the exception of Section 3, Engrossed Substitute House Bill No. 3079 is approved.

Respectfully submitted,
Christine O. Gregoire
Governor

March 30, 2006

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 5, Second Substitute House Bill No. 3115 entitled:

"AN ACT Relating to establishing a foster parent critical support and retention program."

Section 5 of the bill creates a statutory duty for the Department of Social and Health Services (DSHS) to disclose information to care providers regarding a dependent child's behavioral and emotional problems or regarding whether a dependent child is "sexually reactive." The duty to share this information is not limited to only that information known to the DSHS. Moreover, the term "sexually reactive" is not defined in this bill or in existing statutes. The lack of clarity regarding what specific information is to be shared and the absence of a key definition might result in misunderstandings between the DSHS and care providers. This, in turn, might result in inadequate supervision of children or unnecessary litigation.

I am directing the DSHS, however, to develop policies to implement the intent of Section 5. The DSHS policies are to specify what types of information must be shared with care providers, when the information is to be shared, and the manner in which the information is to be shared. The policies should include definitions of key terms. The DSHS' duty to share information should not be limited to only that information known at the time of placement. Rather, the DSHS should share information, consistent with the criteria outlined in policy, on an on-going basis.

For these reasons, I have vetoed Section 5 of Second Substitute House Bill No. 3115.

With the exception of Section 5, Second Substitute House Bill No. 3115 is approved.

Respectfully submitted,
Christine O. Gregoire

Governor

March 20, 2006

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 9, Engrossed Substitute House Bill No. 3127 entitled:

"AN ACT Relating to education."

Section 9 is a standard null and void clause. It is unnecessary in this instance as the Supplemental Budget included appropriations for this Act.

For these reasons, I have vetoed Section 9, of Engrossed Substitute House Bill No. 3127.

With the exception of Section 9, Engrossed Substitute House Bill No. 3127 is approved.

Respectfully submitted,
Christine O. Gregoire
Governor

March 30, 2006

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 14 and 15, Engrossed House Bill No. 3159 entitled:

"AN ACT Relating to the excise taxation of food products."

Sections 14 and 15 of this bill provide a sales and use tax exemption on material used to package canned salmon. That material includes items that affix the label to the labeled product, or items that become a component of the label, such as clear wrap, boxes, tape, box labels, glue, and ink.

With the exception of materials used to pack fresh perishable horticultural products for farmers, custom packers are consumers of packing materials and the purchase or use of such materials is subject to the retail sales and use tax. Consequently, I am concerned with providing a sales and use tax exemption for packing materials used by persons subject to the preferential rate for canned salmon. Such persons are custom packers. Providing a limited exemption for these materials sets a precedent for other custom packers who desire similar sales and use tax exemptions.

The 2005 tax breaks for the fruit and vegetable processors were enacted to help an industry that was in obvious trouble and in need of temporary aid to help turn around the industry's fortunes. That legislation was not intended to create a template for getting tax breaks for other industries. Rather, it was intended to help a Washington industry in dire straits. Washington's seafood processing industry appears to be healthy and does not need this kind of help from the state.

For these reasons, I have vetoed Sections 14 and 15 of Engrossed House Bill No. 3159.

With the exception of Sections 14 and 15, Engrossed House Bill No. 3159 is approved.

Respectfully submitted,
Christine O. Gregoire
Governor

March 29, 2006

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 1 and 3, Engrossed House Bill No. 3261 entitled:

"AN ACT Relating to strengthening the review process by the indeterminate sentence review board by adding two members to the board and allowing victims to provide input at board hearings involving offenders sentenced under RCW 9.94A.712."

The Indeterminate Sentencing Review Board (ISRB) is experiencing an increased caseload with the 2001 addition of indeterminate sentencing for sex offenders. New board members will be needed in the future. However, they are not critically needed at this time. In order for the ISRB to run efficiently with its current and projected caseloads, its current staffing and technology limits need to be improved before it adds new board members.

An emergency clause is also unnecessary. Because it is already the practice of the ISRB to provide victims the ability to participate in its hearing process, victims will not be harmed by any delay in enactment. The ISRB is fully supportive of the amendment to Chapter 9.95.420 RCW, and has agreed to comply with the requirements of the amendment in the interim before this bill takes effect.

For these reasons, I have vetoed Sections 1 and 3 of Engrossed House Bill No. 3261.

With the exception of Sections 1 and 3, Engrossed House Bill No. 3261 is approved.

Respectfully submitted,
Christine O. Gregoire
Governor

1009-S	Other Action	22
1010	Second Reading	298
1010-S	Second Reading Amendment	298
	Third Reading Final Passage	300
	Final Passage	1435
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	President Signed	1565
	Governor's Action	1582
1015	Committee Report	190, 237
	Second Reading	425
1015-S2	Second Reading Amendment	425
	Third Reading Final Passage	426
	Other Action	1570
1020-S	Second Reading Amendment	141
	Third Reading	140
	Third Reading Final Passage	142
	Final Passage	1128
	Other Action	140, 1127
	Speaker Signed	1211
	Messages	1125
	President Signed	1226
	Governor's Action	1582
1022	Other Action	22
1023	Other Action	22
1027	Other Action	22
1029-S	Committee Report	152
	Other Action	22
1037	Other Action	22
1041	Other Action	22
1046	Other Action	22
1060	Other Action	22
1061	Other Action	22
1069	Third Reading	403
	Third Reading Final Passage	403
	Speaker Signed	1211
	Messages	1019
	President Signed	1225
	Governor's Action	1582
1071	Second Reading	137, 273
	Other Action	137
1071-S2	Second Reading Amendment	273
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	Other Action	1570
1080-S	Third Reading	89
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Final Passage	1030
Other Action	1029
Speaker Signed	1211
Messages	1026
President Signed	1226
Governor's Action	1582
1082	
Other Action	22
1084	
Other Action	22
1094	
Other Action	22
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Other Action	22
1107	
Committee Report	191
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Other Action	256
1107-S	
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Speaker Signed	1211
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President Signed	1226
Governor's Action	1583
1115	
Other Action	22
1120	
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Other Action	22
1120-S	
Second Reading	231
Third Reading Final Passage	231
Other Action	1570
1127-S	
Other Action	112
1131	
Third Reading	63
Third Reading Final Passage	64
Other Action	1570
1142	
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1145	
Committee Report	87
Second Reading	199
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1150	
Other Action	22
1151-S	
Third Reading	91
Third Reading Final Passage	91
Other Action	1026
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1153-S	
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1155	
Other Action	22
1159-S	
Other Action	22
1169-S	
Other Action	22
1178	

Other Action	22
1184	
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Second Reading	199
Third Reading Final Passage	200
Other Action	22, 1570
1200	
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Other Action	22
1213	
Other Action	22
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1224	
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1225	
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1226-S	
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Second Reading	426
Other Action	22
1226-S3	
Second Reading Amendment	426
Third Reading Final Passage	427
Final Passage	1081
Other Action	1080
Speaker Signed	1211
Messages	1078
President Signed	1226
Governor's Action	1584
1228-S	
Other Action	22
1229-S	
Other Action	22
1230-S	
Other Action	22
1243	
Other Action	22
1257-S	
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Other Action	1030
Speaker Signed	1211
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President Signed	1226
Governor's Action	1580
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Third Reading	63
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Other Action	1570
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Committee Report	101
Second Reading	200
Other Action	22
1279-S	
Second Reading	200
Third Reading Final Passage	200
Other Action	1570
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Second Reading	374
Third Reading Final Passage	374
Speaker Signed	1018
Messages	994
President Signed	1044
Governor's Action	1579
1311	
Other Action	22
1320-S	
Other Action	22
1326-S	
Other Action	22
1331	
Third Reading	142
Third Reading Final Passage	143
Other Action	1570
1341-S	
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Other Action	1570
1343-S	
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1348-S	
Third Reading	143
Third Reading Final Passage	143
Other Action	1570
1358	
Other Action	22
1359-S2	
Third Reading	201
Third Reading Final Passage	201
Other Action	1570
1361	
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1383	
Second Reading Amendment	295
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Speaker Signed	1018
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President Signed	1044
Governor's Action	1583
1384-S	

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Second Reading	200
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Speaker Signed	1211
Messages	1019
President Signed	1225
Governor's Action	1581
1395	
Committee Report	129
Second Reading	374
Other Action	22
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Second Reading Amendment	374
Third Reading Final Passage	375
Other Action	1570
1399	
Other Action	22
1404	
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Other Action	22
1428	
Other Action	22
1429	
Second Reading Amendment	90
Third Reading	90
Third Reading Final Passage	90
Other Action	90, 1570
1430-S	
Committee Report	129
Second Reading	259
Other Action	22
1430-S2	
Second Reading	259
Third Reading Final Passage	259
Other Action	1570
1436	
Committee Report	96
Second Reading	300
Other Action	301
1439	
Third Reading	64
Third Reading Final Passage	64
Final Passage	1186
Other Action	1185
Speaker Signed	1226
Messages	1183
President Signed	1430
Governor's Action	1584
Governor's Veto Message	1586
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Committee Report	254
Other Action	22
1453-S	
Other Action	22
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Second Reading	375
Other Action	22
1458-S3	
Second Reading Amendment	375
Third Reading Final Passage	377
Speaker Signed	954

Messages	885
President Signed	1019
Governor's Action	1579
1466	
Second Reading	91
Third Reading	90
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Construction contractor, claim rights in construction contracts: HB 1613, HB 2059

Construction, accrual and limitation of actions arising from construction: HB 2004

Default judgments, military status of defendant: ***EHB 3074, CH 80 (2006)**

Dependent persons, rights and protections for victims and witnesses of crimes: HB 2126

Employer disclosure of employee information to prospective employer, limited liability: ***HB 1625, CH 103 (2005)**

Geologists, statute of limitations for construction claims: HB 2269

Governmental entities, notice requirements for tort claims against: HB 3120

Health insurance pool, liability limits for actions related to: HB 1507

Initiative 330, health care liability reform: HI 330

Injuries resulting from health care, apologies and settlement offers inadmissible as evidence: HB 2292, HB 2295

Injuries resulting from health care, birth-related injury compensation plan: HB 1859

Injuries resulting from health care, burden of proof: HB 2915

Injuries resulting from health care, early settlement: HB 2510

Injuries resulting from health care, expert witness qualifications: HB 1224, HB 1860, HB 2292

Injuries resulting from health care, indigent emergency medical care account: HB 3135

Injuries resulting from health care, informed consent for medical services for minors: HB 1281

Injuries resulting from health care, joint task force to study dispute resolution alternatives: HB 1777

Injuries resulting from health care, liability reform: HB 2292

Injuries resulting from health care, limitations of actions: HB 1858, HB 2292

Injuries resulting from health care, limits noneconomic damages and attorney's fees: HB 3135

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Injuries resulting from health care, notification and settlement provisions: HB 1861, HB 1946

Injuries resulting from health care, parties liable for damages: HB 1862

Injuries resulting from health care, patient safety fee and set aside: HB 1291, HB 2279, HB 2295, SSB 5318

Injuries resulting from health care, voluntary arbitration: HB 2292

Liquified petroleum gas, liability limits: HB 1159

Mandatory arbitration of civil actions, county population thresholds: EHB 1814, ***SB 5733, CH 472 (2005)**

Mediation, uniform act: HB 1055, ***ESSB 5173, CH 172 (2005)**

Medical malpractice, reforms: HB 1686

Nuisance actions against agricultural practices, costs recovery when defendant farm prevails: ***ESB 5962, CH 511 (2005)**

Obstructing the lawful taking of wildlife or fish, civil penalty against local government: HB 1926

Private property, fairness in government regulation of : HB 3311

Service of summons, service by publication: HB 1403, ***SB 5053, CH 117 (2005)**
 Social and health services department, liability arising from acts or omissions of workers: HB 2164
 Violent video and computer games, injury or wrongful death actions: HB 2178

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Agency rules, governor's signature on significant legislative rules: EHB 1276
 Agency rules, housing impact statements: HB 1950
 Agency rules, legislative review: HB 2771
 Agency rules, small business advisory board and rule impact reduction: ESSB 5730
 Agency rules, small business advocacy committee: HB 1445
 Agency rules, small business economic impact statement criteria: HB 1908, HB 2945
 Industrial safety administrative appeals, costs awarded to employer when employer prevails: HB 2160
 Regulatory reform, office of: HB 1673

ADOPTION

Financial disclosure statement required, provisions revised: HB 2468, ***ESSB 6635, CH 248 (2006)**

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Facility disputes, arbitration agreements: HB 1960
 Food safety training: HB 1545
 Providers, administration and business planning class: HB 2959, ***SB 6637, CH 249 (2006)**
 Providers, sanction procedure when employee is the cause of problem: HB 2098
 Sabbaticals for home operators: HB 2100
 Yakima county, moratorium on new licenses: HB 2260

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Bankruptcy filings, tuition units considered excluded personal units: HB 2021, ***SB 5926, CH 272 (2005)**
 Eligible beneficiary and tuition and fees definitions: HB 2021, ***SB 5926, CH 272 (2005)**
 Residency requirements: HB 2021, ***SB 5926, CH 272 (2005)**

ADVERTISING

"Washington Made" logo to promote state products: HB 2104
 Auto transportation companies, promotional fares: HB 1421
 Electricians, licensing required prior to advertising: HB 1331
 Lottery advertisements must include education funding levels: HB 2243
 Political, public disclosure violations and penalties: HB 1143, HB 2358, ***ESB 6152, CH 315 (2006)**
 Tourism in Washington state, television campaign: HB 1588, HB 2886
 Wine industry, advertising and promotion: HB 3150

AFRICAN-AMERICANS

Rosa Parks day: HB 3284

AGRICULTURE (See also FARMS; LIVESTOCK)

Alternative fuels, water rights relinquishment provisions for crops used in the production of: HB 2767
 Animal carcasses, disposal: HB 2082, HB 2558, ***SSB 5602, CH 510 (2005) PV, *SB 6371, CH 155 (2006)**
 Animal feeding operations, permit requirements and procedures: HB 1615, ***SSB 5602, CH 510 (2005) PV**
 Asparagus, exception to fruit and vegetable standards: ***HB 1722, CH 234 (2005)**, SB 5723
 Beef, business and occupation tax relief expiration date: ***HB 1407, CH 150 (2005)**
 Bioenergy assistance program, conversion of farm products: ESSB 6501
 Bioenergy loan program, conversion of farm products: HB 2775
 Burning of cereal grains and grass seeds, tax exemptions: HB 1664, ***2SSB 5663, CH 420 (2005)**
 Christmas trees, grower licensure: SSB 6133
 Code cities, agricultural lands exclusion from boundaries of: ***SB 5589, CH 77 (2005)**
 Commercial feed, adulterated: ***SSB 5190, CH 40 (2005)**
 Commercial feed, licensing provisions and regulations: ***HB 1086, CH 18 (2005)**
 County facilities for agricultural promotion, lodging tax provisions: HB 1796, HB 2365
 Dairy nutrient management program revisions: HB 1615, ***SSB 5602, CH 510 (2005) PV**
 Dairy products, excise taxation: ***EHB 3159, CH 354 (2006) PV**, SB 6704

Fairs, study of economic and social contribution: HB 2096
 Farm labor contractors, regulations and protections: HB 2623
 Farm machinery and equipment, sales and use tax exemptions: HB 1971, HB 2417, HB 2457
 Farmers market nutrition programs, funding: HB 1593
 Fruit and vegetable district fund: ***SSB 5488, CH 49 (2005)**
 Fruit and vegetable processing and storage, taxation provisions: HB 2221, HB 3083
 Grain, elevator and warehouse air registration: ***SB 5142, CH 138 (2005)**
 Growth management, accessory nonfarm home-based or similar businesses that supplement on-farm income: HB 2905
 Growth management, agricultural land use and activities: HB 2261, HB 2917
 Growth management, agricultural zoning that supports family farms: HB 2132
 Growth management, ongoing agricultural activities encouraged: HB 2907
 Habitat conservation programs, riparian protection and farmlands preservation accounts: HB 1413, ***ESSB 5396, CH 303 (2005)**
 Impact of agriculture and food processing on state's economy, study: HB 2202
 Labor and industries department initial visit to small agricultural employers: HB 1553
 Livestock nutrient management program: HB 1615, ***SSB 5602, CH 510 (2005) PV**
 Milk and dairy products, safety : HB 3010
 Milk processing plant licensing fees: HB 1085, ***SB 5039, CH 414 (2005)**
 Milk products, cow shares: HB 2598
 Milk products, cow shares and requirements for raw milk sales: ***SSB 6377, CH 157 (2006)**
 Milk products, wholesale sales of raw milk exempted from business and occupation tax: HB 2878
 Nuisance actions against agricultural practices, costs recovery when defendant farm prevails: ***ESB 5962, CH 511 (2005)**
 Pesticides, restrictions on highly toxic pesticide use: HB 1863
 Potato commission: HB 1608
 Preservation, transportation project environmental mitigation moneys for agricultural preservation: HB 3235
 Property taxes, open space program taxation: ***HB 1554, CH 57 (2005)**
 Raw milk, wholesale sales of raw milk exempted from business and occupation tax: HB 2878
 Real estate excise tax exemption for certain farm and agricultural land: HB 1801
 Real estate seller's disclosure, notice to prospective buyer when property is located near a farm: HB 2723, ***ESB 5962, CH 511 (2005)**
 Seeds, tax exemptions for facilities used in conditioning of vegetable seeds: HB 1523
 Walla Walla sweet onion, state vegetable: HB 1964
 Water rights, crop rotation as sufficient cause for nonuse: HB 2159
 Wetlands, provisions relating to agricultural lands and growth management: HB 2883
 Workers, protections for farm labor contractors: HB 2623

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Animal carcasses, disposal: HB 2082, HB 2558, ***SSB 5602, CH 510 (2005) PV, *SB 6371, CH 155 (2006)**
 Appropriations: ***ESB 6121, CH 517 (2005)**
 Fairs, study of economic and social contribution: HB 2096
 Fruit and vegetable inspection account, expenditure restrictions: HB 2274
 Invasive knotweed: HB 1423
 Livestock identification program, advisory committee and plan: HB 3033

AIDS

HIV insurance coverage program, provisions: HB 2632

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Agricultural burning of cereal grains and grass seeds, tax exemptions: HB 1664, ***2SSB 5663, CH 420 (2005)**
 Burn bans, impaired air quality and fine particle measures: HB 1302
 Carbon dioxide mitigation, business and occupation tax credit: HB 2794
 Coal use in electric plants, phase out: HB 1167
 Control agencies, fund disbursement: HB 1361
 Control authority boards, membership: ***ESSB 6802, CH 227 (2006)**
 Grain, elevator and warehouse air registration: ***SB 5142, CH 138 (2005)**
 Indoor clean air act, smoking exemption for religious ceremonies: HB 2652

Mercury-emitting facility, emission standards: HB 3236
 Motor vehicle emissions, California standards: HB 1397
 Motor vehicles, tax exemptions for trading in old vehicles: HB 2768
 Outdoor burning, prohibition delayed in areas of small towns and cities: ESSB 6646

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Aerospace task force and study: HCR 4418, SCR 8418
 Aircraft fuel tax increase: ***SSB 5414, CH 341 (2005)**
 Aircraft noise abatement, easements and damage waivers: HB 1931
 Construction, port districts assessed penalties for vehicle size and weight violations: HB 1994
 Registration fees for pilots, airmen, and airwomen: ***SSB 5414, CH 341 (2005)**
 Rental cars, customer facility charge on customers of rental car companies accessing airports: HB 1596, ***SSB 5584, CH 76 (2005)**
 Sea-Tac, citizens committee on aircraft noise abatement: HB 1930
 Siting council and guidelines: HB 1390
 Statewide airport capacity and facilities assessment: ***ESSB 5121, CH 316 (2005)**

ALCOHOL AND DRUG ABUSE (See also DRIVING UNDER THE INFLUENCE)

At-risk youth, prevention quality council: HB 1052
 At-risk youth, substance abuse or mental health problems: HB 2993
 Chemical dependency treatment, standard assessment protocols: HB 1200
 Child born with or fetus determined to be alcohol or drug dependent, treatment and birth control: HB 2095
 Commercial drivers, employer alcohol and drug test result reports: HB 1266
 Contaminated property, cleanup provisions: HB 2712, HB 2901, ***E2SSB 6239, CH 339 (2006)**
 Controlled substances, manufacturing as element of endangerment with a : HB 2743
 Controlled substances, penalties for endangerment with a controlled substance: HB 2746
 Controlled substances, study of state policies: HB 3232
 Drug courts, definition: ***E2SSB 6239, CH 339 (2006)**
 Drug courts, jurisdiction: SB 6493
 Drug offender sentencing, judicially supervised substance abuse treatment: HB 2015
 Drug offender sentencing, partial confinement in residential chemical dependency treatment: HB 2016
 Drug offender special sentencing alternative, study: ***E2SSB 6239, CH 339 (2006)**
 Drug offenses which also cause damage to a dwelling or facility, enhanced sentencing: HB 2781
 Drug task forces, review of funding: HB 2712, ***E2SSB 6239, CH 339 (2006)**
 Drug trafficking, penalties: HB 2628
 Drug-free workplace program: HB 2712, ***E2SSB 6239, CH 339 (2006)**
 Enforcement, pilot areas established: ***E2SSB 6239, CH 339 (2006)**
 Excise tax on the possession of illegal drugs and alcohol: HB 2448
 Homeland security department power to combat illegal drugs: HJM 4035
 Meth action teams, review of funding: HB 2712, ***E2SSB 6239, CH 339 (2006)**
 Methamphetamine, contaminated property cleanup provisions: HB 2712, ***E2SSB 6239, CH 339 (2006)**
 Methamphetamine, penalties for manufacture and possession including precursors: HB 2839
 Methamphetamine, penalties for manufacturing exposure to vulnerable adults: HB 2895
 Methamphetamine, purchase and possession of precursors including iodine and methylsulfonylmethane: ***HB 2567, CH 188 (2006)**, HB 2839
 Methamphetamine, registration pilot project for offenders: HB 3004
 Methamphetamine, Snohomish county law enforcement and treatment pilot program: HB 1551
 Multijurisdictional drug task force and local government drug prosecution assistance: HB 2712, HB 2892, HB 2919, HB 2967, ***E2SSB 6239, CH 339 (2006)**
 Omnibus treatment of mental and substance abuse disorders act of 2005: ***E2SSB 5763, CH 504 (2005) PV**
 Opiate treatment programs, information regarding health risks for pregnant women: HB 2115, ***SB 5974, CH 70 (2005)**
 Property acquired in drug forfeiture action, hazardous waste provisions: HB 1208
 Psychoactive substance control, commission on: HB 3171
 Substance abuse and mental health treatment pilot program: HB 2712, ***E2SSB 6239, CH 339 (2006)**
 Unborn quick child, penalties for illicit drug use by mothers resulting in harm to fetus: HB 2093
 Vehicle accidents involving fatalities, drug and alcohol tests : HB 2228, HB 2391

We care plan agency response matrix, report of findings: HB 2264

ALCOHOLIC BEVERAGES (See also DRIVING UNDER THE INFLUENCE)

Alcohol education programs, disbursement of liquor revolving fund moneys: HB 1410
 Beer and wine, task force to study distribution of: ***2SSB 6823, CH 302 (2006)**
 Beer, brewers may sell beer of their own production from their restaurant premises: ***HB 3154, CH 44 (2006)**
 Beer, brewery may act as distributor: HB 3213, HB 3246, ***2SSB 6823, CH 302 (2006)**
 Beer, commission: HB 3046, ***ESB 6661, CH 330 (2006)**
 Beer, courses of instruction and samples: HB 1431
 Beer, merchandising by persons under twenty-one years old: HB 3031
 Beer, samples in grocery stores: HB 1632, SSB 5682
 Beer, shipment of beer and wine from manufacturers directly to retailers: HB 3166
 Businesses serving, fire inspections and automatic sprinkler systems: HB 1401
 Caterer's endorsement, passenger vessels: ***HB 2897, CH 101 (2006)**
 Containers, refund value for recycling purposes: HB 2793
 Contract liquor stores: ***HB 1409, CH 151 (2005)**
 Excise tax on the possession of illegal drugs and alcohol: HB 2448
 Ferries, sales of alcohol on : HB 2851, HB 3255, ***SSB 6791, CH 362 (2006)**
 Flavored malt beverages, regulations: ***HB 2562, CH 225 (2006)**
 ID for purchases, Canadian liquor control authority ID cards: ***HB 1621, CH 102 (2005)**
 Indian enrollment cards as identification for purchase: HB 1496
 Licenses, processing: HB 2563, ***SSB 6540, CH 359 (2006)**
 Local sales and use, special stadium sales and use tax imposed on food and beverages: HB 3251
 Malt liquor, container size for sales of: HB 1430
 Spirits, beer, and wine restaurant licenses, formula cap provisions: HB 2560, ***SB 6539, CH 85 (2006)**
 Spirits, courses of instruction and samples: HB 1431
 State liquor retail sales business plan, sales on Sundays: HB 1379
 Tax increases: HB 1089
 Taxation, additional tax enacted in 2005 repealed: HB 2378
 Wine and beer, task force to study distribution of: ***2SSB 6823, CH 302 (2006)**
 Wine, advertising and promotion of wine industry: HB 3150
 Wine, courses of instruction and samples: HB 1431
 Wine, direct shipment from manufacturers to consumers: HB 2561, ***ESB 6537, CH 49 (2006)**
 Wine, merchandising by persons under twenty-one years old: HB 3031
 Wine, sale by a society or organization: HB 3128
 Wine, samples in grocery stores: HB 1632, SSB 5682
 Wine, shipment of wine and beer from manufacturers directly to retailers: HB 3166
 Wine, winery may act as distributor: HB 3213, HB 3246, ***2SSB 6823, CH 302 (2006)**

ALL-TERRAIN VEHICLES

Safety education and training program: HB 1029

AMBER ALERT

Civil immunity for broadcasters: HB 1518, ***SB 5453, CH 128 (2005)**

AMBULANCES

City and town, services provided by: HB 1736
 Emergency vehicle permits, background checks: ***HB 1305, CH 27 (2006)**
 Insurance, private services exempt from code: HB 1996
 Insurance, subscription air ambulance services: ***ESSB 5736, CH 81 (2005)**
 Local government utility service charges to fund ambulance and emergency services: HB 1635
 Private air ambulance services, exemption from licensing under insurance code: HB 2615, ***SB 6231, CH 61 (2006)**
 Volunteer drivers, code city legislative personnel: ***SB 5168, CH 38 (2005)**

AMUSEMENT RIDES

Operation requirements, permits and fees: SB 5307

ANATOMIC GIFTS

Blood donation, placental and umbilical cord pilot projects: HB 2474
 Hospital procedures: HB 1763
 Organ donation awareness education: HB 2842

ANIMALS (See also DOGS; HORSES AND HORSE RACING; LIVESTOCK; WILDLIFE)

Animal fighting, penalties for the crime of: HB 1579, ***SB 6568, CH 287 (2006)**
 Beaver relocation permit: ***HB 2381 (2006) V**
 Body-gripping traps, furbearer management program and rules for traps and bait: ESB 5319
 Carcasses, disposal: HB 2082, HB 2558, ***SSB 5602, CH 510 (2005) PV, *SB 6371, CH 155 (2006)**
 Cruelty, conditions defining and penalties for: HB 1304, HB 1499, SB 5352
 Dogs, conditions for declaring dangerous: HB 1150
 Dogs, guide dogs and service animals: HB 2461
 Dogs, homeowner's insurance restrictions: EHB 1016
 Dogs, national war dog memorial: HJM 4020
 Guide dogs and service animals, provisions: HB 2461
 Massage practitioners, animal endorsement provisions repealed: HB 2092
 Pet food, registration provisions and regulations: ***HB 1086, CH 18 (2005)**
 Sexual contact with, penalties: ***SSB 6417, CH 191 (2006)**
 Veterinary technicians, training requirements: HB 1511
 Wild, keeping dangerous wild animals: HB 1151

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Efficiency standards: HB 1062, HB 3242, ESSB 5098, ***SSB 6840, CH 194 (2006)**
 Public utility districts, electrical appliance repair service: HB 1715, ***ESSB 5348, CH 175 (2005)**

APPRENTICES

Community college required course tuition deducted from training contracts: HB 1560
 Cosmetology apprenticeship program, provisions: HB 2596
 Educational outreach program for middle and secondary school students, centers of excellence: HB 2789
 Housing assistance program, application preference to projects utilizing apprentices: HB 1547, SB 5612
 Public works projects, apprenticeship utilization: HB 1028, ***SSB 5097, CH 3 (2005)**
 Public works projects, transportation department apprenticeship utilization requirements: HB 3003, ***E2SSB 6480, CH 321 (2006)**
 Unemployment compensation provisions: HB 2250
 Veterans, outreach effort to educate veterans about apprentice opportunities in construction: ***E2SSB 6480, CH 321 (2006)**

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Educational outreach program for middle and secondary school students, centers of excellence: HB 2789

AQUACULTURE

Hood Canal, aquatic rehabilitation zone: HB 1060, HB 2081
 Hood Canal, rehabilitation program: HB 2097
 Private sector cultured aquatic products, livestock definition: HB 2146

ARBITRATION (See also MEDIATION)

Hospital medical staff disputes regarding membership and privileges: HB 1783
 Injuries resulting from health care, voluntary arbitration: HB 2292
 Long-term care facility disputes, arbitration agreements: HB 1960
 Mandatory arbitration of civil actions, county population thresholds: EHB 1814, ***SB 5733, CH 472 (2005)**
 Multiunit residential buildings, inspections and construction defect dispute resolutions: ***EHB 1848, CH 456 (2005)**
 Uniform arbitration act: HB 1054

ARCHAEOLOGY

Department of archaeology and historic preservation: HB 1706, ***SSB 5056, CH 333 (2005)**
 Native American cultural resources information, public disclosure exemption: HB 2675, ***SB 6429, CH 86 (2006)**

ART WORKS

Correctional facilities, expenditures for works of art prohibited: HB 2014
 McNeil Island, expenditures for works of art prohibited: HB 2014
 Nonprofit organizations, capital project funding criteria: HB 1577
 State art collection conservation funding: ***HB 2188, CH 36 (2005)**

ARTS COMMISSION

Correctional facilities, expenditures for works of art prohibited: HB 2014
 McNeil Island, expenditures for works of art prohibited: HB 2014
 State art collection conservation funding: ***HB 2188, CH 36 (2005)**

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Asbestos-related liabilities, limitations: HB 3147

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Identity theft, fraud alert network and identity theft grant program: HB 3067
 Insurance fraud, study: HB 1977
 Office of privacy protection, personal information protection: SB 5327
 Public records, model rule on access and request assistance: HB 1758

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Conflicts of interest when serving as pro tempore judges, commissioners, or guardians ad litem: HB 1139
 Discovery in a criminal case, materials furnished to attorney: HB 2613
 Injuries resulting from health care, patient safety fee and set aside: HB 1291, HB 2279, HB 2295, SSB 5318
 Public defenders, personal information privacy: HB 1784, ***SSB 5654, CH 355 (2006)**
 Service of process, recovery of actual costs: HB 1671

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Vessels, auctioneer requirements: HB 1765

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Industrial insurance fund audits: HB 1856
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 Performance audits, priority performance measures: HB 1834
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Caring for Washington children with autism task force: HB 2181, ***SB 5311, CH 259 (2005)**

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Aerospace manufacturing, joint legislative task force and review: HB 2383
 Aerospace task force and study: HCR 4418, SCR 8418
 Aircraft fuel tax increase: ***SSB 5414, CH 341 (2005)**
 Airline pension relief: HJM 4032
 Commercial airplanes, business and occupation tax credit for property tax payments: HB 2111
 Commercial airplanes, tax incentives for development: HB 1940, ***HB 2466, CH 177 (2006)**, HB 2639, 2SSB 6604
 Registration fees for pilots, airmen, and airwomen: ***SSB 5414, CH 341 (2005)**
 Statewide airport capacity and facilities assessment: ***ESSB 5121, CH 316 (2005)**
 Use tax, nonresident exemption for goods purchased outside the state: HB 2129

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 Child care providers, background checks regarding child abuse or neglect for unlicensed providers: HB 2483
 Criminal history record information, reporting requirements: HB 3118, ***SB 6720, CH 294 (2006)**
 Developmental disabilities service providers, records checks: HB 3158
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 Gubernatorial appointments: HB 1306, ***SB 5439, CH 45 (2006)**
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 Metropolitan park district employees: ***HB 2991, CH 222 (2006)**
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 State employees with access to resident's personally identifiable information: HB 2920
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Recovery agents, definition: HB 3219

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Employee job performance, employer providing information: HB 1544
 Identity theft, fraud alert network and identity theft grant program: HB 3067
 Limited liability companies, banks and savings banks allowed to organize as: HB 2757, ***SB 6463, CH 48 (2006)**
 Out-of-state, regulations: HB 2128, ***ESSB 5997, CH 348 (2005)**
 Regulatory authority, state: HB 1419, ***SSB 5266, CH 338 (2005)**

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 Share the road license plates, bicycle safety and awareness: ***HB 1254, CH 426 (2005)**
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 Public works contracts, lowest responsible bidder requirement: HB 2024
 Public works, compensation when all bids are rejected: HB 1292
 State purchasing, electronic and web-based bids: ***HB 1439, CH 363 (2006) PV**
 Wastewater projects, bidding for insurance coverage: HB 1127

BIOTECHNOLOGY (See also TECHNOLOGY)

Biotechnology and biomedical device manufacturing sector, study: HB 3119
 Tax incentives for biotechnology product and medical device commercial expenditures and manufacturing: HB 2640
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BIRDS (See also WILDLIFE)

Barred owls, release restrictions: HB 1498
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Child born with or fetus determined to be alcohol or drug dependent, treatment and birth control: HB 2095

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 Vending facilities and vending machines, provisions: HB 3132

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 Assisted living facility applicants, timely assessment of : HB 2865
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 Charter licenses, definitions: HB 2586, ***SSB 6401, CH 186 (2006)**
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 Lady Washington, state ship: HB 2587
 Marine vessel construction, county contracts and security in lieu of bond: HB 1460
 Registration enforcement: SSB 5270
 Registration, violations and penalties: ***HB 1641, CH 29 (2006)**
 Safety education program: HB 1852, ***SSB 5145, CH 392 (2005)**
 Sales and use tax exemptions for vessels purchased by nonresidents: SSB 6500
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 Economic development finance authority, bond amounts and authority expiration date: ***SB 5180, CH 137 (2005)**
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 Fisher/Oke Bridge, Tacoma Narrows Bridge renamed as: HJM 4044
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 Tacoma Narrows bridge project sales and use tax exemptions: HB 1865
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 Tacoma Narrows, funds from construction of second bridge to be deposited into Tacoma Narrows toll bridge account: ***SB 6674, CH 17 (2006)**
 Tolling, authority and provisions: ***SSB 5139, CH 335 (2005) PV**
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 Transportation, 2005-07: HB 1027, HB 2301
 Transportation, 2006 supplemental: HB 2862, ***SSB 6241, CH 370 (2006) PV**
 Transportation, Lewis county loop rail line 2005 budget funding reallocated: HB 3195
 Zero-based agency budget reviews: HB 1949

BUILDING CODES/PERMITS

Enhanced permit assistance pilot programs, office of regulatory assistance: HB 2049
 Permitting bill of rights: HB 1177

BUSES (See also PUBLIC TRANSIT)

Mileage fees for diesel: HB 3258
 Paratransit bus services: HB 2802

BUSINESSES (See also CORPORATIONS; NONPROFIT CORPORATIONS)

Agency rules, small business advocacy committee: HB 1445
 Alternative fuel vehicles and accessories, tax incentives for purchase and lease: HB 1647
 Auto transportation companies, promotional fares: HB 1421
 Automated sprinkler systems for fire protection, bars and nightclubs: HB 1401
 Breaches of security that compromise personal information stored on computers, disclosure: ***SSB 6043, CH 368 (2005)**
 Broadcasting, noncompetition agreements: HB 1264, ***ESSB 5720, CH 176 (2005)**
 Business development companies, financial institutions, and nondepository lenders: HB 2339, ***SSB 6168, CH 87 (2006)**
 Carbon dioxide mitigation, business and occupation tax credit: HB 2794
 Certified capital companies, regulations: HB 1923, HB 3307
 Christmas trees, grower licensure: SSB 6133
 Commercial airplanes, business and occupation tax credit for property tax payments: HB 2111
 Commercial airplanes, tax incentives for development: HB 1940, ***HB 2466, CH 177 (2006)**, HB 2639, 2SSB 6604
 Commercial parking businesses, regulations: HB 1464, SSB 5672
 Community college boards of trustees, business and labor representation: HB 1556
 Computers and preinstalled software, business and occupation tax credit for purchase: HB 1575

Construction contractors, display of licenses and certificates: HB 2599, HB 2600
 Corporations, business and occupation taxation of investment income: HB 2315
 Cosmetology apprenticeship program, provisions: HB 2596
 Credit card-based checks, regulations: HB 3292
 Criminal investigations, businesses with records located outside the state: HB 3281
 Customized employment training program: HB 1825
 Delivery charges for direct mail, tax exemptions: HB 1785
 Electricians, licensing required prior to advertising: HB 1331
 Employee training programs through community or vocational colleges, employer tax credits: HB 2032
 Entrepreneurial development, office of: HB 1898
 Guest services or crowd management employees, exemption from security guard regulations: ***SSB 6257, CH 173 (2006)**
 Health care insurance, business and occupation tax credit for employers: HB 1957
 Health care insurance, fees for large employers who do not provide insurance to employees: HB 1702
 Health care insurance, market stabilization pool: HB 1910
 Health care insurance, private employer enrollment in health care authority programs: HB 1221
 Health services expenditures for employee benefits, minimum labor standards: HB 2517
 High technology business and occupation tax credit: HB 1693, HB 1723, HB 1734, HB 2869
 High technology, consistency improvements for tax incentives: HB 1734
 Home heating fuel service contractors, regulations: HB 2776
 Identity theft, fraud alert network and identity theft grant program: HB 3067
 Industry cluster-based development: HB 2052, HB 2498, SB 5329
 Inmate labor, unfair competition with businesses: HJR 4221, SJR 8206
 Interior designers, certification and standards: HB 1878
 International trade, trade corps fellowship program: HB 3216, ***SSB 6330 (2006) V**
 International, tax incentives for investing in Washington: ***SB 5175, CH 135 (2005)**
 Investment projects in rural areas, consistency improvements for tax incentives: HB 1734
 Job creation tax credit, business and occupation tax: HB 2496
 Job skills program grants, businesses assisting manufacturers: HB 2566
 Light rail construction, business and occupation tax relief for businesses impacted by: HB 2820
 Limited liability companies, campaign contributions: HB 2551
 Master licensing program, performance-based grant program for licensing agencies: ***HB 2131, CH 201 (2005)**
 Math and science technology student employees, tax credits for employers: HB 3173
 Medical services, business and occupation tax reduction for certain businesses: HB 1275
 Municipal business and occupation tax, allocation of printing and publishing income: HB 2033
 National guard, business and occupation tax credit for employers who rehire returning active duty members: HB 2828
 New, business and occupation tax deduction: HB 1869
 New, business and occupation tax exemption: HB 1193
 Paper billing fees, unfair business practices: HB 3197
 Pharmacy benefit managers and management, protection against unfair prescription drug practices: HB 2473
 Port located businesses, tax exemptions: HB 2234
 Postage costs for mailing or printing businesses, tax deductions: HB 1572
 Price gouging, unfair business practices during disaster or emergency situations: HB 2722
 Professional employer organizations, regulations: HB 3060
 Professional employer organizations, taxation: HB 3059, ***SSB 6671, CH 301 (2006)**
 Public records, commercial use of lists obtained through the public records act: HB 2831
 Pyramid promotional schemes: HB 1142, ***SB 6416, CH 65 (2006)**
 Real estate appraisers, trainee classification: HB 1375, ***SB 5274, CH 339 (2005)**
 Roadside tire chain business: HB 2875, ***SSB 6528, CH 324 (2006)**
 Rural counties, business and occupation tax credit for eligible projects: HB 1963, HB 3051
 Semiconductor materials, tax incentives to support semiconductor cluster: HB 3190
 Small business development center, funding: HB 3321
 Small, administrative rule impact reduction and small business advisory board: ESSB 5730
 Small, agency rule economic impact statement to include number of jobs created or lost: HB 1908, HB 2945
 Small, business and occupation tax credit for job creation: HB 1351, HB 1576
 Small, business and occupation tax deduction for employer provided health care: HB 2728

Small, business and occupation tax exemption for new businesses: HB 1676
 Small, economic impact analysis for general permits issued under 90.48 RCW: HB 3228
 Small, group health benefit plans: HB 2121
 Small, health care insurance: HB 1684
 Small, health care insurance access through small business assist program: HB 2069
 Small, health insurance market stabilization pool: HB 1910
 Small, health insurance partnership program: HB 2572
 Small, health savings accounts and small group health benefit plans: HB 2199, HB 2555
 Small, incubator business program property tax exemption: HB 1802, HB 1973
 Small, incubator competitive grant program: HB 1815
 Small, incubator program definitions and grant requirements: SSB 5755
 Small, incubator program tax incentive proposals and study: HB 2143
 Small, tax credit increase: HB 1030, HB 1442, HB 1675, HB 3112
 Small, tax deferrals for rural county investment projects and manufacturing facilities: HB 1574
 Small, technology center proposal review process for federal innovation research program: ***SSB 5902, CH 357 (2005)**
 Start-up and expanding businesses in Washington state, state board investments in: HB 1594
 Tax incentive programs, streamlining provisions: HB 2772
 Tax incentives enacted during 2003-05 biennium, consistency improvements: HB 1734
 Tax incentives, annual survey requirements: HB 1094, HB 1734
 Tax preferences, elimination or restriction for the purpose of raising revenue: HB 2313
 Tax refund anticipation loan act: HB 1251, ***SSB 5692, CH 471 (2005)**
 Temporary staffing services, taxation: HB 1255
 Theft, tax deduction and credit for proceeds lost due to theft in retail and wholesale sales: HB 2459
 Uniform regulations of business and professions, revisions: HB 1395
 Work force training, customized employment training program and tax credit: ***2SSB 6326, CH 112 (2006)**
 Worker training tax credit, business and occupation tax: HB 2565
 Workplace bullying study: HB 1968

CAMPAIGNS

Accounts, drop-in inspections: ***HB 1130, CH 184 (2005)**
 Ballot measures, governmental entities may take positions on : HB 2713
 Candidates, filing with secretary of state or county auditor: HB 1132
 Candidates, length of statement on public office web sites: HB 1114
 Candidates, time frame for soliciting or accepting contributions: HB 2435
 Contributions, discussions on radio talk show: HB 2511
 Contributions, limited liability companies: HB 2551
 Contributions, limits: HB 1226, HB 2449
 Contributions, out-of-state entities: ESB 6522
 Election recall, violation of campaign finance law as grounds for: HB 1389
 Electioneering communications, reports: HB 1144, ***ESSB 5034, CH 445 (2005)**
 Finance disclosure exceptions, candidates in political subdivisions: ***SSB 6323, CH 240 (2006)**
 Finance law violators, recall: HJR 4203
 Finance reform, electioneering communication provisions: HB 1525
 Finance reform, state contractor contribution restrictions: HB 1525
 Funding disclosure and restrictions: HB 1144, ***ESSB 5034, CH 445 (2005)**
 Local government offices, public funding: HB 1436, SSB 6221
 Nominations, signature requirements for minor party nominations: HB 2730
 Public disclosure violations and penalties: HB 1143, HB 2358, ***ESB 6152, CH 315 (2006)**
 Surplus funds, disposal of: HB 1104, ***ESSB 5140, CH 467 (2005)**
 Voluntary spending limits, public financing system: HB 1526

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Resorts, contracts: ***ESSB 5002, CH 112 (2005)**

CANADA

Canadian cattle and beef importation: HJM 4012, ***ESSJM 8010 (2005)**

ID for liquor purchases, Canadian liquor control authority ID cards: ***HB 1621, CH 102 (2005)**

Nonresident Canadian pharmacies, department of health licensing: HB 1168

Nonresident Canadian pharmacies, state board of pharmacy authority: HB 1168

Prescription drugs, reimportation: HB 1194

Prescription drugs, waiver to FDA for importation from Canadian wholesalers: HB 1316, ***ESSB 5470, CH 293 (2005)**

CANCER

Blood donation, placental and umbilical cord pilot projects: HB 2474

Breast and cervical, early detection screening program: HB 1738, ***2ESB 5714, CH 55 (2006)**

Chemotherapy and anticancer drugs, business and occupation tax exemption: HB 3086

Comprehensive cancer center, property tax exemption: HB 1376

Prostate, insurance coverage for screening: ***SSB 6188, CH 367 (2006)**

CAPITOL CAMPUS

Commemorative works account: ***HB 1007, CH 16 (2005)**

Firearms, possession in state legislative building: HB 1489

Legislative buildings committee: HB 1301

CASELOAD FORECAST COUNCIL

Correctional facilities, operating capacity maximum: HB 1993

Powers and duties, developmentally disabled programs: HB 1416

CELL PHONES

Disclosure protections for numbers: HB 1185

Drivers with instruction permits or intermediate licenses, restrictions on the use of cell phones while driving: HB 2568, HB 3184

Driving a motor vehicle, cell phone restriction act of 2006: HB 3184

Driving a motor vehicle, traffic infraction for cell phone use: ESB 5160

Hands-free wireless communications devices, tax exemptions: HB 3061

Task force on telecommunications and information technology: HB 2161

Traffic accident reports to include if and how driver was distracted: ***SSB 5161, CH 171 (2005)**

CEMETERIES (See also FUNERAL DIRECTORS; HUMAN REMAINS)

Regulation revisions for cemeteries, funeral services, and cremation: ***SSB 5752, CH 365 (2005)**

Single burial use of multiple internment spaces, disclosure: ***SSB 5182, CH 359 (2005)**

CEMETERY DISTRICTS (See also SPECIAL DISTRICTS)

County districts allowed to include areas within cities and towns: ***SB 6816, CH 335 (2006)**

CENTRAL WASHINGTON UNIVERSITY

Operating fee waiver authority increase: HB 1250, ESB 5609

Waiver authority limits: HB 2057

CHARITABLE DONATIONS

Combined fund drive, Washington state: HB 2355

Raffles, public employees: HB 1944

Unclaimed personal property, donation to nonprofit charitable organizations: HB 1145

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Bingo, gambling tax exemption: HB 3285

Gambling, restrictions on activities: HB 2175

CHECKS AND CHECK CASHING

Cashers and sellers, borrower payment options: HB 2019

Cashers and sellers, common data base with real-time access to verify outstanding loans: HB 2020

Cashers and sellers, data to be provided to director of financial institutions: HB 1778, HB 3167, SB 5484

Cashers and sellers, limits on amount, interest, and fees: HB 2017, HB 2018

Cashers and sellers, penalties for unlicensed makers of small loans: HB 2359

Cashers and sellers, small loan endorsement: HB 2852

Check cashers and sellers, military borrowers: HB 2881
 Check cashers and sellers, training programs: HB 2997
 Credit card-based checks, regulations: HB 3292
 Dishonored checks, penalties and notice: HB 1347, HB 3036
 Military borrowers, loans to: ***ESSB 5415, CH 256 (2005)**
 Payday loans, employees training programs: HB 2997
 Payday loans, minimum duration: HB 2361, HB 2362
 Payday loans, postdated drafts or checks as security: HB 2363
 Payday loans, study: HB 2360

CHILD ABUSE

Child care providers, background checks regarding child abuse or neglect for unlicensed providers: HB 2483
 Dependency hearings, information sharing in cases of abuse and neglect: SSB 5666
 Dependency petition, social and health services department may file: HB 1482
 Domestic violence, handling cases of child abuse co-occurring with domestic violence: HB 2395
 Family and children's services, study: ***ESSB 5872, CH 474 (2005)**
 Family assessment response demonstration program: HB 3152
 Investigations, interests of child to prevail: HB 3148
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 Investigations, notification to parent being investigated: ***ESSB 5922, CH 512 (2005) PV**
 Investigations, siblings records and visits: HB 1278
 Justice and Raiden act, removal of child from home upon parental noncompliance: ***ESSB 5922, CH 512 (2005) PV**
 Older child victims, training for children's administration employees: ***ESB 5583, CH 345 (2005)**
 Postpartum depression, public information campaign: HB 1427, ***SB 5898, CH 347 (2005)**
 Prevention and intervention investment council: HB 1663
 Records, retention provisions: HB 3153
 Reporting, duty of nonprofit employee or volunteer: HB 1467
 Reporting, duty of person in supervisory capacity: ***ESSB 5308, CH 417 (2005)**
 Trauma mitigation, pilot program: HB 2996

CHILD CUSTODY

Child abuse, social and health services department may file a dependency petition: HB 1482
 Dependency hearings, information sharing in cases of abuse and neglect: SSB 5666
 Dependency hearings, parental deficiencies and termination of rights: HB 2156
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 Grandparents' rights: HB 2000, HB 2711
 Guardianship for dependent children, permanent placement: HB 2030
 Kinship care, oversight committee and duties: HB 1280
 Legal custody or care of child, providing schools with information : HB 2786
 Parenting plans, cultural upbringing: HB 2979
 Public defense office to oversee and monitor dependency and termination legal representation: HB 2029, SSB 5903
 Service of summons, service by publication: HB 1403, ***SB 5053, CH 117 (2005)**

CHILD SUPPORT

Enforcement, private contractors: HB 2119
 Health insurance coverage, wage assignment orders to enforce payment: HB 1935
 Interstate family support act, effective date: ***HB 3048, CH 96 (2006)**
 Support schedule and guidelines, review and update: HB 2462

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Age of consent, study to review: HB 3071
 Agencies providing care, facility location and licensing process: HB 2390
 At-risk youth, definition to include mental health problems: HB 1660, HB 2153
 At-risk youth, prevention and intervention council: HB 1663
 At-risk youth, prevention quality council: HB 1052
 At-risk youth, public access to hearings: HB 1279
 At-risk youth, substance abuse or mental health problems: HB 2993

Autism, caring for Washington children with autism task force: HB 2181, ***SB 5311, CH 259 (2005)**
 Car seat installation technicians held harmless for damages: HB 1475, ***SSB 5085, CH 415 (2005)**
 Child car seats, requirements regarding weight, height, and age of child: HB 1475
 Child care providers, background checks regarding child abuse or neglect for unlicensed providers: HB 2483
 Conversations and communications, parental rights to monitor: HB 1178
 Day-care centers and family day-care providers, information regarding: ***ESSB 5806, CH 473 (2005)**
 Dependency hearings, information sharing in cases of abuse and neglect: SSB 5666
 Dependency hearings, parental deficiencies and termination of rights: HB 2156
 Disabilities, early intervention services: HB 1107, SSB 5141
 Early learning council, child care provider rating and tiered-reimbursement systems: HB 1152
 Early learning, department of: HB 2964
 Family and children's services, study: ***ESSB 5872, CH 474 (2005)**
 Family child care providers, collective bargaining: HB 2353
 Family reconciliation hearings, public access: HB 1279
 Farmers market nutrition programs, funding: HB 1593
 Guardianship for dependent children, permanent placement: HB 2030
 Health care insurance, access: HB 1441
 Health care, kids get care service delivery model for preventative and well-child services: HB 1516
 Heavy metals soil contamination, school and child care facility certification program: HB 1605
 Hunting safety, supervision and minimum age for licenses: HB 1213
 Incarcerated parents, interagency plan and oversight committee: HB 1426, SSB 5407
 Infant screening services, fees: HB 1537
 Informed consent for medical services, persons allowed to give: HB 1281
 Internet safety for children, pamphlet to promote: SB 5803
 Juvenile justice early intervention services, grants through reinvesting in youth program: HB 1483
 Kinship care, consent for mental health care: ***HB 3139, CH 93 (2006)**
 Kinship care, oversight committee and duties: HB 1280
 Lead paint hazard education and awareness strategy: HB 1653
 Legislative youth advisory council, established: ***SB 5254, CH 355 (2005)**
 Legislative youth advisory council, extension: SB 6536
 Medical assistance, children's health program funding and enrollment provisions: HB 2308
 Mental health, age of consent for evaluation or treatment: HB 1058
 Mental health, child care mental health consultation pilot program: HB 2456
 Mental health, pilot program for service delivery: HB 2397
 Mental health, RCW 74.34 subchapter headings: HB 1082
 Mental health, services for children at risk of becoming severely emotionally disturbed: HB 2039
 No child left behind act, funding: HJM 4010
 Parental rights restored and expanded: HB 2954
 Paternity registry: HB 2788
 Preschools, voluntary certification and standards: SB 5621
 Protection, penalties for criminal mistreatment or abandonment: HB 1080
 Reading achievement account: HB 2836
 Safety of child protective, child welfare, and adult protective services workers: ***HB 3122, CH 95 (2006)**
 Services and programs, work group and study of: HB 1391
 Services, task force on the administration and delivery of services: HB 3243, ***ESB 6741, CH 251 (2006)**
 Sex and kidnapping offenders, protections from: HB 3212
 Sex and kidnapping offenders, special verdicts for persons committing crimes against children: ***HB 3277, CH 122 (2006)**, HB 3303
 Sex offenses against, abuse of supervisory position to obtain consent of a minor: ***SSB 5309, CH 262 (2005)**
 Sex offenses against, child molestation in the third degree: HB 2265
 Sex offenses against, foster parent and child sexual relationships: ***SSB 5309, CH 262 (2005)**
 Sex offenses against, rape of child in first degree: HB 2469
 Sex offenses against, taking advantage of a personal relationship or familiarity: HB 2247
 Sexual matter or performance harmful to minors, penalties for display or dissemination: HB 1655
 Trauma mitigation, pilot program: HB 2996

Unborn quick child, penalties for illicit drug use by mothers resulting in harm to fetus: HB 2093
 Uniform transfer of minors act, threshold age of minors: ***HB 2380, CH 204 (2006)**
 Vaccines, mercury-containing: HB 2201, ***ESSB 5305, CH 231 (2006)**
 Witnesses in court proceedings, provisions: ***HB 1837, CH 455 (2005)**

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Health care insurance, conscience clause: HB 2231
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Fire-safe cigarettes, regulations: HB 2346
 Indian enrollment cards as identification for purchase: HB 1496
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 Product sampling: HB 2570, ***ESB 5048, CH 14 (2006)**
 Smoking areas, enclosed area or negative air pressure requirements: HB 1670
 Smoking in public places prohibited: HB 1714, HB 2038
 Smoking in public places, exemptions to initiative 901: HB 3319
 Smoking prohibitions, modifications for economic viability of businesses and clubs: HB 2502, HB 3295
 Smoking rooms, requirements: HB 3269
 Smoking, designated area age restriction: HB 1109, HB 1253, HB 1559
 Smoking, second hand smoke toxin level restriction for nonsmoking areas: HB 1109, HB 1253, HB 1559
 Tax agreements, additional tribes: ***HB 1915, CH 208 (2005)**, SB 5814
 Tax agreements, Puyallup Tribe: HB 1916, ***SB 5794, CH 11 (2005)**
 Taxes, additional tax enacted in 2005 repealed: HB 2377
 Taxes, additional tax to fund Initiative 728 and student achievement account: HB 2302
 Taxes, additional tax to fund youth tobacco prevention account and health services account: HB 2075

CITIES AND TOWNS (See also LOCAL GOVERNMENT; METROPOLITAN MUNICIPAL CORPORATIONS)

Affordable housing incentive program, growth management provisions: HB 2984
 Ambulance and emergency services, utility service charges to fund: HB 1635
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 Annexation, direct property owner petition method: HB 2605
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 Boundary review boards, disbanding provisions: HB 3245
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 Cemeteries, county cemetery districts allowed to include areas within cities and towns: ***SB 6816, CH 335 (2006)**
 Code cities, agricultural lands exclusion from boundaries of: ***SB 5589, CH 77 (2005)**
 Code city council meetings, right of citizen participation: HB 2285
 Community improvement district financing: HB 3198
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 Comprehensive plans, safe nonmotorized transportation routes to and from schools: HB 2276
 Council meetings, right of citizen participation: HB 2285
 Creeks, draft long-term creek restoration plan: HB 2151
 Criminal justice costs, fiscal notes and appropriations for bills increasing incarceration periods: HB 2165
 Criminal justice costs, medical costs in the reimbursement of extraordinary criminal justice costs: HB 2950
 Economic development, interlocal agreements with port districts: HB 1740
 Employees, health care benefit equity: HB 3249
 Federal clean water act, assistance to small counties and cities facing liability: HB 1925
 Financial assistance, city-county assistance account: ***ESSB 6050, CH 450 (2005)**
 Financial institutions, state regulatory authority: HB 1419, ***SSB 5266, CH 338 (2005)**

Fire sprinkler suppression systems, water availability for residential systems: HB 2845
 Fireworks, local surcharge: HB 1284
 First-time buyer housing affordability index, impact fee elimination: HB 1959
 Forest practices, local regulations: HB 1404, HB 1692
 Forests products operations of significance, tax incentives and growth management exemptions: HB 1103
 Fuel tax, distribution for statewide taxes: HB 2035, ***SSB 5969, CH 89 (2005)**
 Growth management, additional year to comply with comprehensive plan requirements: HB 2171
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 Growth management, critical areas designation using best available science: HB 2207, HB 2232, HB 2619, HB 2815
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 Growth management, facilities for recreational or tourist use in rural areas: HB 2206, ***SSB 6037, CH 477 (2005)**
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 Growth management, residential density requirements in fully incorporated island cities: HB 2334
 Growth management, review and evaluation joint report: HB 2216, HB 2217
 Growth management, SEPA exemption for cities and counties who plan under RCW 36.70A.040: HB 2952
 Growth management, state projected population growth and urban residential densities: HB 1967, ESSB 5907
 Growth management, study committee on outdoor recreation: ***EHB 2241, CH 423 (2005)**
 Growth management, utility hookups for water and sewer services: HB 2006
 Growth management, voter approval to disband boundary review boards: HB 3244, HB 3260
 Growth management, water quality and habitat requirements: HB 1639
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 Home rule charter cities, primaries: HB 1335, SSB 5326
 Homeless camps, siting: HB 1235
 Homeless persons, county task forces to develop plans for housing: ***SSB 5767, CH 485 (2005)**
 Homeless persons, ending homelessness act: HB 2163
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 Housing, affordable housing through flexible short subdivisions: HB 2325
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 Interlocal agreements, city and county annexation: HB 1285
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 Levy of taxes, date for submitting estimates to counties: ***HB 1048, CH 52 (2005)**
 Local infrastructure financing tool demonstration program: HB 2673

Local sales and use tax, proceed distribution: HB 1155
 Local sales and use, credited against state tax and used to provide services to annexed areas: ***SSB 6686, CH 361 (2006)**
 Manufactured homes, location restriction ordinances prohibited: HB 1374
 Manufactured housing communities, claim of lien for utility services: HB 1424
 Manufactured housing communities, regulations: HB 2718
 Manufactured housing communities, water and sewer connection charges: ***HB 1247, CH 324 (2005)**
 Master licensing program, performance-based grant program for licensing agencies: ***HB 2131, CH 201 (2005)**
 Medical coverage for elected officials and commissioners: HB 3100
 Minor league baseball facilities, taxes to fund: HB 1767, HB 2288
 Mobile home parks, private garbage collection in certain annexed parks: HB 3294
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 Municipal court, interlocal agreements: HB 3082
 Municipal services, annexation surtax: HB 1153
 Off-road vehicles, city and county roads: ***HB 2617, CH 212 (2006)**
 Parking and business improvement areas, tax exemptions for administrative costs: HB 2106, ***SSB 5999, CH 476 (2005)**
 Passenger ferry service, funding and grant program: ***ESSB 6787, CH 332 (2006)**
 Payment of claims, second class cities allowed to pay by claim or warrant: ***HB 3056, CH 41 (2006)**
 Petition signatures, corporations owning land within area involved: HB 2007
 Physical activity, growth management planning and local legislation to promote: ***ESSB 5186, CH 360 (2005)**
 Public development authorities, business and occupation tax exemption: EHB 2270
 Public works projects, population threshold for design-build procedure: HB 3229
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 Regional transportation governance, consolidation for efficiency and emergency evacuation planning: HB 2636
 Safe neighborhood planning and pilot projects: HB 1680
 Second class cities and towns allowed to pay claims by check or warrant: ***HB 3056, CH 41 (2006)**
 Streets and sidewalks, financial assistance for small cities and towns: ***SSB 5775, CH 83 (2005)**
 Transportation funding, local option transportation taxes and motor vehicle fee: HB 2312
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 Trial court funding act: ***E2SSB 5454, CH 457 (2005)**
 Utilities, electronic payment: HB 1009
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 Water and sewer facilities, annexation of facilities and territory: HB 1229
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 Water-sewer district services, taxation on services provided within cities and towns: HB 1992, HB 2236
 Water-sewer district, assumption of district by city: HB 1417, HB 2259
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Landlord and tenant, unlawful detainer process: ***SSB 5479, CH 130 (2005)**, ***SSB 6572, CH 51 (2006)**
 Mandatory arbitration of civil actions, county population thresholds: EHB 1814, ***SB 5733, CH 472 (2005)**
 Obstructing the lawful taking of wildlife or fish, civil penalty against local government: HB 1926
 Statutory costs, provisions: HB 3035
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State, manager definition: HB 1877, HB 3022

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Special license plates: HB 1006

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Drought, joint legislative committee on water supply during drought: ***HB 2166, CH 60 (2005)**
 Drought, statewide emergency funding: HB 2296
 Ice age floods national geologic trail: ***SJM 8000 (2005)**

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Human cloning prohibited: HB 1775, HB 2231
 Stem cell research and human cloning, regulations and advisory committee: EHB 1268

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 Tsunami resistant structures, growth management critical area development: HB 1023
 Tsunami resistant structures, tax incentives for construction of: HB 1022

CODE REVISER

Administrative committee of the office of the code reviser: HB 1847
 Mental health services for minors, RCW 74.34 subchapter headings: HB 1082
 Session law publication: HB 2375, ***SB 6208, CH 46 (2006)**

COLLECTION AGENCIES

Assignment of debt to collection agency, restrictions: HB 2208
 Credit reports, security freeze: HB 3247
 Dishonored checks, penalties and notice: HB 1347, HB 3036

COLLECTIVE BARGAINING

Certificated school employees, dispute resolution process: HB 2076
 Classified school employees, bargaining units: ***HB 1432, CH 232 (2005)**, SB 5705
 Commercial nuclear power plant under operating agency, employee provisions: HB 1558
 Compensation and fringe benefit provisions in master agreement: HB 3029, ESSB 6660
 Family child care providers: HB 2353
 Ferries, state employees: HB 3178, SSB 6794
 Individual providers, hours of work: HB 1349, HB 2475
 Juvenile detention facilities, public employees' provisions to apply to : HB 2460
 Loggers and haulers of logs, compensation rates and collective bargaining: HB 3227
 Public employees, union security provisions: HB 2256
 School districts, disclosure of agreements: HB 2921
 Six-year agreements: ***SB 6411 (2006) V**
 State patrol, negotiations for wages and wage-related matters: HB 1188
 Supplemental insurance, state employees: HB 2896
 Union dues, payroll deductions for state employees: HB 2807
 Western Washington University, agreements: HB 2976

COLLEGES AND UNIVERSITIES (See also COMMUNITY AND TECHNICAL COLLEGES)

Academic bill of rights, intellectual independence and diversity policies: HB 1991
 Admissions, nontraditional course schedules and integrated academic and vocational curricula: HB 2277

Applied baccalaureate degree pilot projects for degrees in applied science and technology: HB 1794
 Baccalaureate degrees, agreements with community and technical college: HB 2210
 Branch campuses, lower-division courses: HB 1267, HB 1794
 Capital projects, prioritization process: HB 2278
 College-readiness standards: HB 2929
 Construction projects, threshold for public works bid requirements: HB 3106
 Course materials, cost saving measures: HB 3087, SSB 6699
 Credit cards, policies regarding company marketing activities: HB 1894, ***ESSB 5506, CH 74 (2005)**
 Deaf, grants to develop training programs for teachers of: HB 1122
 Diversity in student population, promotion of: HB 1586
 Enrollment, funding for high-demand fields increased and decreased in other fields: HB 1997
 False or misleading degrees, minimum standards for degree-granting institutions: HB 2507
 Financial aid, part-time students: HB 1345
 Financial aid, state account: HB 1100
 Financing, comprehensive education study steering committee: HB 1380, ***E2SSB 5441, CH 496 (2005)**
 Foster youth, postsecondary education and training committee: HB 1079, ESSB 5084
 Four-year baccalaureate institution, evaluation of need for new institution: HB 2249
 Gender equity reporting: SB 5625
 Higher education endowment grant funds, deposit outside the state: HB 2225
 Intercollegiate athletic programs, regulations for team medical professionals: HB 1961
 Military, tuition refund for students called to active duty: HB 1174
 National guard conditional scholarship, provisions: ***SB 6766, CH 71 (2006)**
 National guard, tuition waiver for dependents of members serving overseas in war or conflict: HB 2046
 Nonprofit schools and colleges, property tax exemption: HB 2804
 North Snohomish State College: HB 2142
 NSIS region, funding to provide access to higher education using the university center model: HB 3113
 Off-campus student conduct, sanctions for disruptive behavior: HB 2123
 Promise scholarship, academic eligibility: HB 1077
 Public school teachers, tuition and fee waivers: HB 1965
 Public works alternative contracting procedure: HB 1902
 Research, ethical transfer of technology: HB 1806, SSB 5811
 Residency, eligibility regarding nonimmigrant visas: HB 1191
 Residency, Samish Indian Nation eligibility: HB 1607
 Retired state employee tuition waivers: HB 1976
 Running start, public tribal colleges: HB 1399
 Samish Indian Nation, higher education resident tuition eligibility: HB 1607
 Science, graduate fellowship trust fund program for the sciences: HB 2347
 Services and activities fees, provisions: HB 3053
 Strikes by educational employees, violations and penalties: HB 2808
 Student association, statewide: HB 2107
 Student regents and trustees, terms of appointment: ***HB 2857, CH 78 (2006)**
 Students under temporary visas, basic health plan: ***HB 1170, CH 188 (2005)**
 Supervisor defined for public employment purposes: HB 1720, ESB 5510
 Technology, emphasis for enrollment and degrees related to: HB 2817
 Technology, priority for enrollment and degrees related to: SSB 6697
 Technology, streamlining state's technology efforts through centralizing technology missions: HB 3116
 Textbooks, sales and use tax exemptions: HB 3034
 Tuition waivers, review and prioritization: HB 1986
 Veterans, tuition and fee waivers: HB 1174, HB 1552, HB 1712, HB 2233
 Waiver authority limits, regional universities and TESC: HB 2057

COLUMBIA RIVER

Columbia river coastal crab mitigation work group: HB 2961
 General obligation bonds, Columbia river water supply development program: HB 3314, HB 3316, SSB 6898
 Hydropower mitigation fee program: HB 2860
 Mainstream water management program and account: HB 1099

Public utility districts, hydroelectric project or power generation facility on Columbia river in distressed county: HB 3196
 Salmon and steelhead recovery: ***ESB 5355, CH 308 (2005)**
 Water supply inventory: ***E2SSB 6581, CH 169 (2006)**

COMMERCIAL VESSELS AND SHIPPING (See also BOATS)

Marine pilot licensing qualifications and procedures, applicant training program: ***SSB 5150, CH 26 (2005)**
 Marine vessel construction, county contracts and security in lieu of bond: HB 1460
 Oil spill prevention and response, shellfish beds: ***SSB 5676, CH 78 (2005)**
 Passenger vessels, release of sewage and sludge into marine waters: HB 1415
 Port maritime pilotage services, liability limits for Grays Harbor pilotage district: ***SSB 5207, CH 123 (2005)**
 Registration, violations and penalties: ***HB 1641, CH 29 (2006)**
 Sandman foundation, funding: HB 1726

COMMUNITY AND TECHNICAL COLLEGES (See also COLLEGES AND UNIVERSITIES)

Academic bill of rights, intellectual independence and diversity policies: HB 1991
 Applied baccalaureate degree pilot projects for degrees in applied science and technology: HB 1794, HB 1962
 Apprentices, required course tuition deducted from training contracts: HB 1560
 Apprenticeship placement for secondary students, program to facilitate: HB 2789
 Baccalaureate degrees, agreements with universities and the state college: HB 2210
 Boards of trustees, business and labor representation: HB 1556
 Capital projects account, interest provisions: HB 1120
 College and career readiness centers, meaningful high school diplomas: HB 3241
 Construction projects, threshold for public works bid requirements: HB 3106
 Credit cards, policies regarding company marketing activities: HB 1894, ***ESSB 5506, CH 74 (2005)**
 Customized employment training program: HB 1825
 Diversity in student population, promotion of: HB 1586
 Enrollment, funding for high-demand fields increased and decreased in other fields: HB 1997
 Financial aid, part-time students: HB 1345
 Financial aid, state account: HB 1100
 Financing, comprehensive education study steering committee: HB 1380, ***E2SSB 5441, CH 496 (2005)**
 Foster youth, postsecondary education and training committee: HB 1079, ESSB 5084
 Gender equity reporting: SB 5625
 High school completion programs: HB 2582
 High school diplomas, college and career readiness centers and meaningful high school diplomas: HB 3241
 Immigrant students, forward start pilot program: HB 2037
 National guard, tuition waiver for dependents of members serving overseas in war or conflict: HB 2046
 Nonprofit schools and colleges, property tax exemption: HB 2804
 NSIS region, funding to provide access to higher education using the university center model: HB 3113
 Off-campus student conduct, sanctions for disruptive behavior: HB 2123
 Opportunity grant program, work force education program: HB 2630
 Part-time faculty, associate faculty positions: HB 2080
 Part-time faculty, compensation review and update: ***ESB 5087, CH 119 (2005)**
 Part-time faculty, employee health benefits: HB 2583
 Part-time faculty, pay equity: HB 1733, HB 3026, SSB 5802
 Part-time faculty, salary schedule same as full-time faculty: HB 2051
 Presidents' compensation, boards' authority to set: HB 1101
 Promise scholarship, academic eligibility: HB 1077
 Residency, Samish Indian Nation eligibility: HB 1607
 Retired state employee tuition waivers: HB 1976
 Running start, public tribal colleges: HB 1399
 Salary increments, academic employees: HB 2595, HB 2760
 Samish Indian Nation, higher education resident tuition eligibility: HB 1607
 Strikes by educational employees, violations and penalties: HB 2808
 Supervisor defined for public employment purposes: HB 1720, ESB 5510
 Technology, emphasis for enrollment and degrees related to: HB 2817
 Technology, priority for enrollment and degrees related to: SSB 6697

Technology, streamlining state's technology efforts through centralizing technology missions: HB 3116
 Tuition waivers, review and prioritization: HB 1986
 Veterans, tuition and fee waivers: HB 1174, HB 1552, HB 1712, HB 2233

COMMUNITY AND TECHNICAL COLLEGES, BOARD

College-readiness standards: HB 2929
 Customized employment training program: HB 1825
 Immigrant students, forward start pilot program: HB 2037
 Opportunity grant program, work force education program: HB 2630
 Part-time faculty, compensation review and update: ***ESB 5087, CH 119 (2005)**
 Running start, study of performance on WASL and in running start: ESSB 5360
 Strategic direction and performance measures for higher education: HB 1434
 Work force training, customized employment training program and tax credit: ***2SSB 6326, CH 112 (2006)**

COMMUNITY ECONOMIC REVITALIZATION BOARD

Job development fund, grant program to assist local governments with infrastructure projects: HB 1903
 Public facilities loans and grants, military-related private sector businesses: HB 1091
 Public facility construction projects: HB 2602
 Small business incubator program, board authority: HB 1091

COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT

Affordable housing for all act: HB 2649
 Affordable housing, Washington housing trust fund: HB 2418
 Association of Washington generals: HB 1974, ***SSB 5862, CH 69 (2005)**
 Bioenergy assistance program, conversion of farm products: ESSB 6501
 Bioenergy loan program, conversion of farm products: HB 2775
 Capital projects funding for nonprofit cultural and youth and social services facilities: HB 1577
 Community mitigation program, economic impact statements for major public projects: HB 1899
 Community preservation authorities: HB 3207
 Early childhood education and assistance program: HB 1042, HB 1126
 Economic development grants program: ***ESB 5330, CH 314 (2006)**
 Economic development strategic reserve account: ***2SSB 5370, CH 427 (2005)**
 Energy freedom program and board: HB 2939, HB 3304
 Entrepreneurial development, office of: HB 1898
 Flood damage relief program: HB 3169, HB 3200
 Historic county courthouse grant program: HB 1352
 Homeless housing act: HB 1810
 Homeless, ending homelessness act: HB 2163
 Homelessness, ending homelessness program: HB 2650
 Housing assistance and affordable housing programs, administrative cap: ***EHB 1074, CH 219 (2005)**
 Housing assistance program, application preference to projects utilizing apprentices: HB 1547, SB 5612
 Housing trust fund capital bond proceeds, short-term loans for low-income housing development: HB 2140
 Individual development account program, low-income family assistance: HB 1408
 Industry cluster-based development: HB 2052, HB 2498, SB 5329
 International trade, trade corps fellowship program: HB 3216, ***SSB 6330 (2006) V**
 Land transfer, county-specific transfer of development rights demonstration projects: HB 2368
 Lead paint hazard education and awareness strategy: HB 1653
 Logo, "Washington Made" logo to promote state products: HB 2104
 Low-income families, pilot program to assist families to accumulate assets: ***HB 3156, CH 91 (2006)**
 Main street program and advisory committee: HB 1273
 Manufactured/mobile home communities, landlord and tenant dispute resolution procedures: HB 1640, HB 3069
 Manufacturing services, Washington manufacturing services nonprofit corporation: HB 2726
 Mental health, office of the state mental health ombudsman: HB 2894
 Mobile home relocation assistance, reimbursement limits: HB 1061
 Motion pictures, approved motion picture competitiveness program: HB 2818, ***2SSB 6558, CH 247 (2006)**
 Mountains to Sound greenway outdoor recreation projects, account and funding: HB 2625

Powers and duties, department programs and director's authority: ***SSB 5176, CH 136 (2005)**
 Reinvesting in youth program, grants to counties for juvenile justice early intervention services: HB 1483
 Rental assistance program for low-income persons: HB 2026
 Safe neighborhood planning and pilot projects: HB 1680
 Short line rail revitalization program: HB 1658
 Small business incubator competitive grant program: HB 1815
 Small business incubator program definitions and grant requirements: SSB 5755
 Small business incubator program property tax exemption: HB 1802, HB 1973
 Small business incubator program tax incentive proposals and study: HB 2143
 Sustainable energy sources and trust, grant program: HB 2400
 Tourism, promotion funding: HB 2238
 Trafficking of humans, delivery of services work group and study: ***SB 5127, CH 358 (2005)**
 Washington rural loan fund provisions: ***HB 1092, CH 94 (2005)**, SB 5086
 Wind energy, small wind permitting standards: HB 1021

COMMUTING

Commute trip reduction program, application requirements and program modifications: HB 2258, ***ESB 6003, CH 297 (2005)**
 Commute trip reduction program, revisions: HB 3089, ***ESSB 6566, CH 329 (2006)**
 Commute trip reduction, motorcycle preferential parking: HB 1258

COMPUTERS (See also INTERNET)

911 standards for voice over internet protocol service: HJM 4001
 Breaches of security that compromise personal information stored on computers, disclosure: ***SSB 6043, CH 368 (2005)**
 Business and occupation tax credit for purchase of computers and preinstalled software: HB 1575
 Crimes, soliciting or requesting personally identifying information: HB 1812, HB 1888
 Cyberbullying, school harassment prevention policies: ESSB 5849
 Electronic mail fraud, soliciting or requesting personally identifying information: HB 1888
 Sexual matter or performance harmful to minors, penalties for display or dissemination: HB 1655
 Spyware regulations: HB 1012
 Task force on telecommunications and information technology: HB 2161
 Violent video and computer games, injury or wrongful death actions: HB 2178

CONCURRENT RESOLUTIONS

Aerospace task force and study: HCR 4418, SCR 8418
 Bills returned to house of origin: ***SCR 8411 (2005)**, ***SCR 8425 (2006)**
 Bills, reintroduction: ***HCR 4413 (2006)**
 Cutoff dates, 2005 regular session: ***SCR 8400 (2005)**
 Cutoff dates, 2006 regular session: ***SCR 8414 (2006)**
 Cutoff exemptions: HCR 4419, SCR 8410, ***ESCR 8419 (2006)**
 Education, joint select committee on equitable opportunity for all: HCR 4411
 Facilities, approval of names: ***HCR 4415 (2006)**
 Former legislators: ***HCR 4403 (2005)**
 Gambling policy setting, joint select committee: SSCR 8417
 Homeowners' association act committee and review: HCR 4409, ***SCR 8423 (2006)**
 Joint rules: ***HCR 4401 (2005)**
 Joint sessions of legislature: ***HCR 4402 (2005)**
 Legislature organized, governor notified: ***HCR 4400 (2005)**, ***HCR 4412 (2006)**
 Offshore outsourcing, task force and study: EHCR 4405, ***ESCR 8407 (2005)**
 Public health financing joint select committee and review: ***EHCR 4410 (2005)**
 Seattle school district, study of models to divide district: HCR 4407
 Secondary education joint select committee, recommendations to be sent to Washington learns: HCR 4416
 Secondary education, joint select committee and study: ***HCR 4408 (2005)**
 Sine Die, regular session: ***SCR 8413 (2005)**, ***SCR 8426 (2006)**
 State medal of valor, recipients honored: ***HCR 4417 (2006)**
 State of the state address: ***HCR 4414 (2006)**

Watershed health and salmon recovery, joint select legislative task force: HCR 4406
 Work force training, 2004 updates to the state comprehensive plan: ***EHCR 4404 (2005)**

CONSERVATION

County conservation futures, funding increase: HB 1631
 County conservation futures, maintenance and operation of acquired property: HB 1631
 County conservation futures, salmon restoration: HB 1631
 County-specific transfer of development rights demonstration projects: HB 2368
 Habitat conservation programs, riparian protection and farmlands preservation accounts: HB 1413, ***ESSB 5396, CH 303 (2005)**
 Joint committee on energy supply and energy conservation, conservation measures: HB 1895
 Puget Sound conservation and recovery partnership and management plan: SSB 5895
 Veterans conservation corps program: ***SSB 5539, CH 257 (2005)**

CONSERVATION COMMISSION

Conservation assistance revolving account management: HB 1461
 District funding, grant administration: HB 1462

CONSERVATION DISTRICTS (See also SPECIAL DISTRICTS)

Farm plans, content and disclosure provisions: ***SSB 6617, CH 369 (2006)**
 Funding, grant administration: HB 1462
 Special assessments, maximum per parcel rate: ***ESB 5094, CH 466 (2005)**

CONSUMER PROTECTION

Computer crimes, soliciting or requesting personally identifying information: HB 1812, HB 1888
 Computer spyware regulations: HB 1012
 Consumer reports procured for employment, transmittal to consumer: HB 2443
 Credit reports, security freeze: HB 3247
 Electronic mail fraud, soliciting or requesting personally identifying information: HB 1888
 Identity theft, law enforcement reports to be given to victims: ***SSB 5939, CH 366 (2005)**
 Insurance renewal, credit history use restrictions: HB 1928, HB 2434, ESSB 5275
 Interstate insurance product regulation compact: ***HB 1032, CH 92 (2005)**
 Office of privacy protection, personal information protection: SB 5327
 Paper billing fees, unfair business practices: HB 3197
 Pharmacy benefit managers and management, protection against unfair prescription drug practices: HB 2473
 Pyramid promotional schemes: HB 1142, ***SB 6416, CH 65 (2006)**

CONTRACTORS

Chattel liens: ***ESSB 5204, CH 283 (2006)**
 Claim rights, construction contract provisions: HB 1613, HB 2059
 Claims or actions arising from construction, accrual and limitation of actions: HB 2004
 Construction contractors, display of licenses and certificates: HB 2599, HB 2600
 Geologists, statute of limitations for construction claims: HB 2269
 Homeowner protections and residential contractor requirements: E2SSB 5773
 HVAC/R mechanics and contractors, regulations integrated into plumbers provisions: HB 3177
 Liens against residential homeowners, limits: HB 1309
 Multiunit residential buildings, inspections and construction defect dispute resolutions: ***EHB 1848, CH 456 (2005)**
 State agency rules, housing impact statements: HB 1950
 Storm water discharges, local erosion and settlement control programs: HB 2858
 Whistleblowers, protection and discrimination provisions for contractors who hold contracts with the state: HB 3180

CONTRACTS (See also PUBLIC WORKS)

Camping resorts: ***ESSB 5002, CH 112 (2005)**
 Outsourcing state contracts, disclosure of work being performed outside the United States: HB 1724
 Outsourcing state contracts, policies to determine if contracts serve the best interest of the state: HB 2144, EHB 2257
 Outsourcing state contracts, work performed outside the United States prohibited: HB 1725
 State, personal service contract review committee: HB 3055

State, policies to determine if contracts serve the best interest of the state: HB 2144, EHB 2257

State, whistleblowers' protection and discrimination provisions for contractors who hold contracts with the state: HB 3180

Union security provisions in public employment contracts: HB 3248

Whistleblowers, protection and discrimination provisions for contractors who hold contracts with the state: HB 3180

CONVENTION AND TRADE CENTERS

Funding, balance transfer and stabilization of funding levels: HB 3279

CORPORATIONS (See also NONPROFIT CORPORATIONS)

Business and occupation taxation of investment income: HB 2315

Dissolution provisions: ***SB 6596, CH 52 (2006)**

Petroleum corporations, monetary penalties on windfall profits: HB 2977

CORRECTIONS, DEPARTMENT

Children of incarcerated parents, interagency plan and oversight committee: HB 1426, SSB 5407

Community facilities, list of counties and areas where juvenile facilities are needed: HB 3231

Correctional medical facilities, disclosure and analysis of adverse events: HB 2279, HB 2292

Council on mentally ill offenders: HB 2732

Facilities serving violent offenders, restrictions for siting on state hospital grounds: HB 1614

Fugitives, web site for information about: HB 1344

General obligation bonds, correctional facilities: HB 3314, HB 3316, SSB 6898

Inmate labor, unfair competition with businesses: HJR 4221, SJR 8206

Inmate work programs, corrections employees and families may purchase goods: ***SSB 5631, CH 346 (2005)**

Inmate work programs, local government employees: HB 2357

Inmate work programs, schools may purchase goods from class II programs: ***SSB 5631, CH 346 (2005)**

Offender property, transport costs: ***HB 2282, CH 382 (2005)**

Officers, certification: HB 1340

Overcrowding and operating capacity maximum, offender population reduction: HB 1993

Public hospital districts, correctional industries program contracts with: HB 2737

Sex offenders, housing stipend distribution requirements: HB 1119

Voting rights and felons, provisions relating to: HB 2062, HB 2873, ***ESSB 5743, CH 246 (2005)**

COSMETICS

Cosmetic medical services, taxation: HB 2307

Cosmetology apprenticeship program, provisions: HB 2596

COUGARS

Counties allowed to participate in cougar control pilot project: HB 1953

Posting of interactions with pets, livestock, or humans: ***HB 1832, CH 107 (2005)**

COUNSELORS AND COUNSELING

Athletic or performance coaching, provisions: HB 3302

Medicaid enrollees, mental health providers authorized to provide services: HB 2113

Mental health professionals and crisis outreach workers, safety measures to protect: HB 2912

Mental health, experience requirements: ***SB 6658, CH 69 (2006)**

Mental health, study of worker caseloads: HB 2913

Sex offender treatment providers, restrictions for providers who are sex offenders: HB 2654

COUNTIES (See also LOCAL GOVERNMENT)

First-time home buyer sales and use tax exemption on construction labor and services: HB 3210

Affordable housing incentive program, growth management provisions: HB 2984

Agricultural promotion facilities, lodging tax provisions: HB 1796, HB 2365

Air pollution control agencies, fund disbursement: HB 1361

Annexation, boundary review board's authority to modify proposals: HB 3140

Annexation, interlocal agreements: HB 1285

Annexation, real estate excise taxes to offset costs: HB 3263

Annexed areas, municipal services: HB 2667

Basketball arena funding, local sales and use taxes: HB 2209

Boundary review boards, authority to modify annexation proposals: HB 3140
 Boundary review boards, disbanding provisions: HB 3245
 Boundary review boards, voter approval to disband: HB 3244, HB 3260
 Cascade county created: HB 2074
 Cemeteries, county cemetery districts allowed to include areas within cities and towns: ***SB 6816, CH 335 (2006)**
 Charter, chief financial officer: ***HB 3019, CH 280 (2006)**
 Community improvement district financing: HB 3198
 Community revitalization financing: HB 1745, HB 1907, HB 2239, HB 2922, HB 3144, SB 5325
 Comprehensive plans, safe nonmotorized transportation routes to and from schools: HB 2276
 Conservation futures, funding increase: HB 1631
 Conservation futures, maintenance and operation of acquired property: HB 1631
 Cougar control pilot project, counties allowed to participate: HB 1953
 Court filing fees: ***SSB 6670, CH 192 (2006)**
 Criminal justice costs, fiscal notes and appropriations for bills increasing incarceration periods: HB 2165
 Criminal justice costs, medical costs in the reimbursement of extraordinary criminal justice costs: HB 2950
 Day care, family day care licensing and regulation authority for specified counties: HB 2169
 Economic development, interlocal agreements with port districts: HB 1740
 Elected officials, training costs for newly elected: HB 1184
 Employees, health care benefit equity: HB 3249
 Equipment, rental rates: HB 2960
 Ex parte orders, processing fees: HB 1984
 Federal clean water act, assistance to small counties and cities facing liability: HB 1925
 Financial assistance, city-county assistance account: ***ESSB 6050, CH 450 (2005)**
 Financial institutions, state regulatory authority: HB 1419, ***SSB 5266, CH 338 (2005)**
 Fire sprinkler suppression systems, water availability for residential systems: HB 2845
 Fireworks, local surcharge: HB 1284
 First-time buyer housing affordability index, impact fee elimination: HB 1959
 Flood control and stream bank restoration pilot program: HB 1354
 Forest practices, jurisdiction of conversion-related practices transferred to local government: HB 3188
 Forest practices, local regulations: HB 1404, HB 1692
 Forests products operations of significance, tax incentives and growth management exemptions: HB 1103
 Geographic information system, real estate excise tax to fund: HB 2010
 Governance options: HJR 4212
 Growth management, additional year to comply with comprehensive plan requirements: HB 2171
 Growth management, affordable housing incentive programs: HB 2984
 Growth management, agricultural land use and activities: HB 2261
 Growth management, agricultural lands for recreational activities: HB 1567
 Growth management, agricultural zoning that supports family farms: HB 2132
 Growth management, boundary review board disbanding provisions: HB 3245
 Growth management, collaborative design pilot program: HB 2585
 Growth management, comprehensive plan compliance tiers for review and revision requirements: HB 2079
 Growth management, comprehensive plan population sustainability element: HB 3121
 Growth management, comprehensive plan review exemption for counties with low population densities: HB 2620, HB 2814, ***ESSB 6427, CH 285 (2006)**
 Growth management, comprehensive plan update and amendment process: HB 1505
 Growth management, comprehensive plan update deadline and frequency extensions: HB 2135
 Growth management, comprehensive plan update deferrals: HB 2078
 Growth management, comprehensive plans transportation concurrency compliance: HB 1530, HB 1565
 Growth management, county-wide planning policies and review and evaluation joint report: HB 2216, HB 2217
 Growth management, critical areas designation using best available science: HB 2207, HB 2232, HB 2619, HB 2815
 Growth management, critical areas notice and referendum: HB 1162
 Growth management, elimination of hearings boards: HB 2708
 Growth management, example critical areas policies or regulations: HB 2077
 Growth management, facilities for recreational or tourist use in rural areas: HB 2206, ***SSB 6037, CH 477 (2005)**
 Growth management, forest lands of long-term commercial significance: HB 1638

Growth management, forest practices regulations: HB 1404, HB 1692
Growth management, good faith effort for comprehensive plan compliance requirements: HB 2012, HB 2117, HB 2171
Growth management, infrastructure account: HB 2023
Growth management, public notification requirements: HB 2194
Growth management, recreational lands designation: HB 1084, *EHB 2241, CH 423 (2005)
Growth management, SEPA exemption for cities and counties who plan under RCW 36.70A.040: HB 2952
Growth management, single-family residential development outside urban growth areas: HB 2937
Growth management, state projected population growth and urban residential densities: HB 1967, ESSB 5907
Growth management, study committee on outdoor recreation: *EHB 2241, CH 423 (2005)
Growth management, urban industrial land bank criteria to include access to major rail line: EHB 2219
Growth management, voluntary measures to protect critical areas: SSB 6367
Growth management, voter approval to disband boundary review boards: HB 3244, HB 3260
Growth management, water quality and habitat requirements: HB 1639
Health boards, county executive as member: HB 1979
Historic county courthouse grant program: HB 1352
Homeless camps, siting: HB 1235
Homeless persons, county task forces to develop plans for housing: *SSB 5767, CH 485 (2005)
Homeless persons, ending homelessness act: HB 2163
Homeless persons, housing act: HB 1810
Hospital benefit zones, financing through local sales and use taxes: HB 2670
Housing, affordable housing through density bonus incentives: HB 2324
Housing, affordable housing through flexible short subdivisions: HB 2325
Housing, affordable rental housing through accessory dwelling units: HB 2323
Housing, first-time buyer sales and use tax exemptions on construction labor and services: HB 3210
Indigent defense services, grant program and funding: HB 1542
Infrastructure, local infrastructure financing tool demonstration program: HB 2673
Insurance, joint self-insurance program: *HB 1356, CH 147 (2005)
Intercounty rural library districts, county withdrawal from district: HB 2065
Interlocal agreements, city and county annexation: HB 1285
Interlocal agreements, electronic posting: *HB 2676, CH 32 (2006)
Interoperable communications system, county public safety agency pilot program: HB 1952
Juvenile justice early intervention services, grants through reinvesting in youth program: HB 1483
Law library funding, court filing and surcharge fees: HB 1597, *E2SSB 5454, CH 457 (2005)
Levy of taxes, date for local governments to submit estimates: *HB 1048, CH 52 (2005)
Libraries, regional law library establishment: HB 1906, *SB 5701, CH 63 (2005)
Lien authority, storm water control facilities: HB 2656
Local infrastructure financing tool demonstration program: HB 2673
Local sales and use tax, proceed distribution: HB 1155
Lodging tax, facilities for agricultural promotion: HB 1796, HB 2365
Magnetic levitation transportation funding: EHB 1429
Manufactured homes, location restriction ordinances prohibited: HB 1374
Manufactured housing communities, claim of lien for utility services: HB 1424
Manufactured housing communities, water and sewer connection charges: *HB 1247, CH 324 (2005)
Marine vessel construction, contracts and security in lieu of bond: HB 1460
Master licensing program, performance-based grant program for licensing agencies: *HB 2131, CH 201 (2005)
Medical coverage for elected officials and commissioners: HB 3100
Mental health, omnibus treatment of mental and substance abuse disorders act of 2005: *E2SSB 5763, CH 504 (2005) PV
Mental health, regional support network qualifications and responsibilities: *2SSB 6793, CH 333 (2006)
Minor league baseball facilities, taxes to fund: HB 1767
Monorail excise tax, collection at time of initial vehicle registration or renewal: HB 2248
Municipal court, interlocal agreements: HB 3082
Municipal services, annexed areas: HB 2667
New counties, forming procedures: HB 1500, HJR 4204
New counties, forming procedures for new and consolidation of existing: HB 3296
Nuisance abatement powers: HB 1828

Off-road vehicles, city and county roads: ***HB 2617, CH 212 (2006)**
 Open space plan and public benefit rating system, voluntary buffers and native vegetation: HB 1637, ***ESSB 5620, CH 310 (2005)**
 Passenger ferry service, funding and grant program: ***ESSB 6787, CH 332 (2006)**
 Physical activity, growth management planning and local legislation to promote: ***ESSB 5186, CH 360 (2005)**
 Property inspection and placement program, applicable to all counties: HB 2453
 Property, compensation to owners for actions lowering values: HB 1165
 Public transportation, office of transit mobility and regional mobility steering committee: HB 2124
 Public works projects, population threshold for design-build procedure: HB 3229
 Punch boards and pull tabs, taxation: HB 3176
 Real estate excise tax, use of revenues: HB 2063, HB 3091
 Regional support networks, financial responsibility of costs for individuals in involuntary treatment: HB 3081
 Regional transportation improvement authorities, certain counties authorized to create: HB 2157
 Rental assistance program for low-income persons: HB 2026
 Roads and bridges, county engineer defined: ***HB 1599, CH 161 (2005)**
 Roads and bridges, engineering account provisions: ***HB 1600, CH 162 (2005)**
 Rural, business and occupation tax credit for eligible projects: HB 1963, HB 3051
 Safe neighborhood planning and pilot projects: HB 1680
 Sales and use taxes, authorized use of funds: HB 2988
 Statutory or constitutional functions, consolidation or merging: HJR 4211
 Storm water control facilities, lien authority: HB 2656
 Transportation funding, local option transportation taxes and motor vehicle fee: HB 2312
 Transportation funding, street utility program and motor vehicle and road improvement fees: HB 1989
 Transportation, regional transportation improvement authorities authorized in certain counties: HB 2157
 Trial court funding act: ***E2SSB 5454, CH 457 (2005)**
 Urban impact districts: HB 2120
 Utilities, electronic payment: HB 1009
 Utilities, excise tax on engaging in business as a utility: HB 2224
 Vacation of county roads with access to bodies of water: HB 2607
 Veterans, assistance programs for indigent veterans and families: HB 1189
 Water quality joint development act, drinking water and treatment service improvements: HB 1357, ***ESSB 5285, CH 469 (2005)**
 Waterways, right to construct bridges and trestles over: HB 1657

COUNTY AUDITORS

Candidates, filing: HB 1132
 Civics education, pilot project: HB 3145
 Elections, duties: HB 2513
 Elections, reconciliation provisions: ***ESSB 5499, CH 243 (2005) PV**
 Elections, review of county procedures: ***HB 1749, CH 240 (2005)**
 Historical documents, recording surcharge increase: ***HB 1386, CH 442 (2005)**
 Interlocal cooperative agreements, electronic posting: ***HB 2676, CH 32 (2006)**
 Licensing services accounts and fees: HB 3075
 Privacy protections when instruments are presented for recording: ***HB 1385, CH 134 (2005)**
 Reelection, absentee ballot envelope content restrictions: HB 2843
 Social security numbers, disclosure: HB 2750
 Very low-income housing projects, fund distribution: HB 1629

COUNTY CLERKS

Ex parte orders, processing fees: HB 1984
 Sex offender records, fee exemption for law enforcement agencies: HB 2223

COUNTY LEGISLATIVE AUTHORITY

Transportation funding, local option transportation taxes and motor vehicle fee: HB 2312
 Transportation funding, street utility program and motor vehicle and road improvement fees: HB 1989
 Urban impact districts: HB 2120

COUNTY ROAD ADMINISTRATION BOARD

County engineer defined: ***HB 1599, CH 161 (2005)**
 Membership, population threshold categories: ***HB 1598, CH 233 (2005)**
 Project reporting, engineering account provisions: ***HB 1600, CH 162 (2005)**

COUNTY TREASURERS

Administrative provisions: HB 1158
 Real estate excise tax, automated system to process: HB 1240

COURT REPORTERS

Commission on supreme court reports: ***HB 1183, CH 190 (2005)**

COURTS (See also COURT OF APPEALS; DISTRICT COURT; JURIES; MUNICIPAL COURT; SUPERIOR COURT; SUPREME COURT)

Attorneys as pro tempore judges, commissioners, or guardians ad litem: HB 1139
 Civil legal aid office and oversight committee: HB 1747
 County law library funding, court filing and surcharge fees: HB 1597, ***E2SSB 5454, CH 457 (2005)**
 Dissolution decrees, denial of due to pregnancy: HB 1171
 Drug courts, definition: HB 2967, ***E2SSB 6239, CH 339 (2006)**
 Drug courts, jurisdiction: SB 6493
 Employees of criminal justice and court systems, personal information privacy: HB 1784, ***SSB 5654, CH 355 (2006)**
 Fees, increase: HB 1513
 Filing fees: ***SSB 6670, CH 192 (2006)**
 Historic county courthouse grant program: HB 1352
 Marriage shall be between one man and one woman, legal status and court jurisdiction: HJR 4207, HJR 4208, HJR 4227, HJR 4228
 Obstructing the lawful taking of wildlife or fish, civil penalty against local government: HB 1926
 Trial court funding: HB 2319
 Trial court funding act: ***E2SSB 5454, CH 457 (2005)**

COURTS, OFFICE OF THE ADMINISTRATOR

Salary warrants: ***HB 1024, CH 182 (2005)**
 Statute references updated: ***HB 1668, CH 282 (2005) PV**
 Water rights, adjudication need and demand assessment: HB 2066

CREDIT CARDS (See also RETAIL INSTALLMENT SALES)

College campuses, policies regarding company marketing activities: HB 1894, ***ESSB 5506, CH 74 (2005)**
 Credit card-based checks, regulations: HB 3292
 Solicitation lists, consumer may request removal of name: ***ESB 5418, CH 342 (2005)**
 Tax on the amounts raised by interest rates which exceed the usury rate: HB 2938
 Unsolicited, mailing of credit cards prohibited: HB 1901

CREDIT SERVICES ORGANIZATIONS

Consumer reports procured for employment, transmittal to consumer: HB 2443
 Credit card solicitation lists, consumer may request removal of name: ***ESB 5418, CH 342 (2005)**
 Identity theft, law enforcement reports to be given to victims: ***SSB 5939, CH 366 (2005)**
 Insurance, use of personal credit histories and scores: HB 1927
 Security freeze on credit reports: HB 1468, HB 3247, ***ESB 5418, CH 342 (2005)**

CREDIT UNIONS

Employee job performance, employer providing information: HB 1544
 Merging credit union into state charter, use tax exemption: ***HB 2364, CH 11 (2006)**
 Regulatory authority, state: HB 1419, ***SSB 5266, CH 338 (2005)**

CRIMES (See also CRIMINAL OFFENDERS; DRIVING UNDER THE INFLUENCE; SENTENCING; SEX OFFENSES AND OFFENDERS)

Aggravated offenses, exceptional sentences: ***SB 5477, CH 68 (2005)**
 Alien firearm license, penalties for carrying firearm without license: HB 3221

Ammonia, unlawful storage: HB 1073, HB 2263
Animal cruelty, conditions defining and penalties for: HB 1304, HB 1499, SB 5352
Animal fighting, penalties: HB 1579, ***SB 6568, CH 287 (2006)**
Arson, illegal manufacture of controlled substances: HB 1283
Assault of child in second degree with sexual motivation, two-strike list: HB 2701, ***SSB 6406, CH 124 (2006)**
Assault of school personnel, penalties: HB 2827
Assault or injury of persons working on roads or ferries, reckless driving penalties: HB 2193
Assault weapons, penalties for manufacture and possession: HB 1627
Assaulting a peace officer with a stun gun, penalties: HB 1934
Assaulting or injuring an emergency worker, penalties: HB 2705
Auto theft, penalties: HB 2822
Children, criminal trespass against children by sex offenders: ***SSB 6775, CH 125 (2006)**
Commercial feed, adulterated: ***SSB 5190, CH 40 (2005)**
Computers, soliciting or requesting personally identifying information: HB 1812, HB 1888
Controlled substances, manufacturing as element of endangerment with a : HB 2743
Crime prevention and privacy compact: HB 2763
Criminal conspiracy, privileged communications exception for spouses involved in: HB 1207
Criminal investigations, businesses with records located outside the state: HB 3281
Criminal investigations, collection of biological samples: HB 2748
Dependent persons, penalties for mistreatment or abandonment: HB 1080
Disorderly conduct, fighting near a funeral home or procession: HB 3293
Drug offenses which also cause damage to a dwelling or facility, enhanced sentencing: HB 2781
Drug or assault felony offenders, registration requirements: HB 2009
Drug trafficking, penalties: HB 2628
Election law compliance for public election officers, violations and penalties: HB 2008
Electronic mail fraud, soliciting or requesting personally identifying information: HB 1888
Eluding a police vehicle, penalties: HB 2222
Endangerment with a controlled substance, penalties: HB 1524, HB 2746
Ephedrine, pseudoephedrine, and phenylpropanolamine, penalties for possession: HB 1448
Executive sessions, intercepting or recording communications and conversations: HB 1648
Failing to summon assistance, criteria: HB 1236
Failure to secure a load, penalties: ***HB 2612, CH 268 (2006)**
False sex offender community notification bulletin, penalties: HB 3238
Felonies, drug or assault felony registration requirements: HB 2009
Felony offenses, sentencing range revisions: HB 2948, 2SSB 6497
Felony sex offenses, DNA and statute of limitations provisions: ***SSB 5042, CH 132 (2006)**
Fine-only criminal statutes decriminalization: HB 1295
Fine-only misdemeanors, decriminalization: HB 1205
Firearms, leaving a firearm where a child is likely to gain access: HB 1473
Firearms, possession by person previously found not guilty by reason of insanity: HB 1687
Fraudulent filing of vehicle report of sale, penalties: ***SSB 6676, CH 291 (2006)**
Harassment, third violation of antiharassment order penalized as class C felony: HB 1186
Homicide-related crimes, mandatory minimum sentences: HB 3218
Hunting, unlawfully hunting on private property: HB 3268
Identity theft categorized as a crime against persons: ***HB 1966, CH 271 (2006)**
Identity theft, fraud alert network and identity theft grant program: HB 3067
Identity theft, law enforcement reports to be given to victims: ***SSB 5939, CH 366 (2005)**
Identity theft, penalties increased: HB 2840
Identity theft, security freezes for victims of: HB 2648
Indecent exposure, class C felony criteria: HB 1333
Indecent liberties, penalties: HB 1204
Indecent liberties, victim is person with developmental disabilities: HB 3168
Inmates in possession of weapons, penalties: ***SSB 5242, CH 361 (2005)**
Internet gambling, penalties: ***SSB 6613, CH 290 (2006)**
Luring, registration requirements: HB 1233

Manslaughter, statute of limitations: HB 1203
 Methamphetamine, penalties for manufacture and possession including precursors: HB 2839
 Methamphetamine, penalties for manufacturing: HB 1362, HB 1666
 Methamphetamine, purchase and possession of precursors including iodine and methylsulfonylmethane: ***HB 2567, CH 188 (2006)**, HB 2839
 Misdemeanors, risk assessments: ***SSB 5256, CH 362 (2005)**
 Money laundering, property subject to seizure and forfeiture: HB 2761
 Most serious offenses, robbery 2 removed from list: HB 1803
 Motor vehicle insurance, failure to provide proof of: HB 1452, HB 3009
 Motor vehicle theft, penalties: HB 2822
 Motor vehicles, fraudulent filing of vehicle report of sale: ***SSB 6676, CH 291 (2006)**
 Organized retail theft, crime guidelines: ***HB 2704, CH 277 (2006)**
 Rape in the second degree, victim is person with developmental disabilities: HB 3168
 Rape, penalties for first degree rape increased: HB 2094
 Robbery 2, removed from most serious offenses list: HB 1803
 Schools, threat with a firearm against persons involved in school activities: HB 2824
 Securing a load, penalties for failure to: ***HB 2612, CH 268 (2006)**
 Sex offender registration, failure to cooperate with law enforcement regarding another's failure to register: SSB 6465
 Sexual assault protection orders: HB 2576, SSB 6478
 Shaved keys, possession of: HB 2822
 Shopping carts, theft and impoundment provisions: HB 2813
 Slander of a woman, repeal: HB 1206, ***SB 5148, CH 13 (2005)**
 Stun guns, assaulting a peace officer with a stun gun: HB 1934
 Stun guns, penalties for sale or possession of projectile stun guns: HB 1580, HB 2835
 Theft of livestock, goats: HB 1398, ***SSB 5290, CH 419 (2005)**
 Theft, organized retail theft included in crime guidelines: ***HB 2704, CH 277 (2006)**
 Transportation workers, reckless driving resulting in injury of worker on roads or ferries: HB 2193
 Travel agents, promotion of travel for prostitution prohibited: ***SB 6731, CH 250 (2006)**
 Unborn quick child, penalties for illicit drug use by mothers resulting in harm to fetus: HB 2093
 Unlawful detainer, former employees: HB 1425
 Vehicular homicide, penalties: HB 1209
 Victim information and notification system, statewide automated: SSB 6502
 Weapons in schools, violations and penalties: HB 2275, HB 2826, HB 2930

CRIMINAL JUSTICE SERVICES

Costs reimbursement to political subdivisions from social and health services department: HB 1102
 Drug task forces, multijurisdictional drug task force and local government drug prosecution assistance: HB 2892, HB 2919, HB 2967
 Employees of criminal justice and court systems, personal information privacy: HB 1784, ***SSB 5654, CH 355 (2006)**
 Fiscal notes and appropriations for bills increasing incarceration periods: HB 2165
 Medical costs in the reimbursement of extraordinary criminal justice costs: HB 2950

CRIMINAL JUSTICE TRAINING COMMISSION

Corrections officers, certification: HB 1340
 Firearms training certificate for retired law enforcement officers: HB 2951
 Law enforcement officers, prehire screening: ***HB 1081, CH 434 (2005)**, HB 2947
 Saul Gallegos peace officer survival act, training in weapon retention and survival techniques: HB 1472
 School discipline, model policy and training standards regarding the use of force: SSB 6001

CRIMINAL OFFENDERS (See also JUVENILE OFFENDERS; SEX OFFENSES AND OFFENDERS)

Aggravated offenses, exceptional sentences: ***SB 5477, CH 68 (2005)**
 Alternatives to total confinement, earned release credit: HB 3018
 Arson offenders, registration requirements: HB 1746
 Children and vulnerable adults and communities, protection from sex and kidnapping offenders: HB 3212
 Children and vulnerable adults, special verdicts for persons committing crimes against: ***HB 3277, CH 122 (2006)**, HB 3303

Council on mentally ill offenders: HB 2732
 DNA, identification system expanded: HB 1135
 DNA, postconviction testing: HB 1014
 Drug offenders, judicially supervised substance abuse treatment: HB 2015
 Drug offenders, partial confinement in residential chemical dependency treatment: HB 2016
 Drug or assault felony offenders, registration requirements: HB 2009
 Earned release, city and county jail time: HB 1476, SSB 5282
 Earned release, credits for specified offenders: HB 2200
 Electronic monitoring, global positioning system: HB 2413
 Felons, study on restricting and restoring voting rights: HB 3276
 Felony offenses, sealing vacated records: HB 1819
 Fugitives, web site for information about: HB 1344
 Gross misdemeanor or felony offenders, access to public records limited: HB 2138
 Joint select committee on offenders programs, sentencing, and supervision: ***SSB 6308, CH 267 (2006)**
 Kidnappers enrolled in public schools, offender registration and school enrollment requirements: HB 1378, ***HB 2101, CH 380 (2005)**
 Kidnappers, notification to public libraries: ***HB 1161, CH 99 (2005)**
 Kidnappers, registration for employment and residence in different counties: HB 1334
 Kidnappers, registration for new or returning residents: HB 1277, HB 1334
 Kidnappers, registration for out-of-state offenders: HB 2492
 Kidnappers, registration information added to statewide sex offender web site: ***HB 1338, CH 228 (2005)**
 Kidnappers, registration provisions strengthened: ***HB 2409, CH 126 (2006), *2SSB 6319, CH 128 (2006)**
 Legal financial obligations, discharge prior to completing payment: HB 1358
 Legal financial obligations, interest rate: HB 1359, SSB 5611
 Luring, registration requirements: HB 1233
 Methamphetamine, registration pilot project: HB 3004
 Presentence day reporting program, credit for time served: HB 2184
 Property, transport costs: ***HB 2282, CH 382 (2005)**
 Registration, violation penalties increased: HB 2412, HB 3037
 Release into county where offender was convicted: HB 2425
 Risk assessments, misdemeanors and gross misdemeanors: ***SSB 5256, CH 362 (2005)**
 Transfer and travel to or from another state, interstate compact provisions: HB 1402, HB 1768
 Traumatic brain injured offenders and developmentally disabled offenders, transfer to Fircrest school: HB 3027
 Voting rights and felons, provisions relating to: HB 2062, HB 2873, ***ESSB 5743, CH 246 (2005)**
 Wrongfully convicted and imprisoned, actions against the state: HB 3254

CRIMINAL PROCEDURE (See also SENTENCING)

Antiharassment protection orders, hearing procedures: ***HB 1294, CH 144 (2005)**
 Arson offenders, registration requirements: HB 1746
 Conviction history, vacation of records for misdemeanor or gross misdemeanor: HB 1829, HB 2087
 Criminal investigations, businesses with records located outside the state: HB 3281
 Criminal investigations, collection of biological samples: HB 2748
 Death penalty, abolished: HB 2025
 Death penalty, mandatory DNA testing act of 2006 to require evidence prior to imposition of death penalty : HB 3230
 Defenses, justifiable homicide: HB 3065
 Defenses, lawful use of force: HB 3065
 Discovery in a criminal case, materials furnished to attorney: HB 2613
 DNA, postconviction testing: HB 1014
 Domestic violence, no-contact orders and electronic monitoring for defendants: HB 2154
 Harassment, municipal court jurisdiction for antiharassment protection orders: ***HB 1296, CH 196 (2005)**
 Incarceration costs, limits on costs charged to offenders: ***SB 5461, CH 263 (2005)**
 Insanity defense, defendant refuses to participate in examination: ***HB 2328, CH 109 (2006)**, ESB 5222
 Sex offenses, statute of limitations removed for certain offenses against minors: HB 1453
 Sexual assault protection orders: HB 2576, SSB 6478

CULTURAL FACILITIES

Local sales and use tax funding for public stadium, convention, arts, and tourism facilities: HB 3233
 Nonprofit organizations, capital project funding criteria: HB 1577
 Publicly owned multipurpose sports and entertainment facilities, stable source of funding: HB 2280

DAY CARE

Background checks regarding child abuse or neglect for unlicensed child care providers: HB 2483
 Child care workers, wage ladder and program standards: HB 1636
 Counties, family day care licensing and regulation authority for specified counties: HB 2169
 Early learning council, child care provider rating and tiered-reimbursement systems: HB 1152
 Family child care providers, collective bargaining: HB 2353
 Family day-care providers, rules regarding group B public water system requirements: HB 3043
 Inspection reports and enforcement actions, information available for parental review: *ESSB 5806, CH 473 (2005)
 Toll-free number and web-based system to provide information: *ESSB 5806, CH 473 (2005)

DEAF PERSONS

Driver's licenses, interpreters allowed to assist deaf or hearing impaired applicants: *SB 6415, CH 190 (2006)
 Education, certification requirements for teachers of the deaf: HB 1893
 Education, grants to develop training programs for teachers of the deaf: HB 1122
 Educational interpreters, sign language translation for deaf and hard of hearing public school students: *ESB 6606, CH 68 (2006)
 Public schools, services for students: HB 1920

DEATH PENALTY

Abolished: HB 2025
 Mandatory DNA testing act of 2006, evidence required prior to imposition of death penalty : HB 3230

DEBT MANAGEMENT

Health care services debts, homestead exemption: HB 2571
 Hospital charity care and debt collection, payment installment plans: HB 2574
 Transportation debt limits: SB 5059

DENTAL HYGIENISTS

Access to preventive care pilot projects: HB 2816
 Board of dental hygiene, licensing and standards: HB 1156
 Dental assistants, registration and scope of practice: HB 1156
 Licenses, renew of initial limited: HB 2849, *SB 6418, CH 66 (2006)

DENTISTS AND DENTISTRY

Dental assistants, registration and scope of practice: HB 1156
 Denturists, insurer preferred provider networks: HB 1540
 Licensing, examination exemption: HB 2463
 Licensing, requirements in lieu of examination: HB 1689
 Postdoctoral dental residency program, exception for individuals in program: HB 1689
 University of Washington dental school faculty, licensing provisions: *HB 1612, CH 164 (2005)

DEPENDENT ADULTS (See also VULNERABLE ADULTS)

Exposure to manufacturing of methamphetamine, protections: HB 2895
 Protection, penalties for criminal mistreatment or abandonment: HB 1080
 Victims and witnesses of crimes, rights and protections: HB 2126

DETERGENTS

Phosphorus content in dishwashing detergent: *EHB 2322, CH 223 (2006)

DEVELOPMENTALLY DISABLED (See also DISABLED PERSONS)

Agencies providing care, facility location and licensing process: HB 2390
 Background checks for service providers: HB 3158
 Caseload forecast council, powers and duties: HB 1416

Commission to study care services and residential care needs: HB 2190
 Community protection program, assessments for risk and/or dangerousness: *E2SSB 6630, CH 303 (2006)
 Community trust account, proceeds from the disposal of excess property and timber harvest: HB 1519, HB 1791, SSB 5702
 Crimes against, second degree rape and indecent liberties: HB 3168
 Dan Thompson memorial developmental disabilities community trust account: SSB 5702
 DSHS property and facilities transfer to nonprofits who provide services for sensory, physical, or mental handicaps: HB 2759
 Offenders, transfer to Fircrest school: HB 3027
 Ombudsman, office of: HB 3155
 Providers of residential services and support, compliance with certification standards: HB 2914
 Residential habilitation centers, downsizing and closures: HB 1040
 State agency purchase of products and services, programs extended: *HB 2271, CH 204 (2005)

DIABETES

Educators, certified educators to be added as medicare providers: *HJM 4038 (2006)

DIKING DISTRICTS (See also SPECIAL DISTRICTS)

Gravel in waterways, removal of: HB 1118
 Transportation department authority to maintain or repair damage: *SB 6248, CH 368 (2006)

DISABLED PERSONS (See also DEVELOPMENTALLY DISABLED)

Blind, parking privileges for legally blind: *SSB 6287, CH 357 (2006)
 Children, early intervention services: HB 1107, SSB 5141
 DSHS property and facilities transfer to nonprofits who provide services for sensory, physical, or mental handicaps: HB 2759
 Hunters and fishers advisory committee: *HB 1405, CH 149 (2005), SB 5134
 Paratransit bus services: HB 2802
 Parking places, marking requirements: HB 1711
 Parking places, physician assistants allowed to determine eligibility for special parking privilege: HB 3093
 Parking places, porphyria: HB 2389
 Property tax exemptions: HB 1743, HB 2433, HB 2784, *SB 6338, CH 62 (2006)
 Transport, specialized commercial vehicles: *HB 1237, CH 193 (2005)
 Vendors in good standing, program date extension: HB 2141
 Veterans, property exemptions: *HB 1019, CH 248 (2005), HB 2127, HB 2432
 Voting equipment, accessibility and advisory committee: HB 2479

DISCRIMINATION

Genetic information, life insurance testing restrictions: ESSB 5452
 Lawful source of income, discrimination based upon: HB 2013
 Life insurance, discrimination based on lawful travel destinations: *EHB 1561, CH 441 (2005), ESB 5530
 Sexual orientation, human rights commission protections: HB 1515, HB 2661
 Veterans and persons with military status, discrimination protections: HB 2564
 Women, treaty to fight discrimination against: HJM 4034

DISSOLUTION OF MARRIAGE (See also CHILD CUSTODY; CHILD SUPPORT; MARRIAGE AND MARRIED PERSONS)

Dissolution decrees, denial of due to pregnancy: HB 1171
 Filing fees, for domestic violence prevention account: HB 1314
 Grandparents' rights for child visitation: HB 2000, HB 2711
 Legal custody or care of child, providing schools with information : HB 2786
 Parenting plans, cultural upbringing: HB 2979
 Proceedings, child testimony: HB 2068
 Public defense office to oversee and monitor dependency and termination legal representation: HB 2029, SSB 5903
 Service of summons, service by publication: HB 1403, *SB 5053, CH 117 (2005)

DISTRICT COURT

Fees, increase: HB 1513
 Judgments, transfer from municipal court into district court: HB 1348
 Kitsap county, additional judge: ***HB 1202, CH 91 (2005)**, SB 5241
 Student courts, jurisdiction: ***SB 5809, CH 73 (2005)**
 Thurston county, additional judge: ***HB 1202, CH 91 (2005)**, SB 5241
 Trial court funding act: ***E2SSB 5454, CH 457 (2005)**
 Youth courts, jurisdiction: ***SB 5809, CH 73 (2005)**

DNA (DEOXYRIBONUCLEIC ACID)

Criminal investigations, collection of biological samples: HB 2748
 Criminal offender identification system expanded: HB 1135
 Criminal procedure, postconviction testing: HB 1014
 Felony sex offenses, statute of limitations provisions: ***SSB 5042, CH 132 (2006)**
 Genetic counselors, licensing: HB 1988
 Life insurance, genetic testing restrictions: ESSB 5452
 Mandatory DNA testing act of 2006, evidence required prior to imposition of death penalty : HB 3230

DOGS (See also ANIMALS)

Dangerous dogs, conditions for declaring dangerous: HB 1150
 Guide dogs and service animals, provisions: HB 2461
 Homeowner's insurance, dog restrictions: EHB 1016
 Search and rescue, penalties for interference: ***SB 5979, CH 212 (2005)**
 War dogs, national memorial: HJM 4020

DOMESTIC RELATIONS (See also CHILD CUSTODY; DISSOLUTION OF MARRIAGE; MARRIAGE AND MARRIED PERSONS)

Dissolution proceedings, child testimony: HB 2068
 Parenting plans, restrictions on sex offender visitation rights: HB 2893

DOMESTIC VIOLENCE

Antiharassment protection orders, hearing procedures: ***HB 1294, CH 144 (2005)**
 Children, handling cases of child abuse co-occurring with domestic violence: HB 2395
 Confidentiality protection for information shared in advocacy or counseling services: HB 2122, HB 2848
 Hope card study committee: ***SSB 6806, CH 295 (2006)**
 No-contact orders and electronic monitoring for defendants: HB 2154
 Prevention account, marriage and dissolution fees to fund: HB 1314

DRIVER TRAINING SCHOOLS

Provisions revised: ***HB 2829, CH 219 (2006)**

DRIVERS' LICENSES

Biometric matching system for licenses and identicards: HB 2956, ***SB 6680, CH 292 (2006)**
 Commercial, licensing and disqualification provisions: HB 3000, ***SSB 6552, CH 327 (2006)**
 Commercial, reciprocal agreements for out-of-state exemption: HB 2693
 DUI, stay on suspension pending entry of deferred prosecution: ***SSB 5644, CH 269 (2005)**
 Examinations, reciprocal waiver agreements with other nations: ***HB 1260, CH 61 (2005)**
 Fees, increase: HB 2312
 Intermediate license exception modification act, passenger requirements for early morning hours: HB 3298
 Intermediate, immediate family members defined and provisions revised: HB 2053
 Intermediate, penalties for passengers who are intermediate license holders: HB 2118
 Intermediate, unrelated underage passengers: HB 1370
 Intermediate, violation penalties increased: HB 2118
 Interpreters allowed to assist deaf or hearing impaired applicants: ***SB 6415, CH 190 (2006)**
 Provisional licenses issued when failing to prove U.S. citizenship: HB 1697
 Suspension, notice and administrative review: HB 1265, SSB 5262

Transport of persons at horse racing facilities, commercial driver's license exemption: HB 2072, ***ESSB 5952, CH 350 (2005)**

Withholding of the driving privilege, failure to pay fines or monetary penalties: HB 1854

DRIVING UNDER THE INFLUENCE

Accidents involving fatalities, drug and alcohol tests: HB 2228, HB 2391

Blood alcohol content, collection of: HB 1199

Commercial drivers, employer alcohol and drug test result reports: HB 1266

Drivers' licenses, stay on suspension pending entry of deferred prosecution: ***SSB 5644, CH 269 (2005)**

Fees, increase: HB 2312

Ignition interlock devices, tampering penalties: ***HB 1872, CH 200 (2005)**

Implied consent, administration of test and refusal to take: HB 1199

John's law, third person liability for allowing arrested person to drive after release from custody: ESB 5417

Penalties increased: HB 1451, HB 2629, HB 2745, HB 3076, ***HB 3317, CH 73 (2006)**

Repeat offenses, penalties: HB 2290

Vehicle impound upon arrest: ESB 5417

DROUGHT

Joint legislative committee on water supply during drought: ***HB 2166, CH 60 (2005)**

Statewide emergency funding: HB 2296

DRUGS

Chemotherapy and anticancer drugs, business and occupation tax exemption: HB 3086

Controlled substances to include salts, isomers, and salts of isomers: ***HB 1072, CH 218 (2005)**

Controlled substances, forfeiture of real property: HB 1683

Controlled substances, illegal manufacture and arson laws: HB 1283

Endangerment with a controlled substance, penalties: HB 1524

Ephedrine, pseudoephedrine, and phenylpropanolamine, photo ID for sales and purchase: HB 1018, HB 2266

Ephedrine, pseudoephedrine, and phenylpropanolamine, sale restrictions: HB 1017, HB 2266

Excise tax on the possession of illegal drugs and alcohol: HB 2448

Methamphetamine, penalties for manufacturing: HB 1362, HB 1666

Methamphetamine, purchase and possession of precursors including iodine and methylsulfonylmethane: ***HB 2567, CH 188 (2006)**

Pharmaceutical manufacturers, marketing activities and gift disclosures: HB 1889

Pharmaceutical manufacturing, high-technology tax incentives disallowed: HB 1884

Pharmaceutical manufacturing, state investment board restrictions for certain companies: HB 1885

Prescription, advanced registered nurse practitioners' prescriptive authority: ***HB 1479, CH 28 (2005)**

Prescription, assistance foundation for low-income uninsured persons: HB 1677, ***SSB 5558, CH 267 (2005)**

Prescription, benefit managers and management: HB 2473

Prescription, chemotherapy and anticancer drugs business and occupation tax exemption: HB 3086

Prescription, controlled substances prescription monitoring program: HB 3320

Prescription, health care authority to receive federal employer subsidy for retiree benefits: ***HB 1287, CH 195 (2005)**

Prescription, hepatitis C limitation on preferred drug substitution: ***SSB 5838, CH 233 (2006)**

Prescription, legibility requirements: HB 1780, HB 2292, HB 2295

Prescription, pharmaceutical manufacturer marketing activities and gift disclosure: HB 1889

Prescription, preferred drug substitutions: HB 2995

Prescription, purchasing consortium: HB 1219, ***SSB 5471, CH 129 (2005)**

Prescription, reimportation from Canada: HB 1194

Prescription, waiver to FDA for importation from Canadian wholesalers: HB 1316, ***ESSB 5470, CH 293 (2005)**

Prescription, waiver to FDA for importation from nondomestic wholesalers: ***ESSB 5470, CH 293 (2005)**

Property acquired in drug forfeiture action, hazardous waste provisions: HB 1208

Psychoactive substance control, commission on: HB 3171

EASTERN WASHINGTON UNIVERSITY

Waiver authority limits: HB 2057

ECOLOGY, DEPARTMENT

Algae, prevention and control program for harmful blooms in lakes: HB 1982
 Columbia river basin hydropower mitigation fee program: HB 2860
 Columbia river coastal crab mitigation work group: HB 2961
 Columbia river mainstream water management program and account: HB 1099
 Columbia river water supply inventory: ***E2SSB 6581, CH 169 (2006)**
 Commercial passenger vessels, release of sewage and sludge into marine waters: HB 1415
 Domestic water users, study of competing interest and other water users in regards to limited supplies: HB 3141, ***SB 6861, CH 170 (2006)**
 Flood control and stream bank restoration pilot program: HB 1354
 Heavy metals soil contamination, school and child care facility certification program: HB 1605
 Hydraulic works, inspection fees: SB 5528
 Initiative 297, clarifications regarding hazardous materials regulations: HB 1474, ESSB 5445
 Lake restoration and management program, water quality account fund distribution: HB 1840
 Model toxics control act, lien authority to recover remedial actions costs: HB 1866, ***SSB 5449, CH 211 (2005)**
 Oil spill and prevention, rules for adequacy of contingency plans: HB 2593, ***ESSB 6244, CH 316 (2006)**
 On-site sewage, enhanced certification program for marine areas: HB 1458
 Polybrominated diphenyl ethers, sales of products containing: HB 1488
 Port districts, environmental permitting authority: HB 2234
 Puget Sound point source outfalls, systematic evaluation: HB 2578
 Waste tire cleanup, waste tire removal account and study of cleanup sites: HB 2085
 Waste tire recycling and cleanup, vehicle tire recycling account: HB 1892
 Wastewater, discharge permit fee procedure when municipality issues permit: HB 2172
 Water pollution control, economic impact analysis for general permits issued under 90.48 RCW: HB 3228
 Water rights, adjudication need and demand assessment: HB 2066
 Water rights, Odessa ground water subarea: HB 3101, ***ESSB 6151, CH 168 (2006)**
 Water rights, trust program and resource management revisions: HB 1098
 Water rights, Yakima river basin: HB 1098
 Wells, construction standards and contractor licensing: HB 1939, ***SB 5831, CH 84 (2005)**

ECONOMIC DEVELOPMENT

Agriculture and food processing, study of impact on state's economy: HB 2202
 Business development companies, financial institutions, and nondepository lenders: HB 2339, ***SSB 6168, CH 87 (2006)**
 Cities and towns, interlocal agreements with port districts: HB 1740
 Community improvement district financing: HB 3198
 Community revitalization financing: HB 1745, HB 1907, HB 2239, HB 2922, HB 3144, SB 5325
 Counties, interlocal agreements with port districts: HB 1740
 Downtown and neighborhood commercial district revitalization tax incentives: HB 1273
 Economic development grants program: ***ESB 5330, CH 314 (2006)**
 Economic development strategic reserve account: ***2SSB 5370, CH 427 (2005)**
 Entrepreneurial development, office of: HB 1898
 Grants program: ***ESB 5330, CH 314 (2006)**
 Individual development account program, low-income family assistance: HB 1408
 Industry cluster-based development: HB 2052, HB 2498, SB 5329
 Infrastructure, local infrastructure financing tool demonstration program: HB 2673
 International businesses, incentives for investing in Washington: ***SB 5175, CH 135 (2005)**
 International trade agreements, legislative ratification: HB 1857
 International trade policy commission, federal-state: ***ESJM 8019 (2006)**
 Job development fund, grant program to assist local governments with infrastructure projects: HB 1903
 Local infrastructure financing tool demonstration program: HB 2673
 Logo, "Washington Made" logo to promote state products: HB 2104
 Main street program and advisory committee: HB 1273
 Public facilities construction loan revolving account, funding provisions: HB 2859
 Public facilities loans and grants, military-related private sector businesses: HB 1091
 Public facility construction projects: HB 2602
 Rural counties, business and occupation tax credit for eligible projects: HB 1963, HB 3051

Seeds, tax exemptions for facilities used in conditioning of vegetable seeds: HB 1523
 Small business development center, funding: HB 3321
 Small business tax credit for job creation: HB 1351, HB 1576
 Small business tax deferrals for rural county investment projects and manufacturing facilities: HB 1574
 Start-up and expanding businesses in Washington state, state board investments in: HB 1594
 Washington rural loan fund provisions: ***HB 1092, CH 94 (2005)**, SB 5086

ECONOMIC DEVELOPMENT FINANCE AUTHORITY

Bonds, amount increase and authority expiration date extension: ***SB 5180, CH 137 (2005)**
 Bonds, authority to issue: HB 1428
 Customized employment training program: HB 1825
 Work force training, customized employment training program and tax credit: ***2SSB 6326, CH 112 (2006)**

EDUCATION, STATE BOARD

Academic achievement and accountability commission, abolished and duties transferred: HB 1067, ***ESSB 5732, CH 497 (2005)**
 Members, class four group compensation provisions: HB 1942
 Powers, duties, and membership revisions: HB 1067, ***ESSB 5732, CH 497 (2005)**
 Reconstituted state board of education, transfer of duties: HB 3098
 Superintendent of public instruction, voting rights: HB 1941

EDUCATIONAL SERVICE DISTRICTS (See also SCHOOLS AND SCHOOL DISTRICTS)

District organization, petition and hearing for transfer of territory between districts: HB 1450, HB 2011

ELECTIONS (See also CAMPAIGNS; INITIATIVE AND REFERENDUM)

"None of the above" ballot choice: HB 1363
 Absentee and mail ballot provisions for out-of-state, overseas, and service voters: ***SB 5565, CH 245 (2005)**
 Absentee and mail ballots, county-wide mail ballot elections: HB 1754, HB 1990, SB 5744
 Absentee and mail ballots, envelope contents when county auditor is seeking reelection: HB 2843
 Absentee and mail ballots, examination and verification: HB 1604, HB 1752
 Absentee and mail ballots, must reach auditor by election day: HB 1604, HB 1751
 Absentee and mail ballots, notice requirements regarding signature errors: HB 2695
 Absentee and mail ballots, when special ballots may not be counted: HB 2512
 Abstention from voting on a particular office: HB 1363
 Accessibility for disabled persons, voting equipment and advisory committee: HB 2479
 Audits, votes counted by optical scan counting devices: HB 2532
 Ballots, clarifications of laws: EHB 2478
 Ballots, damaged: ***ESSB 5499, CH 243 (2005) PV**
 Ballots, different colors and bar codes to identify types of ballots: HB 2158
 Ballots, fiscal information in local measures authorizing taxes: HB 2509
 Ballots, governmental entities may take positions on ballot measures: HB 2713
 Ballots, manual inspection and enhancement restrictions: HB 1604, HB 1752, ***ESSB 5499, CH 243 (2005) PV**
 Ballots, notice requirements regarding signature errors on provisional ballots: HB 2695
 Ballots, partisan primary: HB 2484
 Ballots, processing and canvassing: HB 1752, HB 2158, ***ESSB 5499, CH 243 (2005) PV**
 Ballots, provisional: HB 1256, HB 1604, HB 1752, HB 2158, HB 2226, HB 2528, ***ESSB 5499, CH 243 (2005) PV**
 Ballots, recanvassing before or after certification of election results: ***ESSB 5499, CH 243 (2005) PV**
 Ballots, recanvassing during initial counting process or any recount: ***ESSB 5499, CH 243 (2005) PV**
 Ballots, signature verification guidelines: HB 2531
 Ballots, signature verification process audit: HB 2523
 Ballots, signatures: ***ESSB 5499, CH 243 (2005) PV**
 Ballots, write-in votes: HB 1752, ***ESSB 5499, CH 243 (2005) PV**
 Bilingual voting registration and voting assistance: HB 2594
 Campaign finance law violators, recall: HJR 4203
 Candidates, length of statement on public office web sites: HB 1114
 Canvassing, ballot processing and canvassing: HB 1752
 Canvassing, recanvassing before or after certification of election results: ***ESSB 5499, CH 243 (2005) PV**

Challenges, procedures: HB 2752, ***SSB 6362, CH 320 (2006)**
 Compliance with election law, public election officers: HB 2008
 Costs, revote due to county error: HB 2514
 Costs, state to assume share of: HB 1748
 County auditors, duties: HB 2513
 County-wide mail ballot elections: HB 1754, HB 1990, SB 5744
 Crimes, altering or destroying registration form: ***ESSB 5499, CH 243 (2005) PV**
 Crimes, penalties: HB 2226
 Dates and deadlines, revisions: ***ESB 6236, CH 344 (2006)**
 Electronic registration: HB 2753
 Felons, restricting and restoring voting rights: HB 2873
 Felons, study on restricting and restoring voting rights: HB 3276
 Fiscal impact statements on voter pamphlets: HB 2978
 Free access system toll-free telephone number and web site for provisional voters: HB 2226
 Home rule charter cities, primaries: HB 1335, SSB 5326
 Illegal voting, multiple degrees: HB 2809
 Indian enrollment cards as identification: HB 1496
 Instant runoff voting, pilot project for nonpartisan offices: ***HB 1447, CH 153 (2005)**
 Integrity, ensuring the integrity of elections: HB 2226
 Judges, general election provisions: HB 1001, HB 3175, HJR 4200
 Judges, study of general election provisions: ***ESSB 5499, CH 243 (2005) PV**
 Manual of election laws and rules, secretary of state: ***SB 5564, CH 244 (2005)**
 Nominations, signature requirements for minor party nominations: HB 2730
 Primaries, dates and procedures: HB 1456, HB 1750, HB 1913, HB 2027, HB 2158, HB 2253
 Proof of registration and identification: HB 2158, HB 2226, ***ESSB 5499, CH 243 (2005) PV**
 Recall, violation of campaign finance law as grounds for: HB 1389
 Reconciliation provisions, reports by county auditors: ***ESSB 5499, CH 243 (2005) PV**
 Recount, procedures: HB 2696, ***ESSB 5499, CH 243 (2005) PV**
 Registration, electronic: HB 2753
 Registration, information and identification requirements: ***ESSB 5743, CH 246 (2005)**
 Registration, lists comparisons: HB 2226
 Registration, nontraditional addresses: HB 2529, HB 2752, ***SSB 6362, CH 320 (2006)**
 Registration, proof of citizenship and photo identification: HB 3297
 Registration, recordkeeping: HB 1753, ***ESSB 5743, CH 246 (2005)**
 Registration, reregistration: HB 2158, HB 2226
 Registration, timelines: ***HB 3041, CH 97 (2006)**
 Results, secretary of state to post ballot measure results on web site: HB 1900
 Returns, reporting by precinct: HB 2549
 Review of county procedures, provisions: ***HB 1749, CH 240 (2005)**
 Revote, criteria: HB 2844
 Saturday counting of ballots: HB 2694
 Special elections, dates: HB 2525
 Special elections, provisions if election declared void: HB 2518
 Superintendent of public instruction, general election provisions: HB 1001
 Superintendent of public instruction, study of general election provisions: ***ESSB 5499, CH 243 (2005) PV**
 Technical changes to election laws: ***HB 2477, CH 206 (2006)**
 Voter challenges, procedures: HB 2526
 Voters' pamphlets: HB 1755, HB 2978
 Voting age, sixteen years old: HB 2305, HJR 4213
 Voting devices, accessibility for persons with disabilities: HB 2479
 Voting devices, paper records: ***ESSB 5395, CH 242 (2005)**
 Voting rights and felons, provisions relating to: HB 2062, HB 2873, ***ESSB 5743, CH 246 (2005)**
 Voting rights, persons under guardianship: HB 1876
 Voting systems, certification process and polling site provisions: HB 1025
 Voting systems, single universal form: HB 1604

ELECTRIC UTILITIES

Bonneville Power Administration, transition from cost-based to market-based rates: ***SSJM 8018 (2005)**
 Disputes between electric suppliers regarding electrical services, resolution process: HB 2179
 Distributed generation interconnection procedures and net metering provisions: HB 1011
 Distributive generation, power purchase agreements: HB 2403
 Net metering, provisions and renewable energy definition: HB 2352
 Public utility tax provisions, maximum tax rate applied to gross receipts: HB 2953
 Rate increases, federal proposal: HJM 4018
 Real estate excise tax on gas turbine electrical generation facilities: HB 1013
 Renewable energy and energy efficiency standards, integrated resource plan: HB 1010, HB 1047, HB 1059, HB 2351
 Renewable energy, definition and net metering provisions: HB 2352
 Renewable energy, small renewable producer alternative to net metering: HB 2604
 Renewable energy, tax credit for purchase or generation of renewable resource: HB 1844
 Renewable energy, tax incentive for customer-generated electricity system: HB 1761, ***SSB 5101, CH 300 (2005)**, ESB 6129
 Taxation, provisions modified: HB 2609
 Transmission facilities, siting application process and growth management: HB 1020
 Transmission lines, regional compacts for siting: HB 2401
 Voluntary purchase of alternative energy sources, definition of qualified alternative energy sources: HB 2800

ELECTRICAL BOARD

Membership, outside line worker: ***HB 1557, CH 280 (2005)**

ELECTRICITY

Bonneville Power Administration, transition from cost-based to market-based rates: ***SSJM 8018 (2005)**
 Coal use in electric plants, phase out: HB 1167
 Distributive generation, power purchase agreements: HB 2403
 Electricians, display of licenses and certificates: HB 2599, HB 2600
 Electricians, installation and maintenance of domestic water pumping systems: ***SSB 6225, CH 185 (2006)**
 Electricians, installation and maintenance of domestic well water systems: HB 2971
 Electricians, licensing required prior to advertising: HB 1331
 Electricians, trainee continuing education and supervision requirements: HB 1841
 Facilities, expedited processing of applications for facilities and alternative energy resources: HB 2402
 Gas turbine generation facilities, excise tax revisions: HB 1293
 Hydroelectric power, use of recognized and encouraged: HB 2103
 Joint operating agencies, renewable electrical energy generation projects: HB 1384
 Public utility districts, hydroelectric project or power generation facility on Columbia river in distressed county: HB 3196
 Rate increases, federal proposal: HJM 4018
 Renewable energy standards for state agencies: HB 2349
 Renewable resource facilities, tax incentives for generation using renewable resources: HB 3131
 Solar electric generating facility, feasibility assessment: HB 3194, SSB 6192
 Transmission lines, regional compacts for siting: HB 2401
 Utilities taxation, provisions modified: HB 2609
 Voluntary purchase of alternative energy sources, definition of qualified alternative energy sources: HB 2800
 Wind turbine generation facilities, property tax levy limit calculation: ***SSB 6141, CH 184 (2006)**

ELECTRONIC EQUIPMENT

Efficiency standards: ***SSB 6840, CH 194 (2006)**

ELECTRONICS

Product recycling: HB 2662, HB 2810, HB 2811, ***ESSB 6428, CH 183 (2006) PV**

ELEVATORS

Contractors, display of licenses and certificates: HB 2599, HB 2600
 Grain, air registration: ***SB 5142, CH 138 (2005)**

EMERGENCY MEDICAL TECHNICIANS

Epinephrine, authority to administer: ***SSB 5708, CH 463 (2005)**

Retirement, transfer from PERS to LEOFFRS: HB 1936

EMERGENCY SERVICES

911 standards for voice over internet protocol service: HJM 4001

Assaulting or injuring an emergency worker, penalties: HB 2705

Continuity of government act, task force to study legislature ability to convene in event of attack or disaster: HB 2519

Disaster medical assistance teams: HB 2539

Disaster response, workers' compensation claims: ***SSB 6014, CH 422 (2005)**

Emergency management, preparedness, and assistance account: ESB 6433

Emergency vehicle permits, background checks: ***HB 1305, CH 27 (2006)**

Federal disaster assistance employees, unemployment job search exemption: HB 1392

Local government utility service charges to fund ambulance and emergency services: HB 1635

Missing persons, investigation procedures: HB 2805

Performance measures for emergency preparedness: HB 2542

Police and fire equipment, tax exemption: HB 2736

Price gouging, unfair business practices during disaster or emergency situations: HB 2722

Public safety communications system, statewide: HB 3095

Regional transportation governance, consolidation for efficiency and emergency evacuation planning: HB 2636

Retired volunteer medical worker license, emergency or disaster services: HB 1850, HB 2994

State employee leave, shared leave for declared emergencies: HB 3073

Tsunami resistant structures, tax incentives for construction of: HB 1022

Vehicles, requirements regarding sales of vehicles to nonpublic entities: HB 2493

Vehicles, sales and use tax exemption for local government purchase: HB 1955

EMINENT DOMAIN

Compensation, costs for proceedings: HB 3264

Economic development, eminent domain prohibited: HB 2924

Just compensation, definition: HB 2855

Restrictions on the exercise of eminent domain, public use requirement: HB 2427, HB 2854, HB 3017, HB 3223, HJR 4217

Right of first refusal: HB 3017

State law reaffirmed, state and local use of eminent domain: HB 2626

EMPLOYMENT (See also WAGES AND HOURS)

Child abuse reporting, duty of person in supervisory capacity: ***ESSB 5308, CH 417 (2005)**

Commercial drivers, employer alcohol and drug test result reports: HB 1266

Consumer reports procured for employment, transmittal to consumer: HB 2443

Consumption of lawful products, employment decisions based upon: HB 2614

Customized employment training program: HB 1825

Drug-free workplace program: HB 2712, ***E2SSB 6239, CH 339 (2006)**

Employee training programs through community or vocational colleges, employer tax credits: HB 2032

Employer communications about political, religious, or labor organizing matters: HB 3068

Employer disclosure of employee information to prospective employer, limited liability: ***HB 1625, CH 103 (2005)**

Employers health service expenditures, minimum labor standards: HB 2517

Family leave insurance program: HB 1173, E2SSB 5069

Family leave, domestic partners: HB 1626

Family leave, revisions to family and medical leave act: HB 2392, ***SSB 6185, CH 59 (2006)**

Family leave, sick leave does not include leave granted through disability policies: ***SSB 5850, CH 499 (2005)**

Family leave, sick leave for care of family members: HB 1626

Financial institutions, employer providing information regarding employee job performance: HB 1544

Health care insurance, business and occupation tax credit for employers: HB 1957

Health care insurance, fees for large employers who do not provide insurance to employees: HB 1702

Health care insurance, small business assist program: HB 2069

Health care insurance, small employers and their employees: HB 1684

Health care, small group health benefit plans: HB 2121
 Health care, small group health benefit plans and health savings accounts: HB 2199, HB 2555
 Health insurance market stabilization pool, small employers: HB 1910
 Industrial safety administrative appeals, costs awarded to employer when employer prevails: HB 2160
 Mental health insurance benefits, employer tax credit to compensate for parity costs: HB 1274
 On-call workers, compensation for active duty hours: HB 2725
 Professional employer organizations, regulations: HB 3060
 Professional employer organizations, taxation: HB 3059, ***SSB 6671, CH 301 (2006)**
 Retirement, voluntary accounts program for private sector employers and all workers: HB 1570
 Sex offenses, abuse of supervisory position to obtain consent of a minor: ***SSB 5309, CH 262 (2005)**
 Sick leave, minimum paid sick leave: HB 2777
 Small business tax credit for job creation: HB 1351, HB 1576
 Social security numbers, employment applications: HB 2438
 Student services office, pilot program for graduate and professional student job placement: HB 2043
 Tipped employees, average and adjusted minimum wage rate provisions: HB 1795, HB 2838
 Wages, payment violations and penalties: HB 1311, HB 3185
 Women worker information, publication in employment statistics survey: HJM 4011
 Work force training, customized employment training program: ***SSB 6326, CH 112 (2006)**
 Workplace bullying study: HB 1968
 Wrongful discharge, rights and remedies: HB 3312

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Student services office, pilot program for graduate and professional student job placement: HB 2043

ENERGY

Appliances and products, efficiency standards: HB 1062, ESSB 5098
 Bioenergy assistance program, conversion of farm products: ESSB 6501
 Bioenergy loan program, conversion of farm products: HB 2775
 Columbia generation station, commercial production of hydrogen: HJM 4026
 Disclosure of energy infrastructure information, exemption: HB 2350
 Distributive generation, power purchase agreements: HB 2403
 Efficiency standards for products, modifications: HB 3242, ***SSB 6840, CH 194 (2006)**
 Electrical transmission siting, application process and growth management: HB 1020
 Energy efficiency program road map, Washington state: HB 2797
 Energy freedom program and board : HB 2939, HB 3304
 Facilities, expedited processing of applications for facilities and alternative energy resources: HB 2402
 Freedom projects, funding for : HB 2393, HB 2550
 Joint committee on energy supply and energy conservation, conservation measures: HB 1895
 Joint operating agencies, renewable electrical energy generation projects: HB 1384
 Renewable electrical energy generation projects, joint operating agencies: HB 1384
 Renewable energy and energy efficiency standards, integrated resource plan: HB 1010, HB 1047, HB 1059, HB 2351
 Renewable energy standards for state agencies: HB 2349
 Renewable energy, definition and net metering provisions: HB 2352
 Renewable energy, electric utility tax credit for purchase or generation of renewable resource: HB 1844
 Renewable energy, small renewable producer alternative to net metering: HB 2604
 Renewable energy, tax incentive for customer-generated electricity system: HB 1761, ***SSB 5101, CH 300 (2005)**, ESB 6129
 Renewable resource facilities, tax incentives for electricity generation using renewable resources: HB 3131
 Solar electric generating facility, feasibility assessment: HB 3194, SSB 6192
 Solar hot water equipment, sales tax exemption: HB 2799
 Solar, tax incentives for manufacture of solar energy systems: HB 1760, ***E2SSB 5111, CH 301 (2005)**, ESB 6129
 State buildings and schools, green building programs and LEED silver standards: ***ESSB 5509, CH 12 (2005)**
 Sustainable energy sources and trust, grant program: HB 2400
 Transmission lines, regional compacts for siting: HB 2401
 Voluntary purchase of alternative energy sources, definition of qualified alternative energy sources: HB 2800
 Wind, small wind permitting standards: HB 1021

ENERGY FACILITY SITE EVALUATION COUNCIL

Electrical transmission siting, application process and growth management: HB 1020

ENVIRONMENT

Carbon dioxide mitigation, business and occupation tax credit: HB 2794
 Creeks in urban areas, city draft long-term creek restoration plan: HB 2151
 Enhanced permit assistance pilot programs, office of regulatory assistance: HB 2049
 Environmental mitigation moneys for agricultural preservation: HB 3235
 Environmental remediation services, business and occupation tax rate: HB 1412, ***SSB 6781 (2006) V**
 Forest carbon credits study panel: HB 2856
 Mercury, removal of mercury-added components in end-of-life vehicles: HB 1731, ESB 5710
 Phosphorus content in dishwashing detergent: ***EHB 2322, CH 223 (2006)**
 Puget Sound conservation and recovery partnership and management plan: SSB 5895
 SEPA, agencies attorneys' fees for appeals: HB 1924
 SEPA, exemption for cities and counties who plan under growth management act: HB 2952
 SEPA, significant transportation projects: HB 3259
 State buildings and schools, green building programs and LEED silver standards: ***ESSB 5509, CH 12 (2005)**
 Watershed health and salmon recovery, joint select legislative task force: HCR 4406

ESCROW AGENTS AND COMPANIES

Public disclosure exemption for certain information: HB 2774

ESTATES (See also PROBATE)

Management procedures and requirements: ***HB 1125, CH 97 (2005)**
 Taxes, stand-alone state estate tax: HB 2302, ***ESB 6096, CH 516 (2005)**
 Taxes, Washington state pick-up credit for federal and state transfer taxes: HB 2841, HB 3306
 Trusts and estates, general revisions: ***SSB 6597, CH 360 (2006)**
 Uniform estate tax act: ***SSB 5052, CH 332 (2005)**

ETHICS IN GOVERNMENT

Congress, ethics rules in house of representatives: HJM 4021
 Fraud investigation, office of inspector general: HB 1909
 Gifts, value of gifts which may be accepted by state officers or employees: HB 2089
 Investigations, complaint procedures: HB 1051, ***SB 5046, CH 116 (2005)**
 Opinions, state employees authorized to express professional opinions: HB 3103
 Raffles, public employees: HB 1944
 State university research, ethical transfer of technology: HB 1806, SSB 5811

EVERGREEN STATE COLLEGE, THE

Waiver authority limits: HB 2057

EVIDENCE

Dependent persons, rights and protections for victims and witnesses of crimes: HB 2126
 Discovery in a criminal case, materials furnished to attorney: HB 2613
 Hearsay exception, statement against party who has engaged or acquiesced in wrongdoing: HB 1508
 Injuries resulting from health care, apologies and settlement offers inadmissible as evidence: HB 2292, HB 2295
 Privileged communications between spouses, criminal conspiracy exception: HB 1207

FAIRS AND EXHIBITIONS

Agricultural fairs, study of economic and social contribution: HB 2096

FAMILY LIFE

Child abuse and neglect, prevention and intervention investment council: HB 1663
 Child's conversations and communications, parental right to monitor: HB 1178
 Family and children's services, department: ***ESSB 5872, CH 474 (2005)**
 Family assessment response demonstration program, child maltreatment: HB 3152
 Family leave insurance program: HB 1173, E2SSB 5069
 Family leave, domestic partners: HB 1626

Family leave, sick leave does not include leave granted through disability policies: ***SSB 5850, CH 499 (2005)**
 Family leave, sick leave for care of family members: HB 1626
 Family planning services, growth management comprehensive plans: HB 1166
 Genetic counselors, licensing: HB 1988
 Interstate family support act, effective date: ***HB 3048, CH 96 (2006)**
 Parental rights restored and expanded: HB 2954
 Paternity registry: HB 2788
 Reconciliation hearings, public access: HB 1279
 Services, task force on the administration and delivery of services: HB 3243, ***ESB 6741, CH 251 (2006)**

FARMS

Beginning farmers loan program: ***SSB 5092, CH 120 (2005)**
 Conservation district farm plans, content and disclosure provisions: ***SSB 6617, CH 369 (2006)**
 Dairy nutrients, vehicle weight limits for transporting on roads and highways: HB 1117
 Farmers market nutrition programs, funding: HB 1593
 Fuel used by farmers, sales and use tax exemptions: ***HB 2424, CH 7 (2006)**
 Grain, elevator and warehouse air registration: ***SB 5142, CH 138 (2005)**
 Growth management, accessory nonfarm home-based or similar businesses that supplement on-farm income: HB 2905
 Growth management, agricultural land use and activities: HB 2917
 Growth management, agricultural zoning that supports family farms: HB 2132
 Growth management, ongoing agricultural activities encouraged: HB 2907
 Habitat conservation programs, riparian protection and farmlands preservation accounts: HB 1413, ***ESSB 5396, CH 303 (2005)**
 Labor and industries department initial visit to small agricultural employers: HB 1553
 Machinery and equipment, sales and use tax exemptions: HB 1971, HB 2417, HB 2457
 Nuisance actions against agricultural practices, costs recovery when defendant farm prevails: ***ESB 5962, CH 511 (2005)**
 Potato commission: HB 1608
 Property taxes, open space program taxation: ***HB 1554, CH 57 (2005)**
 Real estate disclosure, notice to prospective buyer when property is located near a farm: ***ESB 5962, CH 511 (2005)**
 Real estate excise tax exemption for certain farm and agricultural land: HB 1801
 Real estate seller's disclosure, notice to prospective buyer when property is located near a farm: HB 2723
 Services provided to farmers, tax exemptions: 2SSB 6542
 Vehicles, gross weight fee payment: HB 2227, HB 2312
 Walla Walla sweet onion, state vegetable: HB 1964
 Water rights, crop rotation as sufficient cause for nonuse: HB 2159

FEES

Automatic increases prohibited: ESB 5527
 County law library funding, court filing and surcharge fees: HB 1597, ***E2SSB 5454, CH 457 (2005)**

FERRIES

Alcohol, sales on ferries: HB 2851, HB 3255, ***SSB 6791, CH 362 (2006)**
 Assault or injury of persons working, reckless driving penalties: HB 2193
 Collective bargaining by state ferry employees: HB 3178, SSB 6794
 Costs mitigation of state ferry traffic at route terminals, state distribution to cities and counties: HB 3124
 Fares, prepurchase of multiple: HB 1824, ***SSB 5729, CH 270 (2005)**
 Fuel tax exemption for state ferries: HB 1948
 Local government passenger ferry service, funding and grant program: ***ESSB 6787, CH 332 (2006)**
 New ferry construction, alternatives to design-build process: ESSB 6104
 Passenger-only ferry systems, funding through sale or disposition of existing vessels: HB 3270, ***ESSB 6787, CH 332 (2006)**
 Seattle-Bremerton service enhancements: HB 2042
 Sewage and sludge, release into marine waters: HB 1415
 State, galley services: HB 2205
 Vessel procurement, design-build process: SSB 6853

FINANCIAL INSTITUTIONS (See also BANKS AND BANKING; CREDIT UNIONS)

Automated teller machines, access fees: ***HB 1138, CH 98 (2005)**
 Business development companies, financial institutions, and nondepository lenders: HB 2339, ***SSB 6168, CH 87 (2006)**
 Credit card-based checks, regulations: HB 3292
 Employee job performance, employer providing information: HB 1544
 Identity theft, fraud alert network and identity theft grant program: HB 3067
 Mortgage lending fraud prosecution account, extension: ***HB 2338, CH 21 (2006)**
 Out-of-state, regulations: HB 2128, ***ESSB 5997, CH 348 (2005)**
 Regulatory authority, state: HB 1419, ***SSB 5266, CH 338 (2005)**
 Retail installment contracts for vehicle purchases: HB 2863, ***SSB 6570, CH 288 (2006)**
 Unsolicited credit cards, mailing of cards prohibited: HB 1901

FINANCIAL INSTITUTIONS, DEPARTMENT

Check cashers and sellers, common data base with real-time access to verify outstanding loans: HB 2020, HB 3167
 Check cashers and sellers, data to be provided to director: HB 1778, SB 5484
 Payday loans, study: HB 2360

FINANCIAL MANAGEMENT, OFFICE

Agency administrative and overhead costs, report on: HB 3072
 Agency budget requests, statewide budgeting priorities: HB 1242
 At-risk youth, prevention quality council: HB 1052
 Budget, 2005-07 operating: HB 1036
 Criminal justice costs, fiscal notes and appropriations for bills increasing incarceration periods: HB 2165
 Population projections, adequacy of water supply to determine: HB 3161
 Priority performance measures, historical information data base and legislative review: HB 1834
 Public safety and education account, limits on use of: HB 1046
 Quality award, membership: HB 3109
 State information technology projects: HB 2601

FINGERPRINTING

Crime prevention and privacy compact: HB 2763
 Live scan devices for electronically gathering and transmitting fingerprints, pilot program: HB 1682

FIRCREST SCHOOL

Traumatic brain injured offenders and developmentally disabled offenders, transfer to Fircrest school: HB 3027

FIRE FIGHTERS

Occupational and health standards for employees of fire departments: HB 1756
 Privileged communication, fire fighters and peer support groups: ***HB 2366, CH 202 (2006)**
 Surviving spouse of fallen emergency responder, property tax exemption: HB 1377
 Volunteer, background check fee exemption: HB 3023
 Volunteer, board membership: HB 2833
 Volunteer, position in elective or appointed office: ***HB 2606, CH 211 (2006)**

FIRE PROTECTION

Alcoholic beverage serving businesses, inspections: HB 1401
 Automated sprinkler systems, bars and nightclubs: HB 1401
 Equipment, tax exemption: HB 2736
 Impact fee proceeds for facilities: HB 1793
 Occupational and health standards for employees of fire departments: HB 1756
 Policy board, membership: ***HB 2088, CH 35 (2005)**
 Public safety, department of: HB 2472
 Water availability for residential fire sprinkler suppression systems: HB 2845

FIRE PROTECTION DISTRICTS (See also SPECIAL DISTRICTS)

Capital funding assistance : HB 3257
 Health clinic services: HB 1652
 Property tax levies, levy lid lifts: HB 2721

Property tax levies, prorationing: HB 1106, ***SB 5136, CH 122 (2005)**
 Regional fire protection service authorities: HB 2345

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Components subject to recall or replacement, assistance with identification: HB 1945
 Fire protection sprinkler fitting, regulations and certification: HB 3045
 Water availability for residential fire sprinkler suppression systems: HB 2845

FIREARMS

Alien firearm license, requirements and violations: HB 3221
 Archery hunting, firearms and muzzleloaders: HB 3271
 Assault weapons, penalties for manufacture and possession: HB 1627
 Concealed, late renewal penalty exemption for certain members of armed forces: HB 3092
 Concealed, license renewal notices: HB 1804
 Concealed, reciprocity provisions: HB 2622
 Crimes, sentence range enhancements for firearms and deadly weapons: 2SSB 5041
 Gun shows and events, sales regulations: HB 2861
 Hunting safety for children, supervision and minimum age for licenses: HB 1213
 Industry, protection from tort laws against: HJM 4002
 Possession, person previously found not guilty by reason of insanity: HB 1687
 Reckless endangerment, leaving a firearm where a child is likely to gain access: HB 1473
 Safety devices, dealers to provide or offer for sale: HB 1473
 Schools, firearms accident prevention program: HB 3090
 Schools, juvenile possessing a firearm at a school: HB 2825
 Schools, violations and penalties for having weapons in school: HB 2275, HB 2826, HB 2930
 State legislative building, possession in: HB 1489
 State parks, possession restrictions: HB 1490
 Stun guns, penalties for sale or possession of projectile stun guns: HB 1580, HB 2835
 Toxic shot, taxation to fund wild swan recovery account: HB 2211

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Local surcharge: HB 1284

FISCAL NOTES

Bills making tax law changes, requirements for department of revenue: HB 2022
 Information technology projects, impacts: HB 2601

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Algae, prevention and control program for harmful blooms in lakes: HB 1982
 Columbia river coastal crab mitigation work group: HB 2961
 Geoducks, pilot program for planting in Hood Canal aquatic rehabilitation zone: HB 3199
 Hood Canal, aquatic rehabilitation zone: HB 1060, HB 2081
 Hood Canal, rehabilitation program: HB 2097
 Invasive species and algae, vessel registration fee to fund prevention and control: HB 1730, ***ESSB 5699, CH 464 (2005)**
 Invasive species council: HB 1611, ***ESSB 5385, CH 152 (2006)**
 Puget Sound point source outfalls, systematic evaluation: HB 2578
 Sales tax exemption for fish caught at private fishing facility: HB 2145
 Sensitive fish and wildlife data, public disclosure requirements: HB 2331
 Shellfish, oil spill contingency plans for shellfish beds: ***SSB 5676, CH 78 (2005)**

FISH AND WILDLIFE COMMISSION

Columbia river coastal crab mitigation work group: HB 2961
 Disabled hunters and fishers advisory committee: ***HB 1405, CH 149 (2005)**, SB 5134
 Enforcement, definition of conviction: ***HB 1128, CH 321 (2005)**
 Toxic shot, certain percent lead shot prohibited: HB 1822
 Trapping, rules for traps and bait: ESB 5319
 Trout planting provisions: ***SB 5869, CH 87 (2005)**

FISH AND WILDLIFE, DEPARTMENT

Aquatic invasive species and algae, vessel registration fee to fund prevention and control: **HB 1730, *ESSB 5699, CH 464 (2005)**

Barred owls, release restrictions: HB 1498

Construction project in state water, pilot project using general permits: HB 1263

Cougars, posting of interactions with pets, livestock, or humans: ***HB 1832, CH 107 (2005)**

Dungeness crab fishery in Puget Sound, catch record card endorsement and fee: HB 2286, HB 2287

Dungeness crab fishery in Puget Sound, license buyback program: HB 2287

Dungeness crab fishery in Puget Sound, management of nontribal allocation: HB 2287

Enforcement account, penalties for hunting out of season and fishing for endangered species: HB 1696

Enforcement, definition of conviction: ***HB 1128, CH 321 (2005)**

Enforcement, retirement provisions for enforcement officers: HB 2890

Flood control and stream bank restoration pilot program: HB 1354

Furbearer management program and rules for traps and bait: ESB 5319

Gravel in waterways, removal of: HB 1118

Habitat and recreation lands coordinating group: SSB 6625

Hunting education training program, course increase and applicant backlog reduction: HB 1972

Hydraulic project approval program, application and permitting process revisions: HB 1083

Hydraulic project approval program, general revisions: HB 1346

Hydraulic project approval program, maintenance or mitigation agreement: HB 1083

Land transfer, county-specific transfer of development rights demonstration projects: HB 2368

Livestock loss due to wildlife, compensation: HB 1831

Port districts, environmental permitting authority: HB 2234

Private lands for public use, charges: HB 2356, SB 5279

Spawning beds for salmon or steelhead, harmful activities prohibited: HB 2054

Trapping of wild animals, licensing and regulations: HB 2641

FISHING, COMMERCIAL (See also SALMON)

Aquacultural products, sale from leased state-owned lands: ***SB 5006, CH 113 (2005)**

Charter licenses, definitions: HB 2586, ***SSB 6401, CH 186 (2006)**

Coastal crab fisheries, vessel restrictions: HB 2962, ***SSB 6439, CH 159 (2006)**

Crab pot buoy tag program, fee for holders of out-of-state licenses: ***HB 2330, CH 143 (2006)**

Deliver and delivery of food fish and shellfish, definitions: HB 1214

Dungeness crab fishery in Puget Sound, license buyback program: HB 2287

Dungeness crab fishery in Puget Sound, management of nontribal allocation: HB 2287

Dungeness crab fishery in Puget Sound, two licenses operating on one vessel: ***SSB 5765, CH 82 (2005)**

Geoduck, harvest area restrictions: HB 2268, ***HB 2386, CH 144 (2006)**

Geoduck, Hood Canal harvest limits: HB 1896

Geoduck, licensing and reseeding requirements: HB 2267, HB 3102

Salmon, labeling for sales of food fish: HB 1543

Sea cucumbers, license renewal surcharge and excise tax provisions: ***HB 1958, CH 110 (2005)**

Sea urchins, license renewal surcharge and excise tax provisions: ***HB 1958, CH 110 (2005)**

Washington coastal Dungeness crab pot buoy tag program, licensing fees to fund: ***SB 6033, CH 395 (2005)**

FISHING, RECREATIONAL (See also SALMON)

Albacore tuna, licensing requirement: HB 2332, ***SB 6159, CH 57 (2006)**

Coastal crab fisheries, vessel restrictions: HB 2962, ***SSB 6439, CH 159 (2006)**

Disabled hunters and fishers advisory committee: ***HB 1405, CH 149 (2005)**, SB 5134

Dungeness crab fishery in Puget Sound, catch record card endorsement and fee: HB 2286, HB 2287

Dungeness crab fishery in Puget Sound, management of nontribal allocation: HB 2287

Group fishing permits, department outdoor education programs: ***SSB 6161, CH 16 (2006)**

Licenses, definition of resident: ***HB 1695, CH 104 (2005)**

Licenses, temporary combination: HB 1210

Obstructing the lawful taking of wildlife or fish, civil penalty against local government: HB 1926

Shellfish, biotoxin testing and monitoring funds to carry over: ***SSB 5169, CH 416 (2005)**

Trout planting provisions: ***SB 5869, CH 87 (2005)**

Violations, fishing for endangered species: HB 1696

FLOOD CONTROL

Flood control and stream bank restoration pilot program: HB 1354

Flood damage relief program: HB 3169, HB 3200

Gravel in waterways, removal of: HB 1118

Hydraulic permits, riparian flood damages: HB 2373

FLOOD CONTROL DISTRICTS (See also SPECIAL DISTRICTS)

Administration and compensation: HB 1238, ***SB 5354, CH 127 (2005)**

FOOD AND FOOD PRODUCTS (See also MEAT; ORGANIC FOOD)

Beverage containers, refund value for recycling purposes: HB 2793

Dairy products, excise taxation: ***EHB 3159, CH 354 (2006) PV**, SB 6704

Food service rules, cold holding temperature exemption: HB 3301

Impact of agriculture and food processing on state's economy, study: HB 2202

Litter tax exemption for food consumed in area contiguous to seller's place of business: HB 1887

Litter tax exemption for prepared food in nonsingle containers: HB 1887

Local sales and use, special stadium sales and use tax imposed on food and beverages: HB 3251

Milk and dairy products, safety : HB 3010

Milk processing plant licensing fees: HB 1085, ***SB 5039, CH 414 (2005)**

Milk products, cow shares: HB 2598

Milk products, cow shares and requirements for raw milk sales: ***SSB 6377, CH 157 (2006)**

Seafood, excise taxation: ***EHB 3159, CH 354 (2006) PV**

Syrup sales, business and occupation tax credit: HB 1619, HB 2758, ***SSB 6533, CH 245 (2006)**

FOREST LAND (See also TIMBER AND TIMBER INDUSTRIES)

Ancestral trees, protection: HB 1360

Forest carbon credits study panel: HB 2856

Local government regulations: HB 1404, HB 1692

State forests, distribution of revenue: HB 1691

State forests, health management and infestation control: HB 2642

Timber land revitalization board, grants and loans: HB 1704

FOREST PRACTICES (See also TIMBER AND TIMBER INDUSTRIES)

Ancestral trees, protection: HB 1360

Applications, fees for class IV: HB 2741

Conversion-related practices, jurisdiction transferred to local government: HB 3188

Forest carbon credits study panel: HB 2856

Forest health work group, meeting requirements and expiration date: ***ESB 5179, CH 342 (2006)**

Forest practices, department of natural resources authority: HB 2740

Future of Washington forests review council: HB 1985

Growth management, forest lands of long-term commercial significance: HB 1638

Hydraulic project approval, natural resources department as lead agency regarding forest practices applications: HB 2739

Local government regulations: HB 1404, HB 1692

Specialized forest products, specialty wood for musical instruments or ornamental boxes: HB 1406

State forests, health management and infestation control: HB 2642

FORFEITURES

Money laundering, property subject to seizure and forfeiture: HB 2761

FOSTER CARE

Endowed scholarship program: HB 1050

Foster care health services, office of: HB 2985

Foster parent critical support and retention program: HB 3115

Foster youth individual development account program, housing and education assistance: HB 1408

Indian tribes, agencies located on or near reservations: HB 2148, HB 3182

Postsecondary education and training committee: HB 1079, ESSB 5084

Services and support for youths up to age twenty-one: HB 2002

Sexual misconduct with a minor, sexual relationships between foster parent and child: ***SSB 5309, CH 262 (2005)**

FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Department of transportation's duties and powers pertaining to freight rail mobility transferred to board: HB 3220

Freight mobility strategic investment account created: HB 1603

Freight mobility strategic multimodal account created: EHB 2889

FUELS (See also OIL AND GAS)

Alternative fuel vehicles and accessories, tax incentives for purchase and lease: HB 1647

Alternative fuels, availability: HB 2442

Alternative fuels, biofuels advisory committee: HB 2738

Alternative fuels, percentage of biodiesel required in diesel fuel: HB 2664, HB 2666, HB 2738, ***ESSB 6508, CH 338 (2006)**

Alternative fuels, percentage of ethanol required in nondiesel fuel: HB 2665, HB 2666, HB 2738, ***ESSB 6508, CH 338 (2006)**

Alternative fuels, school transportation services tax exemptions: HB 1645

Alternative fuels, tax exemptions: HB 1646, HB 1826, HB 2663

Alternative fuels, water rights relinquishment provisions for crops used in the production of: HB 2767

Biodiesel seed crushing program, funding: HB 2393, HB 2550

Bioenergy assistance program, conversion of farm products: ESSB 6501

Bioenergy loan program, conversion of farm products: HB 2775

Clean fuel sales and use tax exemptions, effective and expiration dates: HB 2847

Commercial fuel users, sales and use tax exemption for diesel fuel: HB 2928

Diesel fuel used by loggers and timber growers, sales and use tax exemption: HB 2963

Energy freedom program and board: HB 2939, HB 3304

Farmers, sales and use tax exemptions for fuel used by: ***HB 2424, CH 7 (2006)**

Fossil fuel production, tax on severance of oil and gas from state lands or waters: HB 3308

Gas pumps, labels displaying fuel tax rates: HB 2660

Heating oil pollution liability protection act, customers of special fuel dealers covered: HB 1821

Home heating fuel service contractors, regulations: HB 2776

Liquefied natural gas terminals, moratorium on siting within coastal areas: HB 3203

Liquefied petroleum gas, filling and refilling restrictions and violations: HB 1622

Liquefied petroleum gas, liability limits: HB 1159

Motor vehicle and special fuels, business and occupation tax exemption for wholesale sales: HB 1882

Nonhazardous motor fuels, availability: HB 2441

Oil and gas exploration and development, study of state programs: HB 3084

Oil companies, price schedules and restrictions: HB 3044

Petroleum corporations, monetary penalties on windfall profits: HB 2977

Regional transit authorities, special fuel tax exemption: HB 2591

State-owned refueling stations, guidelines: HB 2437

Tax rate used to determine fuel tax distributions to fund nonhighway expenditures: HB 3149

Unattended service stations, protection from terrorist attacks: HB 2436

Underground petroleum storage tank, liability limits: HB 1820

Underground petroleum storage tanks, financial assistance grants for underserved rural areas: HB 1823

FUNERAL DIRECTORS

Regulation revisions for cemeteries, funeral services, and cremation: ***SSB 5752, CH 365 (2005)**

FUNERALS

Disorderly conduct, fighting near a funeral home or procession: HB 3293

Regulation revisions for cemeteries, funeral services, and cremation: ***SSB 5752, CH 365 (2005)**

GAMBLING (See also HORSES AND HORSE RACING; LOTTERY)

Account, gambling account: HB 1045

Bingo, smoking area restrictions: HB 1670

Bingo, tax exemption for charitable or nonprofit organizations: HB 3285

Bingo, tax exemption for nonprofit operations: HB 3191
 Charities, restrictions on activities: HB 2175
 House-banked card rooms, limitation on number and location: ESSB 5287, SSB 5994
 House-banked card rooms, taxation: ESSB 5287
 Internet gambling prohibited: ***SSB 6613, CH 290 (2006)**
 Joint select committee on the future of gambling policy setting: SSCR 8417
 Minimum age for gambling, increase: HB 2872
 Nonprofit organizations, restrictions on activities: HB 2175
 Off-reservation tribal gaming, compacts: HB 2657, HB 3129
 Problem gambling, tax to fund account and program: HB 1031
 Punch boards and pull tabs, taxation: HB 3176
 Social card games, licensing and limitations: HB 3209
 Tribal community impact contributions: HB 2508

GENERAL ADMINISTRATION, DEPARTMENT

Bids, electronic and web-based: ***HB 1439, CH 363 (2006) PV**
 Capitol campus, preservation of public and historic facilities: HB 1995
 Cleaning products that minimize impacts to humans and the environment: HB 1886
 Commemorative works account: ***HB 1007, CH 16 (2005)**
 Fuel for state agency use, strategies to reduce cost: HB 2281
 Joint committee on energy supply and energy conservation, conservation measures: HB 1895
 Motor pool management: ***HB 1008, CH 214 (2005)**
 Public contracts, taxpayer business contractor act: HB 2444
 Public contracts, use of offshore items: HB 2440
 Public works alternative contracting procedure, additional contracts: HB 1437, SSB 5250
 Publicly owned vehicles, provisions regarding: HB 2773
 Refueling stations, guidelines for state owned stations: HB 2437
 State buildings and schools, green building programs and LEED silver standards: HB 1272, ***ESSB 5509, CH 12 (2005)**

GEOLOGY AND GEOLOGISTS

Construction claims, statute of limitations: HB 2269
 Ice age floods national geologic trail: ***SJM 8000 (2005)**
 Soil scientists, licensing: HB 1811
 State geological survey, state geologists: HB 2384

GIFTS

Monetary offerings for revenue enhancement account (MORE), citizen voluntary contributions: HB 2240

GOOD SAMARITANS

Failing to summon assistance, criteria: HB 1236
 Protections, prosecution and sentencing provisions when victim had stopped to give assistance: HB 3025

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Agency rules, governor's signature on significant legislative rules: EHB 1276
 Budget, 2003-05 supplemental: HB 1037
 Budget, 2003-05 transportation supplemental: HB 1026
 Budget, 2005-07 biennium and 2003-05 supplemental capital: HB 1057, HB 2298, ***ESSB 6094, CH 488 (2005) PV**
 Budget, 2005-07 biennium and 2003-05 supplemental operating: ***ESSB 6090, CH 518 (2005) PV**
 Budget, 2005-07 operating: HB 1038, HB 2297
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 Budget, 2006 supplemental capital: HB 2610, ***ESSB 6384, CH 371 (2006) PV**
 Budget, 2006 supplemental operating: HB 2552, ***ESSB 6386, CH 372 (2006) PV**
 Budget, 2006 transportation supplemental: HB 2862, ***SSB 6241, CH 370 (2006) PV**
 Budget, operating budget document requirements: HB 1242
 Center for the improvement of student learning: HB 3127
 Education advisory committee: HB 3127
 Health disparities, governor's interagency coordinating council on: ***2SSB 6197, CH 239 (2006)**

Health disparities, governor's interagency council on: HB 3096, ***2SSB 6197, CH 239 (2006)**
 National guard, governor's powers and duties: HB 1568, ***ESB 5606, CH 9 (2005)**
 Performance audits, governor to develop measurement system and conduct management reviews: HB 1566
 Substance abuse council, we care plan agency response matrix report of findings: HB 2264

GRANDPARENTS

Child visitation rights: HB 2000, HB 2711

GRAVEL

Waterways, removal of gravel from: HB 1118

GRAYS HARBOR COUNTY

Port pilotage services, liability limits for Grays Harbor pilotage district: ***SSB 5207, CH 123 (2005)**

GREENHOUSE GASES

Carbon dioxide mitigation, business and occupation tax credit: HB 2794
 Coal use in electric plants, phase out: HB 1167
 Forest carbon credits study panel: HB 2856

GROCERY STORES

Beer and wine samples: HB 1632, SSB 5682
 Litter tax exemption for food consumed in area contiguous to seller's place of business: HB 1887
 Litter tax exemption for prepared food in nonsingle containers: HB 1887
 Shopping carts, theft and impoundment provisions: HB 2813

GROWTH MANAGEMENT (See also LAND USE PLANNING)

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 Agricultural land use for outdoor recreational activities: HB 1567
 Agricultural land use for outdoor recreational activities, study committee: HB 1245
 Agricultural land use, development regulations and agricultural activities: HB 2261
 Agricultural lands, accessory nonfarm home-based or similar businesses that supplement on-farm income: HB 2905
 Agricultural lands, accessory uses identified: HB 2917
 Agricultural lands, ongoing agricultural activities encouraged: HB 2907
 Agricultural zoning that supports family farms: HB 2132
 Appeals, agencies attorneys' fees for critical areas appeals: HB 1924
 Blue ribbon growth management needs and priorities task force: HB 2584
 Collaborative design pilot program, shorelines: HB 2585
 Comprehensive plans, additional year to comply with requirements: HB 2171
 Comprehensive plans, compliance tiers for review and revision requirements: HB 2079
 Comprehensive plans, facilities for recreational or tourist use in rural areas: HB 2206, ***SSB 6037, CH 477 (2005)**
 Comprehensive plans, good faith effort for compliance requirements: HB 2012, HB 2117, HB 2171
 Comprehensive plans, physical activity promotion: ***ESSB 5186, CH 360 (2005)**
 Comprehensive plans, population accommodation requirements: HB 3300
 Comprehensive plans, population sustainability element: HB 3121
 Comprehensive plans, review exemption for counties with low population densities: HB 2620, HB 2814, ***ESSB 6427, CH 285 (2006)**
 Comprehensive plans, safe nonmotorized transportation routes to and from schools: HB 2276
 Comprehensive plans, special district provisions: HB 3163
 Comprehensive plans, transportation concurrency compliance: HB 1530, HB 1565
 Comprehensive plans, update and amendment process: HB 1505
 Comprehensive plans, update deadline and frequency extensions: HB 2135
 Comprehensive plans, update deferrals: HB 2078
 County-wide planning policies and review and evaluation joint report: HB 2216, HB 2217
 Critical areas, agencies attorneys' fees for appeals: HB 1924
 Critical areas, best available science to be used for designating: HB 2207, HB 2232, HB 2619, HB 2815
 Critical areas, example critical areas policies or regulations: HB 2077
 Critical areas, governmental entities shall not compel owners to participate in voluntary programs: HB 3223

Critical areas, referendum and notice: HB 1162, HB 1164
 Critical areas, voluntary measures to protect: SSB 6367
 Electrical transmission siting, application process: HB 1020
 Essential public facilities, public school facilities: HB 1169
 Family planning services, comprehensive plans: HB 1166
 Forest lands of long-term commercial significance, designation: HB 1638
 Forest practices, jurisdiction of conversion-related practices transferred to local government: HB 3188
 Forest practices, local regulations: HB 1404, HB 1692
 Forests products operations of significance, tax incentives and growth management exemptions: HB 1103
 Hearings boards, elimination of: HB 2708
 Hearings boards, membership and authority: HB 2906
 Hearings boards, senate and house confirmation: HB 3253
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 Housing, affordable housing through density bonus incentives: HB 2324
 Infrastructure account: HB 2023
 Interlocal agreements, city and county annexation: HB 1285
 Property tax exemption for property declined in value due to shorelines or growth management regulation: HB 2936
 Property values, growth management restriction considered when establishing fair market values: HB 2494
 Public notification requirements: HB 2194
 Recreational lands designation: HB 1084, ***EHB 2241, CH 423 (2005)**
 Recreational lands designation, study committee on outdoor recreation: ***EHB 2241, CH 423 (2005)**
 Regional transportation governance, consolidation for efficiency and emergency evacuation planning: HB 2636
 Residential density requirements in fully incorporated island cities: HB 2334
 SEPA, exemption for cities and counties who plan under RCW 36.70A.040: HB 2952
 Special districts, comprehensive plan requirements: HB 3163
 Tsunami resistant structures, critical area development: HB 1023
 Urban growth areas, freeway junctions: HB 2150
 Urban growth areas, single-family residential development in counties with certain affordability index: HB 2937
 Urban growth areas, state projected population growth and urban residential densities: HB 1967, ESSB 5907
 Urban growth areas, utility hookups for water and sewer services: HB 2006
 Urban industrial land banks, major rail line access: EHB 2219
 Water quality and habitat requirements: HB 1639
 Wetlands, provisions relating to agricultural lands: HB 2883

GUARDIANSHIP

Attorneys as guardian ad litem, conflicts of interest: HB 1139
 Dependent children, permanent placement: HB 2030
 Trust and estate management procedures and requirements: ***HB 1125, CH 97 (2005)**
 Voting rights, persons under guardianship: HB 1876

HARASSMENT (See also CRIMES)

Antiharassment protection orders, hearing procedures: ***HB 1294, CH 144 (2005)**
 Antiharassment protection orders, municipal court jurisdiction: ***HB 1296, CH 196 (2005)**
 Cyberbullying, school harassment prevention policies: ESSB 5849
 Violation of antiharassment orders, third violation penalized as class C felony: HB 1186

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Construction of bridges and trestles over waterways, city and county rights: HB 1657

HAZARDOUS MATERIALS

Ammonia, unlawful storage: HB 1073, HB 2263
 Environmental remediation services, business and occupation tax rate: HB 1412, ***SSB 6781 (2006) V**
 Hazardous substances used for medical purposes or industrial processes, transport and storage: HB 1474, ESSB 5445
 Initiative 297, clarifications regarding hazardous materials regulations: HB 1474, ESSB 5445
 Lead paint hazard education and awareness strategy: HB 1653
 Polybrominated diphenyl ethers, sales of products containing: HB 1488
 Railroad inspections, utilities and transportation commission authority: SB 5106

HAZARDOUS WASTE

- Heavy metals soil contamination, school and child care facility certification program: HB 1605
- Model toxics control act, ecology department lien authority to recover remedial actions costs: HB 1866, ***SSB 5449, CH 211 (2005)**
- Property acquired in drug forfeiture action: HB 1208

HEALTH CARE (See also LONG-TERM CARE; MEDICAL RECORDS; NURSING HOMES)

- Advance directives, health care declarations registry: HB 2342
- Arthritis pilot project: HB 1532
- Asthma, prevention and treatment policies and programs: HB 1904, ***SSB 5841, CH 462 (2005)**
- Basic health plan, access and eligibility: HB 2060, HB 2398, HB 2540
- Basic health plan, health care responsibility act: HB 1702
- Basic health plan, identity of proposed beneficiary's employer: HB 1486
- Basic health plan, preexisting condition limitation requirements: HB 2455
- Basic health plan, students under temporary visas: ***HB 1170, CH 188 (2005)**
- Blood donation, placental and umbilical cord pilot projects: HB 2474
- Blood-drawing procedures by research staff in homes of study participants, certification exemption: HB 3136, ***ESSB 6391, CH 242 (2006)**
- Cancer, early detection breast and cervical screening program: HB 1738, ***2ESB 5714, CH 55 (2006)**
- Chemotherapy and anticancer drugs, business and occupation tax exemption: HB 3086
- Children, kids get care service delivery model for preventative and well-child services: HB 1516
- Community health care collaborative grant program: HB 3146, ***E2SSB 6459, CH 67 (2006)**
- Community health centers, business and occupation tax deduction for certain nonprofits: ***SB 5857, CH 86 (2005)**
- Comprehensive cancer center, property tax exemption: HB 1376
- Coordinated quality improvement programs, qualifications: HB 1782, HB 2295
- Debts for services, homestead exemption: HB 2571
- Denturists, insurer preferred provider networks: HB 1540
- Disputes, independent review fee schedule: ***HB 1140, CH 54 (2005)**, SB 5159
- Evidence-based medicine, medical quality advisory committee : HB 2969
- Genetic counselors, licensing: HB 1988
- Health care declarations registry, advanced directives: HB 2342
- Health disparities, governor's interagency coordinating council on: ***2SSB 6197, CH 239 (2006)**
- Health disparities, governor's interagency council on: HB 3096
- Health impact assessments: HB 3097, 2SSB 6195
- Home medical equipment, tax exemptions: HB 2047
- Indigent emergency medical care account, excess awards of noneconomic damages in actions resulting from health : HB 3135
- Information act, consistency with health insurance privacy regulation: HB 1300, ***ESSB 5158, CH 468 (2005)**
- Information technology systems, adoption of: HB 2573
- Information, advisory board and study of electronic medical records: ***SSB 5064, CH 261 (2005) PV**
- Information, disclosure and authorization provisions: HB 1053, SSB 5054
- Information, disclosure of certain information for law enforcement purposes: ***ESSB 6106, CH 235 (2006)**
- Informed consent for medical services for minors, persons allowed to give: HB 1281
- Initiative 330, health care liability reform: HI 330
- Initiative 336, health care quality protections and supplemental malpractice insurance: HI 336
- Injuries resulting from, hospital notice of unanticipated outcomes: ***SSB 5065, CH 118 (2005)**
- Insurance, access for children: HB 1441
- Insurance, access to individual coverage through state health insurance pool: HB 2133
- Insurance, business and occupation tax credit for employers: HB 1957
- Insurance, business and occupation tax deduction for health care provided by small employers: HB 2728
- Insurance, commissioner authorized to review and approve individual benefit plan rates: HB 2499
- Insurance, community rates for health benefit plans: ***HB 2972, CH 100 (2006)**
- Insurance, conscience clause: HB 2231
- Insurance, enrollee card to indicate copayment amount: HB 3204
- Insurance, escrow accounts for self-funded multiple employer welfare arrangements: HB 1528, ***SB 5957, CH 7 (2005)**
- Insurance, grievance and appeal process: HB 1669

Insurance, health care liability system reform: HB 2292
 Insurance, health care responsibility act: HB 1702
 Insurance, health care service premium and prepayment tax exemption: HB 1289
 Insurance, health carriers required to report certain information: HB 2500, ESSB 6232
 Insurance, health savings accounts and high deductible plan options for public employees: 2SSB 5202
 Insurance, health savings accounts option for public employees: ***EHB 1383, CH 299 (2006)**, HB 2557
 Insurance, health technology assessment program for state purchased services: HB 2575
 Insurance, legislative/executive task force on access, delivery, and financing: HB 2067
 Insurance, liability limits for actions related to state health pool: HB 1507
 Insurance, mandates: HB 1685, HB 2262
 Insurance, market stabilization pool: HB 1910
 Insurance, minimum labor standards for employers health service expenditures : HB 2517
 Insurance, moratorium on new mandates: HB 1686
 Insurance, omnibus civil liability reform: HB 2279
 Insurance, pool coverage eligibility: HB 2398, HB 2540
 Insurance, private employer enrollment in health care authority programs: HB 1221
 Insurance, provider contracts and unfair practices: HB 2942, HB 2943, HB 2944
 Insurance, retainer health care practices: HB 2404
 Insurance, right of conscience for insurance providers: HB 1654
 Insurance, small business assist program: HB 2069
 Insurance, small employer health insurance partnership program: HB 2572
 Insurance, small employer plan options: HB 1686
 Insurance, small employers and their employees: HB 1684
 Insurance, small group health benefit plans: HB 2121
 Insurance, small group health benefit plans and health savings accounts: HB 2199, HB 2555
 Insurance, state health plan administrative burden relief: HB 1590
 Insurance, study of statutory requirements for coverage: EHB 3310
 Insurance, tricore supplemental for state employees: ***SB 5391, CH 46 (2005)**
 Johns Hopkins University Atlantic cardiovascular patient outcomes research team elective angioplasty study: HB 2888
 Kidney care quality improvement act: ***HJM 4023 (2006)**
 Kidney disease, glomerular filtration rate when testing for serum creatinine levels: HB 2792
 Legitimate medical practice, state's right to define: HJM 4037
 Marijuana for medicinal purposes, states to decide: HJM 4028, HJM 4033
 Municipalities and political subdivisions, medical coverage for elected officials and commissioners: HB 3100
 Pandemic influenza, preparation and response: ***ESSB 6366, CH 63 (2006)**
 Physician referrals to health care facilities or radiology services, conflict of interests restriction: HB 2310
 Physicians, tax on services: HB 1088
 Postpartum depression, public information campaign: HB 1427, ***SB 5898, CH 347 (2005)**
 Prostate cancer, insurance coverage for screening: ***SSB 6188, CH 367 (2006)**
 Protecting the unborn, abortion restrictions and cloning prohibitions: HB 2231
 Quality assurance committees and information sharing: HB 1569, ***EHB 2254, CH 291 (2005)**
 Right of conscience, immunity from liability for refusal of services: HB 2231
 Services provided to government, business and occupation tax exemption: HB 2327
 Stem cell research and human cloning, regulations and advisory committee: EHB 1268
 Transport vehicles, specialized commercial vehicles for persons with disabilities: ***HB 1237, CH 193 (2005)**
 Veterans, permanent health care for veterans with war-related problems: HJM 4007
 Work force supply and demographics, survey: HB 2399, HB 3049, ***2SSB 6193, CH 236 (2006)**

HEALTH CARE AUTHORITY

Asthma, management plan and registry: HB 1904, ***SSB 5841, CH 462 (2005)**
 Basic health plan, access and eligibility: HB 2060, HB 2398, HB 2540
 Basic health plan, preexisting condition limitation requirements: HB 2455
 Community health care collaborative grant program: ***E2SSB 6459, CH 67 (2006)**
 Electronic medical records, advisory board and study: ***SSB 5064, CH 261 (2005) PV**
 Employment status of recipients of medical assistance and basic health plan, report: HB 3079
 Evidence-based medical principles to develop performance measures: HB 1512, SSB 5390

Health care insurance, fees for large employers who do not provide insurance to employees: HB 1702
 Health insurance market stabilization pool: HB 1910
 Hospitals, information technology systems: HB 2573
 Medical flexible spending account: ***HB 1286, CH 143 (2005)**
 Pharmacy benefits, federal employer subsidy for retiree benefits: ***HB 1287, CH 195 (2005)**
 Pool coverage, eligibility: HB 2398, HB 2540
 Prescription drugs, assistance foundation for low-income uninsured persons: HB 1677, ***SSB 5558, CH 267 (2005)**
 Private employer enrollment in programs: HB 1221
 Small business assist program: HB 2069
 Small employer health insurance partnership program: HB 2572
 State purchased health care programs, administrative relief: HB 1590
 Technology assessment program: HB 2575
 Tricare supplemental insurance policy: ***SB 5391, CH 46 (2005)**
 Tricare supplemental insurance removed from definition of health plan: SB 6187

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Certificate of need, task force and review: HB 1688
 Community health centers, business and occupation tax deduction for certain nonprofits: ***SB 5857, CH 86 (2005)**
 Patient safety, disclosure and analysis of adverse events: HB 1243, HB 2279, HB 2292
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Abortions, nonphysicians prohibited from performing: HB 1774
 Background checks: HB 2431
 Birth-related injury compensation plan: HB 1859
 Blood-drawing procedures by research staff in homes of study participants, certification exemption: HB 3136, ***ESSB 6391, CH 242 (2006)**
 Business and occupation tax reduction for certain medical services: HB 1275
 Community health care collaborative grant program: HB 3146, ***E2SSB 6459, CH 67 (2006)**
 Coordinated quality improvement programs, qualifications: HB 1782, HB 2295
 Disaster medical assistance teams: HB 2539
 Disciplinary act, work group review of complaint processing and sanction determination phases: HB 1071
 Disciplinary and unprofessional conduct provisions: HB 2974
 Disputes, independent review fee schedule: ***HB 1140, CH 54 (2005)**, SB 5159
 Genetic counselors, licensing: HB 1988
 Home care agencies, vendor rate study: HB 1787
 Hospital privileges restricted due to unprofessional conduct, report: HB 1538, ***SSB 5492, CH 470 (2005)**
 Hospital safe patient handling program: HB 1672
 Human cloning prohibited: HB 1775
 Immunity for claim of unprofessional conduct against another health professional: HB 1548
 Immunizing agents, tax deduction for health care providers: HB 3313
 Individual home care providers, personal information protections: HB 1868, SSB 5132
 Information technology, business and occupation tax credit: HB 2554
 Informed consent for medical services for minors, liability limits: HB 1281
 Initiative 330, health care liability reform: HI 330
 Initiative 336, health care quality protections and supplemental malpractice insurance: HI 336
 Injuries resulting from health care, apologies and settlement offers inadmissible as evidence: HB 2292, HB 2295
 Injuries resulting from health care, burden of proof: HB 2915
 Injuries resulting from health care, early settlement: HB 2510
 Injuries resulting from health care, expert witness qualifications: HB 1224, HB 1860, HB 2292
 Injuries resulting from health care, joint task force to study dispute resolution alternatives: HB 1777
 Injuries resulting from health care, limitations of actions: HB 1858, HB 2292
 Injuries resulting from health care, voluntary arbitration: HB 2292
 Injuries resulting from health, notification and settlement provisions: HB 1861, HB 1946
 Injuries resulting from health, parties liable for damages: HB 1862
 Intercollegiate athletic programs, regulations for team medical professionals: HB 1961

Licenses, fee equitability: HB 2112
 Long-term care, payment of providers for medically needy consumers: HB 1786
 Malpractice, insurance cancellation and renewal: HB 1225, HB 2292
 Malpractice, insurance claim and settlement report to insurance commissioner: HB 1933, HB 1937, HB 2292
 Malpractice, insurance rate filings: HB 1929, HB 2292
 Malpractice, insurance reform: HB 2292
 Malpractice, insurance underwriting: HB 1223, HB 2292
 Malpractice, omnibus civil liability reform: HB 2279
 Malpractice, reforms: HB 1686
 Malpractice, supplemental insurance program: HB 1809
 Mental health professionals and crisis outreach workers, safety measures to protect: HB 2912
 Mental health providers authorized to provide services to medicaid enrollees: HB 2113
 Mental health, study of worker caseloads: HB 2913
 Multicultural education: HB 3050, ***ESB 6194, CH 237 (2006)**
 Nurses, license surcharge to fund central nursing resource center: HB 1353, ***ESSB 5599, CH 268 (2005)**
 Patient safety fee and set aside: HB 1291, HB 2279, HB 2295, SSB 5318
 Patient safety, disclosure and analysis of adverse events occurring in medical facilities: HB 1243, HB 2279, HB 2292
 Pharmaceutical manufacturers, marketing activities and gift disclosures: HB 1889
 Prescriptions, legibility requirements: HB 1780, HB 2292, HB 2295
 Protecting the unborn, abortion restrictions and cloning prohibitions: HB 2231
 Retired primary and specialty care providers, liability malpractice insurance program: ***HB 1534, CH 156 (2005)**
 Retired volunteer medical worker license, emergency or disaster services: HB 1850, HB 2994
 Right of conscience provisions: HB 1654
 Services provided to government, business and occupation tax exemption: HB 2327
 Stem cell research and human cloning, regulations and advisory committee: EHB 1268
 Unprofessional conduct, license revocation: HB 1071, HB 2292
 Unprofessional conduct, sanctions: SB 5636
 Work force supply and demographics, survey: HB 2399, HB 3049, ***SSB 6193, CH 236 (2006)**

HEALTH CARE SERVICE CONTRACTORS

Maximum capital and surplus accumulations, limits: HB 2795

HEALTH DEPARTMENTS, LOCAL

Boards, mayor and county executive as members: HB 1979
 On-site sewage, enhanced certification program for marine areas: HB 1458
 On-site sewage, removal of nitrogen in Hood Canal aquatic rehabilitation zone: HB 3039
 Pandemic influenza, preparation and response: ***ESSB 6366, CH 63 (2006)**
 Public health obligations, funding: HB 1818

HEALTH DISTRICTS

Local public health obligations, funding: HB 1818

HEALTH MAINTENANCE ORGANIZATIONS

Maximum capital and surplus accumulations, limits: HB 2795
 Taxes and assessments for medicaid, medical assistance, and basic health plan prepayments: ***HB 1690, CH 405 (2005)**

HEALTH STUDIOS

Initiation fees and dues, tax exemptions eliminated: HB 1529
 Physical fitness services, taxation: HB 3062

HEALTH, DEPARTMENT

Abortion, licensing of clinics: HB 2231
 Advance directives, health care declarations registry: HB 2342
 Arthritis pilot project: HB 1532
 Asthma, prevention and treatment policies and programs: HB 1904, ***SSB 5841, CH 462 (2005)**
 Boarding homes, facility construction review process: HB 1591
 Certificate of need, task force and review: HB 1688

Children, kids get health care service delivery model for preventative and well-child services: HB 1516
 Coordinated quality improvement programs, qualifications: HB 1782, HB 2295
 Genetic counselors, licensing: HB 1988
 Health care declarations registry, advance directives: HB 2342
 Health care disputes, independent review fee schedule: ***HB 1140, CH 54 (2005)**, SB 5159
 Health care practitioner hospital privileges restricted due to unprofessional conduct, report: HB 1538, ***SSB 5492, CH 470 (2005)**
 Health care professionals, disciplinary and unprofessional conduct provisions: HB 2974
 Health care professionals, licensing fee equitability: HB 2112
 Health care professionals, multicultural education: HB 3050, ***ESB 6194, CH 237 (2006)**
 Health care professionals, sanction process for unprofessional conduct violations: SB 5636
 Health care professionals, work force supply and demographics survey: HB 2399, HB 3049, ***SSB 6193, CH 236 (2006)**
 Health care professions disciplinary act, work group review: HB 1071
 Health impact assessments: HB 3097, 2SSB 6195
 Homeless persons, standards for temporary housing and encampments: HB 1585
 Hospital-acquired infections, reporting provisions: HB 1015
 Hospitals, staffing plan for nursing services and recordkeeping and reporting: HB 1372
 Infant screening services, fees: HB 1537
 Johns Hopkins University Atlantic cardiovascular patient outcomes research team elective angioplasty study: HB 2888
 Lead paint hazard education and awareness strategy: HB 1653
 Mold in schools, testing for toxic mold: HB 2177
 Nonresident Canadian pharmacies, licensing: HB 1168
 Nurses, license surcharge to fund central nursing resource center: HB 1353, ***ESSB 5599, CH 268 (2005)**
 Pandemic influenza, preparation and response: ***ESSB 6366, CH 63 (2006)**
 Patient safety fee and set aside: HB 1291, HB 2279, HB 2295, SSB 5318
 Patient safety, disclosure and analysis of adverse events occurring in medical facilities: HB 1243, HB 2279, HB 2292
 Physicians, tax credits for serving uninsured, medicare, and medicaid patients: HB 2031, HB 2136
 Polybrominated diphenyl ethers, sales of products containing: HB 1488
 Postpartum depression, public information campaign: HB 1427, ***SB 5898, CH 347 (2005)**
 Public health financing committee, joint: HB 1737
 Quality improvement committee, confidentiality: HB 1148, ***SSB 5146, CH 169 (2005)**
 Reports to be kept by physicians and sent to department of health: HB 2231
 Retired primary and specialty care providers, liability malpractice insurance program: ***HB 1534, CH 156 (2005)**
 School health aide, program and registration: HB 1624
 Schools, drinking water quality standards: HB 1123
 Secretary of health, authority to administer grants: HB 1536
 Shellfish, biotoxin testing and monitoring funds to carry over: ***SSB 5169, CH 416 (2005)**
 Tattooing and body piercing, sterilization standards and requirements: HB 2090, HB 2335

HEALTH, STATE BOARD

Health impact assessments: 2SSB 6195
 Membership, member of the American Indian health commission: HB 2887, ***SSB 6196, CH 238 (2006)**

HEARING AIDS

Insurance coverage: HB 1336

HEATING

Heating oil pollution liability protection act, customers of special fuel dealers covered: HB 1821
 Home heating fuel service contractors, regulations: HB 2776
 HVAC/R mechanics and contractors, regulations integrated into plumbers provisions: HB 3177
 Solar hot water equipment, sales tax exemption: HB 2799

HEPATITIS

Hepatitis C drug prescriptions, limitation on preferred drug substitution: ***SSB 5838, CH 233 (2006)**
 Hepatitis C state plan, funding: HB 1535

HIGHER EDUCATION COORDINATING BOARD

Admissions, nontraditional course schedules and integrated academic and vocational curricula: HB 2277
 Applied baccalaureate degree pilot projects for degrees in applied science and technology: HB 1794
 Capital projects, prioritization process: HB 2278
 College and career readiness centers, work group and study: ESSB 6821
 College-readiness standards: HB 2929
 Deaf, grants to develop training programs for teachers of: HB 1122
 Financial aid, state account: HB 1100
 Foster care endowed scholarship program: HB 1050
 Gender equity reporting: SB 5625
 North Snohomish State College: HB 2142
 Strategic direction and performance measures for higher education: HB 1434
 Tuition waivers, review and prioritization: HB 1986

HISTORIC PRESERVATION

Capitol campus, preservation of public and historic facilities: HB 1995
 Community preservation authorities: HB 3207
 Department of archaeology and historic preservation: HB 1706, ***SSB 5056, CH 333 (2005)**
 Documents, county auditors' recording surcharge increase: ***HB 1386, CH 442 (2005)**
 Historic county courthouse grant program: HB 1352
 Historic property, tax exemption for municipal corporation property: HB 1239, ***SSB 5154, CH 170 (2005)**
 Hood Canal, program to record and document oral histories: HB 1883
 Ice age floods national geologic trail: ***SJM 8000 (2005)**
 Native American cultural resources information, public disclosure exemption: HB 2675, ***SB 6429, CH 86 (2006)**
 Sandman foundation, funding: HB 1726
 Women's history consortium established in Washington historical society: HB 1839, ***SB 5707, CH 391 (2005)**

HISTORICAL SOCIETIES

Historic automobile museum, sales and use tax deferrals: HB 2134
 Women's history consortium established in Washington historical society: HB 1839, ***SB 5707, CH 391 (2005)**

HOLIDAYS AND OBSERVANCES

Rosa Parks day: HB 3284

HOMELESS PERSONS

County task forces to develop plans for housing: ***SSB 5767, CH 485 (2005)**
 Ending homelessness program: HB 2650
 Faith communities allowed to host temporary encampments for the homeless: HB 3234
 Homeless camps, siting: HB 1235
 Housing, ending homelessness act: HB 2163
 Housing, homeless housing act: HB 1810
 Statewide effort to assist: HJM 4013
 Temporary housing and encampments, standards: HB 1585

HOMEOWNER ASSOCIATIONS

Documents, removal of discriminatory provisions: EHB 2801, ***ESB 6169, CH 58 (2006)**
 Fire resistant roofing, limits on restrictions: HB 2191
 Homeowners' association act committee and review: HCR 4409, SSB 6201, ***SCR 8423 (2006)**
 Meetings and administrative provisions: HB 1477
 Political yard signs, limits on restrictions: ***SSB 6064, CH 179 (2005)**

HOOD CANAL

Aquatic rehabilitation account: HB 3282
 Aquatic rehabilitation zone: HB 1060, HB 2081
 General obligation bonds, Hood Canal aquatic rehabilitation program: HB 3314, HB 3316
 Geoduck harvest limits: HB 1896
 Geoduck pilot program for planting in Hood Canal aquatic rehabilitation zone: HB 3199

On-site sewage grant program: EHB 2105
 On-site sewage, removal of nitrogen: HB 3039
 On-site sewage, sales and use tax exemptions for systems in aquatic rehabilitation zones: HB 3142
 On-site sewage, study of nitrogen contributions: HB 3287
 Oral histories, program to record and document: HB 1883
 Rehabilitation program: HB 2097
 Sewage treatment systems, extension or expansion in rural areas: HB 2086

HORSE RACING COMMISSION

Equine industry, funds for development: HB 2369, ***SSB 6382, CH 174 (2006)**
 Licenses, application information disclosure exemption: HB 2071, ***SSB 5951, CH 349 (2005)**

HORSES AND HORSE RACING

Equine industry, funds for development: HB 2369, ***SSB 6382, CH 174 (2006)**
 Handicapping contests: HB 2070, ***SSB 5953, CH 351 (2005)**
 Licenses, application information disclosure exemption: HB 2071, ***SSB 5951, CH 349 (2005)**
 Problem gambling, tax to fund account and program: HB 1031
 Transport of persons, commercial driver's license exemption: HB 2072, ***ESSB 5952, CH 350 (2005)**

HOSPITALS

Anatomic gifts, procedures: HB 1763
 Benefit zones, financing: HB 2670
 Billing information provided to patients upon discharge, requirements: ***ESSB 6189, CH 60 (2006)**
 Birth-related injury compensation plan: HB 1859
 Charity care and debt collection, payment installment plans: HB 2574
 Health care practitioner privileges restricted due to unprofessional conduct, report: HB 1538, ***SSB 5492, CH 470 (2005)**
 Infections acquired in hospitals, reporting provisions: HB 1015
 Information technology systems, adoption of: HB 2573
 Initiative 330, health care liability reform: HI 330
 Initiative 336, health care quality protections and supplemental malpractice insurance: HI 336
 Injuries resulting from health care, burden of proof: HB 2915
 Injuries resulting from health care, expert witness qualifications: HB 1224, HB 1860, HB 2292
 Injuries resulting from health care, notice of unanticipated outcomes: ***SSB 5065, CH 118 (2005)**
 Investigations, timeline for inspections: ***HB 1533, CH 447 (2005)**
 Medical malpractice, reforms: HB 1686
 Medical staff disputes regarding membership and privileges, arbitration: HB 1783
 Nurses, staff level report compiled and posted: HB 1710
 Nurses, staffing plan for nursing services and recordkeeping and reporting: HB 1372
 Patient safety fee and set aside: HB 1291, HB 2279, HB 2295, SSB 5318
 Patient safety, disclosure and analysis of adverse events occurring in medical facilities: HB 1243, HB 2279, HB 2292
 Physician-owned specialty, moratorium on licenses: ***SSB 5178, CH 39 (2005)**
 Quality assurance committees and information sharing: HB 1569, ***EHB 2254, CH 291 (2005)**
 Safe patient handling program: HB 1672
 Specialty, conditions for licensing: HB 2669
 Specialty, moratorium : HB 2464
 Surveys and audits, reports: ***HB 1533, CH 447 (2005)**
 Uncompensated care, identity of employer: HB 1486

HOUSING (See also MANUFACTURED HOUSING; MOBILE HOMES; RENT)

Affordable housing for all act: HB 2649
 Affordable housing incentive program, growth management provisions: HB 2984
 Affordable housing through density bonus incentives: HB 2324
 Affordable housing through flexible short subdivisions: HB 2325
 Affordable housing, multiunit residential building construction liability revolving fund program for nonprofit organizations: HB 3070
 Affordable housing, use of surplus property to develop: HB 3165
 Affordable housing, Washington housing trust fund: HB 2418

Assistance and affordable housing programs, administrative cap: ***EHB 1074, CH 219 (2005)**
 Assistance program, application preference to projects utilizing apprentices: HB 1547, SB 5612
 First-time buyer housing affordability index, impact fee elimination: HB 1959
 First-time home buyer sales and use tax exemption on construction labor and services: HB 3210
 Home heating fuel service contractors, regulations: HB 2776
 Homeless housing act: HB 1810
 Homeless persons, county task forces to develop plans for housing: ***SSB 5767, CH 485 (2005)**
 Homeless persons, faith communities allowed to host temporary encampments: HB 3234
 Homeless persons, standards for temporary housing and encampments: HB 1585
 Homeless, ending homelessness act: HB 2163
 Homelessness, ending homelessness program: HB 2650
 Homeowner protections and residential contractor requirements: E2SSB 5773
 HUD, affordable housing programs: HJM 4019
 Individual development account program, low-income family assistance: HB 1408
 Lead paint hazard education and awareness strategy: HB 1653
 Low-income, energy assistance: HB 2370
 Low-income, local ordinance impact fee exemption: HB 2125
 Low-income, short-term loans for housing development building or property acquisition: HB 2140
 Multiple-unit dwellings in urban centers, definition of city in regard to tax incentive programs: HB 1742
 Multiple-unit housing rehabilitation, tenant relocation assistance: ***SB 5713, CH 80 (2005)**
 Multiunit residential building construction liability revolving fund program for nonprofit organizations, affordable housing: HB 3070
 Rental assistance program for low-income persons: HB 2026
 Rental, affordable housing through accessory dwelling units: HB 2323
 Rental, relocation assistance from landlords who fail to provide safe and sanitary housing: HB 1583, ***ESSB 5577, CH 364 (2005)**
 Section 8 housing assistance: HJM 4009
 Sex offenders, liability protection for landlords who rent to sex offenders: ESSB 6315
 State agency rules, housing impact statements: HB 1950
 Urban growth areas, single-family residential development in counties with certain affordability index: HB 2937
 Very low-income housing projects, fund distribution: HB 1629
 Veteran homeownership program: HB 2471

HOUSING AUTHORITIES

Joint authorities, dissolution or deactivation procedures: HB 1601, HB 1914

HOUSING FINANCE COMMISSION

Beginning farmers loan program: ***SSB 5092, CH 120 (2005)**
 Debt limit increase: HB 2621, SB 6334
 Veteran homeownership program: HB 2471

HUMAN REMAINS

Disposition of, vesting for the right to control: HB 1175
 Missing persons, law enforcement investigation procedures: HB 1943, HB 2805
 Regulation revisions for cemeteries, funeral services, and cremation: ***SSB 5752, CH 365 (2005)**
 Sale of body parts for research, restrictions: HB 2653
 Single burial use of multiple interment spaces, disclosure: ***SSB 5182, CH 359 (2005)**

HUMAN RIGHTS COMMISSION

Lawful source of income, discrimination based upon: HB 2013
 Sexual orientation, discrimination protections: HB 1515, HB 2661
 Veterans and persons with military status, discrimination protections: HB 2564

HUNTING

Access to private lands, agreements to furnish money, material, or labor: SSB 5234
 Active duty special hunt, big game hunt for military members absent during hunting season: HB 3012
 Archery hunting, firearms and muzzleloaders: HB 3271

Body-gripping traps, furbearer management program and rules for traps and bait: ESB 5319
 Disabled hunters and fishers advisory committee: ***HB 1405, CH 149 (2005)**, SB 5134
 Education training program, course increase and applicant backlog reduction: HB 1972
 Education training program, volunteers to teach: HB 2372
 Leashed dogs used to track injured wildlife: HB 2589
 Licenses, definition of resident: ***HB 1695, CH 104 (2005)**
 Licenses, surcharge for big and small game: SSB 5234
 Miles driven and consumption of fuel used while hunting and operating vehicle, report: HB 3015
 Multiple season big game permits: ***HB 1211, CH 140 (2005)**
 Nontoxic shot, violations and penalties: HB 2958
 Obstructing the lawful taking of wildlife or fish, civil penalty against local government: HB 1926
 Report of harvest efforts, penalty for failure to: HB 1212, ***SSB 5227, CH 418 (2005)**
 Safety for children, supervision and minimum age for licenses: HB 1213
 Toxic shot, certain percent lead shot prohibited: HB 1822
 Toxic shot, taxation to fund wild swan recovery account: HB 2211
 Turkey, tags: HB 1215, ***ESB 5232, CH 15 (2006)**
 Unlawfully hunting on private property, penalties: HB 3268
 Violations, hunting out of season: HB 1696

HYDRAULIC PERMITS

Fees, inspection of hydraulic works: SB 5528
 Flood control and stream bank restoration pilot program: HB 1354
 Port districts, environmental permitting authority: HB 2234
 Project approval program, application and permitting process revisions: HB 1083
 Project approval program, fees: HB 1263
 Project approval program, fish and wildlife department pilot project: HB 1263
 Project approval program, general revisions: HB 1346
 Project approval program, integration with natural resources and fish and wildlife departments: HB 1263
 Project approval program, maintenance or mitigation agreement: HB 1083
 Project approval program, natural resources department as lead agency regarding forest practices applications: HB 2739
 Project approval program, permit appeals process: HB 2710
 Riparian flood damages, permit application: HB 2373
 Small scale prospecting and placer mining, aquatic lands requirements: HB 1422

HYDROELECTRIC DEVELOPMENTS

Use of hydroelectric power recognized and encouraged: HB 2103

IDENTIFICATION

Documents created by state or local governmental agencies, guidelines to protect privacy: HB 2521
 Documents, nongovernmental entity may only electronically read identification documents: HB 2787
 Identical cards, fee increase: HB 2312
 Office of privacy protection, personal information protection: SB 5327

IMMIGRATION

Immigrant students, forward start pilot program: HB 2037

IMMUNITY

Amber alert, civil immunity for broadcasters: HB 1518, ***SB 5453, CH 128 (2005)**
 Bovine handling facilities, limited liability: HB 2382
 Financial institutions, employer providing information regarding employee job performance: HB 1544
 Health professional, claim of unprofessional conduct against another health professional: HB 1548
 Inmate education programs and chaplains, state immunity for claims made by volunteers to: HB 2744
 Sex offenders, liability protection for landlords who rent to sex offenders: ESSB 6315
 Skate parks, fees and liability immunity: HB 1643
 Social and health services department, liability arising from acts or omissions of workers: HB 2164

IMMUNIZATION

Immunizing agents, tax deduction for health care providers: HB 3313

IMPACT FEES (See also FEES)

Fire protection facilities, proceeds for: HB 1793
 First-time buyer housing affordability index, fee elimination: HB 1959
 Local ordinances, low-income housing exemption: HB 2125
 Manufactured housing communities, impact fees: HB 1373

INDETERMINATE SENTENCE REVIEW BOARD

Membership revisions: ***EHB 3261, CH 313 (2006) PV**
 Overcrowding and operating capacity maximum, offender population reduction: HB 1993
 Victims allowed input at hearings: ***EHB 3261, CH 313 (2006) PV**

INDIANS

Bureau of Indian affairs-funded schools, records checks for employees and applicants: HB 2946
 Cigarette tax agreements, additional tribes: ***HB 1915, CH 208 (2005)**, SB 5814
 Cigarette tax agreements, Puyallup Tribe: HB 1916, ***SB 5794, CH 11 (2005)**
 Enrollment cards as ID to purchase alcohol or tobacco and for voter registration: HB 1496
 Foster care agencies, location on or near reservations: HB 2148, HB 3182
 Gaming, tribal community impact contributions: HB 2508
 Native American cultural resources information, public disclosure exemption: HB 2675, ***SB 6429, CH 86 (2006)**
 Off-reservation tribal gaming, compacts: HB 2657, HB 3129
 Running start, public tribal colleges: HB 1399
 Sales and use taxes, concurrent taxing jurisdictions of tribal municipalities and the state: HB 1721
 Samish Indian Nation, higher education resident tuition eligibility: HB 1607
 Specialized forest products, exemption: HB 2749
 State health board, member of the American Indian health commission: HB 2887, ***SSB 6196, CH 238 (2006)**
 Tribal history and cultural curriculum in public schools: HB 1495
 Tribal police officers, certification: ***HB 2367, CH 22 (2006)**

INDIGENTS

Affordable housing, multiunit residential building construction liability revolving fund program for nonprofit organizations: HB 3070
 Civil legal aid office and oversight committee: HB 1747
 Indigent emergency medical care account, excess awards of noneconomic damages in actions resulting from health care: HB 3135
 Public defense services, grant program and funding: HB 1542
 Veterans, county assistance programs for indigent veterans and families: HB 1189

INDUSTRIAL SAFETY

Administrative appeals, costs awarded to employer when employer prevails: HB 2160
 Boilers and unfired pressure vessels laws, revisions: ***HB 1312, CH 22 (2005)**
 Inspections, consent from owners and superior court warrants: HB 2538

INFORMATION SERVICES BOARD

Membership, provisions: HB 3099

INFORMATION SERVICES, DEPARTMENT

Interoperability committee, purchase of state and local wireless radio communications systems: HB 2715
 Personally identifiable information collected by agencies, registry describing data systems: SB 6344
 Public safety communications system, statewide: HB 3095
 State information technology projects: HB 2601

INITIATIVE 601

Expenditure limit, computation and program cost shifting: HB 1835, ***SSB 6078, CH 72 (2005)**
 Expenditure limit, restrictions: HB 3007, HB 3008
 Fees, automatic increases prohibited: ESB 5527

Tax increases, supermajority legislative vote to pass: HB 1836, HB 3007, HB 3008, HJR 4209, HJR 4218

INITIATIVE AND REFERENDUM

Ballot measures, governmental entities may take positions on : HB 2713
 Election results, secretary of state to post on web site: HB 1900
 Growth management critical areas, notice and referendum: HB 1162, HB 1164
 Impact on local tax authority, voters within area affected must approve initiative: HB 2034
 Initiative 297, clarifications regarding hazardous materials regulations: HB 1474, ESSB 5445
 Initiative 330, health care liability reform: HI 330
 Initiative 336, health care quality protections and supplemental malpractice insurance: HI 336
 Initiative 728, additional cigarette tax to fund student achievement account: HB 2302
 Initiative 901, exemptions regarding in smoking in public places : HB 3319
 Petitions, electronic form: HB 1129
 Petitions, lawful gathering activity statement: ***EHB 1222, CH 239 (2005)**
 Petitions, paper size parameters: HB 1129
 Petitions, signature gathering: HB 1105
 Refusal to file, review procedures: EHB 2478

INSANITY, CRIMINAL

Defense, defendant refuses to participate in examination: ***HB 2328, CH 109 (2006)**, ESB 5222
 Firearms, possession by person previously found not guilty by reason of insanity: HB 1687

INSURANCE (See also MEDICAL RECORDS; MEDICARE; WORKERS' COMPENSATION)

Ambulances, private services exempt from code: HB 1996
 Ambulances, subscription air ambulance services: ***ESSB 5736, CH 81 (2005)**
 Automobile, arbitration to resolve disputes: HB 3239
 Automobile, compensating victims of underinsured and uninsured motorists: HB 2415
 Automobile, failure to provide proof of insurance: HB 3009
 Automobile, insurance option may include cost-savings claims settlement features: HB 3181
 Automobile, nonduplication of benefits payable under underinsured motorist coverage: HB 3265
 Automobile, underinsured motorist property damage waivers: HB 1716
 Automotive repair facilities, insurer interest in repair business: HB 1620, HB 2050
 Basic health plan, access and eligibility: HB 2060, HB 2398, HB 2540
 Basic health plan, health care responsibility act: HB 1702
 Basic health plan, identity of proposed beneficiary's employer: HB 1486
 Basic health plan, preexisting condition limitation requirements: HB 2455
 Basic health plan, students under temporary visas: ***HB 1170, CH 188 (2005)**
 Basic health plan, taxes and assessments on prepayments: ***HB 1690, CH 405 (2005)**
 Brokers, compensation paid by an insurer to a broker: HB 2405
 Certified capital companies, regulations: HB 1923, HB 3307
 Confidentiality of documents, commissioner examinations: HB 1035, ***SSB 5317, CH 126 (2005)**
 Credit histories and scores: HB 1927
 Credit history, renewal of insurance: HB 1928, HB 2434, ESSB 5275
 Denturists, preferred provider networks: HB 1540
 Employer-owned life insurance policy, contract provisions: HB 1033, ***SB 5196, CH 337 (2005)**
 Financially distressed insurers, administrative supervision: ***HB 1034, CH 432 (2005)**
 Fraud, insurance fraud program: HB 2482, ***SSB 6234, CH 284 (2006) PV**
 Fraud, study: HB 1977
 Group and blanket disability, sunset review: HB 2904
 Group, funding provisions: ***EHB 1146, CH 222 (2005)**
 Health care, access for children: HB 1441
 Health care, access to individual coverage through state health insurance pool: HB 2133
 Health care, business and occupation tax credit for employers: HB 1957
 Health care, business and occupation tax deduction for health care provided by small employers: HB 2728
 Health care, commissioner authorized to review and approve individual benefit plan rates: HB 2499
 Health care, community rates for health benefit plans: ***HB 2972, CH 100 (2006)**

Health care, conscience clause: HB 2231
 Health care, enrollee card to indicate copayment amount: HB 3204
 Health care, escrow accounts for self-funded multiple employer welfare arrangements: HB 1528, ***SB 5957, CH 7 (2005)**
 Health care, grievance and appeal process: HB 1669
 Health care, health carriers required to report certain information: HB 2500, ESSB 6232
 Health care, health savings accounts and high deductible plan options for public employees: 2SSB 5202
 Health care, health savings accounts option for public employees: ***EHB 1383, CH 299 (2006)**, HB 2557
 Health care, legislative/executive task force on access, delivery, and financing: HB 2067
 Health care, limits on maximum capital and surplus accumulations: HB 2795
 Health care, mandates: HB 1685, HB 2262
 Health care, market stabilization pool: HB 1910
 Health care, medical coverage for local government elected officials and commissioners: HB 3100
 Health care, minimum labor standards for employers health service expenditures : HB 2517
 Health care, moratorium on new mandates: HB 1686
 Health care, omnibus civil liability reform: HB 2279
 Health care, overpayment recovery: HB 1418, HB 2791
 Health care, private employer enrollment in health care authority programs: HB 1221
 Health care, prostate screening: ***SSB 6188, CH 367 (2006)**
 Health care, provider contracts and unfair practices: HB 2942, HB 2943, HB 2944
 Health care, responsibility act: HB 1702
 Health care, retainer health care practices: HB 2404
 Health care, right of conscience for insurance providers: HB 1654
 Health care, service premium and prepayment tax exemption: HB 1289
 Health care, small business assist program: HB 2069
 Health care, small employer health insurance partnership program: HB 2572
 Health care, small employer plan options: HB 1686
 Health care, small employers and their employees: HB 1684
 Health care, small group health benefit plans: HB 2121
 Health care, small group health benefit plans and health savings accounts: HB 2199, HB 2555
 Health care, state health plan administrative burden relief: HB 1590
 Health care, study of statutory requirements for coverage: EHB 3310
 Health care, technology assessment program for state purchased services: HB 2575
 Health care, tricare supplemental for state employees: ***SB 5391, CH 46 (2005)**
 Health care, tricare supplemental insurance removed form definition of health plan : SB 6187
 Health insurance pool, liability limits for actions related to: HB 1507
 Hearing aids, coverage: HB 1336
 HIV insurance coverage program, provisions: HB 2632
 Homeowner's, dog restrictions: EHB 1016
 Homeowners', adverse underwriting decision restrictions: HB 1779
 Initiative 330, health care liability reform: HI 330
 Initiative 336, health care quality protections and supplemental malpractice insurance: HI 336
 Insurance, pool coverage eligibility: HB 2398, HB 2540
 Interstate insurance product regulation compact: ***HB 1032, CH 92 (2005)**
 Life, discrimination based on lawful travel destinations: ***EHB 1561, CH 441 (2005)**, ESB 5530
 Life, employer-owned policies: HB 1033, ***SB 5196, CH 337 (2005)**
 Life, genetic testing restrictions: ESSB 5452
 Local government, joint self-insurance program: ***HB 1356, CH 147 (2005)**
 Long-term care, facilities included in coverage: HB 2099
 Medical malpractice, cancellation and renewal: HB 1225, HB 2292
 Medical malpractice, claim and settlement report to insurance commissioner: HB 1933, HB 1937, HB 2292
 Medical malpractice, omnibus civil liability reform: HB 2279
 Medical malpractice, rate filing: HB 1929, HB 2292
 Medical malpractice, reform: HB 2292
 Medical malpractice, supplemental insurance program: HB 1809
 Medical malpractice, underwriting: HB 1223, HB 2292

Mental health, employer tax credit to compensate for parity costs: HB 1274
 Mental health, group health benefit plan coverage of mental health services: ***HB 2501, CH 74 (2006)**
 Mental health, parity with medical and surgical coverage: HB 1154
 Motorcycle and motor-driven cycle, rejection of underinsured motorist coverage: HB 1257
 Overpayment recovery: HB 1418, HB 2791
 Pharmacy services, open pharmacy networks: HB 1842
 Premiums, tax provisions: HB 2880
 Private air ambulance services, exemption from licensing under insurance code: HB 2615, ***SB 6231, CH 61 (2006)**
 Property inspection and placement program, applicable to all counties: HB 2453
 Public building or construction contracts, wrap-up insurance policies: ***SSB 6022, CH 352 (2005)**
 Regulations, insurance commissioner revisions: HB 1197
 Retired primary and specialty care providers, liability malpractice insurance program: ***HB 1534, CH 156 (2005)**
 Self-funded multiple employer welfare arrangements, escrow accounts: HB 1528, ***SB 5957, CH 7 (2005)**
 Service contracts and protection product guarantees: HB 2553
 Statutes, general revisions: ***HB 2406, CH 25 (2006)**
 Taxes and assessments for medicaid, medical assistance, and basic health plan prepayments: ***HB 1690, CH 405 (2005)**
 Title agents, guarantee to cover: EHB 1157, ***ESB 5045, CH 115 (2005)**
 Vehicle protection product act, antitheft devices: HB 1797
 Victims of crimes, access to insurance: HB 2481
 Washington guaranty association, longshore and harbor workers' compensation account: HB 1196, ***ESB 5194 (2005) V**
 Wastewater projects, bidding for coverage: HB 1127
 Wastewater treatment and conveyance system projects, wrap-up insurance policies: ***SSB 6022, CH 352 (2005)**

INSURANCE COMMISSIONER

Authority to review and approve individual health benefit plan rates: HB 2499
 Certified capital companies, regulations: HB 1923, HB 3307
 Confidentiality of documents, commissioner examinations: HB 1035, ***SSB 5317, CH 126 (2005)**
 Fraud, insurance fraud program: HB 2482, ***SSB 6234, CH 284 (2006) PV**
 Health care insurance, study of statutory requirements for coverage: EHB 3310
 Health insurance pool, liability limits for actions related to: HB 1507
 Insurance fraud, study: HB 1977
 Insurance regulations, revisions: HB 1197
 Medical malpractice, claim and settlement report to commissioner: HB 1933, HB 1937, HB 2292
 Statutes, general revisions: ***HB 2406, CH 25 (2006)**

INTERIOR DESIGNERS

Registered interior designer act of 2005, certification and standards: HB 1878

INTERLOCAL COOPERATION

Annexation, city and county agreements: HB 1285

INTERNATIONAL RELATIONS

Association of Washington generals: HB 1974, ***SSB 5862, CH 69 (2005)**

INTERNATIONAL TRADE

Businesses, tax incentives for investing in Washington: ***SB 5175, CH 135 (2005)**
 Federal-state international trade policy commission: ***ESJM 8019 (2006)**
 Legislative ratification of international trade agreements: HB 1857
 Trade corps fellowship program: HB 3216, ***SSB 6330 (2006) V**

INTERNET

911 standards for voice over internet protocol service: HJM 4001
 Crimes, soliciting or requesting personally identifying information: HB 1812, HB 1888
 Cyberbullying, school harassment prevention policies: ESSB 5849
 Electronic mail fraud, soliciting or requesting personally identifying information: HB 1888
 Gambling prohibited: ***SSB 6613, CH 290 (2006)**
 Hybrid and hydrogen vehicle sales over the internet: HB 3256

Safety for children, pamphlet to promote: SB 5803
 Sales tax exemption, sale of services: HB 2631
 Sexual matter or performance harmful to minors, penalties for display or dissemination: HB 1655
 Task force on telecommunications and information technology: HB 2161

INTERSTATE COMPACTS

Adult offender supervision, transfer provisions: HB 1402, HB 1768
 Insurance product regulation compact: ***HB 1032, CH 92 (2005)**

INVESTMENTS (See also STATE INVESTMENT BOARD)

Certified capital companies, regulations: HB 1923, HB 3307
 Corporations, business and occupation taxation of investment income: HB 2315
 Public hospital districts authority to invest funds: HB 1341, HJR 4202
 State investment board, start-up and expanding businesses in Washington state: HB 1594
 Unearned income, tax on: HB 2318
 Uniform securities act: HB 2916
 Uniform securities act, exemption for transfer by gift to a nonprofit entity: ***HB 2975, CH 220 (2006)**

IRRIGATION DISTRICTS (See also SPECIAL DISTRICTS)

Services provided within cities and towns, taxation: HB 2236
 Water services, tax exemptions: HB 1227, ***SSB 6369 (2006) V**

ISLAND COUNTY

Boundary provisions: HB 2908
 Higher education, funding to provide access to higher education using the university center model: HB 3113

JAILS

Alternatives to total confinement, earned release credit: HB 3018
 Criminal justice costs, fiscal notes and appropriations for bills increasing incarceration periods: HB 2165
 Earned release time: HB 1476, SSB 5282
 Weapons, inmates in possession of: ***SSB 5242, CH 361 (2005)**

JOINT MEMORIALS

911 standards for voice over internet protocol service: HJM 4001
 Airline pension relief: HJM 4032
 Alternative minimum tax, repeal: HJM 4014
 Biodefense and pandemic vaccine and drug development act of 2005: HJM 4030
 Bonneville Power Administration, transition from cost-based to market-based rates: ***SSJM 8018 (2005)**
 Canadian cattle and beef importation: HJM 4012, ***ESSJM 8010 (2005)**
 Columbia generation station, commercial production of hydrogen: HJM 4026
 Death tax, repeal: HJM 4005
 Defense appropriations legislation, passage of: HJM 4000
 Diabetes educators, certified educators to be added as medicare providers: ***HJM 4038 (2006)**
 Electricity rate increases, federal proposal: HJM 4018
 Electricity, Bonneville Power Administration transition from cost-based to market-based rates: ***SSJM 8018 (2005)**
 Employee free choice act and national security personnel system: HJM 4036
 Federal clean water act, citizen suit provisions: HJM 4016
 Federal lands recreation enhancement act: HJM 4043
 Firearms industry, protection from tort laws against: HJM 4002
 Fisher/Oke Bridge, Tacoma Narrows Bridge renamed as: HJM 4044
 Flag of the United States, desecration: HJM 4027
 Hanford, next generation nuclear plant project: HJM 4025
 Homeless, statewide effort to assist: HJM 4013
 House of representatives, ethics rules: HJM 4021
 HUD, affordable housing programs: HJM 4019
 Ice age floods national geologic trail: ***SJM 8000 (2005)**
 Illegal drugs, homeland security department power to combat: HJM 4035

International trade policy commission, federal-state: ***ESJM 8019 (2006)**
 Iraq, elections: HJM 4017, HJM 4040
 Kidney care quality improvement act: ***HJM 4023 (2006)**
 Legitimate medical practice, state's right to define: HJM 4037
 Magnetic levitation transportation funding: HJM 4003
 Marijuana for medicinal purposes, states to decide: HJM 4028, HJM 4033
 Marine mammal protection act, section 5: ***HJM 4031 (2006)**
 Medicare modernization act: SJM 8039
 National security personnel system and employee free choice act: HJM 4036
 No child left behind act, funding: HJM 4010
 Nonresident income tax freedom act: HJM 4022
 Older people, recognizing the value of: HJM 4041
 REAL ID act of 2005: HJM 4029
 Right-to-ride livestock on federal land act of 2005: HJM 4042
 Section 8 housing assistance: HJM 4009
 Social security reform, optional personal retirement accounts: HJM 4004
 Social security reform, rejection of privatization: HJM 4015, ***SJM 8014 (2005)**
 State route 99, William P. Stewart memorial highway: HJM 4008
 Sudan, crisis in: HJM 4024
 USA patriot act: HJM 4006
 Veterans, permanent health care for veterans with war-related problems: HJM 4007
 War dogs, national memorial: HJM 4020
 Western hemisphere travel initiative, passport requirements: HJM 4039
 Women worker information, publication in employment statistics survey: HJM 4011
 Women, treaty to fight discrimination against: HJM 4034

JOINT OPERATING AGENCIES

Check issuance, payment of claims: HB 2900
 Renewable electrical energy generation projects: HB 1384

JOINT RESOLUTIONS

Campaign finance law violators, recall: HJR 4203
 Counties, consolidation or merging of statutory and constitutional functions: HJR 4211
 Counties, governance options: HJR 4212
 Effective dates: HJR 4215
 Emergency clauses: HJR 4216
 Eminent domain, limiting the power of: HJR 4217
 Inmate labor, unfair competition with businesses: HJR 4221, SJR 8206
 Judges, general election provisions: HJR 4200, HJR 4224
 Judicial conduct commission, membership: HJR 4201, ***SJR 8207 (2005)**
 Legislature, regular session each odd-numbered year: HJR 4226
 Marriage shall be between one man and one woman, legal status and court jurisdiction: HJR 4207, HJR 4208, HJR 4227, HJR 4228
 New counties, criteria: HJR 4204
 Property tax exemption for head of the family, increase: ***HJR 4223 (2006)**
 Property tax levies, voter-approved modifications: HB 1446, HB 1465, HJR 4206, HJR 4225, 2SSB 5333
 Property tax valuation, base years: HJR 4225
 Property, assessment of real property values: HJR 4214
 Public hospital district funds, investments: HJR 4202
 Public safety, paramount duty of state: HJR 4222
 Required reserve fund: HJR 4210, HJR 4220
 School district levies, simple majority of voters voting: HJR 4205
 State expenditures, limit established: HJR 4219
 Tax increases, supermajority legislative vote to pass: HJR 4209, HJR 4218
 Voting age, sixteen years old: HJR 4213

JUDGES

Attorneys as pro tempore judge, conflicts of interest: HB 1139
 Clallam county, superior court judge increase: HB 2344, ***SB 6412 (2006) V**
 Cowlitz county, superior court judge increase: ***SB 6412 (2006) V**
 District court, additional judges in Kitsap and Thurston counties: ***HB 1202, CH 91 (2005)**, SB 5241
 Election of, general election provisions: HB 1001, HB 3175, HJR 4200, HJR 4224
 Election of, study of general election provisions: ***ESSB 5499, CH 243 (2005) PV**
 Municipal court, election and appointment provisions: HB 3021, ESB 6342
 Oath of office, Declaration of Independence: HB 2935
 Personal information privacy: HB 1784, ***SSB 5654, CH 355 (2006)**
 Retirement, optional benefits: HB 2691
 Retirement, provisions: HB 2927
 Salary warrants: ***HB 1024, CH 182 (2005)**
 Skagit county, superior court judge increase: ***HB 1112, CH 95 (2005)**, SB 5070
 Superior court, compensation for part-time judge sitting as judge pro tempore: ***HB 1262, CH 142 (2005)**
 Trial court funding act: ***E2SSB 5454, CH 457 (2005)**

JUDGMENTS

Court filing fees: ***SSB 6670, CH 192 (2006)**
 Default judgments, military status of defendant: ***EHB 3074, CH 80 (2006)**
 Health care services debts, homestead exemption: HB 2571
 Jurisdiction, transfer from municipal court into district court: HB 1348

JUDICIAL CONDUCT COMMISSION

Membership: HB 1297, HJR 4201, ***SB 5433, CH 15 (2005)**, ***SJR 8207 (2005)**
 Public disclosure exemption for certain records: HB 2774

JURIES

Source lists, divided by case assignment areas: ***HB 1769, CH 199 (2005)**, SB 5691
 Trial court funding act: ***E2SSB 5454, CH 457 (2005)**

JUVENILE COURT

Applicants for court services employment, lie detector test: ***SB 5501, CH 265 (2005)**
 At-risk youth, definition to include mental health problems: HB 1660, HB 2153
 At-risk youth, substance abuse or mental health problems: HB 2993
 Automatic transfer to adult court, age of juvenile on date alleged offense was committed: ***HB 2064, CH 290 (2005)**
 Automatic transfer to adult court, disposition returned to juvenile court in certain cases: HB 2061
 Community commitment disposition alternative, county program: ***ESSB 5719 (2005) V**
 Dependency hearings, information sharing in cases of abuse and neglect: SSB 5666
 Dependency hearings, parental deficiencies and termination of rights: HB 2156
 Disposition order, modification provisions: HB 3186
 Diversion records, sealing: HB 2603
 Family reconciliation hearings, public access: HB 1279
 Prevention and intervention investment council: HB 1663
 School safety, information sharing: ESSB 5171
 Sentencing alternatives: HB 2073, SSB 5502
 Transfer of proceedings: HB 1661
 Waiver of counsel, restrictions: HB 1531, HB 1644, HB 2343
 Youth courts, jurisdiction: ***SB 5809, CH 73 (2005)**

JUVENILE JUSTICE ACT

Juveniles in custody of law enforcement officers, protections and rights: HB 2343, SSB 5288

JUVENILE OFFENDERS

Community commitment disposition alternative, county program: ***ESSB 5719 (2005) V**
 Community facilities, list of counties and areas where juvenile facilities are needed: HB 3231
 Detention facilities, collective bargaining provisions for employees: HB 2460

Disposition order, modification provisions: HB 3186
 Diversion records, sealing: HB 2603
 Interrogation procedures: SSB 5288
 Notice to parents when taken into custody: HB 2992, SSB 6579
 Possessing a firearm at a school, deferred prosecution eligibility: HB 2825
 Prevention and intervention investment council: HB 1663
 Reinvesting in youth program, grants to counties for juvenile justice early intervention services: HB 1483
 Sentencing alternatives: HB 2073, SSB 5502
 Sex and kidnapping offenders in schools, work groups to evaluate issues: ***ESSB 6580, CH 135 (2006)**
 Tried as adult, mandatory minimum sentences: ***EHB 1187, CH 437 (2005)**

KINDERGARTENS, NURSERY SCHOOLS, AND PRESCHOOLS

Kindergartens, full-day or half-day option: HB 1919, HB 2635
 Kindergartens, full-day requirement: HB 2634
 Kindergartens, readiness assessments: HB 3013
 Preschools, voluntary certification and standards: SB 5621

KING COUNTY

Cascade county created: HB 2074
 HOV lanes, toll lane pilot project on state route 167: HB 1179
 Rev. Dr. Martin Luther King, Jr., county named in honor of: ***ESB 5332, CH 90 (2005)**

KITSAP COUNTY

District court, additional judge: ***HB 1202, CH 91 (2005)**, SB 5241

LABOR

Consumption of lawful products, employment decisions based upon: HB 2614
 Employer communications about political, religious, or labor organizing matters: HB 3068
 Farm labor contractors, regulations and protections: HB 2623
 Fire department employees, occupational and health standards: HB 1756
 Industrial safety administrative appeals, costs awarded to employer when employer prevails: HB 2160
 On-call workers, compensation for active duty hours: HB 2725
 Sick leave, minimum paid sick leave: HB 2777
 Wages, payment violations and penalties: HB 1311, HB 3185
 Workplace bullying study: HB 1968

LABOR AND INDUSTRIES, DEPARTMENT

Crime victims' compensation program, funding: HB 2137, ***SB 5993, CH 10 (2005)**
 Family leave insurance program: HB 1173, E2SSB 5069
 Industrial insurance fund audits: HB 1856
 Industrial safety administrative appeals, costs awarded to employer when employer prevails: HB 2160
 Prevailing wage, program funding: HB 1308, ***SSB 5236, CH 230 (2006)**
 Small agricultural employers, initial department visit: HB 1553
 Workers' compensation, state industrial insurance fund annual audits: SSB 5614

LABOR RELATIONS

Employer communications about political, religious, or labor organizing matters: HB 3068
 Family leave insurance program: HB 1173, E2SSB 5069
 Union security provisions in public employment contracts: HB 3248
 Wrongful discharge, rights and remedies: HB 3312

LAKES AND RESERVOIRS

Algae, prevention and control program for harmful blooms in lakes: HB 1982
 Aquatic invasive species and algae, vessel registration fee to fund prevention and control: HB 1730, ***ESSB 5699, CH 464 (2005)**
 Dock construction, shoreline management permit provisions: HB 3299
 Restoration and management program, water quality account fund distribution: HB 1840

LAND DEVELOPMENT

Binding site plan, advance property tax payments eliminated: HB 2837
 County-specific transfer of development rights demonstration projects: HB 2368
 Enhanced permit assistance pilot programs, office of regulatory assistance: HB 2049
 Mitigation or mitigation fees, transportation department authority to impose: ESSB 5164
 Storm water discharges, local erosion and settlement control programs: HB 2858

LAND USE PLANNING (See also GROWTH MANAGEMENT; ZONING)

Appeals involving SEPA or critical areas, agencies attorneys' fees: HB 1924
 Creeks in urban areas, city draft long-term creek restoration plan: HB 2151
 Enhanced permit assistance pilot programs, office of regulatory assistance: HB 2049
 Short subdivisions, vesting: HB 1195

LANDLORD AND TENANT

Actions, time periods: ***SSB 5479, CH 130 (2005), *SSB 6572, CH 51 (2006)**
 Background checks performed by landlord and charged tenant, payment: HB 2450
 Manufactured/mobile home communities, landlord and tenant dispute resolution procedures: HB 1640, HB 3069
 Mold in residential dwellings, disclosure information: ***ESB 5049, CH 465 (2005)**
 Relocation assistance from landlords who fail to provide safe and sanitary housing: HB 1583, ***ESSB 5577, CH 364 (2005)**
 Rental assistance program for low-income persons: HB 2026
 Sex offenders, liability protection for landlords who rent to sex offenders: ESSB 6315
 Unlawful detainer process: ***SSB 5479, CH 130 (2005), *SSB 6572, CH 51 (2006)**
 Unlawful detainer, former employees: HB 1425
 Water and wastewater, separate billing of tenants: HB 2176

LAUNDRY FACILITIES

Self-service facilities excluded from definition of retail sale: HB 1609

LAW ENFORCEMENT (See also POLICE; SHERIFFS; STATE PATROL)

Automatic fingerprint identification system: SSB 5157
 DNA identification system expanded: HB 1135
 Drug abuse, enforcement pilot areas established: ***E2SSB 6239, CH 339 (2006)**
 Electronic monitoring system: ***HB 1136, CH 435 (2005) PV**
 Fish and wildlife, definition of conviction: ***HB 1128, CH 321 (2005)**
 Health care information, disclosure of certain information for law enforcement purposes: ***ESSB 6106, CH 235 (2006)**
 Juveniles in custody of law enforcement officers, protections and rights: HB 2343, SSB 5288
 Methamphetamine, Snohomish county law enforcement and treatment pilot program: HB 1551
 Missing persons, investigation procedures: HB 1943, HB 2805
 Police and fire equipment, tax exemption: HB 2736
 Profiling motorcyclists, written policy against: HB 1149
 School safety, information sharing: ESSB 5171
 Sex offender records, fee exemption for law enforcement agencies: HB 2223
 Vehicles, requirements regarding sales of vehicles to nonpublic entities: HB 2493

LAW ENFORCEMENT OFFICERS (See also POLICE; SHERIFFS; STATE PATROL)

Applicants, prehire screening: ***HB 1081, CH 434 (2005)**, HB 2947
 Brock Loshbaugh act, investigation of accidents involving officers: HB 2228
 Firearms training certificate for retired officers: HB 2951
 Juveniles in custody of law enforcement officers, protections and rights: HB 2343, SSB 5288
 Juveniles taken into custody, interrogation procedures: SSB 5288
 Juveniles taken into custody, notice to parents: HB 2992, SSB 6579
 Park rangers, powers and duties: HB 1799
 Personal information privacy: HB 1784, ***SSB 5654, CH 355 (2006)**
 Saul Gallegos peace officer survival act, training in weapon retention and survival techniques: HB 1472
 Sound and video recordings, provisions: HB 2876
 Surviving spouse of fallen emergency responder, property tax exemption: HB 1377

Traffic accident reports to include if and how driver was distracted: ***SSB 5161, CH 171 (2005)**
 Traffic law enforcement, preferential treatment prohibited: HB 2044, HB 2228
 Vehicle accidents involving officers, investigations: HB 2228
 Volunteer reserve officers, board membership: HB 2833

LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM (See also RETIREMENT AND PENSIONS)

Disability boards, composition and jurisdiction of city and county boards: ***HB 1328, CH 66 (2005)**
 Plan 1, additional service credit one time purchase: ***HB 2690, CH 214 (2006)**
 Plan 1, cap on benefits removed: HB 1873, HB 2688
 Plan 1, joint executive task force on funding postretirement medical benefits: HB 2688
 Plan 1, military service credit: HB 3280
 Plan 1, reduced retirement allowance: ***HB 1329, CH 67 (2005)**
 Plan 1, survivor benefits for ex spouses: ***HB 1319, CH 62 (2005)**, SB 5247
 Plan 2, benefits for member who is killed in course of employment: HB 2934, ***SB 6723, CH 345 (2006)**
 Plan 2, catastrophic disability allowance: ***HB 2932, CH 39 (2006)**
 Plan 2, death benefits: HB 2933
 Plan 2, disability allowance: HB 1271, ***SSB 5615, CH 451 (2005)**
 Plan 2, emergency medical technicians may transfer from PERS: HB 1936
 Plan 2, fish and wildlife enforcement officers allowed to transfer service credit: HB 2890
 Plan 2, interruptive military service credit: ***HB 1325, CH 64 (2005)**
 Plan 2, reemployment after retirement: ***HB 1270, CH 372 (2005) PV**
 Plan 2, retiree medical board: HB 2162
 Plan 2, service credit purchase: ***HB 1269, CH 21 (2005)**

LEAD

Heavy metals soil contamination, school and child care facility certification program: HB 1605
 Lead paint hazard education and awareness strategy: HB 1653

LEGAL AID

Civil legal aid office and oversight committee: HB 1747
 Indigent defense services, grant program and funding: HB 1542
 University of Washington law school loan repayment assistance program: SSB 5910

LEGAL NOTICES

Broadcast requirements: HB 1717

LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT

Age of consent, study to review: HB 3071
 Aquatic lands, review of aquatic resources program funding and management : HB 3237
 Biotechnology and biomedical device manufacturing sector, study: HB 3119
 Child support, review and update of support schedule and guidelines: HB 2462
 Dyslexia reading instruction pilot program, study of: ESSB 5349
 Performance audits, state agencies and departments: HB 1566
 Priority performance measures, historical information data base and legislative review: HB 1834
 Schools assessments, proposal for an independent review: HB 2429
 Social and health services department information, exemption to public disclosure: HB 2329

LEGISLATIVE ETHICS BOARD

Nonlegislative members, terms: ESB 5462

LEGISLATURE

Administrative committee of the office of the code reviser: HB 1847
 Basic education expenditures, prioritization within appropriation process: HB 2637, HB 3309
 Bills returned to house of origin: ***SCR 8411 (2005)**, ***SCR 8425 (2006)**
 Bills, reintroduction: ***HCR 4413 (2006)**
 Budgets, zero-based agency budget reviews: HB 1949
 Continuity of government act, task force to study legislature ability to convene in event of attack or disaster: HB 2519

Cutoff dates, 2005 regular session: ***SCR 8400 (2005)**
 Cutoff dates, 2006 regular session: ***SCR 8414 (2006)**
 Cutoff exemptions: HCR 4419, SCR 8410, ***ESCR 8419 (2006)**
 Former legislators: ***HCR 4403 (2005)**
 Governor notified, legislature organized: ***HCR 4400 (2005)**
 Joint rules: ***HCR 4401 (2005)**
 Joint select committee on offenders programs, sentencing, and supervision: ***SSB 6308, CH 267 (2006)**
 Joint sessions of legislature: ***HCR 4402 (2005)**
 Legislative youth advisory council, established: ***SB 5254, CH 355 (2005)**
 Legislative youth advisory council, extension: SB 6536
 Legislature organized, governor notified: ***HCR 4412 (2006)**
 Mail to constituents, restrictions: HB 1131, HB 1382
 Public contracts, living wage requirements: HB 2220
 Regular session each odd-numbered year: HJR 4226
 Session law publication: HB 2375, ***SB 6208, CH 46 (2006)**
 Session start date: HB 2174
 Session, biennial regular : HB 3283
 Sine Die, regular session: ***SCR 8426 (2006)**
 Tax increases, supermajority legislative vote to pass: HB 1836, HJR 4209, HJR 4218
 Traffic law enforcement, preferential treatment prohibited: HB 2044, HB 2228
 Traffic offenses, court appearance requirements and application of state Constitution: HB 2044, HB 2183

LIBRARIES

County law library funding, court filing and surcharge fees: HB 1597, ***E2SSB 5454, CH 457 (2005)**
 Intercounty rural library districts, county withdrawal from district: HB 2065
 Regional law libraries, establishment: HB 1906, ***SB 5701, CH 63 (2005)**
 Sex and kidnapping offender notification to public libraries: ***HB 1161, CH 99 (2005)**
 State, preservation of state publications: HB 2155

LIBRARY DISTRICTS (See also SPECIAL DISTRICTS)

Intercounty rural library districts, county withdrawal from district: HB 2065
 Rural, nonvoter approved general obligation bonds: HB 1813

LICENSE PLATES

Armed forces license plate collection: HB 1065
 Attachment provisions, minimum height requirement: HB 2982, ***SB 6545, CH 326 (2006)**
 Clark College: HB 1006
 Collection of special license plates: ***ESB 5423, CH 210 (2005)**
 Endangered wildlife: HB 1218, SSB 5229
 Fees, increase: HB 2312
 Front license plate exemption, fee and law enforcement vehicle theft account: HB 3189
 Gonzaga University alumni association: HB 1506, ***SB 5833, CH 85 (2005)**
 Keep kids safe: HB 1097, SSB 5104
 Purple heart: HB 3267
 Share the road, bicycle safety and awareness: ***HB 1254, CH 426 (2005)**
 Ski and ride Washington: HB 1116
 State parks and recreation commission: HB 1339, ***SSB 5316, CH 44 (2005)**
 Support our troops: SSB 6830
 Washington lighthouses: HB 2001, ***SB 5424, CH 48 (2005)**
 Washington's national park fund: HB 1449, ***SSB 5832, CH 177 (2005)**
 Washington's wildlife license plate collection: HB 1217, ***SSB 5230, CH 42 (2005)**
 We love our pets: HB 2091, ***SB 5977, CH 71 (2005)**
 Wild on Washington: HB 1216

LICENSING, DEPARTMENT

All-terrain vehicles, safety and education program: HB 1029
 Business and professions account: HB 1394

Business and professions, uniform regulations: HB 1395
 Driver's license examinations, reciprocal waiver agreements with other nations: ***HB 1260, CH 61 (2005)**
 Drivers' licenses, biometric matching system for licenses and identicards: HB 2956, ***SB 6680, CH 292 (2006)**
 Land surveyors, continuing education requirements: ***HB 1396, CH 29 (2005)**, SB 5117
 Master licensing program, performance-based grant program for licensing agencies: ***HB 2131, CH 201 (2005)**
 Motor vehicle licensing and registration subagents, fees: HB 1582, ***SB 5518, CH 343 (2005)**
 Motor vehicle licensing and registration subagents, successor: HB 1581
 Off-road vehicles, administrative cap on moneys: HB 2832
 On-site sewage disposal maintenance service providers: HB 3040
 Soil scientists, licensing: HB 1811
 Tattooing and body piercing, licensing requirements and violations: ESSB 5913

LIENS

Chattel liens: ***ESSB 5204, CH 283 (2006)**
 Court filing fees: ***SSB 6670, CH 192 (2006)**
 Residential homeowners, limits for liens against: HB 1309

LIEUTENANT GOVERNOR

Association of Washington generals: HB 1974, ***SSB 5862, CH 69 (2005)**
 Duties and responsibilities: HB 2420, ***SSB 6246, CH 317 (2006)**
 National lieutenant governors' association's annual conference, funding: HB 2419

LIMITATIONS OF ACTIONS

Account receivable, limitations period: HB 3066
 Asbestos-related liabilities, limitations: HB 3147
 Construction, accrual and limitation of actions arising from construction: HB 2004
 Felony sex offenses, DNA provisions: ***SSB 5042, CH 132 (2006)**
 Geologists, statute of limitations for construction claims: HB 2269
 Injuries resulting from health care, limitations of actions: HB 1858, HB 2292
 Manslaughter, prosecuted at any time: HB 1203
 Sex offenses, modifications for felony offenders: HB 2408, HB 2698
 Sex offenses, statute of limitations removed for certain offenses against minors: HB 1453

LIMITED LIABILITY COMPANIES

Banks and savings banks allowed to organize as limited liability companies: HB 2757, ***SB 6463, CH 48 (2006)**
 Campaign contributions, provisions regarding: HB 2551
 Dissolution, remedies: ***SB 6531, CH 325 (2006)**

LIQUOR CONTROL BOARD

Alcohol education programs, disbursement of liquor revolving fund moneys: HB 1410
 Beer and wine distribution, task force to study: ***2SSB 6823, CH 302 (2006)**
 Contract liquor stores: ***HB 1409, CH 151 (2005)**
 Retail sales business plan, sales on Sundays: HB 1379

LIVESTOCK

Animal feeding operations, permit requirements and procedures: HB 1615, ***SSB 5602, CH 510 (2005) PV**
 Ban on American beef, business and occupation tax relief expiration date: ***HB 1407, CH 150 (2005)**
 Bovine handling facilities, limited liability: HB 2382
 Canadian cattle and beef importation: HJM 4012, ***ESSJM 8010 (2005)**
 Carcasses, disposal: HB 2082, HB 2558, ***SSB 5602, CH 510 (2005) PV**, ***SB 6371, CH 155 (2006)**
 Commercial feed, adulterated: ***SSB 5190, CH 40 (2005)**
 Commercial feed, licensing provisions and regulations: ***HB 1086, CH 18 (2005)**
 Dairy nutrient management program revisions: HB 1615, ***SSB 5602, CH 510 (2005) PV**
 Identification program, advisory committee and plan: HB 3033
 Inspection fees: HB 3032, ***ESB 6376, CH 156 (2006)**
 Livestock nutrient management program: HB 1615, ***SSB 5602, CH 510 (2005) PV**
 Livestock nutrient management, tax exemptions for handling and processing manure: HB 3222

Loss due to wildlife, compensation: HB 1831
 Nutrient management program, tax exemptions: HB 2116
 Right-to-ride livestock on federal land act of 2005: HJM 4042
 Theft, goats: HB 1398, ***SSB 5290, CH 419 (2005)**
 Voluntary identification information, public disclosure exemption: HB 2651

LOANS

Check cashers and sellers, borrower payment options: HB 2019
 Check cashers and sellers, common data base with real-time access to verify outstanding loans: HB 2020, HB 3167
 Check cashers and sellers, data to be provided to director of financial institutions: HB 1778, SB 5484
 Check cashers and sellers, limits on amount, interest, and fees: HB 2017, HB 2018
 Check cashers and sellers, penalties for unlicensed makers of small loans: HB 2359
 Check cashers and sellers, small loan endorsement: HB 2852
 Check cashers and sellers, training programs: HB 2997
 Mortgage lending fraud prosecution account, extension: ***HB 2338, CH 21 (2006)**
 National guard, business loan payments and interest accrual suspension for active duty members: HB 2497
 Payday loans, employees training programs: HB 2997
 Payday loans, minimum duration: HB 2361, HB 2362
 Payday loans, postdated drafts or checks as security: HB 2363
 Payday loans, study: HB 2360
 Tax refund anticipation loan act: HB 1251, ***SSB 5692, CH 471 (2005)**

LOBBYISTS

Public disclosure violations and penalties: HB 1143, HB 2358, ***ESB 6152, CH 315 (2006)**

LOCAL GOVERNMENT (See also CITIES AND TOWNS; COUNTIES; SPECIAL DISTRICTS)

Ambulance and emergency services, utility service charges to fund: HB 1635
 Campaigns for local offices, public funding: HB 1436, SSB 6221
 Commercial use of lists obtained from public entities, prohibitions and penalties: HB 3250
 Community improvement district financing: HB 3198
 Community mitigation program, economic impact statements for major public projects: HB 1899
 Community revitalization financing: HB 1745, HB 1907, HB 2239, HB 2922, HB 3144, SB 5325
 Commute trip reduction program, revisions: HB 3089, ***ESSB 6566, CH 329 (2006)**
 Criminal justice costs, fiscal notes and appropriations for bills increasing incarceration periods: HB 2165
 Drug abuse, multijurisdictional drug task force and local government drug prosecution assistance: HB 2712, ***E2SSB 6239, CH 339 (2006)**
 Drug task forces, multijurisdictional drug task force and local government drug prosecution assistance: HB 2892, HB 2919, HB 2967
 Emergency service vehicles, sales and use tax exemption for purchase: HB 1955
 Energy conservation measures, joint committee on energy supply and energy conservation: HB 1895
 Financial assistance, city-county assistance account: ***ESSB 6050, CH 450 (2005)**
 Forest practices, department of natural resources authority: HB 2740
 Forest practices, jurisdiction of conversion-related practices transferred to local government: HB 3188
 Health care benefits, nondiscrimination in amount of benefits provided to employees: HB 3249
 Hospital benefit zones, financing: HB 2670
 Identification documents, guidelines to protect privacy: HB 2521
 Infrastructure, local infrastructure financing tool demonstration program: HB 2673
 Inmate work programs, local government employees: HB 2357
 Insurance, joint self-insurance program: ***HB 1356, CH 147 (2005)**
 Interlocal cooperative agreements, electronic posting: ***HB 2676, CH 32 (2006)**
 Interoperable communications system, county public safety agency pilot program: HB 1952
 Job development fund, grant program to assist local governments with infrastructure projects: HB 1903
 Levy of taxes, date for submitting estimates to counties: ***HB 1048, CH 52 (2005)**
 Levy of taxes, voter-approved modifications: HB 1610
 Local infrastructure financing tool demonstration program: HB 2673
 Local sales and use, credited against state tax and used to provide services to annexed areas: ***SSB 6686, CH 361 (2006)**

Master licensing program, performance-based grant program for licensing agencies: ***HB 2131, CH 201 (2005)**
 Medical coverage for elected officials and commissioners: HB 3100
 Municipal court services, interlocal agreements: HB 2186
 Open government ombudsman: HB 1134
 Passenger ferry service, funding and grant program: ***ESSB 6787, CH 332 (2006)**
 Public lands, need to sell must show compelling development necessity: HB 2724
 Public transportation, office of transit mobility and regional mobility steering committee: HB 2124
 Puget Sound conservation and recovery partnership and management plan: SSB 5895
 Real estate excise tax, use of revenues: HB 2063, HB 3091
 Safe neighborhood planning and pilot projects: HB 1680
 Sales and use tax, state revenues shared with local government: HB 1762
 Sales and use taxes, exemptions: HB 2504
 Services, eligibility: HB 2445
 Unfunded state mandates, optional compliance: HB 1678
 Urban impact districts: HB 2120

LONG-TERM CARE (See also ADULT FAMILY HOMES; NURSING HOMES)

Assisted care facilities, defined as boarding homes: HB 1591
 Assisted living facility applicants, timely assessment of : HB 2865
 Assisted living medicaid minimum occupancy: HB 2925
 Capacity study, bed count and occupancy rate: HB 1728
 Continuing care retirement community, provision of services: HB 2742, ***ESSB 6391, CH 242 (2006)**
 Facility disputes, arbitration agreements: HB 1960
 Home and community services, alternative delivery system for case management services: HB 1365
 Home care agencies, parity for workers' wages and benefits: HB 2333
 Home care agencies, vendor rate study: HB 1787
 Home care quality council, duties and membership: HB 1078
 Individual home care providers, personal information protections: HB 1868, SSB 5132
 Individual providers, collective bargaining for hours of work: HB 1349, HB 2475
 Insurance, facilities included in coverage: HB 2099
 Joint legislative and executive task force on financing and chronic care management: HB 1220, SSB 5442
 Providers, payment for medically needy consumers: HB 1786
 Smoking in facilities, provisions: HB 3130

LONGSHORE AND HARBOR WORKERS

Workers' compensation account included in Washington insurance guaranty association: HB 1196, ***ESB 5194 (2005) V**

LOTTERY (See also GAMBLING)

Advertisements must include education funding levels: HB 2243

LOW-INCOME PERSONS

Achievers' scholarship program, low-income students: HB 1550
 Affordable housing for all act: HB 2649
 Affordable housing, multiunit residential building construction liability revolving fund program for nonprofit organizations: HB 3070
 Assets, pilot program to assist families to accumulate assets: ***HB 3156, CH 91 (2006)**
 Driver's education, motor vehicle fees to fund costs for low-income students: HB 1879, HB 1880
 Farmers market nutrition programs, funding: HB 1593
 Housing, energy assistance: HB 2370
 Housing, Washington housing trust fund: HB 2418
 Indigent emergency medical care account, excess awards of noneconomic damages in actions resulting from health : HB 3135
 Individual development account program, low-income family assistance: HB 1408
 Prescription drugs, assistance foundation for low-income uninsured persons: HB 1677, ***SSB 5558, CH 267 (2005)**
 Public assistance, maternity support services for low-income military families: HB 3064
 Rental assistance program: HB 2026
 Sales tax remittance: HB 1667

Section 8 housing assistance: HJM 4009
 TANF, financial literacy information: HB 3157

MAIL

Delivery charges for direct mail, tax exemptions: HB 1785
 Postage costs for mailing or printing businesses, tax deductions: HB 1572

MALPRACTICE

Alternatives to I-330 and I-336, patient safety and malpractice insurance provisions: HB 2292
 Health care services quality improvement committee, confidentiality: HB 1148, ***SSB 5146, CH 169 (2005)**

MANUFACTURED HOUSING (See also MOBILE HOMES)

Communities, city regulations: HB 2718
 Communities, claim of lien for utility services: HB 1424
 Communities, closure notice provisions: ***SSB 6851, CH 296 (2006)**
 Communities, impact fees: HB 1373
 Communities, landlord and tenant dispute resolution procedures: HB 1640, HB 3069
 Communities, solid waste and recyclable materials collection ordinances: HB 3126
 Communities, water and sewer connection charges: ***HB 1247, CH 324 (2005)**
 Location restriction, cities and counties prohibited from enacting ordinances: HB 1374
 Permitting requirements, disclosure prior to sales: HB 2167

MANUFACTURING

Aerospace manufacturing, joint legislative task force and review: HB 2383
 Aluminum smelters, tax relief extension: ***HB 2348, CH 182 (2006)**
 Biotechnology, tax incentives for pilot-scale manufacturing: HB 1870
 Commercial airplanes, business and occupation tax credit for property tax payments: HB 2111
 Electronics, product recycling: HB 2662, HB 2810, HB 2811, ***ESSB 6428, CH 183 (2006) PV**
 Job skills program grants, businesses assisting manufacturers: HB 2566
 Motor vehicles, removal of mercury-added components in end-of-life vehicles: HB 1731, ESB 5710
 Paper manufacturers, tax relief for investment related to pressurized steam pulp washing technology: HB 2770
 Paper, tax relief: HB 1121
 Pharmaceutical, high-technology tax incentives disallowed: HB 1884
 Pharmaceutical, marketing activities and gift disclosure: HB 1889
 Pharmaceutical, state investment board restrictions for certain companies: HB 1885
 Semiconductor materials, tax incentives to support semiconductor cluster: HB 3190
 Small business tax deferrals for rural county investment projects and manufacturing facilities: HB 1574
 Small manufacturers, Washington manufacturing services nonprofit corporation: HB 2726
 Solar energy systems, tax incentives for manufacture of: HB 1760, ***E2SSB 5111, CH 301 (2005)**, ESB 6129

MARIJUANA

Medical use, states to decide: HJM 4028, HJM 4033

MARITIME COMMISSION

Training program for pilot applicants, licensing qualifications and procedures: ***SSB 5150, CH 26 (2005)**

MARKETING

Pharmaceutical, marketing activities and gift disclosure: HB 1889

MARRIAGE AND MARRIED PERSONS (See also DISSOLUTION OF MARRIAGE; DOMESTIC RELATIONS)

Family preservation education program: HB 1252
 License fees, domestic violence prevention account: HB 1314
 Marriage shall be between one man and one woman, legal status and court jurisdiction: HJR 4207, HJR 4208, HJR 4227, HJR 4228
 Privileged communications between spouses, criminal conspiracy exception: HB 1207

MASSAGE THERAPY

Animal massage endorsement provisions repealed: HB 2092

Licensing of persons nonexclusive: HB 2294

MEAT

Ban on American beef, business and occupation tax relief expiration date: ***HB 1407, CH 150 (2005)**

Business and occupation tax on slaughtering, breaking, and/or processing perishable products: HB 1890

Canadian cattle and beef importation: HJM 4012, ***ESSJM 8010 (2005)**

Game farms, certain meat from game farms excluded from definition of wildlife: HB 2766

MEDIATION (See also ARBITRATION)

Multiunit residential buildings, inspections and construction defect dispute resolutions: ***EHB 1848, CH 456 (2005)**

Uniform mediation act: HB 1055, ***ESSB 5173, CH 172 (2005)**

MEDICAID

Consumer-directed coverage plan and waiver research and demonstration project: HB 2556

Employment status of recipients of medical assistance and basic health plan, report: HB 3079

Management information system upgrade: HB 1705

Mental health providers authorized to provide services to enrollees: HB 2113

Nursing facility payment system, insurance component rate allocation: HB 1571, HB 1729, HB 2192

Nursing facility payment system, program trust account: HB 1922

Nursing facility payment system, rate setting: HB 1041

Physicians, tax credits for serving uninsured, medicare, and medicaid patients: HB 2031, HB 2136

Retroactive payment to health care providers: HB 1705

Taxes and assessments on prepayments: ***HB 1690, CH 405 (2005)**

MEDICAL RECORDS

Disclosure and authorization provisions: HB 1053, SSB 5054

Disclosure of certain information for law enforcement purposes: ***ESSB 6106, CH 235 (2006)**

Electronic, advisory board and study of: ***SSB 5064, CH 261 (2005) PV**

Health care information act, consistency with health insurance privacy regulation: HB 1300, ***ESSB 5158, CH 468 (2005)**

Health care information technology, business and occupation tax credit: HB 2554

Hospitals, information technology systems: HB 2573

MEDICARE

Diabetes educators, certified educators to be added as providers: ***HJM 4038 (2006)**

Federal compliance revisions: HB 1443, ***SSB 5406, CH 47 (2005)**

Medicare modernization act of 2003, compliance with federal standards: HB 1497, ***SB 5198, CH 41 (2005)**

MEDICINE AND MEDICAL DEVICES

Home medical equipment, tax exemptions: HB 2047

Sales and use tax exemptions for certain medical and mobility enhancing equipment: HB 2756

Stem cell research and human cloning, regulations and advisory committee: EHB 1268

Tax incentives for biotechnology product and medical device commercial expenditures and manufacturing: HB 2640

MEMORIALS

State route 99, William P. Stewart memorial highway: HJM 4008

War dogs, national memorial: HJM 4020

MENTAL HEALTH

Advance directives, health care declarations registry: HB 2342

Alternative case management, pilot project: HB 2911

At-risk youth, substance abuse or mental health problems: HB 2993

Caseloads for workers, study: HB 2913

Children, child care mental health consultation pilot program: HB 2456

Children, kinship caregivers' consent for mental health care: ***HB 3139, CH 93 (2006)**

Children, pilot program for service delivery: HB 2397

Community services, regional support networks: HB 1290

Consumer or advocate-run service delivery system: HB 1005

Council on mentally ill offenders: HB 2732
 Counselors, experience requirements: ***SB 6658, CH 69 (2006)**
 Insurance, employer tax credit to compensate for parity costs: HB 1274
 Insurance, group health benefit plan coverage of mental health services: ***HB 2501, CH 74 (2006)**
 Insurance, parity with medical and surgical coverage: HB 1154
 Medicaid enrollees, mental health providers authorized to provide services: HB 2113
 Medical assistance, provisions for mental health services: HB 2803
 Mental health professionals and crisis outreach workers, safety measures to protect: HB 2912
 Minors, age of consent for evaluation or treatment: HB 1058
 Minors, RCW 74.34 subchapter headings: HB 1082
 Minors, services for children at risk of becoming severely emotionally disturbed: HB 2039
 Office of the state mental health ombudsman: HB 2894
 Omnibus treatment of mental and substance abuse disorders act of 2005: ***E2SSB 5763, CH 504 (2005) PV**
 Regional support networks, financial responsibility of costs for individuals in involuntary treatment: HB 3081
 Regional support networks, qualifications and responsibilities: ***2SSB 6793, CH 333 (2006)**
 Substance abuse and mental health treatment pilot program: HB 2712, ***E2SSB 6239, CH 339 (2006)**

MENTAL HOSPITALS

Correctional facilities serving violent offenders, siting restrictions: HB 1614
 Workplace violence reduction in state hospitals: ***HB 1160, CH 187 (2005)**

MERCHANT MARINE

Merchant mariner included in definition of veteran: ***HB 1307, CH 251 (2005)**

MERCURY

Mercury-emitting facility, emission standards: HB 3236
 Motor vehicles, removal of mercury-added components in end-of-life vehicles: HB 1731, ESB 5710
 Vaccines, mercury-containing: HB 2201, ***ESSB 5305, CH 231 (2006)**

METROPOLITAN MUNICIPAL CORPORATIONS

Property acquisition, condemnation authority limited to property within certain boundaries: HB 1649

METROPOLITAN PARK DISTRICTS (See also SPECIAL DISTRICTS)

City or county property, transfer and dissolution: ***HB 1303, CH 226 (2005)**
 Employees, background checks: ***HB 2991, CH 222 (2006)**
 Fund, disbursement of metropolitan park district fund: HB 2655
 Surplus property, disposition of: HB 1355, ***ESSB 5151, CH 4 (2005)**

MILITARY (See also NATIONAL GUARD; VETERANS)

Armed forces license plate collection: HB 1065
 Check cashers and sellers, military borrowers: HB 2881
 Check cashing loans for military borrowers, provisions: ***ESSB 5415, CH 256 (2005)**
 Civil relief act, Washington service members': HB 2173
 College and university tuition refund for students called to active duty: HB 1174
 Concealed pistol license, late renewal penalty exemption for certain members of armed forces: HB 3092
 Default judgments, military status of defendant: ***EHB 3074, CH 80 (2006)**
 Defense appropriations legislation, passage of: HJM 4000
 Discrimination, protections: HB 2564
 Hunting, active duty special hunt for military members absent during hunting season: HB 3012
 Joint committee on veterans' and military affairs: ***HB 1261, CH 141 (2005)**, SB 5221
 Military communities infrastructure projects, funding: HB 2393, HB 2550
 Military department capital account: ***HB 1457, CH 252 (2005)**, ***SB 5340 (2005) V**
 Military department rental and lease account: ***HB 1457, CH 252 (2005)**, ***SB 5340 (2005) V**
 Public assistance income definition, housing assistance or vouchers for military personnel or veterans: SSB 6336
 Public assistance, maternity support services for low-income military families: HB 3064
 Public employment retirement systems, military service credit: HB 1522, HB 3224
 Public employment, benefits for state employees called into federal service: HB 2251

Public employment, military service, and retirement act: HB 1938
 Public employment, support our deployed state employees program: HB 2149
 Relocation orders, excise tax exemption for home sales resulting from : HB 2439
 Retirement benefits for persons who left employment to serve: ***HB 1325, CH 64 (2005)**
 State employee return-to-work program, credit for time served: HB 2527
 State veterans' song: HB 1665
 Uranium exposure, treatment services and study: HB 3107
 War dogs, national memorial: HJM 4020
 World War II oral history project, women's contribution to war effort: HB 1592, ***SB 5563, CH 75 (2005)**

MINES AND MINING

Beach mining, removal of gold in seashore conservation area: HB 2588
 Oil and gas exploration and development, regulatory cost-reimbursement: HB 2428
 Small scale prospecting and placer mining, aquatic lands requirements: HB 1422
 Surface mining, permit application and performance security requirements: ***E2SSB 6175, CH 341 (2006)**

MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Linked deposit program, funding: HB 1573, HB 1805, ***2SSB 5782, CH 302 (2005)**

MOBILE HOME PARKS

Closure, notice provisions: ***SSB 6851, CH 296 (2006)**
 Private garbage collection in certain annexed parks: HB 3294
 Sewer-related charges, city and town charge restrictions: HB 2717
 Solid waste and recyclable materials collection ordinances: HB 3126
 Storm or surface water sewer system service, rate restriction: HB 1480

MOBILE HOMES (See also MANUFACTURED HOUSING)

Delinquent property taxes, conditional cancellation: HB 2719
 Older homes, moving procedures: HB 1393
 Parks, landlord and tenant dispute resolution procedures: HB 1640, HB 3069
 Relocation assistance, reimbursement limits: HB 1061

MODEL TOXICS CONTROL ACT

Ecology department lien authority to recover remedial actions costs: HB 1866, ***SSB 5449, CH 211 (2005)**
 Underground petroleum storage tank, liability limits: HB 1820

MONORAIL

City transportation authority powers and duties, taxation and fines: HB 1718
 County monorail excise tax, collection at time of initial vehicle registration or renewal: HB 2248
 Motorists information signs, icons and pictograms: HB 1090

MOORAGE FACILITIES

Dock construction, shoreline management permit provisions: HB 3299
 Vessel registration, proof of: SSB 5270

MORTGAGE BROKERS

Branch offices: HB 1244
 Mortgage brokers and loan originators, provisions : ***EHB 2340, CH 19 (2006)**, ESSB 6166

MOSQUITO CONTROL

Districts, valuation of land for monetary assessments: ***HB 1555, CH 181 (2005)**

MOTION PICTURES

Approved motion picture competitiveness program: HB 2818, ***2SSB 6558, CH 247 (2006)**
 Production services, taxation: 2SSB 6557

MOTOR VEHICLES (See also ALL-TERRAIN VEHICLES; DRIVERS' LICENSES; DRIVING UNDER THE INFLUENCE; LICENSE PLATES; MOTORCYCLES; RECREATIONAL VEHICLES; TRAFFIC; TRUCKS AND TRUCKING)

Abandoned vehicle auctions, notice: HB 1504
 Accident reports, public access to information: HB 2110, HB 2530
 Accidents involving fatalities, drug and alcohol tests: HB 2228, HB 2391
 Alternative and clean fuel vehicles, tax incentives for purchase: ***2SSB 5916, CH 296 (2005)**
 Alternative fuel vehicles and accessories, tax incentives for purchase and lease: HB 1647
 Auto transportation companies, promotional fares: HB 1421
 Automated traffic safety cameras, regulations: HB 3020, ***ESSB 5060, CH 167 (2005)**
 Bicyclists, vehicle restrictions for passing: ***HB 1108, CH 396 (2005)**
 Booting, locking wheel boots prohibited: ***ESB 5966, CH 88 (2005)**
 Brake lights, requirements: ***HB 2465, CH 306 (2006)**
 Bushing, definition : ***SSB 6571, CH 289 (2006)**
 Cell phones, drivers with instruction permits or intermediate licenses restricted on the use of cell phones while driving: HB 2568
 Child car seat installation technicians held harmless for damages: HB 1475, ***SSB 5085, CH 415 (2005)**
 Child car seats, requirements regarding weight, height, and age of child: HB 1475
 Commercial fuel users, sales and use tax exemption for diesel fuel: HB 2928
 Commercial motor vehicles, general provisions: HB 2981, ***SB 6549, CH 50 (2006)**
 Commercial motor vehicles, hearings procedures for violations: ***HB 1469, CH 444 (2005)**, SSB 5436
 Compression brakes, restrictions and penalties: ***HB 1002, CH 320 (2005)**
 Day-time running lights: HB 1514
 Dealers, bushing: HB 1827, ***SSB 6571, CH 289 (2006)**
 Dealers, unlawful practices regarding business and occupation taxes: HB 2577
 Emissions, California standards: HB 1397
 Emissions, tax exemptions for trading in old vehicles: HB 2768
 Farm vehicles, gross weight fee payment: HB 2227, HB 2312
 Fraudulent filing of vehicle report of sale, penalties: ***SSB 6676, CH 291 (2006)**
 Freight mobility strategic multimodal account created: EHB 2889
 Fuel, business and occupation tax exemption for wholesale sales: HB 1882
 Headlights, required when wipers are in use: HB 2779
 Historic automobile museum, sales and use tax deferrals: HB 2134
 HOV lanes, alternative fuel vehicles: HB 2931
 HOV lanes, toll lane pilot project on state route 167: HB 1179
 HOV lanes, use during nonpeak hours: HB 2821
 Hybrid and hydrogen vehicle sales over the internet: HB 3256
 Hybrid technology vehicles, tax incentives for purchase: ***2SSB 5916, CH 296 (2005)**
 Hybrid vehicles, plug-in electric vehicle provisions: HB 2796
 Hydraulics, restrictions and penalties for vehicles equipped with: HB 1381, HB 2643
 Immobilization, locking wheel boots prohibited: ***ESB 5966, CH 88 (2005)**
 Impound sign information, posting requirements: HB 2592
 Impound, notice to vehicle owner: HB 1111
 Insurance, arbitration to resolve disputes: HB 3239
 Insurance, compensating victims of underinsured and uninsured motorists: HB 2415
 Insurance, failure to provide proof of: HB 1452, HB 3009
 Insurance, nonduplication of benefits payable under underinsured motorist coverage: HB 3265
 Insurance, options may include cost-savings claims settlement features: HB 3181
 Insurance, underinsured motorist property damage waivers: HB 1716
 Jake brakes, restrictions and penalties: ***HB 1002, CH 320 (2005)**
 Licensing and registration, application for title reissuance when vehicle declared a total loss: HB 2980
 Licensing and registration, county auditor licensing accounts and fees: HB 3075
 Licensing and registration, fees for state and local parks: HB 2422
 Licensing and registration, fees for transportation funding: HB 1871
 Licensing and registration, fees to fund driver's education for low-income students: HB 1879, HB 1880

Licensing and registration, full disclosure of taxes and fees: HB 2534
 Licensing and registration, monorail excise tax fee collection: HB 2248
 Licensing and registration, proof of insurance: HB 1454
 Licensing and registration, subagent fees: HB 1582, ***SB 5518, CH 343 (2005)**
 Licensing and registration, subagent successor: HB 1581
 Licensing and registration, transfer upon death of registered owner: HB 1368
 Licensing and registration, use taxation for sales between private parties: HB 2638
 Licensing and registration, vehicles operated solely in inaccessible national recreation areas: ***SSB 5709, CH 79 (2005)**
 Licensing and registration, violations and penalties: ***EHB 1241, CH 323 (2005)**
 Limousines, definition: ***HB 3001, CH 98 (2006)**
 Loads on highways, failure to secure: HB 1478
 Mercury, removal of mercury-added components in end-of-life vehicles: HB 1731, ESB 5710
 Mopeds, state conformity with federal safety standards: HB 2877
 Motorists information signs, icons and pictograms: HB 1090
 Owners' addresses, disclosure: HB 1298, ***SB 5321, CH 340 (2005)**
 Parts, original invoices for new and used: ***SB 5181, CH 173 (2005)**
 Pedestrians, vehicle restrictions for passing: ***HB 1108, CH 396 (2005)**
 Persons with disabilities, specialized commercial transport vehicles: ***HB 1237, CH 193 (2005)**
 Plug-in hybrid electric vehicles, provisions: HB 2796
 Proportional registration, technical corrections RCW 46.87: ***HB 1259, CH 194 (2005)**
 Protection product act, antitheft devices: HB 1797
 Publicly owned vehicles, provisions regarding: HB 2773
 Reclined driver's seats, presumption of negligent driving for excessively reclined seats: HB 1369
 Rental cars, customer facility charge on customers of rental car companies accessing airports: HB 1596, ***SSB 5584, CH 76 (2005)**
 Repair facilities, insurer interest in repair business: HB 1620, HB 2050
 Retail installment contracts for vehicle purchases: HB 2863, ***SSB 6570, CH 288 (2006)**
 Sales between private parties, use taxation: HB 2638
 Securing loads, penalties for failure to: ***HB 2612, CH 268 (2006)**
 Shaved keys, penalties for possession of: HB 2822
 Sound system equipment, secure attachment: ***EHB 1246, CH 50 (2005)**
 Studded tires, permit and fee: HB 2187
 Taxes and fees, transportation benefit district project funding: ***SSB 5177, CH 336 (2005) PV**
 Taxes, locally imposed motor vehicle excise tax provisions: ***SSB 6247, CH 318 (2006)**
 Taxes, use tax on sales between private parties: HB 2638
 Taxes, valuation schedule for excise taxes: HB 3202
 Theft, penalties: HB 2822
 Titles, chattel lien process for transfer of title: ***ESSB 5204, CH 283 (2006)**
 Total loss, application for title reissuance when vehicle declared a total loss: HB 2980
 Traffic control signal preemption devices, violations and penalties: HB 1113
 Traffic violations, liability after sale or transfer of vehicle: ***HB 1999, CH 331 (2005)**
 Truck beds, traffic infraction to transport person in open truck bed: HB 2819
 Use tax, nonresident exemption for goods purchased outside the state: HB 2129
 Vehicle gross weight violations, penalties: HB 2987
 Vehicles for hire, mileage fees for diesel: HB 3258
 Vehicular homicide, penalties: HB 1209
 Weight fees for transportation funding: HB 2312

MOTORCYCLES

Between lanes, allowed when traffic is congested: HB 1176
 Helmets, requirements: HB 1807
 Insurance, rejection of underinsured motorist coverage: HB 1257
 Mopeds, state conformity with federal safety standards: HB 2877
 Posting of hazardous road conditions due to construction or maintenance, limits on: HB 2765, ***SB 6762, CH 331 (2006)**
 Preferential parking, commute trip reduction incentives: HB 1258
 Profiling, written policy against profiling motorcyclists: HB 1149

Sales tax exemption for purchases made by nonresidents: HB 2040
 Traffic signals, motorcyclist allowed to proceed if signal inoperative: EHB 1466

MUNICIPAL COURT

Administration and jurisdiction provisions: HB 3082
 Antiharassment protection orders, jurisdiction: ***HB 1296, CH 196 (2005)**
 Fees, increase: HB 1513
 Interlocal agreements for services, municipalities: HB 2186, HB 3082
 Judges, election and appointment provisions: HB 3021, ESB 6342
 Judgments, transfer from municipal court into district court: HB 1348
 Trial court funding act: ***E2SSB 5454, CH 457 (2005)**

MUSIC

Musical instruments, specialized forest products permit for specialty wood harvest or possession: HB 1406
 Vehicles sound system equipment, secure attachment: ***EHB 1246, CH 50 (2005)**

NATIONAL GUARD

Activation, governor's powers and duties: HB 1568, ***ESB 5606, CH 9 (2005)**
 Business and occupation tax credit for employers who rehire returning active duty members: HB 2828
 Business loan payments and interest accrual, suspension for active duty members: HB 2497
 Civil relief act, Washington service members': HB 2173
 Conditional scholarship, provisions: ***SB 6766, CH 71 (2006)**
 Hunting, active duty special hunt for military members absent during hunting season: HB 3012
 Life insurance for active duty members: HB 1343
 Ombudsman, office of: HB 1517
 Tuition waivers, dependents of members serving overseas in war or conflict: HB 2046

NATURAL RESOURCES, BOARD

Harbor Pointe common school trust land transfer to Mukilteo: HB 1701

NATURAL RESOURCES, DEPARTMENT

Agricultural lands, rate of return for lands acquired in exchange: HB 2237
 Aquatic lands compensatory mitigation endowment account, single pilot mitigation bank: HB 1492
 Aquatic lands, review of aquatic resources program funding and management : HB 3237
 Aquatic lands, statutes recodified: HB 1491, SB 5272
 Exchange of state lands, provisions: HB 2387
 Forest practices, department authority: HB 2740
 Geological survey, state survey and state geologists: HB 2384
 Habitat and recreation lands coordinating group: SSB 6625
 Hydraulic project approval, natural resources department as lead agency regarding forest practices applications: HB 2739
 Oil and gas exploration and development, regulatory cost-reimbursement: HB 2428
 Public lands, motorized access plans: HB 2374
 State trust lands, funds for managing and administering lands: HB 2084
 Surface mining, permit application and performance security requirements: ***E2SSB 6175, CH 341 (2006)**
 Tidelands and shorelands, department authority to buy and sell: HB 1493
 Timber land revitalization board, grants and loans: HB 1704

NATUROPATHY

Controlled substances, education and training: ***HB 1546, CH 158 (2005)**
 Minor office procedures, injections of substances: ***HB 1546, CH 158 (2005)**

NEWS MEDIA

Amber alert, civil immunity for broadcasters: HB 1518, ***SB 5453, CH 128 (2005)**
 Broadcasting, noncompetition agreements: HB 1264, ***ESSB 5720, CH 176 (2005)**
 Privilege from compelled testimony for members of communications media: HB 3187
 Privilege from compelled testimony for members of news media: HB 2452
 Radio frequency identification technology task force and study: HB 3125
 Radio talk shows, discussions not considered campaign contributions: HB 2511

NOISE

Aircraft noise abatement programs, easements and damage waivers: HB 1931
 Off-road vehicles, noise management study and task force: ***ESB 5089, CH 168 (2005)**
 Off-road vehicles, noise restrictions: HB 1455, HB 3105
 Sea-Tac, citizens committee on aircraft noise abatement: HB 1930

NONPROFIT CORPORATIONS (See also CORPORATIONS)

Convention and tourism promotion corporations, business and occupation tax deduction: HB 2778
 Manufacturing services, Washington manufacturing services nonprofit corporation: HB 2726

NONPROFIT ORGANIZATIONS (See also CHARITABLE ORGANIZATIONS)

Affordable housing, multiunit residential building construction liability revolving fund program for nonprofit organizations: HB 3070
 Bingo, gambling tax exemption: HB 3285
 Bingo, tax exemption for nonprofit operations: HB 3191
 Child abuse or neglect, duty of employee or volunteer to report: HB 1467
 Community health care collaborative grant program: HB 3146, ***E2SSB 6459, CH 67 (2006)**
 Community health centers, business and occupation tax deduction for certain nonprofits: ***SB 5857, CH 86 (2005)**
 Cultural and social service capital projects, funding criteria: HB 1577
 DSHS property and facilities transfer to nonprofits who provide services for sensory, physical, or mental handicaps: HB 2759
 Gambling, restrictions on activities: HB 2175
 Property tax exemption criteria: HB 1510, ***SB 6280, CH 319 (2006)**
 Religious organizations, property tax exemption: HB 1855
 Schools and colleges, property tax exemption: HB 2804
 Small business incubator program property tax exemption: HB 1802, HB 1973
 Trail maintenance and construction services, tax exemptions: HB 1975
 Unclaimed personal property, donation to charitable organizations: HB 1145
 Uniform securities act, exemption for transfer by gift to a nonprofit entity: ***HB 2975, CH 220 (2006)**
 Zoological facilities, business and occupation tax exemptions: HB 2590

NOXIOUS WEED CONTROL BOARD

Invasive knotweed: HB 1423

NUCLEAR POWER

Commercial nuclear power plant under operating agency, collective bargaining: HB 1558

NUISANCES

County abatement powers: HB 1828

NURSES

Advanced registered nurse practitioners, definition: HB 3094
 Advanced registered nurse practitioners, prescriptive authority: ***HB 1479, CH 28 (2005)**, HB 3094
 Birth-related injury compensation plan: HB 1859
 Central resource center for nursing workforce, licensing surcharge to fund: HB 1353, ***ESSB 5599, CH 268 (2005)**
 Hospitals, staffing plan for nursing services and recordkeeping and reporting: HB 1372
 Nursing care quality assurance commission, membership: HB 1075
 Overtime hours, mandatory overtime restrictions and exceptions: HB 1371
 Patient safety, disclosure and analysis of adverse events occurring in medical facilities: HB 1243, HB 2279, HB 2292
 Prescriptions, legibility requirements: HB 1780, HB 2292, HB 2295
 Schools, student to nurse ratio and school nurse certification: HB 1494

NURSING HOMES (See also LONG-TERM CARE)

Bed capacity, new or banked beds: HB 2252
 Bed tax repealed: HB 1617, HB 2834, ***SB 6368, CH 241 (2006)**
 Capacity study, bed count and occupancy rate: HB 1728
 Credentialed health care providers, staff level report compiled and displayed: HB 1710
 Dispute resolution process: HB 3226

Informal review process for deficiencies cited during complaint investigation or surveys: HB 1606
 Medicaid payment system, insurance component rate allocation: HB 1571, HB 1729, HB 2192, ***EHB 2716, CH 258 (2006)**, HB 2949
 Medicaid payment system, program trust account: HB 1922
 Medicaid payment system, rate setting: HB 1041, ***EHB 2716, CH 258 (2006)**
 Personal needs allowance: HB 1773
 Quality assurance committees and information sharing: HB 1569, ***EHB 2254, CH 291 (2005)**
 Quality maintenance fee, exemption for mental disease institutions: HB 1921
 Temporary managers appointed by social services and health department, defense of: ***HB 1364, CH 375 (2005)**, ***SB 5347 (2005) V**

NUTRITION

Farmers market nutrition programs, funding: HB 1593

OBSCENITY AND PORNOGRAPHY

Sexual matter or performance harmful to minors, penalties for display or dissemination: HB 1655

OCEAN RESOURCES

Ocean policy review commission: SSB 5278

OIL AND GAS (See also FUELS)

Alternative fuels, availability: HB 2442
 Alternative fuels, biofuels advisory committee: HB 2738
 Alternative fuels, percentage of biodiesel required in diesel fuel: HB 2664, HB 2666, HB 2738, ***ESSB 6508, CH 338 (2006)**
 Alternative fuels, percentage of ethanol required in nondiesel fuel: HB 2665, HB 2666, HB 2738, ***ESSB 6508, CH 338 (2006)**
 Exploration and development, regulatory cost-reimbursement: HB 2428
 Exploration and development, study of state programs: HB 3084
 Fossil fuel production, tax on severance of oil and gas from state lands or waters: HB 3308
 Gas distribution businesses, public utility tax credit: HB 2645
 Gas pumps, labels displaying fuel tax rates: HB 2660
 Heating oil pollution liability protection act, customers of special fuel dealers covered: HB 1821
 Liquefied natural gas terminals, moratorium on siting within coastal areas: HB 3203
 Liquefied petroleum gas, filling and refilling restrictions and violations: HB 1622
 Liquefied petroleum gas, liability limits: HB 1159
 Nonhazardous motor fuels, availability: HB 2441
 Oil companies, price schedules and restrictions: HB 3044
 Petroleum corporations, monetary penalties on windfall profits: HB 2977
 Public utility tax provisions, maximum tax rate applied to gross receipts: HB 2953
 Spill prevention and response, citizens' oil spill advisory council: ***ESSB 5432, CH 304 (2005)**
 Spill prevention and response, oil spill monitoring and oversight council: HB 1459
 Spill prevention and response, rules for adequacy of contingency plans: HB 2593, ***ESSB 6244, CH 316 (2006)**
 Spill prevention and response, shellfish beds: ***SSB 5676, CH 78 (2005)**
 State-owned refueling stations, guidelines: HB 2437
 Unattended service stations, protection from terrorist attacks: HB 2436
 Underground petroleum storage tank, liability limits: HB 1820
 Underground petroleum storage tanks, financial assistance grants for underserved rural areas: HB 1823
 Underground utilities, excavation without notification near transmission pipeline: HB 1539

OPEN PUBLIC MEETINGS

Executive sessions, intercepting or recording communications and conversations: HB 1648
 Open government ombudsman: HB 1134
 Special meetings, called by electronic mail: ***HB 1000, CH 273 (2005)**
 Violations of open public meetings act, penalties: HB 2547

OPTOMETRY AND OPTOMETRISTS

Licensing requirements: HB 1549, HB 2341, ***ESSB 5535, CH 232 (2006)**

OREGON

Nonresident income tax freedom act: HJM 4022

ORTHOTISTS AND PROSTHETISTS

Workers' compensation medical aid fees: HB 1816

OUTDOOR RECREATION

Ballfields on agricultural lands, growth management regulations: HB 1245, HB 1567

Boater safety education program: HB 1852, ***SSB 5145, CH 392 (2005)**

Boats, carbon monoxide poisoning education and restrictions to prevent : HB 2899

Boats, certain activities such as teak surfing prohibited: HB 2899, ***SB 6364, CH 140 (2006)**

Camping resorts, contracts: ***ESSB 5002, CH 112 (2005)**

Funding, bonds issuance and parks and recreation enhancement bond repayment account: HB 2180

Growth management, study committee on outdoor recreation: ***EHB 2241, CH 423 (2005)**

Milwaukee cross-state trail, negotiation period extension: HB 3088, ***SSB 6527, CH 160 (2006)**

Mountains to Sound greenway outdoor recreation projects, funding: HB 2625

Off-road vehicles, statewide data base of trails and parks: HB 2658

Private lands for public use, charges: HB 2356, SB 5279

Trail grooming, sales tax exemption for services on state-owned or privately-owned lands: HB 2646

Trail maintenance and construction services, tax exemptions for nonprofit organizations: HB 1975

Underwater viewing, promotion: HB 2990

Vehicles operated solely in inaccessible national recreation areas, registration fee exemption: ***SSB 5709, CH 79 (2005)**

OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR

Grants and funds, project eligibility: HB 2108

Off-road vehicles, statewide data base of trails and parks: HB 2658

Recreation resource account, watercraft recreation funding: HB 1700

OUTSOURCING

Disclosure, use of offshore items: HB 2440

Disclosure, work under state contract being performed outside the United States: HB 1724

Offshore, task force and study: EHCR 4405, ***ESCR 8407 (2005)**

State contract work performed outside the United States prohibited: HB 1725

State contracts, policies to determine if contracts serve the best interest of the state: HB 2144, EHB 2257

PAINTS

Lead paint hazard education and awareness strategy: HB 1653

PAPER

Manufacturers, tax relief: HB 1121

Manufacturers, tax relief for investment related to pressurized steam pulp washing technology: HB 2770

PARENTS AND PARENTING

Abortion, parental notification and consent provisions: HB 1433

Child day-care centers and family day-care providers, information regarding: ***ESSB 5806, CH 473 (2005)**

Child's conversations and communications, parental right to monitor: HB 1178

Dependency hearings, parental deficiencies and termination of rights: HB 2156

Diverse communities, grant program to increase parent and community involvement within : HB 2581

Family planning services, growth management comprehensive plans: HB 1166

Family preservation education program: HB 1252

Family reconciliation hearings, public access: HB 1279

Parental rights restored and expanded: HB 2954

Parenting plans, cultural upbringing: HB 2979

Paternity registry: HB 2788

Sex offenders, restrictions on visitation rights under parenting plans: HB 2893

PARKING

Commercial parking businesses, regulations: HB 1464, SSB 5672
 Infractions, rental car provisions: HB 3111
 Motorcycle preferential parking, commute trip reduction incentives: HB 1258
 Persons with disabilities, marking requirements for parking places: HB 1711
 Persons with disabilities, parking privileges for legally blind: *SSB 6287, CH 357 (2006)
 Persons with disabilities, physician assistants allowed to determine eligibility for special parking privilege: HB 3093
 Persons with disabilities, porphyria: HB 2389
 State parks, fees: HB 2616

PARKING AND BUSINESS IMPROVEMENT AREAS

Administrative costs, tax exemptions: HB 2106, *SSB 5999, CH 476 (2005)
 Transportation services: HB 2242, *SB 6012, CH 178 (2005)

PARKS (See also STATE PARKS)

Funding, bonds issuance and parks and recreation enhancement bond repayment account: HB 2180
 Funding, vehicle license fees and state parks centennial account: HB 2422
 Park passes, commission authority to denial or revoke: HB 2624
 Skate parks, fees and liability immunity: HB 1643
 Unneeded park land, disposal: HB 2627

PARKS AND RECREATION COMMISSION

Background checks for certain job and volunteer applicants: HB 1313
 Boater safety education program: HB 1852, *SSB 5145, CH 392 (2005)
 Habitat and recreation lands coordinating group: SSB 6625
 License plates, state parks and recreation commission: HB 1339, *SSB 5316, CH 44 (2005)
 Park passes, commission authority to denial or revoke: HB 2624
 Park rangers, powers and duties: HB 1799
 Private lands for public use, charges: HB 2356, SB 5279
 Saint Edward state park conveyed to Kenmore: HB 3143
 Trail grooming, sales tax exemption for services on state-owned or privately-owned lands: HB 2646
 Unneeded park land, disposal: HB 2627

PARTNERSHIPS

Limited liability companies, campaign contributions: HB 2551

PAYMENT AGREEMENTS

Public facilities districts defined as local government: *HB 1487, CH 154 (2005)

PEACE CORPS

State employees, right of return to employment: 2ESB 6010

PERSONAL PROPERTY

Chattel liens: *ESSB 5204, CH 283 (2006)
 Contaminated property, cleanup provisions: *E2SSB 6239, CH 339 (2006)
 Dstraint of personal property, procedures for judicial orders concerning: *SSB 6441, CH 286 (2006)
 Drug forfeiture action, hazardous waste provisions: HB 1208
 Retail sale, definition regarding tangible personal property and services for tax purposes: HB 3047
 Unclaimed, donation to nonprofit charitable organizations: HB 1145
 Use tax, nonresident exemption for goods purchased outside the state: HB 2129

PERSONNEL, DEPARTMENT

Sexual harassment, state agency policies and employee training: SSB 5126

PEST CONTROL

Body-gripping traps, furbearer management program and rules for traps and bait: ESB 5319

PESTICIDES

Agricultural workers, restrictions on highly toxic pesticide use: HB 1863

Application, notice to pesticide-sensitive individuals: HB 2611
 Private applicators, recertification: ***HB 1110, CH 397 (2005)**
 Schools, limits on the use of high hazard pesticides: HB 1388

PHARMACIES AND PHARMACISTS

Ephedrine, pseudoephedrine, and phenylpropanolamine, photo ID for sales and purchase: HB 1018, HB 2266
 Ephedrine, pseudoephedrine, and phenylpropanolamine, sale restrictions: HB 1017, HB 2266
 Hepatitis C drug prescriptions, limitation on preferred drug substitution: ***SSB 5838, CH 233 (2006)**
 Insurance, open pharmacy networks: HB 1842
 Nonresident Canadian pharmacies, department of health licensing: HB 1168
 Nonresident Canadian pharmacies, state board of pharmacy authority: HB 1168
 Pharmaceutical manufacturer marketing activities and gift disclosure: HB 1889
 Pharmaceutical manufacturing, high-technology tax incentives disallowed: HB 1884
 Pharmaceutical manufacturing, state investment board restrictions for certain companies: HB 1885
 Prescriptions, legibility requirements: HB 1780, HB 2292, HB 2295

PHARMACY, BOARD

Nonresident Canadian pharmacies, board authority: HB 1168
 Waiver to FDA for importation from Canadian wholesalers: HB 1316, ***ESSB 5470, CH 293 (2005)**
 Waiver to FDA for importation from nondomestic wholesalers: ***ESSB 5470, CH 293 (2005)**

PHYSICAL THERAPISTS

Licensing and standards: HB 1137

PHYSICIAN ASSISTANTS

Alternative disciplinary process: HB 1781
 Disability for special parking privileges, physician assistants allowed to determine: HB 3093
 Emergencies or disasters, liability for response to: HB 2229
 Workers' compensation, execution of certain certificates: HB 3133

PHYSICIANS

Abortions, nonphysicians prohibited from performing: HB 1774
 Alternative disciplinary process: HB 1781
 Birth-related injury compensation plan: HB 1859
 Business and occupation tax credits for serving uninsured, medicare, and medicaid patients: HB 2031, HB 2136
 Hospitals, arbitration for medical staff disputes regarding membership and privileges: HB 1783
 Partial birth abortion prohibited, penalties: HB 1562
 Patient safety, disclosure and analysis of adverse events occurring in medical facilities: HB 1243, HB 2279, HB 2292
 Physician-owned specialty hospitals, moratorium on licenses: ***SSB 5178, CH 39 (2005)**
 Prescriptions, legibility requirements: HB 1780, HB 2292, HB 2295
 Referrals to health care facilities or radiology services, conflict of interests restriction: HB 2310
 Stem cell research and human cloning, regulations and advisory committee: EHB 1268
 Tax on services: HB 1088
 Uninsured and medicaid and medicare patients, business and occupation tax credits for services: HB 2031, HB 2136
 Uninsured and medicaid patients, economic incentives and administrative streamlining: HB 1705

PILOTAGE COMMISSIONERS, BOARD

Training program, funding: ***ESSB 6870, CH 53 (2006)**

PILOTS, MARITIME

Licensing qualifications and procedures, applicant training program: ***SSB 5150, CH 26 (2005)**
 Port pilotage services, liability limits Grays Harbor pilotage district: ***SSB 5207, CH 123 (2005)**

PLATS

Binding site plan, advance property tax payments eliminated: HB 2837

PLUMBERS

Display of licenses and certificates: HB 2599, HB 2600

Domestic water pumping systems, installation and maintenance: ***SSB 6225, CH 185 (2006)**
 Domestic well water systems, installation and maintenance: HB 2971
 HVAC/R mechanics and contractors, regulations integrated into plumbers provisions: HB 3177

POISONING PREVENTION

Ammonia, unlawful storage: HB 1073, HB 2263

POLICE (See also LAW ENFORCEMENT; LAW ENFORCEMENT OFFICERS)

Applicants, prehire screening: ***HB 1081, CH 434 (2005)**, HB 2947
 Automatic fingerprint identification system: SSB 5157
 Equipment, tax exemption: HB 2736
 Firearms training certificate for retired officers: HB 2951
 Identity theft, reports to be given to victims: ***SSB 5939, CH 366 (2005)**
 Luring, registration requirements: HB 1233
 Sound and video recordings, provisions: HB 2876
 Surviving spouse of fallen emergency responder, property tax exemption: HB 1377
 Tribal police officers, certification: ***HB 2367, CH 22 (2006)**
 Vehicle accidents involving officers, investigations: HB 2228

POLITICAL PARTIES

Campaign finance disclosure exceptions, candidates in political subdivisions: ***SSB 6323, CH 240 (2006)**
 Campaigns for local government offices, public funding: HB 1436, SSB 6221
 Campaigns, contribution limits: HB 1226, HB 2449
 Campaigns, contributions made by out-of-state entities: ESB 6522
 Campaigns, electioneering communications reports: HB 1144, ***ESSB 5034, CH 445 (2005)**
 Campaigns, funding disclosure and restrictions: HB 1144, ***ESSB 5034, CH 445 (2005)**
 Campaigns, small political subdivision candidate disclosure requirements: HB 2846
 Candidates, filing with secretary of state or county auditor: HB 1132
 Candidates, length of statement on public office web sites: HB 1114
 Candidates, time frame for soliciting or accepting contributions: HB 2435
 Nominations, signature requirements for minor party nominations: HB 2730
 Public disclosure violations and penalties: HB 1143, HB 2358, ***ESB 6152, CH 315 (2006)**
 Surplus funds, disposal of: HB 1104, ***ESSB 5140, CH 467 (2005)**

POLLUTION CONTROL HEARINGS BOARD

Appeals, threshold for short board appeals: ***HB 1838, CH 34 (2005)**

PORT ANGELES

Port Angeles graving dock project, sale restrictions: HB 2283

PORT DISTRICTS (See also SPECIAL DISTRICTS)

Aircraft noise abatement programs, easements and damage waivers: HB 1931
 Airport construction, vehicle size and weight violation penalties: HB 1994
 Commercial waterway district, authority to lease land purchased from: HB 1595
 Commercial waterway district, report to legislature regarding property acquired from district: SSB 5585
 Commingled trust fund, loans to port districts: HB 2234
 Economic development, interlocal agreements with cities and towns or counties: HB 1740
 Employees, health care benefit equity: HB 3249
 Environmental permitting authority: HB 2234
 Maritime pilot services, liability limits for Grays Harbor pilotage district: ***SSB 5207, CH 123 (2005)**
 Ocean-going containers, heavy haul industrial highway corridors for trucks hauling within port district property: HB 1181
 Port located businesses, tax exemptions: HB 2234
 Regional transportation planning organization executive board, membership: HB 1248, ***ESB 5110, CH 334 (2005)**
 School districts, transfer of funds from port districts to school districts: HB 2234
 Sea-Tac, citizens committee on aircraft noise abatement: HB 1930

PREGNANCY

Birth-related injury compensation plan: HB 1859

Child born with or fetus determined to be alcohol or drug dependent, treatment and birth control: HB 2095
 Dissolution decrees, denial of due to pregnancy: HB 1171
 Medical assistance for children and pregnant women: HB 1441
 Opiate treatment programs, information regarding health risks: HB 2115, ***SB 5974, CH 70 (2005)**
 Postpartum depression, public information campaign: HB 1427, ***SB 5898, CH 347 (2005)**
 Protecting the unborn, abortion restrictions and cloning prohibitions: HB 2231
 Public assistance, maternity support services for low-income military families: HB 3064
 Unborn quick child, penalties for illicit drug use by mothers resulting in harm to fetus: HB 2093
 Vaccines, mercury-containing: HB 2201, ***ESSB 5305, CH 231 (2006)**

PRISONS AND PRISONERS

Art works in correctional facilities, expenditures prohibited: HB 2014
 Children of incarcerated parents, interagency plan and oversight committee: HB 1426, SSB 5407
 Correctional medical facilities, disclosure and analysis of adverse events: HB 2279, HB 2292
 Corrections officers, certification: HB 1340
 Criminal justice costs, fiscal notes and appropriations for bills increasing incarceration periods: HB 2165
 Fugitives, web site for information about: HB 1344
 General obligation bonds, correctional facilities: HB 3314, HB 3316, SSB 6898
 Incarceration costs, limits on costs charged to offenders: ***SB 5461, CH 263 (2005)**
 Inmate education programs and chaplains, state immunity for claims made by volunteers to: HB 2744
 Legal financial obligations, discharge prior to completing payment: HB 1358
 Legal financial obligations, interest rate: HB 1359, SSB 5611
 McNeil Island, expenditures for works of art prohibited: HB 2014
 Offender property, transport costs: ***HB 2282, CH 382 (2005)**
 Overcrowding and operating capacity maximum, offender population reduction: HB 1993
 Transfer and travel to or from another state, interstate compact provisions: HB 1402, HB 1768
 Weapons, inmates in possession of: ***SSB 5242, CH 361 (2005)**

PRIVACY (See also PRIVILEGED COMMUNICATIONS)

Address confidentiality program, provisions: HB 3057
 Breaches of security that compromise personal information stored on computers, disclosure: ***SSB 6043, CH 368 (2005)**
 Cell phone numbers, protections: HB 1185
 Child's conversations and communications, parental right to monitor: HB 1178
 Commercial use of lists obtained from public entities, prohibitions and penalties: HB 3250
 Computer spyware regulations: HB 1012
 County auditors, privacy protections when instruments are presented for recording: ***HB 1385, CH 134 (2005)**
 Crime prevention and privacy compact: HB 2763
 Domestic violence information shared in advocacy or counseling services, privacy protection: HB 2122, HB 2848
 Health care information act, consistency with health insurance privacy regulation: HB 1300, ***ESSB 5158, CH 468 (2005)**
 Identification documents created by state or local governmental agencies, guidelines to protect privacy: HB 2521
 Identification documents, nongovernmental entity may only electronically read identification documents: HB 2787
 Individual home care providers, personal information protections: HB 1868, SSB 5132
 Motor vehicle owners' addresses, disclosure: HB 1298, ***SB 5321, CH 340 (2005)**
 Office of privacy protection, personal information protection: SB 5327
 Public employees, personal information protections: HB 1694, SSB 5132
 Public records, commercial use of lists obtained through the public records act: HB 2831
 Telecommunications, customer proprietary network information privacy protections: HB 3208
 Telephone numbers, unauthorized sale of telephone records: ***ESSB 6776, CH 193 (2006)**
 USA patriot act: HJM 4006

PRIVILEGED COMMUNICATIONS (See also PRIVACY)

Communications media, privilege from compelled testimony: HB 3187
 Fire fighters and peer support groups: ***HB 2366, CH 202 (2006)**
 News media, privilege from compelled testimony: HB 2452
 Sexual assault advocates, provisions: ***HB 2454, CH 30 (2006)**, SB 6479

Spouses, criminal conspiracy exception: HB 1207

PROBATE (See also ESTATES; WILLS)

Guardianship, voting rights of person under: HB 1876

Trust and estate management procedures and requirements: ***HB 1125, CH 97 (2005)**

Uniform transfer of minors act, threshold age of minors: ***HB 2380, CH 204 (2006)**

Wills, disposal of nonprobate assets under will: ***HB 2379, CH 203 (2006)**

PROFESSIONAL EDUCATOR STANDARDS BOARD

Deaf, certification requirements for teachers of the deaf: HB 1893

Powers, duties, and membership revisions: HB 1067, ***ESSB 5732, CH 497 (2005)**

Preparation programs, rule authority and standards: ***ESSB 5983, CH 498 (2005)**

Professional certification, rule authority and standards: ***ESSB 5983, CH 498 (2005)**

PROSTITUTION

Travel agents, promotion of travel for prostitution prohibited: ***SB 6731, CH 250 (2006)**

PSYCHOLOGISTS

Athletic or performance coaching, provisions: HB 3302

Medicaid enrollees, mental health providers authorized to provide services: HB 2113

Mental health professionals and crisis outreach workers, safety measures to protect: HB 2912

Mental health, study of worker caseloads: HB 2913

PUBLIC ASSISTANCE (See also MEDICAID)

City-county assistance account: ***ESSB 6050, CH 450 (2005)**

Electronic benefit transfer system, joint select committee to study: HB 2230

Electronic debit cards, prohibited purchases: HB 2182

Income definition, housing assistance or vouchers for military personnel or veterans: SSB 6336

Maternity support services for low-income military families: HB 3064

Medical assistance, children and pregnant women: HB 1441

Medical assistance, children exempt from copremiums: HB 1705

Medical assistance, children's health program funding and enrollment provisions: HB 2308

Medical assistance, cost-sharing repealed: HB 2376

Medical assistance, eligibility reverified annually: HB 1705

Medical assistance, evidence-based medical principles to develop performance measures: HB 1512, SSB 5390

Medical assistance, exemption from independent review determinations: HB 1698

Medical assistance, identity of proposed beneficiary's employer: HB 1486

Medical assistance, mental health services: HB 2803

Medical assistance, recovery of debts owed to department of social and health services: HB 2034, HB 2304

Medical assistance, report on employment status of recipients: HB 3079

Medical assistance, taxes and assessments on prepayments: ***HB 1690, CH 405 (2005)**

TANF, applicant with drug-related felony conviction: HB 1190, ***E2SSB 5213, CH 174 (2005)**

TANF, financial literacy information: HB 3157

WorkFirst, applicant with drug-related felony conviction: HB 1190, ***E2SSB 5213, CH 174 (2005)**

WorkFirst, child safety net program: HB 2970

WorkFirst, financial literacy included in work activity provisions: HB 2394, SSB 6305

WorkFirst, fund use restrictions: HB 1867

WorkFirst, job training and placement services: HB 1833

WorkFirst, parenting provisions : HB 3110

WorkFirst, vocational education as qualified work activity: HB 1589

PUBLIC DEFENDER SERVICES

Public defenders, personal information privacy: HB 1784, ***SSB 5654, CH 355 (2006)**

PUBLIC DEFENSE, OFFICE

Advisory committee, member may serve as appellate judge on a pro tem basis: ***HB 2028, CH 111 (2005)**

Dependency and termination legal representation, director to oversee and monitor: HB 2029, SSB 5903

Funding for city and county indigent defense services, grant program: HB 1542

PUBLIC DEPOSITARIES

Higher education endowment grant funds, deposit outside the state: HB 2225

PUBLIC DISCLOSURE (See also CAMPAIGNS)

Breaches of security that compromise personal information stored on computers, disclosure: ***SSB 6043, CH 368 (2005)**
 Campaign finance disclosure exceptions, candidates in political subdivisions: ***SSB 6323, CH 240 (2006)**
 Campaign finance law violators, recall: HJR 4203
 Campaign finance reform, electioneering communication provisions: HB 1525
 Campaign finance reform, state contractor contribution restrictions: HB 1525
 Campaigns, contribution limits: HB 1226, HB 2449
 Campaigns, drop-in inspections of accounts: ***HB 1130, CH 184 (2005)**
 Campaigns, electioneering communications reports: HB 1144, ***ESSB 5034, CH 445 (2005)**
 Campaigns, funding disclosure and restrictions: HB 1144, ***ESSB 5034, CH 445 (2005)**
 Campaigns, small political subdivision candidate disclosure requirements: HB 2846
 Campaigns, voluntary spending limits and public financing system: HB 1526
 Controversy involving public official or employee, exemption: HB 2515
 Energy infrastructure information, exemption: HB 2350
 Gross misdemeanor or felony offenders, access to public records limited: HB 2138
 Horse racing licenses, application information exemption: HB 2071, ***SSB 5951, CH 349 (2005)**
 Hospital-acquired infections, reporting provisions: HB 1015
 Individual home care providers, personal information protections: HB 1868, SSB 5132
 Judicial and criminal records, exemption for certain records: HB 2774
 Livestock, exemption for voluntary identification information: HB 2651
 Motor vehicle owners' addresses, disclosure: HB 1298, ***SB 5321, CH 340 (2005)**
 Native American cultural resources information, exemption: HB 2675, ***SB 6429, CH 86 (2006)**
 Public records act, disclosure: HB 1133
 Public records, availability: HB 1350
 Real estate excise taxes, disclosure: ***HB 1315, CH 326 (2005)**
 School employees, requirements and exemptions regarding investigations and complaints: HB 2522
 Sensitive fish and wildlife data, requirements: HB 2331
 Sex offender information, certain information exempt from disclosure: HB 1651, SSB 5643
 Sex offender information, model policy for disclosure of: HB 2747, ***SSB 6320, CH 137 (2006)**
 State auditor and joint legislative audit and review committee exemptions for social and health services department information: HB 2329
 Technical corrections to public disclosure law: ***HB 2520, CH 209 (2006)**
 Violations and penalties for campaign finance, political advertising, and lobbyists: HB 1143, HB 2358, ***ESB 6152, CH 315 (2006)**

PUBLIC EMPLOYEES' BENEFITS BOARD

Health care insurance, tricare supplemental: ***SB 5391, CH 46 (2005)**
 Health savings account option: ***EHB 1383, CH 299 (2006)**, HB 1686, HB 2557
 Health savings accounts and high deductible plan options, study: 2SSB 5202

PUBLIC EMPLOYEES' RETIREMENT SYSTEM (See also RETIREMENT AND PENSIONS)

Additional service credit, one time purchase: ***HB 2690, CH 214 (2006)**
 Contribution rates: HB 1324, ***HB 2681, CH 365 (2006)**
 Elective office, separation from: HB 1318
 Gain-sharing provisions, replacement: HB 3183
 Interruptive military service credit: ***HB 1325, CH 64 (2005)**
 Judges, optional benefits: HB 2691
 Military service credit: HB 1522, HB 3224
 Optional membership and distributions of allowances: HB 2692
 Plan 1 and 2, emergency medical technicians may transfer to LEOFFRS plan 2: HB 1936
 Plan 1, age and retirement requirements for receipt of annual increase amount : HB 2686, SB 6454
 Plan 1, funding of unfunded actuarial accrued liability: HB 2683, HB 2909, ***ESSB 6896, CH 56 (2006)**
 Plan 1, one thousand dollar minimum monthly benefit: HB 2687, ***SB 6453, CH 244 (2006)**

Plan 1, postretirement employment restrictions: HB 2689
 Plan 1, unfunded liabilities stabilization accounts: HB 3063
 Plan 2 and 3, unreduced benefits: HB 2679
 Plan 2, insurance plans and contracts for separated members: HB 1520
 Plan 3, vesting after five years: HB 1320, HB 2684
 Public employment, military service, and retirement act: HB 1938
 Rehire restrictions: HB 1326
 Service credit lost due to injury, purchase of: HB 1521, ***SB 5522, CH 363 (2005)**
 Terminally ill members allowed to remove themselves from plan: HB 1634, ***SSB 5497, CH 131 (2005)**

PUBLIC FACILITIES DISTRICTS (See also SPECIAL DISTRICTS)

Freight mobility strategic multimodal account created: EHB 2889
 Minor league baseball stadiums and related parking facilities: HB 2535
 Payment agreements: ***HB 1487, CH 154 (2005)**
 Reimbursement by property owners for street, road, and water or sewer projects: ***EHB 3192, CH 88 (2006)**
 Sales and use tax credit, extension: HB 2447, HB 2882, ***ESSB 6230, CH 298 (2006)**
 Sales tax for new regional center, conditions: HB 1470

PUBLIC FUNDS AND ACCOUNTS

Aquatic invasive species enforcement account: HB 1730, ***ESSB 5699, CH 464 (2005)**
 Aquatic invasive species prevention account: HB 1730, ***ESSB 5699, CH 464 (2005)**
 Aquatic lands compensatory mitigation endowment account: HB 1492
 Aquatic sustaining investment account: HB 1493
 Baseball, professional baseball facilities account: HB 3104
 Business and professions account: HB 1394
 Campaigns for local government offices, public funding: HB 1436, SSB 6221
 Carbon dioxide mitigation account: HB 2794
 Citizen councilor revolving fund: HB 1770
 Columbia river basin water supply account: ***E2SSB 6581, CH 169 (2006)**
 Columbia river water mainstream account: HB 1099
 Commemorative works account: ***HB 1007, CH 16 (2005)**
 Commercial vehicle operator account: HB 2965
 Community and technical colleges capital projects account, interest provisions: HB 1120
 Conservation assistance revolving account management: HB 1461
 Corrections special reserve account, state: HB 2165
 Deployed state employees' account: HB 2149
 Developmental disabilities community trust account: HB 1519, HB 1791, SSB 5702
 Developmental disabilities community trust account, Dan Thompson memorial: SSB 5702
 Domestic violence prevention account: HB 1314
 Economic development strategic reserve account: ***2SSB 5370, CH 427 (2005)**
 Economic stability account: HB 2677
 Education construction fund: HB 3006
 Electronic products recycling account : HB 2662
 Electronics product stewardship account: HB 2810, HB 2811
 Emergency management, preparedness, and assistance account: ESB 6433
 Emergency school repair account: HB 1757
 Ending homelessness account: HB 2650
 Energy freedom loan account: HB 2939
 Family and medical leave enforcement account: HB 2392, ***SSB 6185, CH 59 (2006)**
 Farmland preservation account: HB 1413, ***ESSB 5396, CH 303 (2005)**
 Financial aid, state account: HB 1100
 Fish and wildlife enforcement reward account: HB 1696
 Forestry revitalization account: HB 1704
 Foster care endowed scholarship trust fund: HB 1050
 Freight mobility strategic investment account: HB 1603
 Freight mobility strategic multimodal account created: EHB 2889

Freshwater aquatic algae control account: HB 1730, ***ESSB 5699, CH 464 (2005)**
 Fruit and vegetable inspection account, expenditure restrictions: HB 2274
 Fuel tax rate used to determine fuel tax distributions to fund nonhighway expenditures: HB 3149
 Gambling account: HB 1045
 Gambling, problem gambling account: HB 1031
 General fund working capital designation, administration: HB 1039
 Growth management infrastructure account: HB 2023
 Health services account, consolidation with general fund: HB 2214
 Health services account, funding from tax on physician services: HB 1088
 Health services account, transfer of funds: HB 2320
 High-occupancy toll lanes operations account: HB 1179
 Higher education endowment grant funds, deposit outside the state: HB 2225
 Hood Canal aquatic rehabilitation account: HB 3282
 House-banked card rooms, public benefit account for tax receipts: ESSB 5287
 Housing trust fund short-term loan financing account: HB 2140
 Indigent emergency medical care account: HB 3135
 Individual development account program account: HB 1408
 Invasive species council account: HB 1611, ***ESSB 5385, CH 152 (2006)**
 Job development fund: HB 1903
 Law enforcement vehicle theft account: HB 3189
 Liquor revolving fund, disbursement of moneys: HB 1410
 Local corrections special reserve account: HB 2165
 Main street trust fund account: HB 1273
 Manufactured/mobile home investigations account: HB 1640, HB 3069
 Maritime historic restoration and preservation account: HB 1726
 Medical flexible spending account: ***HB 1286, CH 143 (2005)**
 Metropolitan park district fund, disbursement: HB 2655
 Military department capital account: ***HB 1457, CH 252 (2005), *SB 5340 (2005) V**
 Military department rental and lease account: ***HB 1457, CH 252 (2005), *SB 5340 (2005) V**
 Minor league baseball account: HB 1767
 Monetary offerings for revenue enhancement account (MORE): HB 2240
 Mortgage lending fraud prosecution account, extension: ***HB 2338, CH 21 (2006)**
 Mountains to Sound greenway outdoor recreation project account: HB 2625
 Nursing facility medicaid program trust account: HB 1922
 Nursing resource center account: HB 1353, ***ESSB 5599, CH 268 (2005)**
 Parks and recreation enhancement bond repayment account: HB 2180
 Patient safety account: HB 1291, HB 2279, HB 2295, SSB 5318
 Pavement and sidewalk account, small city: ***SSB 5775, CH 83 (2005)**
 Pension funding stabilization account: HB 2503, ***ESSB 6896, CH 56 (2006)**
 Pension stabilization account: HB 2674
 Political party and candidate surplus funds, disposal of: HB 1104, ***ESSB 5140, CH 467 (2005)**
 Prescription drug consortium account: HB 1219, ***SSB 5471, CH 129 (2005)**
 Public benefit account, tax receipts from house-banked card rooms: ESSB 5287
 Public facilities construction loan revolving account, funding provisions: HB 2859
 Public health improvement account: HB 2326
 Public works administration account, administration and prevailing wage program funding: HB 1308, ***SSB 5236, CH 230 (2006)**
 Public works assistance account, transfer of operating funds: HB 3289
 Puget Sound commercial Dungeness crab license buyback account: HB 2287
 Reading achievement account: HB 2836
 Ready reserve account: HB 1039
 Real estate excise tax electronic technology account: HB 1240
 Real estate research account expiration date: ***HB 1141, CH 185 (2005)**
 Recreational Dungeness crab endorsement account: HB 2286, HB 2287
 Reinvesting in youth account: HB 1483

Required reserve fund: HB 3006, HJR 4210, HJR 4220
 Riparian protection account: HB 1413, ***ESSB 5396, CH 303 (2005)**
 Safety and education account, limits on use of: HB 1046
 School nurse account: HB 1494
 Shellfish, biotoxin testing and monitoring funds to carry over: ***SSB 5169, CH 416 (2005)**
 Small employer-purchased health insurance premium assistance account: HB 1910
 Special purpose district research services account: ***SSB 6555, CH 328 (2006) PV**
 State parks centennial account: HB 2422
 Student achievement fund, distribution of funds: HB 3006
 Student achievement funds, state property tax distributions to: HB 3273
 Sustainable energy trust fund: HB 2400
 Transportation 2005 account: HB 2312
 Transportation accounts and revenue distribution, revisions: ***ESSB 6839, CH 337 (2006)**
 Transportation innovative partnership account: HB 1541
 Vehicle tire recycling account: HB 1892
 Violence reduction and drug enforcement account, transfer of funds: HB 2320
 Vocational education account: HB 2938
 Washington rural loan fund provisions: ***HB 1092, CH 94 (2005)**, SB 5086
 Waste tire removal account: HB 2085
 Water conservation project revolving fund: HB 2860
 Wild swan recovery account: HB 2211

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Account, public health improvement: HB 2326
 Autism, caring for Washington children with autism task force: HB 2181, ***SB 5311, CH 259 (2005)**
 Blood donation, placental and umbilical cord pilot projects: HB 2474
 Disaster medical assistance teams: HB 2539
 Emergency preparedness, performance measures: HB 2542
 Evidence-based medicine, medical quality advisory committee : HB 2969
 Financing joint select committee and review: ***EHCR 4410 (2005)**
 Food service rules, cold holding temperature exemption: HB 3301
 Health disparities, governor's interagency coordinating council on: ***2SSB 6197, CH 239 (2006)**
 Health disparities, governor's interagency council on: HB 3096
 Health impact assessments: HB 3097, 2SSB 6195
 Hospital-acquired infections, reporting provisions: HB 1015
 Indoor clean air act, smoking exemption for religious ceremonies: HB 2652
 Joint public health financing committee: HB 1737
 Local obligations, funding: HB 1818
 Mold in schools, testing for toxic mold: HB 2177
 On-site sewage, enhanced certification program for marine areas: HB 1458
 Pandemic influenza, preparation and response: ***ESSB 6366, CH 63 (2006)**
 Phosphorus content in dishwashing detergent: ***EHB 2322, CH 223 (2006)**
 Physical activity, promotion of policy and planning measures to increase: ***ESSB 5186, CH 360 (2005)**
 Polybrominated diphenyl ethers, sales of products containing: HB 1488
 Postpartum depression, public information campaign: HB 1427, ***SB 5898, CH 347 (2005)**
 Public safety, department of: HB 2472
 Schools, drinking water quality standards: HB 1123
 Sex education, healthy youth act of 2005: HB 1282
 Smoking prohibitions, modifications for economic viability of businesses and clubs: HB 2502, HB 3295
 Stem cell research and human cloning, regulations and advisory committee: EHB 1268
 Underground storage tanks, pollution liability insurance agency: HB 2678
 Vaccines, mercury-containing: HB 2201, ***ESSB 5305, CH 231 (2006)**
 Water quality joint development act, drinking water and treatment service improvements: HB 1357, ***ESSB 5285, CH 469 (2005)**
 Wind energy, small wind permitting standards: HB 1021

PUBLIC HOSPITAL DISTRICTS (See also SPECIAL DISTRICTS)

Contract interests, officers of rural districts: ***SB 5044, CH 114 (2005)**
 Correctional industries programs, contract with : HB 2737
 Employees serving as commissioners, restrictions: ***SB 6504, CH 322 (2006)**
 Investments, authority: HB 1341, HJR 4202
 Quality improvement committee, confidentiality: HB 1148, ***SSB 5146, CH 169 (2005)**

PUBLIC INSTRUCTION, SUPERINTENDENT

Achievers' scholarship program, low-income students: HB 1550
 Assessments, alternative assessment pilots and retake provisions: 2SSB 5638
 Assessments, alternative methods and appeals: HB 2785
 Assessments, career and technical assessment alternative: HB 1987
 Assessments, revised plan and locally selected assessments: HB 2414
 Asthma, uniform policy and in-service training: HB 1904, ***SSB 5841, CH 462 (2005)**
 Board of education, voting rights: HB 1941
 Center for the improvement of student learning: HB 3127
 Civics education, pilot project: HB 3145
 College and career readiness centers, work group and study: ESSB 6821
 Community learning center program: HB 1981
 Curriculum, adoption of statewide curriculum: HB 3080
 Deaf and hard of hearing, services: HB 1920
 Discipline, model policy and training standards regarding the use of force in schools: HB 1414, SSB 6001
 Diverse communities, grant program to increase parent and community involvement within : HB 2581
 Dropouts, prevention policies: HB 1708
 Dyslexia reading instruction pilot program and study: ESSB 5349
 Early childhood education and assistance program: HB 1126
 Early learning, department of: HB 2964
 Election of, general election provisions: HB 1001
 Election of, study of general election provisions: ***ESSB 5499, CH 243 (2005) PV**
 Environmental education, study of: ***EHB 2910, CH 79 (2006)**
 Family preservation education program: HB 1252
 Financial literacy public-private partnership, requirements and funding: HB 2152
 Financing, comprehensive education study steering committee: HB 1380, ***E2SSB 5441, CH 496 (2005)**
 Guidance, counseling, and planning programs: HB 2423
 Immigrant students, forward start pilot program: HB 2037
 Internet safety for children, pamphlet to promote: SB 5803
 Juvenile sex and kidnapping offenders in schools, work groups to evaluate issues: ***ESSB 6580, CH 135 (2006)**
 Kindergartens, full-day or half-day option: HB 1919
 Kindergartens, readiness assessments: HB 3013
 Preschools, voluntary certification and standards: SB 5621
 Ready to read community assistance program: HB 2036
 Running start, study of performance on WASL and in running start: ESSB 5360
 Security professionals, work group to study: HB 2396
 Student achievement fund, distribution of funds: HB 3006
 Student-centered planning program: ***ESSB 6255, CH 117 (2006)**
 Truancy and dropouts, Becca task force work group and review: ESSB 5426
 Truancy and dropouts, policies to reduce: HB 1708

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Agricultural lands, rate of return for lands acquired in exchange: HB 2237
 Ancestral trees, protection: HB 1360
 Aquatic lands, natural resources department authority to buy and sell tidelands and shorelands: HB 1493
 Aquatic lands, penalties for causing vessels to be abandoned or derelict : ***SSB 6223, CH 153 (2006)**
 Aquatic lands, review of aquatic resources program funding and management : HB 3237
 Aquatic lands, sale of aquacultural products from leased state-owned lands: ***SB 5006, CH 113 (2005)**
 Aquatic lands, single pilot mitigation bank: HB 1492

Aquatic lands, small scale prospecting and placer mining: HB 1422
 Aquatic lands, statutes recodified: HB 1491, SB 5272
 Beach mining, removal of gold in seashore conservation area: HB 2588
 Capitol campus, preservation of public and historic facilities: HB 1995
 Exchange of state lands, provisions: HB 2387
 Forest health work group, meeting requirements and expiration date: ***ESB 5179, CH 342 (2006)**
 Forests, future of Washington forests review council: HB 1985
 Habitat and recreation lands coordinating group: SSB 6625
 Habitat conservation programs, riparian protection and farmlands preservation accounts: HB 1413, ***ESSB 5396, CH 303 (2005)**
 Motorized access plans: HB 2374
 Recreational lands, Milwaukee cross-state trail negotiation period extension: HB 3088, ***SSB 6527, CH 160 (2006)**
 Sale, need to sell must show compelling development necessity: HB 2724
 Specialized forest products, specialty wood for musical instruments or ornamental boxes: HB 1406
 State trust lands, funds for managing and administering lands: HB 2084
 Statutes, technical corrections: HB 2385, HB 3085
 Trail grooming, sales tax exemption for services on state-owned or privately-owned lands: HB 2646

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Aquatic lands, statutes recodified: HB 1491, SB 5272

PUBLIC OFFICERS AND EMPLOYEES (See also CAMPAIGNS)

Background checks for employees with access to resident's personally identifiable information: HB 2920
 Cleaning products that minimize impacts to humans and the environment: HB 1886
 Collective bargaining, commercial nuclear power plant under operating agency: HB 1558
 Collective bargaining, compensation and fringe benefit provisions in master agreement: HB 3029, ESSB 6660
 Collective bargaining, union security provisions: HB 2256
 Communications from employee or charitable organizations, distribution: HB 2898
 Conference for statewide elected officials, funding: HB 2419
 Controversy involving public official or employee, public disclosure exemption: HB 2515
 Employee return-to-work program, employees called to active duty: HB 2527
 Fraud investigation, office of inspector general: HB 1909
 Gifts, value of gifts which may be accepted by employees: HB 2089
 Health care benefits, savings account option: HB 1686
 Health care, savings account option: ***EHB 1383, CH 299 (2006)**, HB 2557
 Health care, savings accounts and high deductible plan options study: 2SSB 5202
 Higher education tuition waivers for retired employees: HB 1976
 Leave, shared leave for declared emergencies: HB 3073
 Managers, state civil service definition: HB 1877
 Military, benefits for state employees called into federal service: HB 2251
 Military, support our deployed state employees program: HB 2149
 Oath of office, Declaration of Independence: HB 2935
 Opinions, state employees authorized to express professional opinions: HB 3103
 Payroll deductions, voluntary employee contributions to labor or employee organizations: HB 2780
 Peace corps volunteers, right of return to employment: 2ESB 6010
 Personal information, protections: HB 1694, SSB 5132
 Public disclosure violations and penalties: HB 1143, HB 2358, ***ESB 6152, CH 315 (2006)**
 Raffles, charitable donations: HB 1944
 Retirement, rehire restrictions: HB 1326
 Sexual harassment policies and training programs: SSB 5126
 Sick leave, employee pools: ***SB 6059, CH 356 (2006)**
 Sick leave, remuneration at time of separation or dismissal: HB 1808
 Supervisor defined for public employment purposes: HB 1720, ESB 5510
 Union dues, payroll deductions: HB 2807
 Union security provisions in public employment contracts: HB 3248
 Volunteer fire fighters, position in elective or appointed office: ***HB 2606, CH 211 (2006)**

PUBLIC POLICY, INSTITUTE

Minimum wage, study: ESSB 5551

PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM

Additional service credit, one time purchase: ***HB 2690, CH 214 (2006)**

Contribution rates: ***HB 2681, CH 365 (2006)**

General provisions, changes: HB 2685

PUBLIC TRANSIT (See also BUSES)

Fare cards for transportation facilities and services, unclaimed property act exemption: HB 1703

Magnetic levitation transportation funding: EHB 1429, HJM 4003

Office of transit mobility and regional mobility steering committee: HB 2124

Paratransit bus services: HB 2802

Public utility taxes, fees and charges for transit services exempted from taxes: ***SB 6826, CH 336 (2006)**

Regional transit authorities, sales and use tax does not apply to bus or rail combined agreements: HB 1881, ***SSB 5623, CH 515 (2005)**

Regional transit authorities, special fuel tax exemption: HB 2591

Regional transportation governance, consolidation for efficiency and emergency evacuation planning: HB 2636

Regional transportation governance, Puget Sound regional transportation district: HB 2871

Regional transportation governance, Puget Sound regional transportation system authority and council: HB 2491

Transportation innovative partnerships act: HB 1541

PUBLIC UTILITY DISTRICTS (See also SPECIAL DISTRICTS)

Electrical appliance repair service: HB 1715, ***ESSB 5348, CH 175 (2005)**

Hydroelectric project or power generation facility on Columbia river in distressed county, agreements: HB 3196

Public transit services, fees and charges exempted from taxes: ***SB 6826, CH 336 (2006)**

Water services, tax exemptions: HB 1227, ***SSB 6369 (2006) V**

PUBLIC WATER SUPPLY SYSTEMS (See also WATER COMPANIES)

Fire sprinkler suppression systems, water availability for residential systems: HB 2845

Tax exemptions for services provided by small water system: HB 1227, ***SSB 6369 (2006) V**

Water quality joint development act, drinking water and treatment service improvements: HB 1357, ***ESSB 5285, CH 469 (2005)**

PUBLIC WORKS

Administration account, administration and prevailing wage program funding: HB 1308, ***SSB 5236, CH 230 (2006)**

Alternative contracting procedure, additional contracts for general administration department: HB 1437, SSB 5250

Alternative contracting procedure, higher education facilities: HB 1902

Alternative contracting procedure, public body definition: HB 1830

Apprenticeship utilization: HB 1028, ***SSB 5097, CH 3 (2005)**

Apprenticeship utilization for public works projects, transportation department: HB 3003, ***E2SSB 6480, CH 321 (2006)**

Bids, compensation when all bids are rejected: HB 1292

Bids, lowest responsible bidder requirement: HB 2024

Building or construction contracts, wrap-up insurance policies: ***SSB 6022, CH 352 (2005)**

Community mitigation program, economic impact statements for major public projects: HB 1899

Fire protection districts, capital funding assistance: HB 3257

Higher education construction projects, threshold for bid requirements: HB 3106

Living wage requirements: HB 1527

Living wage requirements, legislative contracts: HB 2220

Lowest possible bidder must be awarded contract: HB 1444

Outsourcing, use of offshore items: HB 2440

Population threshold for counties and cities eligible to use design-build procedure: HB 3229

Projects, authorization and funding: ***HB 1049, CH 8 (2005)**, HB 2337, ***HB 2544, CH 273 (2006)**

Public contracts, taxpayer business contractor act: HB 2444

Public works assistance account, transfer of operating funds: HB 3289

School district demonstration projects, number of projects allowed: HB 3024

Small works roster, bond and retainage requirements waiver: HB 1438

Transportation projects, design-build process: ***HB 2874, CH 37 (2006)**
 Wastewater treatment and conveyance system projects, wrap-up insurance policies: ***SSB 6022, CH 352 (2005)**
 Water-sewer districts, contracting limits: HB 3162
 Whistleblowers, protection and discrimination provisions for contractors who hold contracts with the state: HB 3180

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Projects, authorization and funding: ***HB 1049, CH 8 (2005)**, HB 2337, ***HB 2544, CH 273 (2006)**

PUGET SOUND

Conservation and recovery partnership and management plan: SSB 5895
 General obligation bonds, Puget Sound rehabilitation: HB 3316
 Marine mammal protection act, section 5: ***HJM 4031 (2006)**
 Point source outfalls, systematic evaluation: HB 2578
 Regional transportation governance, central Puget Sound transportation commission: HB 2955
 Regional transportation governance, consolidation for efficiency and emergency evacuation planning: HB 2636
 Regional transportation governance, Puget Sound regional transportation district: HB 2871
 Regional transportation governance, Puget Sound regional transportation system authority and council: HB 2491

PUGET SOUND ACTION TEAM

Conservation and recovery partnership and management plan: SSB 5895
 Hood Canal, on-site sewage grant program: EHB 2105
 Hood Canal, on-site sewage treatment system inventory and assessment: HB 2086
 Hood Canal, study of nitrogen contributions: HB 3287

RADIATION

Military members, uranium exposure treatment services and study: HB 3107
 Radioactive substances used for medical purposes or industrial processes, transport and storage: HB 1474, ESSB 5445

RAILROADS

Businesses impacted by light rail construction, business and occupation tax relief: HB 2820
 Department of transportation's duties and powers pertaining to freight rail mobility transferred to board: HB 3220
 Inspections of hazardous materials, utilities and transportation commission authority: SB 5106
 Lewis county loop rail line, 2005 budget funding reallocated: HB 3195
 Mainline railway, tax exemptions: HB 2234
 Short line rail revitalization program: HB 1658
 Train speeds, federal law preemption: HB 3052, ***ESSB 6679, CH 70 (2006)**

RAINIER STATE SCHOOL

Agricultural lands, cognizance and control transferred to social and health services department: HB 1587, SSB 5680

REAL ESTATE AND REAL PROPERTY (See also EMINENT DOMAIN; TAXES - EXCISE TAX; TAXES - PROPERTY TAX)

Seller's disclosure, unimproved real property zoned for residential use: SSB 6728
 Actions lowering property value, compensation from counties: HB 1165
 Adverse possession, provisions: HB 2966
 Agriculture and farm land, real estate excise tax exemption: HB 1801
 Appraisers, trainee classification: HB 1375, ***SB 5274, CH 339 (2005)**
 Assessments, reduction for property with land use limitations due to government activity: HB 1163
 Assessments, value to reflect annual inflationary and deflationary changes: HJR 4214
 Compensation for property value reduction due to state agency regulations: HB 2272
 Construction contractors, display of licenses and certificates: HB 2599, HB 2600
 Construction, accrual and limitation of actions arising from construction: HB 2004
 Contaminated properties, cleanup of hazardous chemicals used to manufacture illegal drugs: HB 2712, HB 2901, ***E2SSB 6239, CH 339 (2006)**
 County geographic information system, real estate excise tax to fund: HB 2010
 Current use valuation application process for open space, agricultural, or timberlands: HB 1897
 Damages from governmental actions, fairness in application or regulations: HB 3223
 Discrimination based on lawful source of income: HB 2013

Enhanced permit assistance pilot programs, office of regulatory assistance: HB 2049
 Excise tax, automated system to process: HB 1240
 Fairness in government regulation of private property, conditions for adopting regulations: HB 3311
 Forfeiture, controlled substances: HB 1683
 Historical property, tax exemption for municipal corporation property: HB 1239, ***SSB 5154, CH 170 (2005)**
 Homeowner protections and residential contractor requirements: E2SSB 5773
 Homeowners' insurance, adverse underwriting decision restrictions: HB 1779
 Military relocation orders, excise tax exemption for home sales resulting from : HB 2439
 Mortgage brokers and loan originators, provisions : ***EHB 2340, CH 19 (2006)**, ESSB 6166
 Mortgage lending fraud prosecution account, extension: ***HB 2338, CH 21 (2006)**
 Multiunit residential buildings, inspections and construction defect dispute resolutions: ***EHB 1848, CH 456 (2005)**
 Natural disasters, tax abatements for property destroyed by: HB 1502
 Open space plan and public benefit rating system, voluntary buffers and native vegetation: HB 1637, ***ESSB 5620, CH 310 (2005)**
 Open space program, tax assessments when removed from program classification: HB 1983
 Property inspection and placement program, applicable to all counties: HB 2453
 Property values, growth management restriction considered when establishing fair market values: HB 2494
 Property values, tax exemption for property declined in value due to shorelines or growth management regulation: HB 2936
 Purchase and sale agreements, earnest money: HB 1699
 Real estate research account expiration date: ***HB 1141, CH 185 (2005)**
 Recreation, charges for public use of private lands: HB 2356, SB 5279
 Reimbursement by property owners for street, road, and water or sewer projects: ***EHB 3192, CH 88 (2006)**
 Residential homeowners, limits for liens against: HB 1309
 Seller's disclosure, notice to prospective buyer when property is located near a farm: HB 2723, ***ESB 5962, CH 511 (2005)**
 State agency rules, housing impact statements: HB 1950

RECORDINGS

Sound and video recordings by law enforcement officers, provisions: HB 2876

RECORDS

Authentication of documents, seals and electronic transmission: ***HB 1471, CH 198 (2006)**
 Breaches of security that compromise personal information stored on computers, disclosure: ***SSB 6043, CH 368 (2005)**
 Child abuse and neglect, records retention: HB 3153
 Conviction history, vacation of records for misdemeanor or gross misdemeanor: HB 1829, HB 2087
 County auditors, privacy protections when instruments are presented for recording: ***HB 1385, CH 134 (2005)**
 Criminal investigations, businesses with records located outside the state: HB 3281
 Diversion records, sealing: HB 2603
 Felony offenses, sealing vacated records: HB 1819
 Gross misdemeanor or felony offenders, access to public records limited: HB 2138
 Historical documents, county auditors' recording surcharge increase: ***HB 1386, CH 442 (2005)**
 Identification documents created by state or local governmental agencies, guidelines to protect privacy: HB 2521
 Identification documents, nongovernmental entity may only electronically read identification documents: HB 2787
 Open government ombudsman: HB 1134
 Public records act: HB 1133
 Public records, agency liaison to assist public with disclosure requests: HB 1758
 Public records, attorney general to develop model rule on access and request assistance: HB 1758
 Public records, commercial use of lists obtained through the public records act: HB 2831
 Public records, disclosure and availability: HB 1350
 Public records, disclosure exemption for certain escrow agent information: HB 2774
 Public records, disclosure exemption for certain judicial and criminal records: HB 2774
 Public records, disclosure exemption for controversy involving public official or employee: HB 2515
 Public records, division of archives and records management: HB 3058
 Public records, documentation of costs and rules for providing assistance to requesters: HB 2516
 Public records, penalties for violations of open public records act: HB 2548

Public records, preservation and destruction provisions: HB 3058
 Public records, requests which are deemed overboard: HB 1602, HB 1758
 Public records, state library services to preserve publications: HB 2155
 Sex offender conviction, vacating: HB 1234

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Appurtenances, width limits: ***SSB 5463, CH 264 (2005)**
 Fuel tax rate used to determine fuel tax distributions to fund nonhighway expenditures: HB 3149
 License fees for transportation funding: HB 1871
 Motorist information signs, RV logos: HB 1954, SSB 5013
 Off-road vehicles on nonhighway roads: ***EHB 1003, CH 213 (2005) PV**
 Off-road vehicles, administrative cap on moneys: HB 2832
 Off-road vehicles, city and county roads: ***HB 2617, CH 212 (2006)**
 Off-road vehicles, noise management study and task force: ***ESB 5089, CH 168 (2005)**
 Off-road vehicles, noise restrictions: HB 1455, HB 3105
 Off-road vehicles, requirements for grants to federal public land management agencies: HB 2727
 Off-road vehicles, sales tax exemption for purchases made by nonresidents: HB 2040
 Off-road vehicles, statewide data base of trails and parks: HB 2658
 Shows, regulations for recreational vehicle shows: HB 2056
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Beverage containers, refund value: HB 2793
 Collection ordinances, manufactured or mobile home park provisions: HB 3126
 Electronic products: HB 2662, HB 2810, HB 2811, ***ESSB 6428, CH 183 (2006) PV**
 Transporter restrictions and violations: HB 1817, ***ESSB 5788, CH 394 (2005)**
 Waste tire recycling and cleanup, vehicle tire recycling account: HB 1892

REFRIGERATION AND AIR CONDITIONING

HVAC/R mechanics and contractors, regulations integrated into plumbers provisions: HB 3177

REGIONAL TRANSPORTATION INVESTMENT DISTRICTS

Motor vehicle surcharge: HB 2955
 Regional transportation governance, central Puget Sound transportation commission: HB 2955
 Regional transportation governance, Puget Sound regional transportation district: HB 2871
 Regional transportation governance, Puget Sound regional transportation system authority and council: HB 2491
 Toll-related facilities, operation and maintenance: HB 2955

REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS

Commute trip reduction program, revisions: HB 3089
 Executive board membership, port district members: HB 1248, ***ESB 5110, CH 334 (2005)**
 Regional transportation governance, Puget Sound regional transportation district: HB 2871
 Regional transportation governance, Puget Sound regional transportation system authority and council: HB 2491

REGULATORY ASSISTANCE, OFFICE

Collaborative design pilot program, growth management and shorelines: HB 2585
 Enhanced permit assistance pilot programs: HB 2049

REGULATORY REFORM

Office of regulatory reform: HB 1673

RELIGION

Faith communities allowed to host temporary encampments for the homeless: HB 3234
 Health care insurance, conscience clause: HB 2231
 Property tax exemption for religious organizations: HB 1855

RENAL DISEASE

Glomerular filtration rate when testing for serum creatinine levels: HB 2792

Kidney care quality improvement act: ***HJM 4023 (2006)**

RENT

Accessory dwelling units, affordable rental housing: HB 2323

Assistance program for low-income persons: HB 2026

Mold in residential dwellings, disclosure information: ***ESB 5049, CH 465 (2005)**

Multiple-unit housing rehabilitation, tenant relocation assistance: ***SB 5713, CH 80 (2005)**

Relocation assistance from landlords who fail to provide safe and sanitary housing: HB 1583, ***ESSB 5577, CH 364 (2005)**

Sex offenders, liability protection for landlords who rent to sex offenders: ESSB 6315

Water and wastewater, separate billing of tenants: HB 2176

RESEARCH AND DEVELOPMENT

Biotechnology, tax incentives for qualified projects: HB 1870

Blood-drawing procedures by research staff in homes of study participants, certification exemption: HB 3136, ***ESSB 6391, CH 242 (2006)**

Cloning prohibitions and abortion restrictions, protecting the unborn: HB 2231

Fetal body parts, sale prohibited: HB 1563

High technology business and occupation tax credit: HB 1693, HB 1723, HB 2869

Human body parts, restrictions on sale for research: HB 2653

Human cloning prohibited: HB 1775

Life sciences discovery fund authority: HB 1623, ***E2SSB 5581, CH 424 (2005)**

Science, graduate fellowship trust fund program for the sciences: HB 2347

State university research, ethical transfer of technology: HB 1806, SSB 5811

Stem cell research and human cloning, regulations and advisory committee: EHB 1268

Technology, streamlining state's technology efforts through centralizing technology missions: HB 3116

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Local sales and use, special stadium sales and use tax imposed on food and beverages: HB 3251

RETAIL INSTALLMENT SALES (See also CREDIT CARDS)

Motor vehicle purchases, provisions: HB 2863, ***SSB 6570, CH 288 (2006)**

RETIREMENT AND PENSIONS (See also LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM; PUBLIC EMPLOYEES' RETIREMENT SYSTEM; TEACHERS)

Collective bargaining for supplemental insurance, state employees: HB 2896

Contribution rates: HB 1324

Funding methodology, revisions: HB 1044

Gain-sharing adjustments: HB 1043

Gain-sharing provisions: HB 1324

Interruptive military service credit: ***HB 1325, CH 64 (2005)**

Judges, provisions: HB 2927

Pension funding stabilization account: HB 2503, ***ESSB 6896, CH 56 (2006)**

Pension stabilization account: HB 2674

Public employment, military service, and retirement act: HB 1938

Rehire restrictions: HB 1326

Select committee on pension policy, executive committee membership: ***HB 1323, CH 24 (2005)**

Technical corrections, RCW: ***HB 1330, CH 327 (2005)**

Veterans of Afghanistan and Persian Gulf War II, retirement credits: ***SSB 5112, CH 255 (2005)**

Voluntary accounts program for private sector employers and all workers: HB 1570

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Excise tax administration revisions: HB 1980

Fiscal notes for bills making tax law changes, requirements: HB 2022

Local infrastructure financing tool demonstration program: HB 2673

Low-income persons sales tax remittance: HB 1667

Property tax statute clarifications: HB 1846

Real estate excise tax, portion of proceeds to be dedicated to general fund: ***HB 2170, CH 486 (2005)**
 Real estate excise taxes, disclosure: ***HB 1315, CH 326 (2005)**
 Streamlined sales and use tax agreements, conforming tax structure to agreements: HB 2235, HB 2806, SSB 6594
 Streamlined sales and use tax agreements, conforming tax structure to portions not implemented: HB 2273
 Tax expenditure report, biennial budget documents: HB 1096
 Tax incentive programs, streamlining provisions: HB 2772
 Tax incentives enacted during 2003-05 biennium, consistency improvements: HB 1734

REVISED CODE OF WASHINGTON

Administrative office of the courts, statute references updated: ***HB 1668, CH 282 (2005) PV**
 Aquatic lands, statutes recodified: HB 1491, SB 5272
 Election laws, technical changes: ***HB 2477, CH 206 (2006)**
 Insurance statutes, general revisions: ***HB 2406, CH 25 (2006)**
 Mental health services for minors, RCW 74.34 subchapter headings: HB 1082
 Public disclosure law, technical corrections: ***HB 2520, CH 209 (2006)**
 Public lands statutes, technical corrections: HB 2385, HB 3085
 Retirement and pensions, technical corrections: ***HB 1330, CH 327 (2005)**
 Session law publication: HB 2375, ***SB 6208, CH 46 (2006)**
 Tax references, repeal of outdated and unused references: HB 1299
 Technical correction, RCW 46.87: ***HB 1259, CH 194 (2005)**

RIVERS

Creeks in urban areas, city draft long-term creek restoration plan: HB 2151
 Flood control and stream bank restoration pilot program: HB 1354
 Gravel in waterways, removal of: HB 1118

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Assault or injury of persons working, reckless driving penalties: HB 2193
 Automated traffic safety cameras, regulations: HB 3020, ***ESSB 5060, CH 167 (2005)**
 Counties, vacation of roads with access to bodies of water: HB 2607
 Dairy nutrients, vehicle weight limits for transporting: HB 1117
 Freeway junctions in urban growth areas, growth management provisions: HB 2150
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 HOV lanes, alternative fuel vehicles: HB 2931
 HOV lanes, toll lane pilot project on state route 167: HB 1179
 HOV lanes, use during nonpeak hours: HB 2821
 Local funding, local option transportation taxes and motor vehicle fee: HB 2312
 Local funding, street utility program and motor vehicle and road improvement fees: HB 1989
 Motorcycles allowed between lanes when traffic is congested: HB 1176
 Motorcycles, limits on posting of hazardous road conditions due to construction or maintenance: HB 2765, ***SB 6762, CH 331 (2006)**
 Motorist information signs, RV logos: HB 1954, SSB 5013
 Motorists information signs, icons and pictograms: HB 1090
 Motorists information signs, installation and maintenance costs recovery: HB 1798, SSB 5822
 Ocean-going containers, heavy haul industrial highway corridors for trucks hauling within port district property: HB 1181
 Off-road vehicles on nonhighway roads: ***EHB 1003, CH 213 (2005) PV**
 Off-road vehicles, city and county roads: ***HB 2617, CH 212 (2006)**
 Pedestrians and bicyclists, vehicle restrictions for passing: ***HB 1108, CH 396 (2005)**
 Regional transportation improvement authorities, certain counties authorized to create: HB 2157
 Roadside tire chain business: HB 2875, ***SSB 6528, CH 324 (2006)**
 Sales and use tax exemptions for road, highway, or bridge construction: HB 1865
 Securing a load, penalties for failure to: ***HB 2612, CH 268 (2006)**
 Signs, banners, and decorations over highways: ***HB 1124, CH 398 (2005)**
 Small cities and towns, financial assistance for streets and sidewalks: ***SSB 5775, CH 83 (2005)**

State route 169, highway of statewide significance: ***HB 3266, CH 83 (2006)**
 State route 290, alignment modification: HB 1342, ***SB 5356, CH 14 (2005)**
 State route 5, hydrogen highway: HB 3170
 State route 99, William P. Stewart memorial highway: HJM 4008
 Studded tires, permit and fee: HB 2187
 Tacoma Narrows bridge project sales and use tax exemptions: HB 1865
 Tolling, authority and provisions: ***SSB 5139, CH 335 (2005) PV**
 Tolling, Tacoma Narrows bridge citizen advisory committee: ***HB 1864, CH 329 (2005)**
 Tolling, Tacoma Narrows bridge toll discount study: HB 1947
 Tolling, transportation benefit districts: ***SSB 5177, CH 336 (2005) PV**
 Transportation innovative partnerships act: HB 1541
 Urban arterial program, revisions: HB 3011, SB 6162

RURAL DEVELOPMENT

Business and occupation tax credit for eligible projects in rural counties: HB 1963, HB 3051
 Seeds, tax exemptions for facilities used in conditioning of vegetable seeds: HB 1523
 Small business tax deferrals for rural county investment projects and manufacturing facilities: HB 1574
 Tax incentives, consistency improvements: HB 1734

SALMON (See also FISH AND WILDLIFE, DEPARTMENT; FISHING, COMMERCIAL; FISHING, RECREATIONAL)

Canned salmon, excise tax relief for processing: HB 2580
 County conservation futures, salmon restoration: HB 1631
 Creeks in urban areas, city draft long-term creek restoration plan: HB 2151
 Food fish sales, labeling: HB 1543
 Habitat conservation programs, riparian protection and farmlands preservation accounts: HB 1413, ***ESSB 5396, CH 303 (2005)**
 Recovery funding board, grant and loan conditions: ***SSB 5914, CH 271 (2005)**
 Recovery funding board, veterans conservation corps program: ***SSB 5539, CH 257 (2005)**
 Recovery, forum on monitoring salmon recovery and watershed health: ***SSB 5610, CH 309 (2005)**
 Recovery, joint select legislative task force on watershed health and salmon recovery: HCR 4406
 Recovery, lower Columbia river: ***ESB 5355, CH 308 (2005)**
 Spawning beds, harmful activities prohibited: HB 2054

SCHOLARSHIPS

Achievers' scholarship program, low-income students: HB 1550
 Foster care endowed scholarship program: HB 1050
 Promise, academic eligibility: HB 1077

SCHOOLS AND SCHOOL DISTRICTS (See also EDUCATIONAL SERVICE DISTRICTS; KINDERGARTENS, NURSERY SCHOOLS, AND PRESCHOOLS; TEACHERS)

Academic achievement and accountability commission, abolished and duties transferred: HB 1067, ***ESSB 5732, CH 497 (2005)**
 Achievers' scholarship program, low-income students: HB 1550
 Administrators, at one per district must have superintendent certificate: HB 2751
 Admission barriers prohibited, parent participation requirements revised: HB 2005
 Allocations, one-time hold harmless: HB 1772
 Apple award, elementary school achievement recognition and grant: ***EHB 1998, CH 495 (2005)**
 Applicants for employment, information from out-of-state employers: ***SSB 5552, CH 266 (2005)**
 Apprenticeship opportunities and placement, centers of excellence: HB 2789
 Assault of school personnel, penalties: HB 2827
 Assessments, alternate assessment pilots and retake provisions: 2SSB 5638
 Assessments, alternative methods and appeals: HB 2785, ***ESSB 6475, CH 115 (2006)**
 Assessments, assistance for high school students not scoring at proficient level: HB 2204
 Assessments, career and technical assessment alternative: HB 1987
 Assessments, career and technical education program alternatives: HB 3214
 Assessments, civics: HB 1956, ***EHB 2579, CH 113 (2006)**

Assessments, delay of time when scores will be displayed on high school transcripts: HB 2041
 Assessments, diagnostic: HB 2430
 Assessments, joint legislative audit and review committee proposal for an independent review : HB 2429
 Assessments, list of best practices for learning assistance programs: HB 2903
 Assessments, national test as multiple measures for mathematics: HB 2902
 Assessments, norm-referenced: ***EHB 1068, CH 217 (2005)**, HB 1709, HB 2430
 Assessments, notice to parents regarding questions and results: HB 2489
 Assessments, options: HB 2998
 Assessments, questions released to parents on the internet: HB 2999
 Assessments, remediation for student deficiencies: HB 2618
 Assessments, requirements to earn certificate of academic achievement: HB 2764, HB 2941
 Assessments, revised plan and locally selected assessments: HB 2414
 Assessments, scores eliminated from high school transcript: HB 2293
 Assessments, study of options: ***SSB 6618, CH 352 (2006)**
 Assessments, weighted multiple measures approach: HB 2923
 Asthma, uniform policy and in-service training: HB 1904, ***SSB 5841, CH 462 (2005)**
 At-risk youth, prevention quality council: HB 1052
 Background checks, provisions: HB 3117
 Basic education expenditures, prioritization within appropriation process: HB 2637, HB 3309
 Bidding requirements for supplies and buildings: HB 1719, HB 1766
 Bilingual and special education teachers, demonstration project to recruit classified public school employees: SSB 6171
 Breakfast programs: ***HB 1771, CH 287 (2005)**
 Bureau of Indian affairs-funded schools, records checks for employees and applicants: HB 2946
 Buses, bid process: ***HB 1485, CH 492 (2005)**
 Career and technical education programs as alternative assessments: HB 3214
 Career and technical high school courses, course equivalencies: HB 2866, HB 2973
 Center for the improvement of student learning: HB 3127
 Certificate of attainment: HB 2940, HB 3217
 Civics assessments: HB 1956, ***EHB 2579, CH 113 (2006)**
 Civics education, pilot project: HB 3145
 Classroom size reduction, additional cigarette tax to fund Initiative 728: HB 2302
 Cleaning products that minimize impacts to humans and the environment: HB 1886
 Collective bargaining, bargaining units and fragmentation: ***HB 1432, CH 232 (2005)**, SB 5705
 Collective bargaining, disclosure of districts agreements: HB 2921
 Collective bargaining, dispute resolution process for certificated employees: HB 2076
 College and career readiness centers, meaningful high school diplomas: HB 3241
 College and career readiness centers, work group and study: ESSB 6821
 College in high school program: HB 1076
 College placement test for high school students: HB 2485
 College-readiness standards: HB 2929
 Community learning center program: HB 1981
 Community protection zones, housing restriction for released sex offenders: HB 1147
 CPR, included in high school curriculum: HB 2480
 Curriculum, adoption of statewide curriculum: HB 3080
 Curriculum, review regarding depiction of people of color: HB 2823
 Cyberbullying, harassment prevention policies: ESSB 5849
 Deaf and hard of hearing, certification for sign language interpreters: ***ESB 6606, CH 68 (2006)**
 Deaf and hard of hearing, services: HB 1920
 Defibrillators, automatic external: HB 2488
 Digital learning programs: HB 1633
 Digital or online learning programs: ***SSB 5828, CH 356 (2005)**
 Directors' associations: HB 1115
 Discipline, model policy and training standards regarding the use of force: HB 1414, SSB 6001
 Discipline, use of physical restraint prohibited with exceptions: HB 1792
 District organization, petition and hearing for transfer of territory between districts: HB 1450, HB 2011

Diverse communities, grant program to increase parent and community involvement within : HB 2581
 Drinking water quality standards: HB 1123
 Driver's education, motor vehicle fees to fund costs for low-income students: HB 1879, HB 1880
 Dropouts, prevention policies: HB 1708
 Dropouts, rate reporting: HB 1727
 Dyslexia reading instruction pilot program and study: ESSB 5349
 Early childhood education and assistance program: HB 1042, HB 1126
 Early intervention services for children with disabilities: HB 1107, SSB 5141
 Early learning, department of: HB 2964
 Eating disorders, instruction in health and fitness curriculum: HB 3291
 Education advisory committee: HB 3127
 Education construction fund: HB 3006
 Education ombudsman: HB 3127
 Educational associated staff, years of service: HB 1616, HB 2830, HB 3030
 Educational interpreters, sign language translation for deaf and hard of hearing students: ***ESB 6606, CH 68 (2006)**
 Emergency school repair account: HB 1757
 Employees' retirement, additional service credit one time purchase: ***HB 2690, CH 214 (2006)**
 Employees' retirement, contribution rates: HB 1324, ***HB 2681, CH 365 (2006)**
 Employees' retirement, insurance plans and contracts for separated plan 2 members: HB 1520
 Employees' retirement, interruptive military service credit: ***HB 1325, CH 64 (2005)**
 Employees' retirement, military service credit: HB 1522
 Employees' retirement, optional membership and distributions of allowances: HB 2692
 Employees' retirement, plan 1 funding of unfunded actuarial accrued liability: ***ESSB 6896, CH 56 (2006)**
 Employees' retirement, plan 2 and 3 unreduced benefits: HB 2679
 Employees' retirement, plan 3 vesting after five years: HB 1320, HB 2684
 Employees' retirement, replacement of gain-sharing provisions: HB 3183
 Employees' retirement, separation from state elective office: HB 1318
 Employees' retirement, terminally ill members allowed to remove themselves from plan: HB 1634, ***SSB 5497, CH 131 (2005)**
 Employees, collective bargaining unit fragmentation: ***HB 1432, CH 232 (2005)**, SB 5705
 Employees, notice regarding sex offense conviction or guilty plea: ***HB 2058, CH 237 (2005)**
 Employees, salary schedule adjustments and standards: HB 1772
 Employees, transfer of accrued leave: HB 2891
 Environmental education, study of: ***EHB 2910, CH 79 (2006)**
 Equitable opportunity for all, joint select committee and study: HB 1659, HCR 4411
 Facilities, green building programs and LEED silver standards: ***ESSB 5509, CH 12 (2005)**
 Facilities, growth management essential public facilities requirements: HB 1169
 Family preservation education program: HB 1252
 Financial incentive to districts for students who complete postsecondary credits: HB 2490
 Financial literacy education: SB 6219
 Financial literacy public-private partnership, requirements and funding: HB 2152
 Financing, comprehensive education study steering committee: HB 1380, ***E2SSB 5441, CH 496 (2005)**
 Financing, K-12 finance study and joint task force: HB 2048
 Firearms accident prevention program: HB 3090
 Firearms, deferred prosecution for juvenile offender charged with possessing a firearm at a school: HB 2825
 Firearms, penalties for possessing: HB 2826
 Graduation requirements, weighted multiple measures approach: HB 2923
 Graduation, assistance for students at risk to not graduate: HB 2489
 Guidance, counseling, and planning programs: HB 2423
 Harbor Pointe common school trust land transfer to Mukilteo: HB 1701
 Health aide, program and registration: HB 1624
 Health, joint task force on student health: HB 1624
 High school completion programs: HB 2582
 High school diplomas, college and career readiness centers and meaningful high school diplomas: HB 3241
 High school diplomas, revised definition of the purpose and expectations: HB 3054

High school graduation requirements: HB 2486, HB 2706
 High school transcripts, WASL scores eliminated: HB 2293, HB 2733
 Immigrant students, forward start pilot program: HB 2037
 Immunization requirements: HB 1288
 Initiative 728, additional cigarette tax to fund student achievement account: HB 2302
 Inmate work programs, schools may purchase goods from class II programs: ***SSB 5631, CH 346 (2005)**
 Investigations and complaints against employees, disclosure requirements and exemptions: HB 2522
 Juvenile sex and kidnapping offenders in schools, work groups to evaluate issues: ***ESSB 6580, CH 135 (2006)**
 K-12 finance study and joint task force: HB 2048
 Kidnappers, offender registration and school enrollment requirements: HB 1378, ***HB 2101, CH 380 (2005)**
 Kindergartens, full-day or half-day option: HB 1919
 Learning assistance program, distribution formula: ***HB 1066, CH 489 (2005)**
 Learns steering committee, study to include classified school employees: HB 3028
 Legal custody or care of child, providing schools with information : HB 2786
 Legislative youth advisory council, established: ***SB 5254, CH 355 (2005)**
 Legislative youth advisory council, extension: SB 6536
 Length of school year, waiver for energy-related fiscal emergencies: HB 2870
 Length of school year, waiver restriction for 180-day provision: HB 2487
 Levies and bonds, simple majority of voters voting: HJR 4205
 Levies, formula standards: HB 1772
 Levies, increased maximum for financial emergencies: HB 2291
 Levies, levy base calendar for increases: HB 2812
 Levies, maximum percentage and local effort assistance allocations increased: HB 2213
 Levies, multiyear excess: HB 1578
 Levies, voter-approved regular levies for cost-of-living salary supplements: HB 1484
 Management, accountability, and performance system: HB 2451
 Mathematics, adoption of Singapore syllabus: HB 2506
 Mathematics, national test as multiple measures: HB 2902
 Mathematics, study of curricula an Singapore syllabus: HB 3272
 Mathematics, teach math-science program: HB 2989
 Meningococcal immunization information: HB 1463
 Middle and high schools, task force to study basic design and rate of student achievement: HB 2245
 Mold, testing for toxic mold: HB 2177
 No child left behind act, funding: HJM 4010
 Nonprofit schools and colleges, property tax exemption: HB 2804
 Nurses, student to nurse ratio and school nurse certification: HB 1494
 Organ donation awareness education: HB 2842
 Pesticides, limits on the use of high hazard pesticides: HB 1388
 Physical activity, policies to promote: ***ESSB 5186, CH 360 (2005)**
 Port districts funds, transfer to school districts: HB 2234
 Postsecondary credits, financial incentive to districts for students who complete: HB 2490
 Promise scholarship, academic eligibility: HB 1077
 Public works demonstration projects, number of projects allowed: HB 3024
 Pupil transportation, state formula for funding allocations: HB 2336
 Reading achievement account: HB 2836
 Ready to read community assistance program: HB 2036
 Real estate excise tax, portion of proceeds to be dedicated to general fund: ***HB 2170, CH 486 (2005)**
 Recruiters' access to students: HB 3108
 Residential habilitation centers, downsizing and closures: HB 1040
 Running start, home-based students exempted from federal accountability reporting: ***SSB 5289, CH 125 (2005)**
 Running start, public tribal colleges: HB 1399
 Running start, study of performance on WASL and in running start: ESSB 5360
 Safety, information sharing with juvenile justice and care agencies: ESSB 5171
 Science, teach math-science program: HB 2989
 Seattle school district, study of models to divide district: HCR 4407

Secondary education, joint select committee and study: ***HCR 4408 (2005)**
 Security professionals, work group to study: HB 2396
 Sex education, 2005 guidelines for sexual health information and disease prevention: HB 1282
 Sex education, abstinence education and comprehensive sex education: HB 1656
 Sex education, healthy youth act of 2005: HB 1282
 Sex education, parental consent: HB 2139, HB 3201
 Sex offender, offender registration and school enrollment requirements: HB 1201, HB 1378, ***HB 2101, CH 380 (2005)**
 Speech-language pathologists and audiologists, educational staff associate licensing requirements: ***SB 5358, CH 45 (2005)**
 Strikes by educational employees, violations and penalties: HB 2808
 Student achievement fund, distribution of funds: HB 3006
 Student achievement funds, state property tax distributions to: HB 3273
 Student courts, jurisdiction: ***SB 5809, CH 73 (2005)**
 Student-centered planning program: ***ESSB 6255, CH 117 (2006)**
 Students, access to information regarding: HB 2541, HB 2986
 Students, vision exams for students diagnosed with learning disabilities: HB 1951
 Substitute teachers and substitute educational aides, contracts : HB 2446
 Teach math-science program: HB 2989
 Teacher retention in small and rural districts, study: HB 3215
 Teachers, ability to teach students with learning differences: ***SSB 5664, CH 393 (2005)**
 Teachers, advanced education in specific content area as a replacement for professional certification mandate: HB 2731
 Teachers, bonus for teachers who obtain professional certification: HB 2729
 Teachers, certification basic skills test: HB 1764
 Teachers, certification rule authority and standards: ***ESSB 5983, CH 498 (2005)**
 Teachers, collective bargaining dispute resolution process: HB 2076
 Teachers, higher education tuition and fee waivers: HB 1965
 Teachers, highly qualified teacher standards: HB 2505
 Teachers, notice regarding sex offense conviction or guilty plea: ***HB 2058, CH 237 (2005)**
 Teachers, preparation program rule authority and standards: ***ESSB 5983, CH 498 (2005)**
 Teachers, salary bonus for maintaining national board standards certification: HB 2045
 Teachers, salary schedule adjustments and standards: HB 1772
 Teachers, transfer of accrued leave: HB 2891
 Technical and career education programs as alternative assessments: HB 3214
 Technical and career high school courses, course equivalencies: HB 2866, HB 2973
 Threat with a firearm against persons involved in school activities, penalties: HB 2824
 Transfer of territory between districts, petition for: HB 1450, HB 2011
 Transportation services for students, state formula for funding allocations: HB 2336
 Transportation services for students, tax incentives for alternative fuel: HB 1645
 Tribal history and culture curriculum: HB 1495
 Truancy and dropouts, Becca task force work group and review: ESSB 5426
 Truancy and dropouts, policies to reduce: HB 1708
 Vision exams, students diagnosed with learning disabilities: HB 1951
 Vocational certified instructors, years of service: HB 3030
 WASL, assistance for high school students not scoring at proficient level: HB 2204
 WASL, questions released to parents on the internet: HB 2999
 WASL, scores eliminated from high school transcript: HB 2293
 Weapons in schools, violations and penalties: HB 2275, HB 2825, HB 2826, HB 2930
 World War II oral history project transferred to department of veterans affairs: HB 3078
 World War II oral history project, women's contribution to war effort: HB 1592, ***SB 5563, CH 75 (2005)**

SCIENCE

Academy of sciences: HB 1662, ***ESB 5381, CH 305 (2005)**
 Applied baccalaureate degree pilot projects for degrees in applied science and technology: HB 1794, HB 1962
 Graduate fellowship trust fund program for the sciences: HB 2347
 Life science discovery authority grant provisions: HB 3174
 Life sciences discovery fund authority: HB 1623, ***E2SSB 5581, CH 424 (2005)**

Math and science technology student employees, tax credits for employers: HB 3173
 Teach math-science program: HB 2989

SEARCH AND RESCUE

Dogs, penalties for interference: ***SB 5979, CH 212 (2005)**

SEARCH AND SEIZURE

Controlled substances, forfeiture of real property: HB 1683
 Labor and industries safety and health inspections, consent from owner and superior court warrants: HB 2538

SEATTLE

Cascade county created: HB 2074
 Ferry service enhancements for Seattle-Bremerton run: HB 2042
 Light rail construction, business and occupation tax relief for businesses impacted by: HB 2820
 School district, study of models to divide district: HCR 4407
 Sea-Tac, citizens committee on aircraft noise abatement: HB 1930

SECRETARY OF STATE

Archives and records management, division: HB 3058
 Candidates, filing: HB 1132
 Civics education, pilot project: HB 3145
 Election law compliance, violations and penalties: HB 2008
 Elections, ballot measure results to be posted on web site: HB 1900
 Elections, free access system toll-free telephone number and web site for provisional voters: HB 2226
 Elections, primary dates and procedures: HB 2027
 Manual of election laws and rules: ***SB 5564, CH 244 (2005)**
 Public records, denial of records requests which are deemed overboard: HB 1602, HB 1758
 Voting rights and felons, provisions relating to: HB 2062, HB 2873, ***ESSB 5743, CH 246 (2005)**

SECURITY GUARDS AND FIRMS

Guest services or crowd management employees, exemption from security guard regulations: ***SSB 6257, CH 173 (2006)**
 Training requirements: EHB 1849

SECURITY INTERESTS

Uniform securities act: HB 2916

SENIOR CITIZENS

Farmers market nutrition programs, funding: HB 1593
 Property tax exemptions: HB 1743, HB 2433, HB 2784, ***SB 6338, CH 62 (2006)**
 Value of older people, recognizing: HJM 4041

SENTENCING (See also CRIMINAL PROCEDURE)

Advisory sentencing guidelines: HB 2458, HB 2790
 Alford or Newton pleas, special sex offender sentencing alternative: ESSB 6409
 Alford pleas, special sex offender sentencing alternative: ***HB 3252, CH 133 (2006)**
 Alien firearm license, penalties for carrying firearm without license: HB 3221
 Alternatives to total confinement, earned release credit: HB 3018
 Animal cruelty, conditions defining and penalties for: HB 1304, HB 1499, SB 5352
 Animal fighting, penalties: HB 1579, ***SB 6568, CH 287 (2006)**
 Animals, sexual contact with: ***SSB 6417, CH 191 (2006)**
 Arson offenders, registration requirements: HB 1746
 Arson, illegal manufacture of controlled substances: HB 1283
 Assault of child in second degree with sexual motivation, two-strike list: HB 2701, ***SSB 6406, CH 124 (2006)**
 Assault or injury of persons working on roads or ferries, reckless driving penalties: HB 2193
 Assault weapons, penalties for manufacture and possession: HB 1627
 Assaulting a peace officer with a stun gun, penalties: HB 1934
 Assaulting or injuring an emergency worker, penalties: HB 2705
 Auto theft, penalties: HB 2822

Child molestation in the third degree, definition: HB 2265
Children and vulnerable adults and communities, protection from sex and kidnapping offenders: HB 3212
Children and vulnerable adults, special verdicts for persons committing crimes against: ***HB 3277, CH 122 (2006)**, HB 3303
Children, criminal trespass against children by sex offenders: ***SSB 6775, CH 125 (2006)**
Children, penalties increased for sex offenses against: HB 3211, HB 3212, ***HB 3277, CH 122 (2006)**, HB 3303
Communication with a minor for an immoral purpose, penalties: ***2SSB 6172, CH 139 (2006)**
Computer crimes, soliciting or requesting personally identifying information: HB 1812, HB 1888
Controlled substances, manufacturing as element of endangerment with a : HB 2743
Conviction history, vacation of records for misdemeanor or gross misdemeanor: HB 1829
Criminal sentencing and supervision standards and grid, transfer and release provisions: HB 1063, HB 2306
Deadly weapons, sentence range enhancements: 2SSB 5041
Death penalty, abolished: HB 2025
Dependent persons, penalties for mistreatment or abandonment: HB 1080
Depictions of a minor engaged in sexually explicit conduct, penalties: ***2SSB 6172, CH 139 (2006)**
Depictions of a minor engaged in sexually explicit conduct, penalties increased: HB 2702
Disorderly conduct, fighting near a funeral home or procession: HB 3293
Drug offender special sentencing alternative, study: ***E2SSB 6239, CH 339 (2006)**
Drug offenders, judicially supervised substance abuse treatment: HB 2015
Drug offenders, partial confinement in residential chemical dependency treatment: HB 2016
Drug offenses which also cause damage to a dwelling or facility, enhanced sentencing: HB 2781
Drug trafficking, penalties: HB 2628
DUI, penalties increased: HB 1451, HB 2629, HB 3076, ***HB 3317, CH 73 (2006)**
DUI, repeat offenses: HB 2290
Earned release, city and county jail time: HB 1476, SSB 5282
Earned release, credits for specified offenders: HB 2200
Election law compliance for public election officers, violations and penalties: HB 2008
Electronic mail fraud, soliciting or requesting personally identifying information: HB 1888
Eluding a police vehicle, penalties: HB 2222
Endangerment with a controlled substance, penalties: HB 1524, HB 2746
Ephedrine, pseudoephedrine, and phenylpropanolamine, penalties for possession: HB 1448
Exceptional sentences for aggravated offenses: ***SB 5477, CH 68 (2005)**
Executive sessions, intercepting or recording communications and conversations: HB 1648
False sex offender community notification bulletin, penalties: HB 3238
Felony offenses, range revisions: HB 2948, 2SSB 6497
Felony offenses, sealing vacated records: HB 1819
Fine-only criminal statutes decriminalization: HB 1295
Firearms, leaving a firearm where a child is likely to gain access: HB 1473
Firearms, sentence range enhancements: 2SSB 5041
Fraudulent filing of vehicle report of sale, penalties: ***SSB 6676, CH 291 (2006)**
Good samaritan protections, prosecution and sentencing provisions when victim had stopped to give assistance: HB 3025
Harassment, third violation of antiharassment order penalized as class C felony: HB 1186
Homicide-related crimes, mandatory minimum sentences: HB 3218
Hunting, unlawfully hunting on private property: HB 3268
Identity theft categorized as a crime against persons: ***HB 1966, CH 271 (2006)**
Identity theft, penalties increased: HB 2840
Incarceration costs, limits on costs charged to offenders: ***SB 5461, CH 263 (2005)**
Indecent exposure, class C felony criteria: HB 1333
Indecent liberties, penalties: HB 1204
Indecent liberties, victim is person with developmental disabilities: HB 3168
Inmates in possession of weapons, penalties: ***SSB 5242, CH 361 (2005)**
Internet gambling, penalties: ***SSB 6613, CH 290 (2006)**
Juvenile offenders, mandatory minimum sentences when tried as adults: ***EHB 1187, CH 437 (2005)**
Juvenile sentencing alternatives: HB 2073, SSB 5502
Legal financial obligations, discharge prior to completing payment: HB 1358

Legal financial obligations, interest rate: HB 1359, SSB 5611
 Methamphetamine, penalties for manufacture and possession including precursors: HB 2839
 Methamphetamine, penalties for manufacturing: HB 1362, HB 1666
 Methamphetamine, purchase and possession of precursors including iodine and methylsulfonylmethane: HB 2839
 Methamphetamine, registration pilot project for offenders: HB 3004
 Most serious offenses, robbery 2 removed from list: HB 1803
 Motor vehicle insurance, failure to provide proof of: HB 1452, HB 3009
 Motor vehicle theft, penalties: HB 2822
 Motor vehicles, fraudulent filing of vehicle report of sale: ***SSB 6676, CH 291 (2006)**
 Organized retail theft, crime guidelines: ***HB 2704, CH 277 (2006)**
 Possession of depictions of minor engaged in sexually explicit conduct, penalties: ***2SSB 6172, CH 139 (2006)**
 Presentence day reporting program, credit for time served: HB 2184
 Rape in the second degree, victim is person with developmental disabilities: HB 3168
 Rape of child in first degree and child molestation in first degree, mandatory life sentence: HB 2783
 Rape of child in first degree, penalties: HB 2469
 Rape of child in second degree, penalties: HB 2467
 Rape of child in third degree and child molestation in third degree, two strike offenses: HB 2782
 Rape, penalties for first degree rape increased: HB 2094
 Risk assessments, misdemeanors and gross misdemeanors: ***SSB 5256, CH 362 (2005)**
 Schools, threat with a firearm against persons involved in school activities: HB 2824
 Sex offender conviction, vacating: HB 1234
 Sex offender registration, failure to cooperate with law enforcement regarding another's failure to register: SSB 6465
 Sex offenders, sentencing and disposition alternatives: HB 2703
 Sex offenders, sexual dangerousness determination as part of end of sentence review: HB 1978
 Sex offenders, special sex offender sentencing alternative release evaluation: HB 1231
 Sex offenses, abuse of supervisory position to obtain consent of a minor: ***SSB 5309, CH 262 (2005)**
 Sex offenses, foster parent and child sexual relationships: ***SSB 5309, CH 262 (2005)**
 Sex offenses, penalties increased for offenses against children: HB 2411, HB 3211, HB 3212
 Sex offenses, penalties increased for offenses against children and vulnerable adults: ***HB 3277, CH 122 (2006)†**, HB 3303
 Sex offenses, penalties strengthened: HB 2476, HB 2755, HB 2918
 Sex offenses, possession of depictions of minor engaged in sexually explicit conduct: HB 2410
 Sex offenses, special sex offender sentencing alternative conditions: HB 2003
 Sex offenses, special sex offender sentencing and Alford or Newton pleas: ESSB 6409
 Sex offenses, special sex offender sentencing and Alford pleas: ***HB 3252, CH 133 (2006)†**
 Sexual misconduct with a minor, penalties and provisions: HB 2533
 Sexual misconduct with a minor, taking advantage of a personal relationship or familiarity: HB 2247
 Sexual motivation, enhancements for crimes committed with : HB 2699, ***2SSB 6460, CH 123 (2006)**
 Sexually violent offenders, petition for conditional release to less restrictive alternative: ***SB 5582, CH 344 (2005)**
 Shaved keys, penalties for possession of: HB 2822
 Shopping carts, theft and impoundment provisions: HB 2813
 Special sex offender sentencing alternative, Alford or Newton pleas: ESSB 6409
 Special sex offender sentencing alternative, Alford pleas: ***HB 3252, CH 133 (2006)**
 Stun guns, assaulting a peace officer with a stun gun: HB 1934
 Stun guns, penalties for sale or possession of projectile stun guns: HB 1580, HB 2835
 Theft of livestock, goats: HB 1398, ***SSB 5290, CH 419 (2005)**
 Theft, organized retail theft included in crime guidelines: ***HB 2704, CH 277 (2006)**
 Transfer and travel of offenders to or from another state, interstate compact provisions: HB 1402, HB 1768
 Transportation workers, reckless driving resulting in injury of worker on roads or ferries: HB 2193
 Travel agents, promotion of travel for prostitution prohibited: ***SB 6731, CH 250 (2006)**
 Unborn quick child, penalties for illicit drug use by mothers resulting in harm to fetus: HB 2093
 Vehicular homicide, penalties: HB 1209
 Voyeurism, penalties: ***2SSB 6172, CH 139 (2006)**
 Weapons in schools, violations and penalties: HB 2275, HB 2826, HB 2930

SEPTIC SYSTEMS, ON-SITE

Hood Canal, on-site sewage grant program: EHB 2105
 Hood Canal, Puget Sound action team inventory and assessment: HB 2086
 Hood Canal, removal of nitrogen: HB 3039
 Hood Canal, study of nitrogen contributions: HB 3287
 Maintenance service providers, certification: HB 3040
 Marine areas, enhanced on-site sewage system certification program: HB 1458
 Sales and use tax exemptions for systems in aquatic rehabilitation zones: HB 3142

SEWAGE (See also SEPTIC SYSTEMS, ON-SITE; WATER-SEWER DISTRICTS)

Hood Canal, on-site sewage grant program: EHB 2105
 Hood Canal, sewage system extension or expansion in rural areas: HB 2086
 Reclaimed water permits for private utility companies: HB 1891

SEX DISCRIMINATION

Sexual harassment, state agency policies and employee training: SSB 5126

SEX OFFENSES AND OFFENDERS

Abuse of supervisory position to obtain consent of a minor: ***SSB 5309, CH 262 (2005)**
 Alford or Newton pleas, special sex offender sentencing alternative: ESSB 6409
 Alford pleas, special sex offender sentencing alternative: ***HB 3252, CH 133 (2006)**
 Animals, sexual contact with: ***SSB 6417, CH 191 (2006)**
 Assault of child in second degree with sexual motivation, two-strike list: HB 2701, ***SSB 6406, CH 124 (2006)**
 Child molestation in the third degree, definition: HB 2265
 Child witnesses in court proceedings, provisions: ***HB 1837, CH 455 (2005)**
 Children and vulnerable adults and communities, protection from sex and kidnapping offenders: HB 3212
 Children and vulnerable adults, special verdicts for persons committing crimes against: ***HB 3277, CH 122 (2006)**, HB 3303
 Children, criminal trespass against children by sex offenders: ***SSB 6775, CH 125 (2006)**
 Children, penalties increased for offenses against: HB 2411, HB 3211, HB 3212, ***HB 3277, CH 122 (2006)**, HB 3303
 Communication with a minor for an immoral purpose, penalties: ***2SSB 6172, CH 139 (2006)**
 Community protection program, assessments for risk and/or dangerousness: ***E2SSB 6630, CH 303 (2006)**
 Community protection zones, housing restriction for released offenders: HB 1147
 Community protection zones, provisions: HB 2700, HB 2735
 Council on mentally ill offenders: HB 2732
 Depictions of a minor engaged in sexually explicit conduct, penalties: HB 2702, ***2SSB 6172, CH 139 (2006)**
 Earned release, city and county jail time: HB 1476, SSB 5282
 Electronic monitoring, global positioning system: HB 2407, HB 2413
 Electronic monitoring, requirements: SSB 6322
 End of sentence review, sexual dangerousness determination: HB 1978
 False sex offender community notification bulletin, penalties: HB 3238
 Felonies, DNA and statute of limitations provisions: ***SSB 5042, CH 132 (2006)**
 Foster care, sexual relationships between foster parent and child: ***SSB 5309, CH 262 (2005)**
 Housing stipends, distribution requirements: HB 1119
 Joint select committee on offenders programs, sentencing, and supervision: ***SSB 6308, CH 267 (2006)**
 Juvenile offenders in schools, work groups to evaluate issues: ***ESSB 6580, CH 135 (2006)**
 Notification, public libraries: ***HB 1161, CH 99 (2005)**
 Offender information, certain information exempt from disclosure: HB 1651, SSB 5643
 Offender information, model policy for disclosure of: HB 2747, ***SSB 6320, CH 137 (2006)**
 Offender information, procedures for forwarding: HB 2983, ***SB 6576, CH 136 (2006)**
 Parenting plans, restrictions on offender visitation rights: HB 2893
 Penalties, strengthened: HB 2476, HB 2709, HB 2755, HB 2918
 Possession of depictions of minor engaged in sexually explicit conduct, penalties: HB 2410, ***2SSB 6172, CH 139 (2006)**
 Rape of child in first degree and child molestation in first degree, mandatory life sentence: HB 2783
 Rape of child in first degree, penalties: HB 2469, HB 2709
 Rape of child in second degree, penalties: HB 2467

Rape of child in third degree and child molestation in third degree, two strike offenses: HB 2782
 Rape, penalties for first degree rape increased: HB 2094, HB 2709
 Records, electronic storage: HB 1337
 Records, fee exemption for law enforcement agencies: HB 2223
 Records, vacating conviction records: HB 1234
 Registration, additional requirements for level III offenders: HB 2492
 Registration, employment and residence in different counties: HB 1334
 Registration, failure to cooperate with law enforcement regarding another's failure to register: SSB 6465
 Registration, kidnappers added to statewide sex offender web site: ***HB 1338, CH 228 (2005)**
 Registration, new or returning residents: HB 1277, HB 1334
 Registration, out-of-state offenders: HB 2492, ***SSB 6144, CH 127 (2006)**
 Registration, provisions strengthened: ***2SSB 6319, CH 128 (2006)**
 Registration, provisions strengthened for sex offenders and kidnappers: ***HB 2409, CH 126 (2006), *2SSB 6319, CH 128 (2006)**
 Registration, verification that information is accurate: ***SSB 6519, CH 129 (2006)**
 Registration, violation penalties increased: HB 2412, HB 3037
 Rental housing, liability protection for landlords who rent to sex offenders: ESSB 6315
 Residence restrictions and community protection zones: ***SSB 6325, CH 131 (2006)**
 School employees or teachers, notice regarding conviction or guilty plea: ***HB 2058, CH 237 (2005)**
 Schools, offender registration and school enrollment requirements: HB 1201, HB 1378, ***HB 2101, CH 380 (2005)**
 Sentencing and disposition alternatives, provisions: HB 2703
 Sentencing, condition for special sex offender alternative: HB 2003
 Sentencing, enhancements for crimes committed with a sexual motivation: HB 2699, ***2SSB 6460, CH 123 (2006)**
 Sentencing, special sex offender sentencing alternative release evaluation: HB 1231
 Sexual assault protection orders: HB 2576, SSB 6478
 Sexual matter or performance harmful to minors, penalties for display or dissemination: HB 1655
 Sexual misconduct with a minor, penalties and provisions: HB 2533
 Sexual misconduct with a minor, taking advantage of a personal relationship or familiarity: HB 2247
 Sexually violent offenders, apprehension of conditionally released persons: ***HB 3205, CH 282 (2006)**
 Sexually violent offenders, petition for conditional release to less restrictive alternative: ***SB 5582, CH 344 (2005)**
 Special sex offender sentencing alternative, Alford or Newton pleas: ESSB 6409
 Special sex offender sentencing alternative, Alford pleas: ***HB 3252, CH 133 (2006)**
 Statute of limitations removed for certain offenses against minors: HB 1453
 Statute of limitations, modifications for felony offenders: HB 2408, HB 2698
 Study of registration and housing laws: ESSB 6315
 Treatment providers, restrictions for providers who are sex offenders: HB 2654
 Voyeurism, penalties: ***2SSB 6172, CH 139 (2006)**

SEXUAL ORIENTATION

Discrimination, human rights commission protections: HB 1515, HB 2661
 Family leave, domestic partners: HB 1626
 Marriage shall be between one man and one woman, legal status and court jurisdiction: HJR 4207, HJR 4208, HJR 4227, HJR 4228

SEXUALLY TRANSMITTED DISEASES

Sex education, healthy youth act of 2005: HB 1282

SHERIFFS

Applicants, prehire screening: ***HB 1081, CH 434 (2005)**, HB 2947
 Arson offenders, registration requirements: HB 1746
 Automatic fingerprint identification system: SSB 5157
 Drug or assault felony offenders, registration requirements: HB 2009
 Firearms training certificate for retired officers: HB 2951
 Identity theft, reports to be given to victims: ***SSB 5939, CH 366 (2005)**
 Luring, registration requirements: HB 1233
 Sex offenders, electronic monitoring requirements: SSB 6322

Sex offenders, forwarding information regarding: HB 2983, ***SB 6576, CH 136 (2006)**
 Sound and video recordings, provisions: HB 2876
 Surviving spouse of fallen emergency responder, property tax exemption: HB 1377
 Vehicle accidents involving officers, investigations: HB 2228

SHERIFFS AND POLICE CHIEFS, ASSOCIATION OF

Electronic monitoring system: ***HB 1136, CH 435 (2005) PV**
 Missing persons, investigation procedures: HB 2805
 Sex offender information, model policy work group: HB 2747, ***SSB 6320, CH 137 (2006)**
 Sex offender records, electronic storage: HB 1337
 Statewide registered sex offender web site, kidnappers: ***HB 1338, CH 228 (2005)**
 Victim information and notification system, statewide automated: SSB 6502

SHORELINES AND SHORELINE MANAGEMENT

Collaborative design pilot program, growth management: HB 2585
 Construction of bridges and trestles over waterways, city and county rights: HB 1657
 Dock construction, shoreline management permit provisions: HB 3299
 Property tax exemption for property declined in value due to shorelines or growth management regulation: HB 2936
 State-owned shorelands, natural resources department authority to buy and sell: HB 1493

SHORELINES HEARINGS BOARD

Appeals, threshold for short board appeals: ***HB 1838, CH 34 (2005)**

SKAGIT COUNTY

Higher education, funding to provide access to higher education using the university center model: HB 3113
 Superior court judges, increase: ***HB 1112, CH 95 (2005)**, SB 5070

SMOKING

Designated areas, age restriction: HB 1109, HB 1253, HB 1559
 Long-term care facilities, provisions for smoking: HB 3130
 Nonsmoking areas, second hand smoke toxin level restriction: HB 1109, HB 1253, HB 1559
 Prohibitions, modifications for economic viability of businesses and clubs: HB 2502, HB 3295
 Public places, exemptions to initiative 901: HB 3319
 Public places, smoking prohibited: HB 1714, HB 2038
 Smoking areas, enclosed area or negative air pressure requirements: HB 1670
 Smoking rooms, requirements: HB 3269

SNOHOMISH COUNTY

Higher education, funding to provide access to higher education using the university center model: HB 3113
 Methamphetamine, law enforcement and treatment pilot program: HB 1551
 North Snohomish State College: HB 2142

SNOWMOBILES

Registration, requirements: HB 2647, SB 6656
 Transport of unregistered snowmobiles: HB 1628
 Vintage, registration fee: ***HB 1739, CH 235 (2005)**

SOCIAL AND HEALTH SERVICES, DEPARTMENT (See also PUBLIC ASSISTANCE)

Adult protective services, worker safety provisions: ***HB 3122, CH 95 (2006)**
 Assisted living facility applicants, timely assessment of : HB 2865
 Assisted living medicaid minimum occupancy: HB 2925
 Background checks, rules: ***SSB 5899, CH 421 (2005)**
 Boarding homes and adults family homes, moratorium on new licenses in Yakima county: HB 2260
 Boarding homes, health department to assist with facility construction review process: HB 1591
 Boarding homes, medicaid payment provisions: HB 2707
 Chemical dependency treatment, standard assessment protocols: HB 1200
 Child abuse, department may file a dependency petition: HB 1482
 Child abuse, family assessment response demonstration program: HB 3152

Child abuse, handling cases of child abuse co-occurring with domestic violence: HB 2395
 Child abuse, investigation notification to parent being investigated: ***ESSB 5922, CH 512 (2005) PV**
 Child abuse, investigations to include sibling records and visits: HB 1278
 Child abuse, Justice and Raiden act: ***ESSB 5922, CH 512 (2005) PV**
 Child abuse, records retention: HB 3153
 Child care workers, wage ladder and program standards: HB 1636
 Child day-care centers and family day-care providers, information regarding: ***ESSB 5806, CH 473 (2005)**
 Child protective and welfare services workers, safety provisions: ***HB 3122, CH 95 (2006)**
 Child protective and welfare services workers, work group to address safety issues: ***HB 2189, CH 389 (2005)**
 Child support, private contractors for enforcement program: HB 2119
 Child support, review and update of support schedule and guidelines: HB 2462
 Children of incarcerated parents, interagency plan and oversight committee: HB 1426, SSB 5407
 Children's administration employee training for referrals involving older child victims of abuse: ***ESB 5583, CH 345 (2005)**
 Children, child care mental health consultation pilot program: HB 2456
 Children, pilot program for service delivery: HB 2397
 Children, task force on administration and delivery of services: HB 3243, ***ESB 6741, CH 251 (2006)**
 Children, work group to study services and programs for: HB 1391
 Community mental health services, regional support networks: HB 1290
 Community protection program, assessments for risk and/or dangerousness: ***E2SSB 6630, CH 303 (2006)**
 Community protection zones, provisions: HB 2700, HB 2735
 Continuing care retirement community, provision of services: HB 2742, ***ESSB 6391, CH 242 (2006)**
 Criminal justice costs, reimbursement to political subdivisions: HB 1102
 Day care, family day care licensing and regulation authority for specified counties: HB 2169
 Developmentally disabled, certification standards compliance for providers of residential services and support: HB 2914
 Disclosure, state auditor and joint legislative audit and review committee exemptions for DSHS information: HB 2329
 Domestic violence, handling cases of child abuse co-occurring with domestic violence: HB 2395
 Drug-free workplace program: HB 2712, ***E2SSB 6239, CH 339 (2006)**
 Early childhood education and assistance program: HB 1042
 Early learning council, child care provider rating and tiered-reimbursement systems: HB 1152
 Early learning, department of: HB 2964
 Electronic benefit transfer system, joint select committee to study: HB 2230
 Employment status of recipients of medical assistance and basic health plan, report: HB 3079
 Facilities providing care to children and persons with developmental disabilities, location and licensing provisions: HB 2390
 Family and children's services, study: ***ESSB 5872, CH 474 (2005)**
 Family assessment response demonstration program: HB 3152
 Foster care, office of foster care health services: HB 2985
 Foster care, services and support for youths up to age twenty-one: HB 2002
 Foster parent critical support and retention program: HB 3115
 Foster youth, postsecondary education and training committee: HB 1079, ESSB 5084
 Guardianship for dependent children, permanent placement: HB 2030
 Home and community services, alternative delivery system for case management services: HB 1365
 Home care agencies, parity for workers' wages and benefits: HB 2333
 Home care quality council, duties and membership: HB 1078
 Kinship care, oversight committee and duties: HB 1280
 Liability arising from acts or omissions of department workers: HB 2164
 Long-term care, bed count and occupancy rate: HB 1728
 Long-term care, payment of providers for medically needy consumers: HB 1786
 Medicaid, waiver research and demonstration project and consumer-directed coverage plan: HB 2556
 Medical assistance, children's health program funding and enrollment provisions: HB 2308
 Medical assistance, cost-sharing repealed: HB 2376
 Medical assistance, evidence-based medical principles to develop performance measures: HB 1512, SSB 5390
 Medical assistance, exemption from independent review determinations: HB 1698
 Medical assistance, recovery of debts owed to the department: HB 2034, HB 2304

Mental health alternative case management, pilot project: HB 2911
 Mental health, child care mental health consultation pilot program: HB 2456
 Mental health, pilot program for service delivery: HB 2397
 Mental health, study of worker caseloads: HB 2913
 Nursing homes, bed tax repealed: HB 1617
 Nursing homes, defense of temporary managers appointed by department: ***HB 1364, CH 375 (2005), *SB 5347 (2005) V**
 Nursing homes, medicaid program trust account: HB 1922
 Nursing homes, quality maintenance fee exemption for mental disease institutions: HB 1921
 Omnibus treatment of mental and substance abuse disorders act of 2005: ***E2SSB 5763, CH 504 (2005) PV**
 Property and facilities transfer to nonprofits who provide services for sensory, physical, or mental handicaps: HB 2759
 Quality assurance committees and information sharing: HB 1569, ***EHB 2254, CH 291 (2005)**
 Rainier state school, agricultural lands: HB 1587, SSB 5680
 Regional support networks, financial responsibility of costs for individuals in involuntary treatment: HB 3081
 Regional support networks, qualifications and responsibilities: ***2SSB 6793, CH 333 (2006)**
 Safety of child protective, child welfare, and adult protective services workers: ***HB 3122, CH 95 (2006)**
 Substance abuse and mental health treatment pilot program: HB 2712, ***E2SSB 6239, CH 339 (2006)**
 Trauma mitigation for children, pilot program: HB 2996
 Vending facilities and vending machines, provisions: HB 3132
 WorkFirst, child safety net program: HB 2970
 WorkFirst, fund use restrictions: HB 1867
 WorkFirst, job training and placement services: HB 1833

SOCIAL SECURITY

Numbers, county auditors prohibited from disclosing: HB 2750
 Numbers, employment applications: HB 2438
 Privatization, rejection: HJM 4015, ***SJM 8014 (2005)**
 Reform, optional personal retirement accounts: HJM 4004

SOLID WASTE

Advisory committee, membership: HB 1192
 Collection ordinances, manufactured or mobile home park provisions: HB 3126
 Mobile home parks, private garbage collection in certain annexed parks: HB 3294
 Recycling, transporter restrictions and violations: HB 1817, ***ESSB 5788, CH 394 (2005)**

SPECIAL DISTRICTS (See also LOCAL GOVERNMENT)

Drainage districts, transportation department authority to maintain or repair damage: ***SB 6248, CH 368 (2006)**
 Growth management comprehensive plan requirements: HB 3163
 Valuation of land for monetary assessments: ***HB 1555, CH 181 (2005)**

SPECIAL PURPOSE DISTRICTS

Research and services, municipal research council: ***SSB 6555, CH 328 (2006) PV**

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

Educational staff associate licensing requirements: HB 1198, ***SB 5358, CH 45 (2005)**

SPORTS

Administrative fees and provisions for boxing, kickboxing, and martial arts: HB 2668
 Admission charge tax to fund parks and outdoor recreation: HB 2180
 Athletes of nonresident teams, fee: HB 3104
 Athletic or performance coaching, provisions: HB 3302
 Athletic training services, licensing: HB 2714
 Basketball arena funding, local sales and use taxes: HB 2209
 Boats, carbon monoxide poisoning education and restrictions to prevent : HB 2899
 Boats, certain activities such as teak surfing prohibited: HB 2899, ***SB 6364, CH 140 (2006)**
 Growth management planning, recreational lands: HB 1084, ***EHB 2241, CH 423 (2005)**
 Intercollegiate athletic programs, regulations for team medical professionals: HB 1961
 Local sales and use tax funding for public stadium, convention, arts, and tourism facilities: HB 3233

Minor league baseball facilities, funding: HB 1767, HB 2288
 Minor league baseball stadiums and related parking facilities, public facilities districts' provisions: HB 2535
 Mountains to Sound greenway outdoor recreation projects, funding: HB 2625
 Outdoor ballfields on agricultural lands, growth management regulations: HB 1245, HB 1567
 Physical fitness services, taxation: HB 3062
 Professional teams, apportioned income tax to fund parks and outdoor recreation: HB 2180
 Publicly owned multipurpose sports and entertainment facilities, stable source of funding: HB 2280
 Skate parks, fees and liability immunity: HB 1643

STATE AGENCIES AND DEPARTMENTS (See also STATE GOVERNMENT)

Administrative and overhead costs, report on: HB 3072
 Agency rules, legislative review: HB 2771
 Agency rules, small business advisory board and rule impact reduction: ESSB 5730
 Appeals of land use decisions involving SEPA or critical areas, agency attorneys' fees: HB 1924
 Archaeology and historic preservation, department: HB 1706, ***SSB 5056, CH 333 (2005)**
 Breaches of security that compromise personal information stored on computers, disclosure: ***SSB 6043, CH 368 (2005)**
 Budgets, assessment process to focus on outcomes and priorities: HB 1242
 Budgets, zero-based reviews: HB 1949
 Citizen councilor, office of: HB 1770
 Cleaning products that minimize impacts to humans and the environment: HB 1886
 Combined fund drive, Washington state: HB 2355
 Commercial use of lists obtained from public entities, prohibitions and penalties: HB 3250
 Contracts, policies to determine if contracts serve the best interest of the state: HB 2144, EHB 2257
 Early learning, department of: HB 2964
 Efficiency hotline: HB 2495
 Employees, sick leave pools: ***SB 6059, CH 356 (2006)**
 Employees, sick leave remuneration at time of separation or dismissal: HB 1808
 Executive meetings, intercepting or recording communications and conversations: HB 1648
 Fraud investigation, office of inspector general: HB 1909
 Fuel for state agency use, strategies to reduce cost: HB 2281
 Gifts, value of gifts which may be accepted by state officers or employees: HB 2089
 Identification documents, guidelines to protect privacy: HB 2521
 Leave, shared leave for declared emergencies: HB 3073
 Motor pool management: ***HB 1008, CH 214 (2005)**
 Open public meetings, special meetings called by electronic mail: ***HB 1000, CH 273 (2005)**
 Performance audits, citizen advisory board membership and duties: HB 3109
 Performance audits, citizen advisory board provisions and agency responsibility for corrective action: HB 2524
 Performance audits, citizen oversight board: HB 1064
 Performance audits, joint legislative audit and review committee: HB 1566
 Performance, management, and accountability system and assessments: HB 1970
 Permitting bill of rights: HB 1177
 Personal service contracts, contract review committee: HB 3055
 Personally identifiable information collected by agencies, registry describing data systems: SB 6344
 Public lands, need to sell must show compelling development necessity: HB 2724
 Public records, agency liaison to assist public with disclosure requests: HB 1758
 Public records, denial of records requests which are deemed overboard: HB 1602, HB 1758
 Public records, disclosure and availability: HB 1350
 Public records, documentation of costs and rules for providing assistance to requesters: HB 2516
 Public safety, department of: HB 2472
 Puget Sound conservation and recovery partnership and management plan: SSB 5895
 Quality award, membership: HB 3109
 Regulatory reform, office of: HB 1673
 Renewable energy standards for state agencies: HB 2349
 Rules, governor's signature on significant legislative rules: EHB 1276
 Rules, housing impact statements: HB 1950
 Rules, small business advocacy committee: HB 1445

Rules, small business economic impact statement criteria: HB 1908, HB 2945
 Sexual harassment policies and training programs: SSB 5126
 Sick leave, employee pools: ***SB 6059, CH 356 (2006)**
 Technical assistance, statewide procurement of: HB 2371
 Union security provisions in public employment contracts: HB 3248

STATE AUDITOR

Citizen councilor, office of: HB 1770
 Efficiency hotline: HB 2495
 Open government ombudsman: HB 1134
 Social and health services department information, exemption to public disclosure: HB 2329

STATE BUILDINGS

Capitol, preservation of public and historic facilities: HB 1995
 Cleaning products that minimize impacts to humans and the environment: HB 1886
 Green building programs and LEED silver standards: HB 1272, ***ESSB 5509, CH 12 (2005)**
 Legislative buildings committee: HB 1301

STATE GOVERNMENT (See also LEGISLATURE; STATE AGENCIES AND DEPARTMENTS)

Agency performance, management, and accountability system and assessments: HB 1970
 Art, state art collection conservation funding: ***HB 2188, CH 36 (2005)**
 Association of Washington generals: HB 1974, ***SSB 5862, CH 69 (2005)**
 Basic education expenditures, prioritization within appropriation process: HB 2637, HB 3309
 Buildings, green building programs and LEED silver standards: HB 1272, ***ESSB 5509, CH 12 (2005)**
 Centennial song, state: HB 2244
 Christmas tree, state: HB 2470
 Citizen councilor, office of: HB 1770
 Combined fund drive, Washington state: HB 2355
 Commercial use of lists obtained from public entities, prohibitions and penalties: HB 3250
 Community preservation authorities: HB 3207
 Conference for statewide elected officials, funding: HB 2419
 Continuity of government act, task force to study legislature ability to convene in event of attack or disaster: HB 2519
 Contracts, policies to determine if contracts serve the best interest of the state: HB 2144, EHB 2257
 Economic stability account: HB 2677
 Efficiency hotline: HB 2495
 Expenditure limit, computation and program cost shifting: HB 1835, ***SSB 6078, CH 72 (2005)**
 Expenditure limit, established: HJR 4219
 Expenditure limit, restriction on tax increases: HB 3007, HB 3008
 Fees, automatic increases prohibited: ESB 5527
 Fraud investigation, office of inspector general: HB 1909
 Fuel for state agency use, strategies to reduce cost: HB 2281
 Gifts, value of gifts which may be accepted by state officers or employees: HB 2089
 Health services account, consolidation with general fund: HB 2214
 Lady Washington, state ship: HB 2587
 Legislative session start date: HB 2174
 Legislative session, biennial regular: HB 3283
 Legislative youth advisory council, established: ***SB 5254, CH 355 (2005)**
 Legislative youth advisory council, extension: SB 6536
 Monetary offerings for revenue enhancement account (MORE), citizen voluntary contributions: HB 2240
 Oath of office, Declaration of Independence: HB 2935
 Open government ombudsman: HB 1134
 Operating budget, priorities of government approach to developing: HB 3005
 Orca, state marine mammal: ***HB 1759, CH 51 (2005)**
 Outsourcing state contracts, disclosure of work being performed outside the United States: HB 1724
 Outsourcing state contracts, policies to determine if contracts serve the best interest of the state: HB 2144, EHB 2257
 Outsourcing state contracts, work performed outside the United States prohibited: HB 1725

Performance audits, citizen oversight board: HB 1064
 Permitting bill of rights: HB 1177
 Personal service contracts, contract review committee: HB 3055
 Public contracts, taxpayer business contractor act: HB 2444
 Public contracts, use of offshore items: HB 2440
 Public employment, support our deployed state employees program: HB 2149
 Publication preservation, state library services: HB 2155
 Puget Sound conservation and recovery partnership and management plan: SSB 5895
 Real estate excise tax, portion of proceeds to be dedicated to general fund: ***HB 2170, CH 486 (2005)**
 Required reserve fund: HB 3006, HJR 4210, HJR 4220
 Sales and use tax, state revenues shared with local government: HB 1762
 Sales and use taxes, exemptions: HB 2504
 Services, eligibility: HB 2445
 Tax expenditure limit: HB 1095
 Tax expenditure report: HB 1096
 Tax increases, supermajority legislative vote to pass: HB 1836, HB 3007, HB 3008, HJR 4209, HJR 4218
 Technical assistance, statewide procurement of: HB 2371
 Unfunded mandates on local governments, optional compliance: HB 1678
 Veterans' song, state: HB 1665
 Walla Walla sweet onion, state vegetable: HB 1964

STATE INVESTMENT BOARD

Commingled trust fund, loans to port districts: HB 2234
 Pharmaceutical manufacturing, investment restrictions for certain companies: HB 1885
 Start-up and expanding businesses in Washington state, investments in: HB 1594

STATE LIBRARY

State publication preservation services: HB 2155

STATE PARKS (See also PARKS)

Firearms, possession restrictions: HB 1490
 Funding, vehicle license fees and state parks centennial account: HB 2422
 License plates, state parks and recreation commission: HB 1339, ***SSB 5316, CH 44 (2005)**
 Park rangers, powers and duties: HB 1799
 Parking fees: HB 2616
 Saint Edward state park conveyed to Kenmore: HB 3143
 Trail grooming, sales tax exemption for services on state-owned or privately-owned lands: HB 2646
 Vehicle registration fee, optional: HB 2416

STATE PATROL

Accident reports, public access to information: HB 2110, HB 2530
 Applicants, prehire screening: ***HB 1081, CH 434 (2005)**, HB 2947
 Automatic fingerprint identification system: SSB 5157
 Background checks, procedures: HB 2215, ***SSB 5899, CH 421 (2005)**
 Brock Loshbaugh act, vehicle accidents involving officers: HB 1387
 Crime prevention and privacy compact: HB 2763
 Criminal history record information, reporting requirements: HB 3118, ***SB 6720, CH 294 (2006)**
 Criminal investigations, collection of biological samples: HB 2748
 Extended authority commission: HB 3014
 Firearms training certificate retired officers: HB 2951
 Missing persons, investigation procedures: HB 1943, HB 2805
 Off-duty employment in plainclothes for private benefit: ***HB 1232 (2005) V, *SB 5267, CH 124 (2005)**
 Public safety, department of: HB 2472
 Publicly owned vehicles, provisions regarding: HB 2773
 Retirement, additional service credit one time purchase: ***HB 2690, CH 214 (2006)**
 Retirement, benefits for surviving spouses of disabled officers: HB 3137
 Retirement, contribution rates: HB 1317, HB 2682

Retirement, interruptive military service credit: ***HB 1325, CH 64 (2005)**
 Retirement, mandatory retirement age raised: HB 1564
 Sound and video recordings, provisions: HB 2876
 Surviving spouse of fallen emergency responder, property tax exemption: HB 1377
 Unregistered, inspection: HB 1503
 Vehicle accidents involving officers, investigations and corrective actions: HB 1387
 Wages and wage-related matters, collective bargaining negotiations: HB 1188

STATUTE LAW COMMITTEE

Administrative committee of the office of the code reviser: HB 1847

STEELHEAD (See also FISHING, RECREATIONAL)

Recovery, lower Columbia river: ***ESB 5355, CH 308 (2005)**
 Spawning beds, harmful activities prohibited: HB 2054

STORM WATER MANAGEMENT AND CONTROL

Discharges, local erosion and settlement control programs: HB 2858

STUDIES

Aerospace manufacturing, joint legislative task force and review: HB 2383
 Aerospace task force and study: HCR 4418, SCR 8418
 Age of consent, study to review: HB 3071
 Agricultural fairs, study of economic and social contribution: HB 2096
 Agriculture and food processing, study of impact on state's economy: HB 2202
 Aquatic lands, review of aquatic resources program funding and management : HB 3237
 Autism, task force and study: HB 2181, ***SB 5311, CH 259 (2005)**
 Beer and wine distribution, task force to study: ***2SSB 6823, CH 302 (2006)**
 Biotechnology and biomedical device manufacturing sector, study: HB 3119
 Children, work group to study services and programs for: HB 1391
 College and career readiness centers, work group and study: ESSB 6821
 Controlled substances, study of state policies: HB 3232
 Developmentally disabled, commission to study care services and residential care needs: HB 2190
 Domestic violence hope card study committee: ***SSB 6806, CH 295 (2006)**
 Domestic water users, study of competing interest and other water users in regards to limited supplies: HB 3141, ***SB 6861, CH 170 (2006)**
 Dyslexia reading instruction pilot program, study of: ESSB 5349
 Education financing, comprehensive education study steering committee: HB 1380, ***E2SSB 5441, CH 496 (2005)**
 Electronic monitoring system: ***HB 1136, CH 435 (2005) PV**
 Energy efficiency program road map, Washington state: HB 2797
 Environmental education, study of: ***EHB 2910, CH 79 (2006)**
 Family and children's services, task force to study: ***ESSB 5872, CH 474 (2005)**
 Felons, study on restricting and restoring voting rights: HB 3276
 Four-year baccalaureate institution, evaluation of need for new institution: HB 2249
 Growth management, agricultural land use for outdoor recreational activities: HB 1245
 Health care insurance for public employees, health savings accounts and high deductible plans: 2SSB 5202
 Health care insurance, study of statutory requirements for coverage: EHB 3310
 Homeowners' association act committee and review: HCR 4409, SSB 6201, ***SCR 8423 (2006)**
 Hood Canal, nitrogen contributions from on-site sewage: HB 3287
 Injuries resulting from health care, joint task force to study dispute resolution alternatives: HB 1777
 Insurance fraud: HB 1977
 K-12 finance study and joint task force: HB 2048
 Learns steering committee, study to include classified school employees: HB 3028
 Low-income housing, study of potential development: HB 2649
 Medical records, electronic: ***SSB 5064, CH 261 (2005) PV**
 Middle and high schools, task force to study basic design and rate of student achievement: HB 2245
 Minimum wage: ESSB 5551
 Off-road vehicles, noise management study and task force: ***ESB 5089, CH 168 (2005)**

Offshore outsourcing, task force and study: EHCR 4405, ***ESCR 8407 (2005)**
 Oil and gas exploration and development, study of state programs: HB 3084
 Payday loans, study: HB 2360
 Public assistance electronic benefit transfer system, joint select committee to study: HB 2230
 Public health financing joint select committee and review: ***EHCR 4410 (2005)**
 Radio frequency identification technology task force and study: HB 3125
 Regional transportation governance, central Puget Sound transportation commission: HB 2955
 Running start, study of performance on WASL and in running start: ESSB 5360
 School curriculum review, University of Washington to conduct review regarding depiction of people of color: HB 2823
 School security professionals, work group and study: HB 2396
 Schools, equitable opportunity for all joint select committee and study: HB 1659, HCR 4411
 Schools, study of assessment options: ***SSB 6618, CH 352 (2006)**
 Seattle school district, study of models to divide district: HCR 4407
 Secondary education, joint select committee and study: ***HCR 4408 (2005)**
 Skill centers, study on availability and use of: ***2SSB 5717, CH 118 (2006)**
 Small business incubator program tax incentive proposals and study: HB 2143
 Teacher retention in small and rural districts: HB 3215
 Tolling, Tacoma Narrows bridge toll discount study: HB 1947
 Trafficking of humans, delivery of services work group and study: ***SB 5127, CH 358 (2005)**
 Uranium exposure in military members, task force and study: HB 3107
 Waste tire cleanup sites: HB 2085
 Wine and beer distribution, task force to study: ***2SSB 6823, CH 302 (2006)**
 Workplace bullying study: HB 1968

SUBDIVISIONS

Housing, affordable housing through flexible short subdivisions: HB 2325
 Short subdivisions, vesting: HB 1195

SUPERIOR COURT

Clallam county, judge increase: HB 2344, ***SB 6412 (2006) V**
 Cowlitz county, judge increase: ***SB 6412 (2006) V**
 Fees, increase: HB 1513
 Labor and industries safety and health inspections, warrants: HB 2538
 Part-time judge sitting as judge pro tempore, compensation: ***HB 1262, CH 142 (2005)**
 Penalty assessments: HB 3288
 Sex offender records, fee exemption for law enforcement agencies: HB 2223
 Skagit county, judges increased: ***HB 1112, CH 95 (2005)**, SB 5070

SUPREME COURT

Commission on supreme court reports: ***HB 1183, CH 190 (2005)**

SURPLUS PROPERTY

Affordable housing, use of surplus property to develop: HB 3165
 Metropolitan park districts, disposition of property: HB 1355, ***ESSB 5151, CH 4 (2005)**

SURVEYORS

Definitions, revisions: HB 2354
 Land, continuing education requirements: ***HB 1396, CH 29 (2005)**, SB 5117

TACOMA

Construction of second Tacoma Narrows bridge, funds to be deposited into Tacoma Narrows toll bridge account: ***SB 6674, CH 17 (2006)**
 Sea-Tac, citizens committee on aircraft noise abatement: HB 1930
 Tacoma Narrows bridge project sales and use tax exemptions: HB 1865
 Tacoma Narrows bridge sales and use tax deferral provisions: HB 3305
 Tolling, Tacoma Narrows bridge citizen advisory committee: ***HB 1864, CH 329 (2005)**

TATTOOS AND TATTOOERS

Licensing requirements and violations: ESSB 5913
 Sterilization standards and requirements: HB 2090, HB 2335

TAXES - AIRCRAFT FUEL TAX

Increase in tax: *SSB 5414, CH 341 (2005)

TAXES - ALCOHOL SALES TAX

Additional tax enacted in 2005 repealed: HB 2378
 Increase on taxes: HB 1089

TAXES - ALCOHOL TAX

Additional tax enacted in 2005 repealed: HB 2378
 Increase on taxes: HB 1089

TAXES - BUSINESS AND OCCUPATION TAX

Alternative fuel vehicles and accessories, tax credit for purchase and lease: HB 1647
 Alternative fuels, tax rate: HB 1646, HB 1826
 Aluminum smelters, tax relief extension: *HB 2348, CH 182 (2006)
 Ban on American beef, tax relief expiration date: *HB 1407, CH 150 (2005)
 Biotechnology and medical devices, tax credit: HB 2640
 Biotechnology, tax deduction: HB 1870
 Boarding homes, tax provisions: HB 1618
 Canned salmon, tax provisions: HB 2580
 Carbon dioxide mitigation, tax credit: HB 2794
 Chemotherapy and anticancer drugs, business and occupation tax exemption: HB 3086
 Commercial airplanes, tax credit for development: HB 1940, *HB 2466, CH 177 (2006), HB 2639, 2SSB 6604
 Commercial airplanes, tax credit for property tax payments: HB 2111
 Community health centers, tax deduction for certain nonprofits: *SB 5857, CH 86 (2005)
 Computers and preinstalled software, tax credit for purchase of: HB 1575
 Corporations, taxation of investment income: HB 2315
 Cosmetic medical services, taxation: HB 2307
 Credit cards, tax on the amounts raised by interest rates which exceed the usury rate: HB 2938
 Dairy products, excise taxation provisions: *EHB 3159, CH 354 (2006) PV, SB 6704
 Delivery charges for direct mail, tax deduction: HB 1785
 Downtown and neighborhood commercial district revitalization tax incentives: HB 1273
 Employee training programs through community or vocational colleges, employer tax credits: HB 2032
 Environmental remediation services, tax rate: HB 1412, *SSB 6781 (2006) V
 Farmers, tax exemption for services provided to: 2SSB 6542
 Fruit and vegetable processing and storage, tax exemption: HB 2221, HB 3083
 Health care information technology, tax credit: HB 2554
 Health care services provided to government, exemption: HB 2327
 High technology tax credit: HB 1693, HB 1723, HB 2869
 Hydrogen and natural gas fuel, tax deduction: HB 1647
 Immunizing agents, tax deduction for health care providers: HB 3313
 International businesses, incentives for investing in Washington: *SB 5175, CH 135 (2005)
 Investment projects in rural counties, tax deferrals for small business manufacturing facilities: HB 1574
 Job creation tax credit: HB 2496
 Light rail construction, tax relief for businesses impacted by: HB 2820
 Math and science technology student employees, tax credits for employers: HB 3173
 Meat, tax on slaughtering, breaking, and/or processing perishable products: HB 1890
 Medical services, tax reduction for certain businesses: HB 1275
 Milk products, wholesale sales of raw milk exempted from tax: HB 2878
 Monthly business tax credit increase: HB 1332, HB 1442, HB 1675
 Motion picture and video production services, tax provisions: 2SSB 6557
 Motion pictures, approved motion picture competitiveness program and tax credit: *2SSB 6558, CH 247 (2006)
 Motion pictures, tax credits: HB 2818

Motor vehicle and special fuels, tax exemption for wholesale sales: HB 1882
 Motor vehicle dealers, unlawful practices regarding business and occupation taxes: HB 2577
 Municipal tax, allocation of printing and publishing income: HB 2033
 National guard, tax credit for employers who rehire returning active duty members: HB 2828
 New business deduction: HB 1869
 New business exemption: HB 1193
 Nonprofit convention and tourism promotion corporations, business and occupation tax deduction: HB 2778
 Paper manufacturers, tax rate and relief: HB 1121
 Parking and business improvement areas, tax exemptions for administrative costs: HB 2106, ***SSB 5999, CH 476 (2005)**
 Physical fitness services, taxation: HB 3062
 Physicians, tax credits for serving uninsured, medicare, and medicaid patients: HB 2031, HB 2136
 Port located businesses, tax exemptions: HB 2234
 Postage costs for mailing or printing businesses, tax deductions: HB 1572
 Professional employer organizations, taxation: HB 3059, ***SSB 6671, CH 301 (2006)**
 Professional sports teams, apportioned income tax to fund parks and outdoor recreation: HB 2180
 Public development authorities, tax exemption: EHB 2270
 Raw milk, wholesale sales of raw milk exempted from tax: HB 2878
 Regional transit authorities, sales and use tax does not apply to bus or rail combined agreements: HB 1881, ***SSB 5623, CH 515 (2005)**
 Retail sale, definition regarding tangible personal property and services: HB 3047
 Rural counties, tax credit for eligible projects: HB 1963, HB 3051
 Seafood, excise taxation provisions: ***EHB 3159, CH 354 (2006) PV**
 Self-service laundry facilities excluded from definition of retail sale: HB 1609
 Semiconductor materials, tax incentives to support semiconductor cluster: HB 3190
 Small business tax credit for job creation: HB 1351, HB 1576
 Small businesses, credit increase: HB 1030, HB 1442, HB 1675, HB 3112
 Small businesses, tax exemption for new businesses: HB 1676
 Solar energy systems, tax incentives for manufacture of: HB 1760, ***E2SSB 5111, CH 301 (2005)**, ESB 6129
 Syrup sales, tax credit: HB 1619, HB 2758, ***SSB 6533, CH 245 (2006)**
 Tax incentives enacted during 2003-05 biennium, consistency improvements: HB 1734
 Temporary staffing services, taxation: HB 1255
 Theft, deduction for amount of retail or wholesale sale if proceeds lost due to : HB 2459
 Timber mills designated as forest products operations of statewide significance, tax exemption: HB 3290
 Timber, tax incentives for persons who extract, manufacture, or process timber: HB 3286, ***SSB 6874, CH 300 (2006)**
 Trail maintenance and construction services, tax exemptions for nonprofit organizations: HB 1975
 Truck stops, tax deduction to enhance air quality through stand-alone electrification systems: ***SSB 6512, CH 323 (2006)**
 Tsunami resistant structures, tax incentives for construction of: HB 1022
 Water services, tax exemptions: HB 1227, ***SSB 6369 (2006) V**
 Work force training, customized employment training program and tax credit: ***2SSB 6326, CH 112 (2006)**
 Worker training tax credit: HB 2565
 Zoological facilities, tax exemptions for nonprofit organizations: HB 2590

TAXES - CARBONATED BEVERAGE TAX

Handling for sale, tax on: HB 1087

TAXES - CIGARETTE TAX

Additional tax enacted in 2005 repealed: HB 2377
 Additional tax to fund Initiative 728 and student achievement account: HB 2302
 Additional tax to fund youth tobacco prevention account and health services account: HB 2075
 Tax agreements, additional tribes: ***HB 1915, CH 208 (2005)**, SB 5814
 Tax agreements, Puyallup Tribe: HB 1916, ***SB 5794, CH 11 (2005)**

TAXES - ENHANCED FOOD FISH TAX

Sea cucumbers, tax provisions: ***HB 1958, CH 110 (2005)**
 Sea urchins, tax provisions: ***HB 1958, CH 110 (2005)**

TAXES - ESTATE TAX

Federal death tax, repeal: HJM 4005
 Federal liability filing threshold, state tax eliminated for estates below: HB 1411
 Stand-alone state estate tax: HB 2302, ***ESB 6096, CH 516 (2005)**
 Uniform estate tax act: ***SSB 5052, CH 332 (2005)**
 Washington state pick-up credit for federal and state transfer taxes: HB 2841, HB 3306

TAXES - EXCISE TAX

Administration revisions: HB 1980
 County utilities, tax on engaging in business as a utility: HB 2224
 Due dates and assessment penalties, modifications to provide tax relief: ***HB 2671, CH 256 (2006)**, HB 2672, SSB 6385
 Fossil fuel production, tax on severance of oil and gas from state lands or waters: HB 3308
 Illegal drugs and alcohol, tax on possession of: HB 2448
 Impact fees, first-time buyer housing affordability index: HB 1959
 International businesses, incentives for investing in Washington: ***SB 5175, CH 135 (2005)**
 Leasehold, municipal corporation historical property exemption: HB 1239, ***2SSB 5154, CH 170 (2005)**
 Leasehold, port district property tax exemption: HB 2234
 Leasehold, tax exemption for amphitheater entertainment or public areas: HB 1679
 Real estate, automated system to process: HB 1240
 Real estate, county tax to fund geographic information system: HB 2010
 Real estate, disclosure: ***HB 1315, CH 326 (2005)**
 Real estate, electronic administration: ***HB 2879, CH 312 (2006)**
 Real estate, exemption for certain farm and agricultural land: HB 1801
 Real estate, gas turbine electrical generation facilities: HB 1013
 Real estate, gas turbine electrical generation facilities additional tax: HB 1293
 Real estate, local government use of revenues: HB 2063, HB 3091
 Real estate, portion of proceeds to be dedicated to general fund: ***HB 2170, CH 486 (2005)**
 Real estate, tax exemption for home sales resulting from military relocation orders: HB 2439
 Renewable resource facilities, leasehold tax incentives for electricity generation using renewable resources: HB 3131
 Toxic shot, taxation to fund wild swan recovery account: HB 2211

TAXES - GAMBLING TAX

Bingo, exemption for charitable or nonprofit organizations: HB 3285
 Bingo, tax exemption for nonprofit operations: HB 3191
 House-banked card rooms, taxation: ESSB 5287
 Punch boards and pull tabs, taxation: HB 3176

TAXES - GENERAL

Alternative minimum tax, repeal: HJM 4014
 Aluminum smelters, tax relief extension: ***HB 2348, CH 182 (2006)**
 Excise tax relief, due dates and assessment penalties : ***HB 2671, CH 256 (2006)**, HB 2672, SSB 6385
 Monetary offerings for revenue enhancement account (MORE), citizen voluntary contributions: HB 2240
 Outdated and unused tax preferences, repeal: HB 1299
 Sports and entertainment admission charge tax to fund parks and outdoor recreation: HB 2180
 Tax expenditure limit: HB 1095
 Tax expenditure report: HB 1096
 Tax incentive programs, streamlining provisions: HB 2772
 Tax incentives enacted during 2003-05 biennium, consistency improvements: HB 1734
 Tax incentives, annual survey requirements: HB 1094
 Tax increases, supermajority legislative vote to pass: HB 1836, HJR 4209, HJR 4218
 Tax preferences, citizen commission for performance measurement: ***EHB 1069, CH 197 (2006)**
 Tax preferences, elimination or restriction for the purpose of raising revenue: HB 2313
 Tax refund anticipation loan act: HB 1251, ***SSB 5692, CH 471 (2005)**
 Unearned income, tax on: HB 2318
 Water services, tax exemptions: HB 1227, ***SSB 6369 (2006) V**

TAXES - INCOME TAX

Nonresident income tax freedom act: HJM 4022

TAXES - LITTER TAX

Food consumed in area contiguous to seller's place of business, exemption: HB 1887

Prepared food in nonsingle containers, exemption: HB 1887

TAXES - LOCAL OPTION TRANSPORTATION TAXES

Household and business excise taxes and special assessments on property: HB 2312

Motor vehicle fee: HB 2312

TAXES - LODGING TAX

Agricultural promotion, tax to fund facilities: HB 1796, HB 2365

TAXES - MOTOR VEHICLE EXCISE TAX

Locally imposed taxes, uniform administration: ***SSB 6247, CH 318 (2006)**

Valuation schedule: HB 3202

TAXES - MOTOR VEHICLE FUEL TAX

Administration of taxes, revisions: HB 3240, SSB 6785

Payment date, paying by electronic funds transfer: ***SSB 5058, CH 260 (2005)**

Statewide revenue distribution, cities and towns: HB 2035, ***SSB 5969, CH 89 (2005)**

Transportation benefit districts, taxes to fund district projects: ***SSB 5177, CH 336 (2005) PV**

Transportation funding, tax increase: HB 2312

TAXES - PROPERTY TAX

Abatements, property destroyed by natural disasters: HB 1502

Actions lowering property value, compensation from counties: HB 1165

Alternative fuels, tax exemptions: HB 1646, HB 1826

Assessments, reduction for property with land use limitations due to government activity: HB 1163

Binding site plan, advance property tax payments eliminated: HB 2837

Biotechnology, tax exemption: HB 1870

Churches, tax exemption: HB 1855

Clarification of statutes: HB 1846

Comprehensive cancer center, tax exemption: HB 1376

Current use valuation application process for open space, agricultural, or timberlands: HB 1897

Deferrals, interest rate: HB 2569

Electric generation wind turbine facilities included in levy limit calculation: ***SSB 6141, CH 184 (2006)**

Exemptions, head of family: HB 3164

Exemptions, property declined in value due to shorelines or growth management regulation: HB 2936

Exemptions, senior citizens or disabled persons: HB 1743, HB 2433, HB 2784, ***SB 6338, CH 62 (2006)**

Exemptions, six-year review: HB 1501

Exemptions, veterans with disabilities: ***HB 1019, CH 248 (2005)**, HB 2127, HB 2432, HB 2784

Farm and agricultural land, open space program taxation: ***HB 1554, CH 57 (2005)**

Fire protection districts, levies: HB 1106, ***SB 5136, CH 122 (2005)**

Head of family, tax exemption increase: HB 3164

Levies, annexation capital facilities districts: HB 3262

Levies, fire protection district levy lid lifts: HB 2721

Levies, local government voter-approved tax levy modifications: HB 1610

Levies, multiyear excess levies for schools: HB 1578

Levies, voter-approved regular levies for school employee cost-of-living salary supplements: HB 1484

Levies, voter-approved tax levy modifications: HB 1446, HB 1465, HJR 4206, HJR 4225, 2SSB 5333

Local government estimates, date for submitting to counties: ***HB 1048, CH 52 (2005)**

Mobile homes, conditional cancellation of delinquent taxes: HB 2719

Nonprofit entities, exemption criteria: HB 1510, ***SB 6280, CH 319 (2006)**

Nonprofit schools and colleges, exemption: HB 2804

Omitted property, listing and assessment provisions: HB 2130

Open space plan and public benefit rating system, voluntary buffers and native vegetation: HB 1637, ***ESSB 5620, CH 310 (2005)**

Open space program, additional tax, interest, and penalty provisions: HB 2850

Open space program, tax assessments when removed from program classification: HB 1983

Port located businesses, tax exemptions: HB 2234

Relief, exemption for portion of tax: HB 1744

Religious organizations, tax exemption: HB 1855

School levies, increased maximum for financial emergencies: HB 2291

School levies, levy base calendar: HB 2812

School levies, maximum percentage and local effort assistance allocations increased: HB 2213

School levies, multiyear excess levies: HB 1578

School levies, simple majority of voters voting: HJR 4205

School levies, voter-approved regular levies for cost-of-living salary supplements: HB 1484

Small business incubator program property tax exemption: HB 1802, HB 1973

Solar energy systems, tax incentives for manufacture of: HB 1760, ***E2SSB 5111, CH 301 (2005)**, ESB 6129

Special districts, valuation of land for monetary assessments: ***HB 1555, CH 181 (2005)**

Student achievement funds, state property tax distributions to: HB 3273

Surviving spouse of fallen emergency responder, tax exemption: HB 1377

Timber purchase reporting requirements: HB 2957

Valuation, base years: HJR 4225

Widows and widowers of veterans, tax relief: HB 1509

TAXES - PUBLIC UTILITY TAX

Customer assistance tax credit, temporary increase on statewide cap : ***HB 2644, CH 213 (2006)**, SB 6379

Employee training programs through community or vocational colleges, employer tax credits: HB 2032

Farmers, tax exemption for services provided to: 2SSB 6542

Gas distribution businesses, tax credit: HB 2645

Light and power businesses, utility tax provisions modified: HB 2609

Math and science technology student employees, tax credits for employers: HB 3173

Maximum tax rate applied to gross receipts: HB 2953

Paper manufacturers, tax exemption: HB 1121

Port located businesses, tax exemptions: HB 2234

Public transit services, fees and charges exempted from taxes: ***SB 6826, CH 336 (2006)**

Renewable energy, tax incentive for customer-generated electricity system: HB 1761, ***SSB 5101, CH 300 (2005)**, ESB 6129

Renewable resource facilities, tax incentives for electricity generation using renewable resources: HB 3131

Water services, tax exemptions: HB 1227, ***SSB 6369 (2006) V**

TAXES - SALES TAX

Agricultural burning of cereal grains and grass seeds, tax exemptions: HB 1664, ***2SSB 5663, CH 420 (2005)**

Alternative and clean fuel vehicles, tax exemptions for purchase: ***2SSB 5916, CH 296 (2005)**

Alternative fuels, school transportation services tax exemptions: HB 1645

Alternative fuels, tax exemptions: HB 1646, HB 1826, HB 2663

Aluminum smelters, tax relief extension: ***HB 2348, CH 182 (2006)**

Biotechnology and medical devices, tax deferrals: HB 2640

Biotechnology, tax exemption: HB 1870

Boats, exemption for vessels purchased by nonresidents: HB 3077, SSB 6500

Canned salmon, tax exemption: HB 2580

Clean fuel sales and use tax exemptions, effective and expiration dates: HB 2847

Commercial airplanes, tax exemption for development: HB 1940, ***HB 2466, CH 177 (2006)**, HB 2639, 2SSB 6604

Commercial fuel users, sales and use tax exemption for diesel fuel: HB 2928

Cosmetic medical services, tax proceeds deposited into health services account: HB 2307

Dairy products, excise taxation provisions: ***EHB 3159, CH 354 (2006) PV**, SB 6704

Delivery charges for direct mail, tax exemption: HB 1785

Diesel fuel used by loggers and timber growers, sales and use tax exemption: HB 2963

Extended warranties, sales and use tax exemption: HB 2868

Facilities financed with voter-approved bonds, exemption for construction or modifying: HB 1874
 Farm machinery and equipment, tax exemptions: HB 1971, HB 2417, HB 2457
 Farmers, tax exemption for fuel used by: ***HB 2424, CH 7 (2006)**
 First-time home buyer sales and use tax exemption on construction labor and services: HB 3210
 Fish caught at private fishing facility, tax exemption: HB 2145
 Fruit and vegetable processing and storage, tax deferral: HB 2221, HB 3083
 Gas turbine electrical generation facilities, tax exemption: HB 1293
 Hands-free wireless communications devices, tax exemptions: HB 3061
 Historic automobile museum, tax deferrals: HB 2134
 Home medical equipment, tax exemptions: HB 2047
 Hybrid technology vehicles, tax exemptions for purchase: ***2SSB 5916, CH 296 (2005)**
 Initiation fees and dues, tax exemptions eliminated: HB 1529
 Insurance premium taxes: HB 2880
 Internet, tax exemption for sale of services: HB 2631
 Investment projects in rural counties, tax deferrals for small business manufacturing facilities: HB 1574
 Livestock nutrient management, tax exemption: HB 2116
 Livestock nutrient management, tax exemptions for handling and processing manure: HB 3222
 Local government, exemption: HB 2504
 Local sales and use tax funding for public stadium, convention, arts, and tourism facilities: HB 3233
 Local sales and use taxes, concurrent taxing jurisdictions of tribal municipalities and the state: HB 1721
 Local sales and use, authorized use of funds: HB 2988
 Local sales and use, basketball arena funding: HB 2209
 Local sales and use, credited against state tax and used to provide services to annexed areas: ***SSB 6686, CH 361 (2006)**
 Local sales and use, hospital benefit zones: HB 2670
 Local sales and use, proceed distribution: HB 1155
 Local sales and use, special stadium sales and use tax imposed on food and beverages: HB 3251
 Low-income persons tax remittance: HB 1667
 Mainline railway, tax exemptions: HB 2234
 Medical and mobility enhancing equipment, tax exemption: HB 2756
 Motion picture and video production services, tax provisions: 2SSB 6557
 Motor vehicle and special fuel, exemption for state ferries: HB 1948
 Motor vehicles, tax exemptions for trading in old vehicles: HB 2768
 Motorcycles and off-road vehicles, exemption for purchases made by nonresidents: HB 2040
 Natural gas vehicle fueling or refueling appliances and accessories, tax exemption: HB 1647
 Nonresidents, exemptions and remittances: HB 2114
 Paper manufacturers, tax relief for investment related to pressurized steam pulp washing technology: HB 2770
 Parking and business improvement areas, tax exemptions for administrative costs: HB 2106, ***SSB 5999, CH 476 (2005)**
 Physical fitness services, taxation: HB 3062
 Police and fire equipment, tax exemption: HB 2736
 Port located businesses, tax exemptions: HB 2234
 Postage costs for mailing or printing businesses, tax deductions: HB 1572
 Professional employer organizations, taxation: HB 3059, ***SSB 6671, CH 301 (2006)**
 Recovered wood waste boiler equipment, tax exemption: HB 3114
 Renewable resource facilities, tax incentives for electricity generation using renewable resources: HB 3131
 Retail sale, definition regarding tangible personal property and services for tax purposes: HB 3047
 Road, highway, and bridge construction tax exemption: HB 1865
 Seafood, excise taxation: ***EHB 3159, CH 354 (2006) PV**
 Seeds, tax exemptions for facilities used in conditioning of vegetable seeds: HB 1523
 Self-service laundry facilities excluded from definition of retail sale: HB 1609
 Semiconductor materials, tax incentives to support semiconductor cluster: HB 3190
 Solar energy systems, tax incentives for manufacture of: HB 1760, ***E2SSB 5111, CH 301 (2005)**, ESB 6129
 Solar hot water equipment, tax exemption: HB 2799
 State government, exemption: HB 2504
 State revenues shared with local government: HB 1762
 Streamlined sales and use tax agreements, conforming tax structure to agreements: HB 2235, HB 2806, SSB 6594

Streamlined sales and use tax agreements, conforming tax structure to portions not implemented: HB 2273
 Tacoma Narrows bridge project tax exemptions: HB 1865
 Telecommunications, tax exemption for sale of services: HB 2631
 Temporary staffing services, taxation: HB 1255
 Textbooks, sales and use tax exemptions: HB 3034
 Theft, credit for sale proceeds lost due to: HB 2459
 Timber mills designated as forest products operations of statewide significance, tax exemption: HB 3290
 Toxic shot, taxation to fund wild swan recovery account: HB 2211
 Trail grooming, tax exemption for services on state-owned or privately-owned lands: HB 2646
 Trail maintenance and construction services, tax exemptions for nonprofit organizations: HB 1975
 Transportation benefit districts, taxes to fund district projects: ***SSB 5177, CH 336 (2005) PV**
 Trout, tax exemption for privately produced: HB 2147
 Truck stops, tax exemption to enhance air quality through stand-alone electrification systems: ***SSB 6512, CH 323 (2006)**
 Tsunami resistant structures, tax incentives for construction of: HB 1022
 Vessels, exemption for vessels purchased by nonresidents: HB 3077, SSB 6500

TAXES - SPECIAL FUEL TAX

Administration of taxes, revisions: HB 3240, SSB 6785
 Alternative fuels, school transportation services tax exemptions: HB 1645
 Alternative fuels, tax exemptions: HB 2663
 Ferries, exemption for state ferries: HB 1948
 Payment date, paying by electronic funds transfer: ***SSB 5058, CH 260 (2005)**
 Regional transit authorities, tax exemption: HB 2591
 Transportation funding, tax increase: HB 2312

TAXES - SYRUP TAX

Syrup sales, business and occupation tax credit: HB 1619, HB 2758, ***SSB 6533, CH 245 (2006)**

TAXES - TOBACCO PRODUCTS TAX

Tax rate increase: HB 2303, ***SB 6097, CH 180 (2005)**

TAXES - USE TAX

Agricultural burning of cereal grains and grass seeds, tax exemptions: HB 1664, ***2SSB 5663, CH 420 (2005)**
 Alternative and clean fuel vehicles, tax exemptions for purchase: ***2SSB 5916, CH 296 (2005)**
 Alternative fuels, school transportation services tax exemptions: HB 1645
 Alternative fuels, tax exemptions: HB 1646, HB 1826, HB 2663
 Aluminum smelters, tax relief extension: ***HB 2348, CH 182 (2006)**
 Biotechnology and medical devices, tax deferrals: HB 2640
 Biotechnology, tax exemption: HB 1870
 Boats, exemption for vessels purchased by nonresidents: SSB 6500
 Canned salmon, tax exemption: HB 2580
 Clean fuel sales and use tax exemptions, effective and expiration dates: HB 2847
 Commercial airplanes, tax exemption for development: HB 1940, ***HB 2466, CH 177 (2006)**, HB 2639, 2SSB 6604
 Commercial fuel users, sales and use tax exemption for diesel fuel: HB 2928
 Cosmetic medical services, tax proceeds deposited into health services account: HB 2307
 Credit unions, tax exemption when merging into a state charter: ***HB 2364, CH 11 (2006)**
 Dairy products, excise taxation provisions: ***EHB 3159, CH 354 (2006) PV**, SB 6704
 Delivery charges for direct mail, tax exemption: HB 1785
 Diesel fuel used by loggers and timber growers, sales and use tax exemption: HB 2963
 Extended warranties, sales and use tax exemptions: HB 2868
 Facilities financed with voter-approved bonds, exemption for construction or modifying: HB 1874
 Farm machinery and equipment, tax exemptions: HB 1971, HB 2417, HB 2457
 Farmers, tax exemption for fuel used by: ***HB 2424, CH 7 (2006)**
 First-time home buyer sales and use tax exemption on construction labor and services: HB 3210
 Fruit and vegetable processing and storage, tax deferral: HB 2221, HB 3083
 Gas turbine electrical generation facilities, tax exemption: HB 1293
 Hands-free wireless communications devices, tax exemptions: HB 3061

Historic automobile museum, tax deferrals: HB 2134
 Home medical equipment, tax exemptions: HB 2047
 Hybrid technology vehicles, tax exemptions for purchase: ***2SSB 5916, CH 296 (2005)**
 Initiation fees and dues, tax exemptions eliminated: HB 1529
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 Mainline railway, tax exemptions: HB 2234
 Medical and mobility enhancing equipment, tax exemption: HB 2756
 Motor vehicle and special fuel, exemption for state ferries: HB 1948
 Motor vehicles, sales between private parties: HB 2638
 Motor vehicles, tax exemptions for trading in old vehicles: HB 2768
 Natural gas vehicle fueling or refueling appliances and accessories, tax exemption: HB 1647
 Paper manufacturers, tax exemption: HB 1121
 Paper manufacturers, tax relief for investment related to pressurized steam pulp washing technology: HB 2770
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 Streamlined sales and use tax agreements, conforming tax structure to portions not implemented: HB 2273
 Tacoma Narrows bridge project tax exemptions: HB 1865
 Tangible personal property, nonresident exemption for goods purchased outside the state: HB 2129
 Textbooks, sales and use tax exemptions: HB 3034
 Theft, credit for sale proceeds lost due to: HB 2459
 Timber mills designated as forest products operations of statewide significance, tax exemption: HB 3290
 Transportation benefit districts, taxes to fund district projects: ***SSB 5177, CH 336 (2005) PV**
 Truck stops, tax exemption to enhance air quality through stand-alone electrification systems: ***SSB 6512, CH 323 (2006)**
 Tsunami resistant structures, tax incentives for construction of: HB 1022
 Vessels, exemption for vessels purchased by nonresidents: SSB 6500

TEACHERS (See also SCHOOLS AND SCHOOL DISTRICTS)

Advanced education in specific content area, replacement for professional certification mandate: HB 2731
 Bilingual and special education, demonstration project to recruit classified public school employees: SSB 6171
 Certification, basic skills test: HB 1764
 Certification, rule authority and standards: ***ESSB 5983, CH 498 (2005)**
 Collective bargaining, dispute resolution process: HB 2076

Deaf, certification requirements for teachers of: HB 1893
 Deaf, grants to develop training programs for teachers of: HB 1122
 Higher education tuition and fee waivers: HB 1965
 Highly qualified teachers, standards: HB 2505
 Interruptive military service credit: ***HB 1325, CH 64 (2005)**
 Leave, transfer of accrued leave: HB 2891
 National board standards, salary bonus for maintaining certification: HB 2045
 Preparation programs, rule authority and standards: ***ESSB 5983, CH 498 (2005)**
 Professional certification, bonus for teachers: HB 2729
 Retention in small and rural districts, study: HB 3215
 Retirement, additional service credit one time purchase: ***HB 2690, CH 214 (2006)**
 Retirement, contribution rates: HB 1324, ***HB 2681, CH 365 (2006)**
 Retirement, insurance plans and contracts for separated plan 2 members: HB 1520
 Retirement, optional membership and distributions of allowances: HB 2692
 Retirement, plan 1 age and retirement requirements for receipt of annual increase amount : HB 2686, SB 6454
 Retirement, plan 1 and 2 service credit for service in another state or federal government: HB 2680
 Retirement, plan 1 annualizing of salaries when calculating average final compensation: ***HB 1321, CH 23 (2005)**
 Retirement, plan 1 funding of unfunded actuarial accrued liability: HB 2683, HB 2909, ***ESSB 6896, CH 56 (2006)**
 Retirement, plan 1 military service credit: HB 1843
 Retirement, plan 1 one thousand dollar minimum monthly benefit: HB 2687, ***SB 6453, CH 244 (2006)**
 Retirement, plan 1 postretirement employment restrictions: HB 2689
 Retirement, plan 1 unfunded liabilities stabilization accounts: HB 3063
 Retirement, plan 2 and 3 additional service credit purchase when qualified for early retirement: ***HB 1327, CH 65 (2005)**
 Retirement, plan 2 and 3 service credit for work in another state: HB 1322
 Retirement, plan 2 and 3 unreduced benefits: HB 2679
 Retirement, plan 2 military service credit: HB 1522
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 Retirement, rehire restrictions: HB 1326
 Retirement, replacement of gain-sharing provisions: HB 3183
 Retirement, separation from state elective office: HB 1318
 Retirement, terminally ill members allowed to remove themselves from plan: HB 1634, ***SSB 5497, CH 131 (2005)**
 Salaries, bonus for maintaining national board standards certification: HB 2045
 Sex offenses, notice regarding conviction or guilty plea: ***HB 2058, CH 237 (2005)**
 Strikes by educational employees, violations and penalties: HB 2808
 Students with learning differences, ability to teach: ***SSB 5664, CH 393 (2005)**
 Substitute, contracts: HB 2446
 Teach math-science program: HB 2989

TECHNOLOGY (See also BIOTECHNOLOGY)

Applied baccalaureate degree pilot projects for degrees in applied science and technology: HB 1794, HB 1962
 Federal small business innovation research program, technology center proposal review process: ***SSB 5902, CH 357 (2005)**
 Health care information technology, business and occupation tax credit: HB 2554
 High technology business and occupation tax credit: HB 1693, HB 1723, HB 2869
 High technology, consistency improvements for tax incentives: HB 1734
 Higher education, emphasis for enrollment and degrees relating to: HB 2817
 Higher education, priority for enrollment and degrees relating to: SSB 6697
 Math and science technology student employees, tax credits for employers: HB 3173
 Paper manufacturers, tax relief for investment related to pressurized steam pulp washing technology: HB 2770
 Pharmaceutical manufacturing, high-technology tax incentives disallowed: HB 1884
 Radio frequency identification technology task force and study: HB 3125
 State information technology projects: HB 2601
 State university research, ethical transfer of technology: HB 1806, SSB 5811
 Streamlining state's technology efforts through centralizing technology missions: HB 3116
 Task force on telecommunications and information technology: HB 2161
 Technical assistance, statewide procurement of: HB 2371

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Cell phone numbers, disclosure protections: HB 1185
 Companies, billing practices: HB 2798
 Companies, filing of price lists: ***SSB 6473, CH 347 (2006)**
 Hands-free wireless communications devices, tax exemptions: HB 3061
 Interoperability committee, purchase of state and local wireless radio communications systems: HB 2715
 Privacy protection for customers, customer proprietary network information: HB 3208
 Privacy protection for customers, unauthorized sale of telephone records: ***ESSB 6776, CH 193 (2006)**
 Sales tax exemption for sale of services: HB 2631
 Service extension requests, guidelines for review: HB 3151
 Task force on telecommunications and information technology: HB 2161
 Telephone numbers, unauthorized sale of telephone records: ***ESSB 6776, CH 193 (2006)**

TELEPHONES (See also TELECOMMUNICATIONS)

Child's conversations and communications, parental rights to monitor: HB 1178
 Privacy protection for customers, customer proprietary network information: HB 3208
 Privacy protection for customers, unauthorized sale of telephone records: ***ESSB 6776, CH 193 (2006)**
 Task force on telecommunications and information technology: HB 2161
 Unsolicited facsimiles, penalties: HB 3172

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Broadcasting, noncompetition agreements: HB 1264, ***ESSB 5720, CH 176 (2005)**
 Task force on telecommunications and information technology: HB 2161

TERRORISM

Unattended service stations, protection from terrorist attacks: HB 2436
 USA patriot act: HJM 4006

THEATERS

Amphitheaters, leasehold excise tax exemption of entertainment or public areas: HB 1679

THURSTON COUNTY

District court, additional judge: ***HB 1202, CH 91 (2005)**, SB 5241

TIDELANDS

Construction of bridges and trestles over waterways, city and county rights: HB 1657
 State-owned, natural resources department authority to buy and sell: HB 1493

TIMBER AND TIMBER INDUSTRIES (See also FOREST PRACTICES)

Business and occupation tax incentives for persons who extract, manufacture, or process timber: HB 3286, ***SSB 6874, CH 300 (2006)**
 Christmas tree, state: HB 2470
 Christmas trees, grower licensure: SSB 6133
 Diesel fuel used by loggers and timber growers, sales and use tax exemption: HB 2963
 Forests products operations of significance, tax incentives and growth management exemptions: HB 1103
 Future of Washington forests review council: HB 1985
 Loggers and haulers of logs, compensation rates and collective bargaining: HB 3227
 Mills, tax incentives for mills designated as forest products operations of statewide significance: HB 3290
 Purchase reporting requirements, property tax provisions: HB 2957
 Specialized forest products, exemption for members of American Indian tribe: HB 2749
 Specialized forest products, huckleberry provisions: HB 2749
 Specialized forest products, specialty wood for musical instruments or ornamental boxes: HB 1406
 Timber land revitalization board, grants and loans: HB 1704

TIRES

Roadside tire chain business: HB 2875, ***SSB 6528, CH 324 (2006)**
 Studded, permit and fee: HB 2187
 Waste tire cleanup, waste tire removal account and study of cleanup sites: HB 2085

Waste tire recycling and cleanup, vehicle tire recycling account: HB 1892

TITLE COMPANIES

Agents, guarantee to cover: EHB 1157, ***ESB 5045, CH 115 (2005)**

TITLE ONLY

Disclosure of information regarding work done for the state: HB 3160
 Educator certification act of 2005: HB 2212
 Higher education: HB 2316
 Hospital efficiencies act of 2005: HB 2289
 Infrastructure funding: HB 2197
 Janitorial services, taxation: HB 2321
 Local option real estate excise tax to fund capital projects, expansion of: HB 2196
 Local option real estate excise taxes in lieu of impact fees act of 2005, expansion of: HB 2195
 Publicly owned multipurpose sports and entertainment facilities, stable source of funding: HB 2280
 Revenue and taxation: HB 2314, HB 2317
 Royalties for fossil fuel production: HB 3193
 Unemployment insurance: HB 3318
 Workers' compensation, self-insurance program revisions: HB 3274

TOBACCO (See also CIGARETTES)

Distributor's and retailer's licensing and fees: HB 2303, ***SB 6097, CH 180 (2005)**
 Enforcement, enhanced provisions: HB 2303, ***SB 6097, CH 180 (2005)**
 Indian enrollment cards as identification for purchase: HB 1496
 Internet and delivery service sales: HB 2284
 Product sampling: HB 2570, ***ESB 5048, CH 14 (2006)**
 Smoking areas, enclosed area or negative air pressure requirements: HB 1670
 Smoking in public places prohibited: HB 1714, HB 2038
 Smoking in public places, exemptions to initiative 901: HB 3319
 Smoking, designated area age restriction: HB 1109, HB 1253, HB 1559
 Smoking, second hand smoke toxin level restriction for nonsmoking areas: HB 1109, HB 1253, HB 1559
 Tax rate increase: HB 2303, ***SB 6097, CH 180 (2005)**
 Tobacco master settlement agreements, appeal bond requirements: ***SB 6541, CH 246 (2006)**

TORTS

Governmental entities, notice requirements for tort claims against: HB 3120

TOURISM

Association of Washington generals: HB 1974, ***SSB 5862, CH 69 (2005)**
 Local sales and use tax funding for public stadium, convention, arts, and tourism facilities: HB 3233
 Motorists information signs, installation and maintenance costs recovery: HB 1798, SSB 5822
 Nonprofit convention and tourism promotion corporations, business and occupation tax deduction: HB 2778
 Policy committee, membership: HB 2885
 Promotion, funding: HB 2238
 Promotion, television campaign: HB 1588, HB 2886
 Underwater viewing, promotion: HB 2990

TOW TRUCKS

Abandoned vehicle auctions, notice: HB 1504
 Impound sign information, posting requirements: HB 2592
 Impound, notice to vehicle owner: HB 1111
 Unregistered, inspection: HB 1503
 Vehicle immobilization, locking wheel boots prohibited: ***ESB 5966, CH 88 (2005)**

TOXICOLOGIST

Forensic pathology fellowship program: ***SSB 5035, CH 166 (2005)**

TRADE REPRESENTATIVE, OFFICE

Powers, duties, and staffing: SSB 6025

TRAFFIC

Automated traffic safety cameras, regulations: HB 3020, ***ESSB 5060, CH 167 (2005)**

Motorcycles allowed between lanes when traffic is congested: HB 1176

Pedestrians and bicyclists, vehicle restrictions for passing: ***HB 1108, CH 396 (2005)**

Signals, motorcyclist allowed to proceed if signal inoperative: EHB 1466

TRAFFIC ACCIDENTS

Reports, public access to information: HB 2110, HB 2530

TRAFFIC OFFENSES (See also DRIVING UNDER THE INFLUENCE)

Brock Loshbaugh act, investigation of accidents involving officers: HB 2228

Cell phone, use of while driving: ESB 5160

Citations and notices of infractions, signature requirements: HB 1650

Compression brakes, restrictions and penalties: ***HB 1002, CH 320 (2005)**

Equitable enforcement of traffic laws, preferential treatment prohibited: HB 2044, HB 2228

Failure to yield to emergency or police vehicles, penalties: HB 1481, ***SSB 5038, CH 413 (2005)**

Fatalities, drug and alcohol tests: HB 2228, HB 2391

Jake brakes, restrictions and penalties: ***HB 1002, CH 320 (2005)**

Legislators, court appearance requirements and application of state Constitution: HB 2044, HB 2183

Liability for violations occurring after sale or transfer of vehicle: ***HB 1999, CH 331 (2005)**

Loads on highways, failure to secure: HB 1478

Photo enforcement systems, provisions: HB 2926

Reclined driver's seats, presumption of negligent driving for excessively reclined seats: HB 1369

Rental cars, parking infraction provisions: HB 3111

Signal preemption devices, violations and penalties: HB 1113

Traffic accident reports to include if and how driver was distracted: ***SSB 5161, CH 171 (2005)**

Truck beds, traffic infraction to transport person in open truck bed: HB 2819

Vehicles with hydraulics, restrictions and penalties for: HB 1381, HB 2643

TRAFFIC SAFETY COMMISSION

Unsecured vehicle sound system components, statewide educational program on safety risks: ***EHB 1246, CH 50 (2005)**

TRANSPORTATION (See also FERRIES; PUBLIC TRANSIT; RAILROADS)

Accounts and revenue distribution: ***ESSB 6839, CH 337 (2006)**

Auto transportation companies, promotional fares: HB 1421

Budget, 2003-05 supplemental: HB 1026

Budget, 2005-07 biennium: HB 1027, HB 2301

Budget, 2006 supplemental: HB 2862, ***SSB 6241, CH 370 (2006) PV**

Budget, Lewis county loop rail line 2005 budget funding reallocated: HB 3195

Commute trip reduction program, revisions: HB 3089, ***ESSB 6566, CH 329 (2006)**

Environmental mitigation moneys for agricultural preservation: HB 3235

Funding, fuel taxes and vehicle weight fees: HB 2312

Funding, general obligation bonds: HB 2311

Funding, local option transportation taxes and motor vehicle fees: HB 2312

Funding, motor vehicle license fees: HB 1871

Funding, street utility program and motor vehicle and road improvement fees: HB 1989

Goals and policies for state planning and traffic congestion reduction: HB 1969

Innovative partnerships act: HB 1541

Joint transportation committee created, review of programs: ***ESB 5513, CH 319 (2005) PV**

Magnetic levitation transportation funding: EHB 1429, HJM 4003

Motorists information signs, icons and pictograms: HB 1090

Permit efficiency and accountability committee: HB 2968

Physical activity, growth management planning and local legislation to promote: ***ESSB 5186, CH 360 (2005)**

Policy institute established, transportation agencies restructured: HB 1642

Public transportation, office of transit mobility and regional mobility steering committee: HB 2124
 Regional transportation governance, central Puget Sound transportation commission: HB 2955
 Regional transportation governance, consolidation for efficiency and emergency evacuation planning: HB 2636
 Regional transportation governance, Puget Sound regional transportation district: HB 2871
 Regional transportation governance, Puget Sound regional transportation system authority and council: HB 2491
 Regional transportation improvement authorities, certain counties authorized to create: HB 2157
 SEPA, significant transportation projects: HB 3259
 Urban arterial program, revisions: HB 3011, SB 6162
 Workers, reckless driving resulting in injury of worker on roads or ferries: HB 2193

TRANSPORTATION BENEFIT DISTRICTS

Definitions and establishment provisions: HB 3138
 Taxes and motor vehicle fees, district powers and duties: ***SSB 5177, CH 336 (2005) PV**
 Tolling, authority and provisions: ***SSB 5177, CH 336 (2005) PV**

TRANSPORTATION COMMISSION

Airport siting council and guidelines: HB 1390
 Goals and policies for state planning and traffic congestion reduction: HB 1969
 Joint transportation committee created, review of programs: ***ESB 5513, CH 319 (2005) PV**
 Policy institute established, transportation agencies restructured: HB 1642
 Streamlining state transportation governance, roles of commission and department refined: HB 3179, ***ESSB 6800, CH 334 (2006)**
 Tolling, authority and provisions: ***SSB 5139, CH 335 (2005) PV**
 Tolling, transportation benefit districts: ***SSB 5177, CH 336 (2005) PV**

TRANSPORTATION, DEPARTMENT

Accounts and revenue distribution: ***ESSB 6839, CH 337 (2006)**
 Apprenticeship utilization for public works projects: HB 3003, ***E2SSB 6480, CH 321 (2006)**
 Aviation, statewide airport capacity and facilities assessment: ***ESSB 5121, CH 316 (2005)**
 Budget, 2003-05 supplemental: HB 1026
 Budget, 2005-07: HB 1027, HB 2301
 Commute trip reduction program, revisions: HB 3089
 Debt limits: SB 5059
 Design-build provisions for public works projects: ***HB 2874, CH 37 (2006)**
 Drainage and diking works, authority to repair or maintain: ***SB 6248, CH 368 (2006)**
 Environmental mitigation moneys for agricultural preservation: HB 3235
 Freight mobility strategic investment board, department's duties and powers pertaining to freight rail mobility transferred to board: HB 3220
 Funding, general obligation bonds: HB 2311
 Goals and policies for state planning and traffic congestion reduction: HB 1969
 Innovative partnerships act: HB 1541
 Joint transportation committee created, review of programs: ***ESB 5513, CH 319 (2005) PV**
 Mitigation or mitigation fees, authority to impose: ESSB 5164
 Motorists information signs, installation and maintenance costs recovery: HB 1798, SSB 5822
 Permit efficiency and accountability committee: HB 2968
 Public transportation, office of transit mobility and regional mobility steering committee: HB 2124
 Regional transportation improvement authorities, certain counties authorized to create: HB 2157
 Sales and use tax exemptions for road, highway, or bridge construction: HB 1865
 Secretary appointed by governor with consent of senate: ***ESB 5513, CH 319 (2005) PV**
 Signs, banners, and decorations over highways: ***HB 1124, CH 398 (2005)**
 Streamlining state transportation governance, roles of department and commission refined: HB 3179, ***ESSB 6800, CH 334 (2006)**
 Tolling, authority and provisions: ***SSB 5139, CH 335 (2005) PV**
 Tolling, Tacoma Narrows bridge toll discount study: HB 1947
 Tolling, transportation benefit districts: ***SSB 5177, CH 336 (2005) PV**

TRAVEL AGENCIES AND AGENTS

Promotion of travel for prostitution prohibited: ***SB 6731, CH 250 (2006)**

TROUT

Planting provisions: ***SB 5869, CH 87 (2005)**

Privately produced, sales tax exemption: HB 2147

TRUCKS AND TRUCKING (See also MOTOR VEHICLES; TOW TRUCKS)

Airport construction, vehicle size and weight violation penalties: HB 1994

Commercial drivers, employer alcohol and drug test result reports: HB 1266

Commercial motor vehicles, hearings procedures for violations: ***HB 1469, CH 444 (2005)**, SSB 5436

Commercial trailer vehicle license fees, operator training provisions: HB 2965

Compression brakes, restrictions and penalties: ***HB 1002, CH 320 (2005)**

Dairy nutrient transporting, weight limits: HB 1117

Eductor trucks, overweight fee: HB 1093

Farm vehicles, gross weight fee payment: HB 2227, HB 2312

Freight mobility strategic multimodal account created: EHB 2889

Jake brakes, restrictions and penalties: ***HB 1002, CH 320 (2005)**

Loads on highways, failure to secure: HB 1478

Mileage fees for diesel: HB 3258

Ocean-going containers, heavy haul industrial highway corridors for trucks hauling within port district property: HB 1181

Proportional registration, technical corrections RCW 46.87: ***HB 1259, CH 194 (2005)**

Securing loads, penalties for failure to: ***HB 2612, CH 268 (2006)**

Size limits, federal standards: ***HB 1180, CH 189 (2005)**

Transporting person in open truck bed, traffic infraction: HB 2819

Truck stops, tax incentives to enhance air quality through stand-alone electrification systems: ***SSB 6512, CH 323 (2006)**

Vehicle gross weight violations, penalties: HB 2987

TRUSTS AND TRUSTEES

Estate tax, stand-alone state tax: HB 2302, ***ESB 6096, CH 516 (2005)**

Trusts and estates, general revisions: ***SSB 6597, CH 360 (2006)**

TSUNAMIS

Tsunami resistant structures, growth management critical area development exemption: HB 1023

Tsunami resistant structures, tax incentives for construction of: HB 1022

UNCLAIMED PROPERTY

Abandoned property recovery agreements: HB 1845, ***SB 5948, CH 367 (2005)**

Donation to nonprofit charitable organizations: HB 1145

Fare cards for transportation facilities and services, exemption: HB 1703

UNDERGROUND STORAGE TANKS

Heating oil pollution liability protection act, customers of special fuel dealers covered: HB 1821

Model toxics control act liability limits: HB 1820

Pollution liability insurance agency, reauthorization: HB 2678

Underserved rural areas, financial assistance grants: HB 1823

UNEMPLOYMENT COMPENSATION

Apprentices, provisions: HB 2250

Benefit equity improvements, liberal construction of unemployment insurance laws: ***EHB 2255, CH 133 (2005)**

Contribution rates, calculation of: ***ESSB 6885, CH 13 (2006)**

Contribution rates, definitions for temporary services agency and common pay agent: HB 2246

Contribution rates, employers payment of earned rates: HB 2246

Contribution rates, penalties for evasion: HB 2388, ***SSB 6359, CH 47 (2006)**

Employers, violations and penalties: HB 2697

Federal disaster assistance employees, job search exemption: HB 1392

Intoxication, disqualification due to: HB 2734

Joint legislative task force on benefit equity, deadline extended for report to legislature: ***EHB 3278, CH 12 (2006)**

Performing arts industries, exemption from contributions for small businesses: SSB 6292
 Quarterly wage reports, penalties waived for not listing employee's social security number: HB 2198
 Vendors in good standing, program date extension: HB 2141
 Weekly benefit amount calculation, expiration date removed: ***ESSB 6885, CH 13 (2006)**

UNIFORM ACTS

Arbitration act: HB 1054
 Estate tax act: ***SSB 5052, CH 332 (2005)**
 Health care professions disciplinary act, work group review: HB 1071
 Interstate family support act, effective date: ***HB 3048, CH 96 (2006)**
 Mediation act: HB 1055, ***ESSB 5173, CH 172 (2005)**
 Securities act: HB 2916
 Transfer of minors act, threshold age of minors: ***HB 2380, CH 204 (2006)**

UNIVERSITY OF WASHINGTON

Academy of sciences: HB 1662, ***ESB 5381, CH 305 (2005)**
 Branch campuses, lower-division courses: HB 1267
 Dental school faculty, licensing provisions: ***HB 1612, CH 164 (2005)**
 Forensic pathology fellowship program: ***SSB 5035, CH 166 (2005)**
 Law school loan repayment assistance program: SSB 5910
 Public school curriculum review regarding depiction of people of color: HB 2823
 Solar electric generating facility, feasibility assessment: HB 3194, SSB 6192
 Student services office, pilot program for graduate and professional student job placement: HB 2043
 Teacher retention in small and rural districts, study: HB 3215
 Technology, streamlining state's technology efforts through centralizing technology missions: HB 3116

UTILITIES (See also ELECTRIC UTILITIES; TELECOMMUNICATIONS)

County utilities, excise tax on engaging in business as a utility: HB 2224
 Electric, resolution process for disputes between electric suppliers regarding services: HB 2179
 Electronic payment for public utility bills: HB 1009
 Growth management, infrastructure account: HB 2023
 Low-income persons, energy assistance: HB 2370
 Manufactured housing communities, claim of lien for utility services: HB 1424
 Public utility tax provisions, maximum tax rate applied to gross receipts: HB 2953
 Public utility tax, temporary increase on customer assistance tax credit statewide cap : ***HB 2644, CH 213 (2006)**, SB 6379
 Reclaimed water permits for private utility companies: HB 1891
 Underground, excavation without notification near transmission pipeline: HB 1539

UTILITIES AND TRANSPORTATION COMMISSION

Adjudicative proceedings, settlement conferences to be open and parties notified: HB 1800
 Administrative provisions: HB 2426
 Auto transportation company temporary certificate: ***SSB 5105, CH 121 (2005)**
 Certification provisions: ***SSB 5105, CH 121 (2005)**
 Energy infrastructure information, public disclosure exemption: HB 2350
 Service extension requests, guidelines for review: HB 3151

VETERANS

Afghanistan and Persian Gulf War II, retirement credits: ***SSB 5112, CH 255 (2005)**
 College and university tuition and fee waivers: HB 1174, HB 1552, HB 1712, HB 2233
 Conservation corps program: ***SSB 5539, CH 257 (2005)**
 Definition of veteran: HB 2546
 Discrimination, protections: HB 2564
 Health care, permanent health care for veterans with war-related problems: HJM 4007
 Helmets to hardhats program, outreach effort to educate veterans about apprentice opportunities in construction: ***E2SSB 6480, CH 321 (2006)**
 Homeownership program: HB 2471

Indigent veterans and families, county assistance programs: HB 1189
 Innovations program, crisis and employment relief: HB 2754
 Joint committee on veterans' and military affairs: ***HB 1261, CH 141 (2005)**, SB 5221
 Merchant mariner included in definition of veteran: ***HB 1307, CH 251 (2005)**
 Persian Gulf, college and university tuition waivers: HB 1712
 Property tax exemptions, veterans with disabilities: ***HB 1019, CH 248 (2005)**, HB 2127, HB 2432, HB 2784
 Public assistance income definition, housing assistance or vouchers for military personnel or veterans: SSB 6336
 Scoring criteria in examinations, provisions: HB 2545
 Soldiers' and veterans' homes, arbitration agreements in facility disputes: HB 1960
 State song: HB 1665
 Widows and widowers of veterans, property tax relief: HB 1509

VETERANS AFFAIRS, DEPARTMENT

Joint committee on veterans' and military affairs: ***HB 1261, CH 141 (2005)**, SB 5221
 World War II oral history project: HB 3078

VETERINARIANS

Technicians, training requirements: HB 1511

VICTIMS OF CRIMES

Address confidentiality program, provisions: HB 3057
 Automobile, compensating victims of underinsured and uninsured motorists: HB 2415
 Crime victims' compensation program, funding: HB 2137, ***SB 5993, CH 10 (2005)**
 Dependent persons, rights and protections for victims and witnesses: HB 2126
 Domestic violence hope card study committee: ***SSB 6806, CH 295 (2006)**
 Domestic violence prevention account, marriage and dissolution fees to fund: HB 1314
 Good samaritan protections, prosecution and sentencing provisions when victim had stopped to give assistance: HB 3025
 Identity theft, law enforcement reports to be given to victims: ***SSB 5939, CH 366 (2005)**
 Identity theft, security freezes for victims of: HB 2648
 Indeterminate sentence review board, victims allowed input at hearings: ***EHB 3261, CH 313 (2006) PV**
 Insurance, access: HB 2481
 Sexual assault advocates, privileged communications: ***HB 2454, CH 30 (2006)**, SB 6479
 Sexual assault protection orders: HB 2576, SSB 6478
 Trafficking of humans, delivery of services work group and study: ***SB 5127, CH 358 (2005)**
 Victim information and notification system, statewide automated: SSB 6502

VIDEO AND VIDEO GAMES

Motion picture and video production services, tax provisions: 2SSB 6557
 Rating systems, retailers' duty to inform customers: HB 1366
 Violent video and computer games, injury or wrongful death actions: HB 2178

VIOLENCE PREVENTION

State hospitals, workplace violence reduction: ***HB 1160, CH 187 (2005)**
 Violent video and computer games, injury or wrongful death actions: HB 2178
 Workplace bullying study: HB 1968

VOCATIONAL EDUCATION

Customized employment education program: HB 1825
 Job skills program grants, businesses assisting manufacturers: HB 2566
 Private vocational schools, requirements: HB 2597
 Skill centers, funding formula: HB 1707, SSB 5717
 Skill centers, study on availability and use of: ***2SSB 5717, CH 118 (2006)**
 Vocational education account, moneys from taxing credit card companies when rates exceed usury rate: HB 2938
 WorkFirst, job training and placement services: HB 1833

VOLUNTEER FIRE FIGHTERS' AND RESERVE OFFICERS' RELIEF AND PENSIONS

Eligibility and annual fees: ***SB 5135, CH 37 (2005)**
 Injuries, recovery of costs from third party: ***SB 5135, CH 37 (2005)**

Performance of duty, definition: HB 2608

VOLUNTEERS

Ambulance drivers, code city legislative personnel: ***SB 5168, CH 38 (2005)**
 Fire fighters and reserve officers, board membership: HB 2833
 Fire fighters, background check fee exemption: HB 3023
 Fire fighters, position in elective or appointed office: ***HB 2606, CH 211 (2006)**
 Hunter education training program, volunteers to teach: HB 2372
 Inmate education programs and chaplains, state immunity for claims made by volunteers to: HB 2744
 Peace corps, right of return to employment for state employees: 2ESB 6010
 Retired volunteer medical worker license, emergency or disaster services: HB 1850, HB 2994

VULNERABLE ADULTS (See also DEPENDENT ADULTS)

Exposure to manufacturing of methamphetamine, protections: HB 2895
 Protection, penalties for criminal mistreatment or abandonment: HB 1080
 Sex and kidnapping offenders, protections from: HB 3212
 Sex and kidnapping offenders, special verdicts for persons committing crimes against children and vulnerable adults: ***HB 3277, CH 122 (2006)**, HB 3303

WAGES AND HOURS (See also EMPLOYMENT)

Child care workers, wage ladder and program standards: HB 1636
 Loggers and haulers of logs, compensation rates and collective bargaining: HB 3227
 Minimum wage, inflationary adjustment and competitive wage rate: HB 1790
 Minimum wage, inflationary adjustment and full employment: HB 1789
 Minimum wage, inflationary adjustment and implicit price deflator: HB 1788
 Minimum wage, study: ESSB 5551
 Minimum wage, violations and penalties: HB 1311, HB 3185
 Nurses, mandatory overtime restrictions and exceptions: HB 1371
 On-call workers, compensation for active duty hours: HB 2725
 Payment, violations and penalties: HB 1311, HB 3185
 Prevailing wage, program funding: HB 1308, ***SSB 5236, CH 230 (2006)**
 Public contracts, living wage requirements: HB 1527
 Public contracts, living wage requirements for legislative contracts: HB 2220
 Sick leave, minimum paid sick leave: HB 2777
 State patrol, collective bargaining negotiations: HB 1188
 Tipped employees, average and adjusted minimum wage rate provisions: HB 1795, HB 2838

WALLA WALLA COUNTY

Walla Walla sweet onion, state vegetable: HB 1964

WAREHOUSES

Grain, air registration: ***SB 5142, CH 138 (2005)**

WARRANTIES

Extended warranties, sales and use tax exemption: HB 2868
 Service contracts and protection product guarantees, regulations: HB 2553

WASHINGTON STATE UNIVERSITY

Academy of sciences: HB 1662, ***ESB 5381, CH 305 (2005)**
 Baccalaureate degree program, Tri-Cities: SSB 6464
 Branch campuses, lower-division courses: HB 1267
 Energy efficiency program road map, Washington state: HB 2797
 Rainier state school, agricultural lands: HB 1587, SSB 5680
 Small business development center, funding: HB 3321
 Student services office, pilot program for graduate and professional student job placement: HB 2043
 Technology, streamlining state's technology efforts through centralizing technology missions: HB 3116
 Tri-Cities branch campus expansion into four-year institution: HB 2867

WASTEWATER

Discharge permit, fee procedure when municipality issues permit: HB 2172
 Projects, bidding for insurance coverage: HB 1127
 Treatment and conveyance system projects, wrap-up insurance policies: *SSB 6022, CH 352 (2005)

WATER (See also PUBLIC WATER SUPPLY SYSTEMS)

Adequacy of water supply to determine population projections: HB 3161
 Columbia river basin hydropower mitigation fee program: HB 2860
 Columbia river water supply inventory: *E2SSB 6581, CH 169 (2006)
 Domestic water users, study of competing interest and other water users in regards to limited supplies: HB 3141, *SB 6861, CH 170 (2006)
 Drought, joint legislative committee on water supply during drought: *HB 2166, CH 60 (2005)
 Drought, statewide emergency funding: HB 2296
 Federal law interests including treaties in management of state waters, recognition of: HB 1584
 Fire sprinkler suppression systems, water availability for residential systems: HB 2845
 General obligation bonds, Columbia river water supply development program: HB 3314, HB 3316, SSB 6898
 Hydraulic works, inspection fees: SB 5528
 Intergovernmental program with Indian tribes for water management: HB 3002
 Rain barrels and cisterns, permit exemptions: HB 1735
 Schools, drinking water quality standards: HB 1123
 Small water impounds, expedited processing for applications: HB 3275
 Small water impounds, permit exemption: HB 2659
 Solar hot water equipment, sales tax exemption: HB 2799
 Watersheds, forum on monitoring salmon recovery and watershed health: *SSB 5610, CH 309 (2005)
 Watersheds, joint select legislative task force on watershed health and salmon recovery: HCR 4406

WATER COMPANIES (See also PUBLIC WATER SUPPLY SYSTEMS)

Reclaimed water permits for private utility companies: HB 1891

WATER POLLUTION (See also STORM WATER MANAGEMENT AND CONTROL)

Federal clean water act, assistance to small counties and cities facing liability: HB 1925
 Federal clean water act, citizen suit provisions: HJM 4016
 General permits issued under 90.48 RCW, economic impact analysis for small business: HB 3228
 Hood Canal, aquatic rehabilitation zone: HB 1060, HB 2081
 Hood Canal, rehabilitation program: HB 2097
 Lake restoration and management program, water quality account fund distribution: HB 1840
 Puget Sound conservation and recovery partnership and management plan: SSB 5895
 Puget Sound point source outfalls, systematic evaluation: HB 2578

WATER QUALITY

Algae, prevention and control program for harmful blooms in lakes: HB 1982
 Aquatic invasive species and algae, vessel registration fee to fund prevention and control: HB 1730, *ESSB 5699, CH 464 (2005)
 Growth management, water quality and habitat requirements: HB 1639
 Intergovernmental program with Indian tribes for water management: HB 3002
 Lake restoration and management program, water quality account fund distribution: HB 1840

WATER RIGHTS

Adjudications, assessment of need and demand: HB 2066
 Columbia river basin hydropower mitigation fee program: HB 2860
 Columbia river mainstream water management program and account: HB 1099
 Columbia river water supply inventory: *E2SSB 6581, CH 169 (2006)
 Conservancy boards, powers and duties: HB 1004
 Crops used in alternative fuel production, relinquishment provisions: HB 2767
 Dispute resolution, joint task force and review: HB 2066
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 Public ground waters, Odessa ground water subarea: HB 3101, ***ESSB 6151, CH 168 (2006)**
 Public ground waters, withdrawal application exemption for stock-watering: HB 1172, HB 1630
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Orca, state marine mammal: ***HB 1759, CH 51 (2005)**

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Women's history consortium established in Washington historical society: HB 1839, ***SB 5707, CH 391 (2005)**
Worker information, publication in employment statistics survey: HJM 4011
World War II oral history project, women's contribution to war effort: HB 1592, ***SB 5563, CH 75 (2005)**

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